

Agenda Item	3.1
Report No	PLN/001/24

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee  
**Date:** 17 January 2024  
**Report Title:** 23/04662/FUL: Global Energy Group Nigg Ltd  
Land 500M North Of Nigg Welding School, Nigg, Tain  
**Report By:** Area Planning Manager North

### Purpose/Executive Summary

**Description:** Erect High Voltage Cable Manufacturing Plant

**Ward:** 7 – Tain and Easter Ross

**Development category:** Major

**Reason referred to Committee:** Major Development/ More than 5 objections

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** the application as set out in section 11 of the report.

## 1. PROPOSED DEVELOPMENT

- 1.1 The application seeks consent for the construction and operation of a high-voltage cable manufacturing factory and ancillary facilities for the renewables industry and is one of the first projects to emerge under the Opportunity Cromarty Firth Green Freeport Initiative. The developer is noted as being Sumitomo Electric Industries Ltd (SEI), a major global manufacturer of electric wire and fibre optic cables with its headquarters in Osaka in Japan. Global Energy Nigg Ltd, the applicant, is acting as the facilitator of the proposed development. As well as providing some infrastructure and ship loading facilities, this involves liaison with the landowners and their legal representatives, fronting the pre-application process, community consultation and continuation as the Applicant on behalf of the Developer. The introduction of renewable energy and interconnected national and regional lines are being promoted worldwide and is aimed at achieving a decarbonised society which has accelerated the market demand for power cables. In particular, the UK is expected to be one of the largest markets for high voltage power cables, to meet the growth in the number of offshore wind power projects to achieve the Scottish Government's Net-zero 2045 and UK wide Net-zero 2050 targets.

Based on these accomplishments, SEI has decided to establish a factory in the Scottish Highlands, east of the Nigg Energy Park, to capture the increasing demand for high-end cables in the region. It has set up a new subsidiary company - Sumitomo Electric Industries UK Cables Ltd. - to manufacture and supply cables for offshore wind farms and further grid connections to meet the huge demand from the renewable energy sector and to upgrade the country's electricity transmission system.

The main plant is to be housed in a large single building with two floors across a total footprint of 43,145m<sup>2</sup>. The longest dimensions measure 118.62m wide on the south elevation and 366.9m on the west elevation while the height ranges from 17.36m at the south end to 32.62m at the north end. The plant also includes:

- A vertical cabling cooling extrusion tower of just under 45m in height and a footprint of 1372m<sup>2</sup>
- Warehouse of 2,400m<sup>2</sup>
- Sheilding room building of 860.2m<sup>2</sup>
- Large cable spooling drums, some of which are enclosed by shelters;
- Offices and welfare facilities over two floors;
- Road access and parking
- Earth bunds and landscaping;
- On-site generation and electrical infrastructure; and
- A moveable cable gantry delivery system across the B9175 road for cable loading to a ship on the east side of the inner dock at the Port of Nigg.

- 1.2 In addition to the main elements listed above, the proposal also includes laydown areas, security gates, weighbridge as well as ancillary development including fencing lighting and car parking. The construction phase of the Proposed Development is anticipated to take place over a period of approximately 30 months and would include all works required to gain access to the site, securing the site and infrastructure to allow movement of the cables to the quay.

Thereafter the development would operate 24 hours a day. It is expected that there would be approximately 170 people employed by the proposal, including 20 admin staff and 150 manufacturing staff operating on three shift patterns over the 24 hour day.

- 1.3 Pre-Application Advice was provided to the applicant in February 2023 through the Council's formal service. This indicated broad support for the development subject to the resolution of issues identified in the advice pack including consideration of the Ancient Woodland north of the site; the need for a design which ensures no adverse impact on landscape designations; mitigation of amenity impacts and addressing the biodiversity requirements of National Planning Framework 4.
- 1.4 The application is supported by an Environmental Impact Assessment Report and Appendices, Pre-Application Consultation Report, Design and Access Statement and Planning Statement.
- 1.5 Whilst additional information has been provided, no variations have been made to the proposal since it was submitted.

## **2. SITE DESCRIPTION**

- 2.1 The site lies to the east of the B9197 and opposite the Nigg Energy Park extending to 15.35 hectares. It covers a land area of approximately 15.35-hectares of mostly agricultural grazing land. Overall the land slopes gradually from 4.5m above ordnance datum (AOD) in the south and south-west to a high point of 12.5m AOD in the north-east. There are a series of random undulations across the land which are typical of a coastal grassland area. The Application Site is generally defined by the edge of the policy woodland of Pitcalzean House to the north (Ancient Woodland and Tree Preservation Order (TPO) protected) and the continuation of the B9157 road in a curve to the south. The west boundary is defined by the heel of the footpath adjacent to the public road while the east boundary is undefined. There are a series of post and wire boundary fences and the remnants of an old security fence which break up the land into smaller parcels. An overhead electricity line crosses the eastern area, which would be re-routed prior to development taking place.
- 2.2 The Preliminary Ecological Appraisal (PEA) describes the site as being a predominantly modified grassland area, but with other mixed broadleaf woodland on the west side together with dense scrub and sea buckthorn scrub. The roofless stone wall remains of traditional former agricultural workers cottages are located on the east side, while there is small agricultural storage shed towards the western boundary. The Application Site is currently served by five agricultural vehicle gated accesses from the B9175 road. Two new access points to full standard suitable for industrial traffic are proposed from the B9175
- 2.3 The surrounding area is characterised by a combination of agricultural, residential and industrial uses including the following:
  - A small group of houses clustered around the Nigg Ferry area which lies 350m to the south-east
  - Woodland covered by a Tree Protection Order immediately to the north

- Nigg Energy Park lies to the west and will complement the proposed development as a key locational requirement.

### 3. PLANNING HISTORY

3.1	28.03.2023	23/00704/SCRE: High voltage cable manufacturing plant for the renewables industry	EIA Required
3.2	22.06.2023	23/01272/PAN: High voltage cable manufacturing plant	Case Closed – PAN referred to June 2023 NPAC
	18.08.2023	23/03318/SCOP: Construction and operation of a high voltage cable manufacturing factory and ancillary facilities for the renewables industry	Scoping Response Issued

### 4. PUBLIC PARTICIPATION

4.1 Advertised: EIA Development & Unknown Neighbour  
 Date Advertised: 13<sup>th</sup> October 2023 and 8<sup>th</sup> December 2023  
 Representation deadline: 12<sup>th</sup> November 2023 and 7<sup>th</sup> January 2024  
 Timeous representations: 7 from 6 addresses  
 Late representations: None

4.2 Material considerations raised are summarised as follows:

- a) The development does not align with the stated requirements for developments within a Green Freeport Zone;
- b) The development does not include optimal controls for mitigation of air and noise emissions generated from berthed vessels against a background of historic noise complaints by residents in Cromarty – the current issues affect the physical, mental and emotional well being of those affected.
- c) Concerns regarding cumulative noise levels and impacts from Cromarty including continuous sources of noise preventing sleep and disrupting quality of life.
- d) Concerns regarding deficiencies of submitted noise assessment and overall compliance with Environmental Impact Assessment regulations
- e) A requirement for shore power to be provided should be included within a condition.
- f) Specific concerns are raised regarding low frequency noise resulting from vessels in the Firth and the methodology used in the EIAR to calculate potential noise impacts cumulatively; such impacts are noted by the World Health Organisation as causing harm and a temporary noise monitoring program undertaken by Highland Council in April/May 2021 confirmed significant low frequency noise levels.
- g) In relation to the above, reference is made to a specific vessel which has 8 generators on board and the fact it is often elevated above a 2m noise

mitigation bund wall. The impacts of this have not been considered in the submitted details.

- h) To date there have been a number of limitations to gathering accurate noise information including resourcing issues at THC, weather, issues with noise measurement apps, ad-hoc nature of vessels and others as detailed in the objection
- i) The Highland Council must recognise the Agent of Change of Principle and take enforcement steps to ensure an adequate Noise Management Plan is in place.
- j) A further objection was received after the submission of additional noise information which repeats concerns relative to low frequency noise experienced by residents in Cromarty and around inadequacies of the submitted information.

#### 4.3 Non-Material Considerations are summarised as follows:

It is noted in some objections that EIA has been prepared by an organisation which is majority owned by the applicant, Global Energy Group and the commercial inter-relationship is not referenced. There is therefore an element of doubt as to whether the EIA has resulted in an under-estimation of the actual impacts.

#### 4.4 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 **Nigg and Shandwick Community Council** did not respond to the consultation request.

#### 5.2 **Cromarty and District Community Council**, an adjacent CC, object to the development. Its concerns, which are reflective of the public comments received, note the following:

- The proposed development does not align with the stated requirements for developments within a Green Freeport Zone.
- The development does not include optimal controls for the mitigation of air and noise emissions generated from berth vessels that will service the proposed plant, against a background of historic noise complaints by residents in Cromarty.
- The CC propose that a requirement for the provision of shore power be included within any subsequent revisions to this planning.

A second objection comment has also been received which re-iterates the above comments.

#### 5.3 **THC Conservation Team** do not object to the development, confirming that there are no direct impacts on listed buildings, conservation areas or their setting.

#### 5.4 **THC Archaeology Team** do not object to the development, a condition is requested to secure a Written Scheme of Investigation (WSI) to include details of how the recording and recovering of archaeological resources will be undertaken.

- 5.5 **THC Access Officer** does not object to the development.
- 5.6 **THC Contaminated Land** do not object to the development – there are no known potential contaminated land issues within the red line site boundary.
- 5.7 **THC Flood Risk Management Team** do not object to the development subject to a condition being attached.

#### FLOOD RISK

i). The site is adjacent to the coast and there is a small watercourse to the east. We have reviewed the Flood Risk Assessment (FRA) provided (FRA: Nigg Development Support. Rev: 1.0. Mabbett. 2nd October 2023). This identifies parts of the site to be at risk of coastal flooding, as well as areas at risk of fluvial flooding from the small watercourse.

ii). Under NPF4 (Policy 22) development in a flood risk area should only be supported if it is:

- essential infrastructure where the location is required for operational reasons;
  - water compatible uses;
  - redevelopment of an existing building or site for an equal or less vulnerable use;
- or.
- redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured

The FRA considers the flood risk and concludes that this can be managed without impacting on the proposed development or increasing flood risk to others. Climate change has been considered in the design. The risk from coastal flooding will be managed by raising the ground levels on site, along with further raised finished floor levels of the buildings. This will provide in excess of 600mm freeboard above the 1 in 200 year plus climate change event (in this case climate change based on 2123 projections). It is proposed that the fluvial flood risk will be managed by providing additional storage capacity within the SUDS attenuation features to contain out of bank flows from the watercourse that enter the site (estimated to be 1330m<sup>3</sup> in a 1 in 200 year plus climate change flood event). Due to the inherent uncertainty in the modelling, it is proposed that 5382m<sup>3</sup> of storage capacity will be provided within the SUDS. For the reasons stated above we have **no objection** to the application on the grounds of flood risk.

#### **DRAINAGE**

We have reviewed the Drainage Impact Assessment (DIA) provided (Planning Application Engineering Report for SEI Cable Factory. DIA (003). Europlan Engineering. 22/08/2023). This sets out the drainage strategy for the site. It relies entirely on infiltration as the means of discharge for surface water. The proposed SUDS design includes additional attenuation capacity, above that required for the site drainage, to accommodate fluvial flood flows (see point v above). At this stage we are content with the proposed drainage strategy and have **no objection** to the application. We request a **condition** that the final drainage design is submitted for review and approval. This will need to include an exceedance routing exercise to

demonstrate that such events can be managed without flooding to any of the buildings.

5.8 **THC Environmental Health** have no objection to the development *following the receipt of additional noise information*. Given the objection comments with regard to noise, the EH Team's comments are included in full below:

5.8.1 Operational Noise

The application is for a high voltage cable manufacturing plant which will include cable being loaded from the factory onto spools on the factory site and then subsequently loaded, over the public road via a gantry, to vessels berthed in the Port of Nigg. The main concern of this Service is the potential for additional noise sources in an area which is already the subject of complaints by residents.

5.8.2 The cable factory itself and all shoreside activities associated with the development will fall within the scope of a PPC permit issued by SEPA which will cover all emissions including noise. The effect of this is that the Statutory Nuisance provisions of the Environmental Protection Act 1990 would not apply to those aspects of the development covered by the permit and the Council's Environmental Health service would have no direct control over emissions from permit activities.

5.8.3 In such circumstances, it would not normally be appropriate for Environmental Health to propose planning controls which may contradict or duplicate those controls within a PPC permit. However, this Service has had initial discussions with SEPA about the need for noise from the site to be considered cumulatively with existing noise arising from the port and industrial base and other sources in the vicinity.

5.8.4 Unfortunately, an operational noise assessment has not been submitted with the application. S 8.72 the applicant's EIA states that details of the type, number, and location of fixed plant are not yet available. However, following discussions with SEPA and the applicant and the submission of additional information from the applicant in a memo report dated 16 November entitled Proposed HV/DC Factory - Port of Nigg: Additional Information – Noise impacts from Cable Spooling/Loading Activities, some details have been established.

5.8.5 Noise emissions from the factory site are not expected to be significant as most plant and activity can be enclosed, and noise sources should be capable of being sufficiently attenuated. The external spools will be electrically powered and will not involve the use of diesel generators.

5.8.6 The area of most concern is likely to be noise arising from vessels at the port during loading operations. It is understood that the expectation is for about 20 vessels a year with loading operations being carried out non-stop for 5-7 days each time. Noise from vessels will not be covered by the PPC permit.

5.8.7 It is recognised that the port already undertakes cable loading operations. The proposed spooling activities should actually be quieter in so much as it will not involve the use of Self-Propelled-Motorised-Trailers (SPMTs) as the cable will be loaded directly from the factory site to the vessel. The development will result in more frequent cable loading operations and there will be an increase in the number

of vessels associated with that activity. However, this Service has no record of any complaints associated with previous cable loading activities or the vessels associated with them.

- 5.8.8 There is still potential for noise from cable vessels to contribute to cumulative noise issues and the applicant will be required to submit a noise impact assessment to the satisfaction of the planning authority and Environmental Health. The assessment will need to identify what noise impact might arise from the development and what mitigation/management arrangements will be put in place.
- 5.8.9 One such form of mitigation which has been discussed is the introduction of a shore power connection which would enable vessels to be berthed without having to run engines. This would likely result in a significant reduction in noise and other emissions from the port in general. There are some technical and logistical issues with shore power however, the applicant has submitted a document entitled Port of Nigg Environmental Improvement Plan - Shore Power Supply which gives a commitment to conduct a feasibility study on the viability of implementing shore power. It is hoped that this is something that will be taken forward particularly given the port's status as part of the Inverness and Cromarty Firth Green Freeport. In the absence of shore power, the mitigation available to control vessel engine noise is likely to be limited and with the constraints imposed by the proximity of noise sensitive receptors, the viability of this and further development at the port may be affected.
- 5.8.10 The applicant will be required to submit an operational noise impact assessment covering all activities associated with the development. This will also be a requirement of the PPC permit process and EH will liaise with SEPA to avoid any unnecessary duplication.
- 5.8.11 The applicant will also be required to submit an operational noise management plan which covers this development. This should be linked into an overall strategic noise management approach covering the Port of Nigg and associated activities. Previous noise monitoring by the applicant's consultant has shown that noise arising from the industrial base and the port has already raised background levels in the area and the aim should be to ensure there is no further increase. Both the assessment and management plan should seek to demonstrate that the best practicable means will be employed to reduce the impact of operational noise.
- 5.8.12 Construction Noise  
The applicant's construction noise assessment has demonstrated that predicted noise levels from construction activities will fall below the 65dB(A) limit suggested by BS 5228-1:2009+A1:2014. However, given the likely duration of the construction phase it is recommended that the developer works towards achieving a 55dB(A) limit as far as possible.
- 5.8.13 Planning conditions are not used to control the impact of construction noise as similar powers are available to the Local Authority under Section 60 of the Control of Pollution Act 1974. The exception to this would be construction traffic on the public road. It is expected that the best practicable means will be employed to reduce the impact of noise at all times.



5.8.14 S8.9 of the EIA has identified some general noise mitigation measures but also states that, “once a contractor is appointed and a detailed construction programme and methodology is known, a construction noise management plan should be prepared detailing mitigation measures, monitoring of noise emissions against noise limits and procedures to follow should complaints be received.”

5.8.15 It also states that “With regards to construction HGVs on public roads, it is recommended that deliveries are only undertaken between the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays to reduce the impact upon nearby receptors during the more sensitive parts of the daytime period”. It is recommended that these actions are the subject of a planning condition.

5.8.16 Dust

The applicant’s EIA includes Technical Appendix 9.1: *Construction Dust Assessment* which has identified various measures which could be employed to reduce the impact of dust during the construction phase. The expectation is that where reasonably practicable, all measures identified in Technical Appendix 9.1 will be implemented. The EIA also includes Technical Appendix 9.2: *Operational Dust Assessment*. It is expected that any mitigation measures identified will be implemented however, dust arising from operational activities is something that would be regulated through the PPC permit.

5.8.16 Odour

The EIA also includes Technical Appendix 9.4: *Operational Phase Odour Assessment*. It is expected that any mitigation measures identified will be implemented however, odour arising from operational activities is something that would be regulated through the PPC permit. In the case of both operational dust and odour, additional regulation through planning controls is not considered necessary.

5.8.17 Summary

There are existing community concerns with noise in this locality and the introduction of any additional noise source is likely to add to this. The main one is likely to be the increase in cable loading operations at the port and the resulting increase in vessels. However, given that similar spooling/cable loading operations are already being undertaken at the port involving the same or similar vessels as would be in use for the development and that there is no record of these current activities resulting in complaints, this Service would not object to the application subject to the conditions detailed below being attached to any consent.

5.8.18 Conditions

1. Prior to the development becoming operational the applicant shall submit, for the written approval of the planning authority, a Noise Impact Assessment carried out by a suitably qualified and competent person in accordance with BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound. The assessment should demonstrate that operational noise, including associated vessel noise, arising from this development will not have an adverse impact on existing noise sensitive properties when considered cumulatively with existing noise sources. Details of the proposed monitoring methodology and

assessment locations must be agreed beforehand with the Council's Environmental Health Officer.

It is understood that a noise assessment will also be required by SEPA in relation to the PPC permit for the factory site. Environmental Health will liaise with SEPA regarding this however, the understanding is that any assessment undertaken for the permit will also be done in accordance with BS 4142 so there should be no conflict in terms of methodology.

Thereafter the development shall progress in accordance with the approved Noise Impact Assessment and all approved mitigation measures shall be in place prior to the first occupation/use of the development, or as otherwise may be agreed in writing by the Planning Authority.

2. Prior to the development becoming operational the applicant shall submit, for the written approval of the planning authority, an operational noise management plan which sets out the proposals to reduce the impact of noise arising from this development including associated vessel noise. Thereafter the development shall progress in accordance with the approved Noise management Plan.

3. Prior to the development commencing, the applicant shall submit, for the approval of the Planning Authority a construction noise management plan which includes but is not limited to: -details of mitigation measures, proposals for noise monitoring and complaints procedures. Thereafter the development shall progress in accordance with the approved Construction Noise Management Plan.

4. Construction hours of working shall be limited to

Monday to Friday 08:00-18:00.

Saturday 08:00- 13:00.

No Sunday, bank holiday or night working. This includes deliveries by construction traffic.

5.9 **THC Forestry Officer** requested an updated Arboricultural Impact Assessment and Tree Protection Plan to provide additional information on that within the submitted EIAR. An update on this will be provided at the NPAC meeting.

5.10 **THC Transport Planning Team** have no objection to the development. The response notes the following conclusions:

#### Trip Impacts

The submitted Transport Assessment (TA) dated September 2023 has concluded that the existing public roads are capable of safely accommodating the predicted vehicle movements generated by this development, both for construction and ongoing operational purposes. This includes doing a sensitivity test whereby shift-change times correspond with the identified peak periods on the existing public roads. In practice, the proposed shift times as set out below would avoid traditional peak periods, which is welcomed and should be retained going forward.

06:00 – 14:00 14:00 – 22:00 22:00 – 06:00

Whilst the methodology used to determine the predicted operational vehicle trips made use of “Method of Travel to Work or Study” data from 2011 census rather than “Method of Travel to Work”, which would have been more appropriate for the method used, in practice, with the changes applied to the data used, there is unlikely to be a material difference in the outputs determined.

Also, the assessment work done has been based on an assumed opening year of 2025, when the submitted programme for the development suggests a likely opening year 2026. However, again this is unlikely to make a material difference to the assessment work done.

We note and welcome the commitment to developing a Travel Plan for helping to manage implications from ongoing operational traffic generated by this development. However, the statements provided will not be sufficient to effectively support the travel alternatives that this facility will need if it is to avoid being reliant on private car trips. Whilst there is reference to the possibility of implementing a staff car sharing facility or operating a private bus shuttle service, such arrangements will be vital if this facility is to avoid being reliant on single-occupancy private car trips. That is because the submission recognises walking and cycling trips will not be viable for most of the workforce and visitors given the remote nature of the site. It also recognises that the current scheduled bus services will not provide a viable travel alternative. Whilst there is reference to the possibility of bus operators agreeing to enhance scheduled bus services as additional patronage is created by this and other development in the area, such new developments with shift arrangements that avoid peak usage times are unlikely to result in enhanced scheduled bus services.

We note and welcome the commitment towards developing a detailed Construction Traffic Management Plan (CTMP) once a main contractor has been appointed. We recommend that any permission issued includes a suitably worded Condition requiring the detailed CTMP for this development be submitted to and accepted by the Planning Authority prior to works commencing on site.

### Vehicular Access

The proposals include for 2No. new vehicular priority give-way accesses from the B9175, one towards the north of the site with the other at the southern end. Any existing field accesses to the development site will be closed off as part of the works.

Both accesses are proposing to provide 160m clear visibility to the north and 120m to the south from 4.5m setbacks from the edge of the existing carriageway. These visibility distances have been based on surveyed traffic speeds along that section of the existing B9175 (85th%ile speeds of 37.8mph northbound and 41.7mph southbound). The suggested visibility splays should be sufficient for the speeds quoted.

The northern access is fairly well clarified within the submission, consistently showing a priority give-way arrangement serving both the main staff carpark 1 and the northern access in and out of the site. Access in and out of the site will be controlled with a security gate set well back from the public road and a HGV-sized layby provided alongside the access, which should provide additional stacking space to help keep that access clear. Detailed designs may want to consider if a greater separation between the security gate and the access to the staff carpark 1

is needed to prevent a goods vehicle arriving at that access blocking the entry point into the car park. The submitted TA clarifies that The Council will need to adopt the access bellmouth, but this would only be up to the line of the boundary fencing along the frontage with the B9175. This is likely to be somewhere in the region of 4.5-5.5m back from the existing carriageway edge, reflecting the land required to achieve the necessary visibility splay setback.

The southern access has been shown with different configurations depending on which document is being reviewed. It is our understanding that this access also needs to cater for ongoing vehicular and active travel access into developable land to the south of this site. Some of the layouts do show an arrangement with an "allowance for future access". The design details for that will need to be reviewed to ensure that it will provide suitable means of access to both this development and the land to the south. Also the scope of works and the intended limits of public adoption will also need to be agreed.

Both accesses will need to adequately cater for safe pedestrian and cycle connections both along the existing B9175 and into and out of the development site. Also, the southern access will need to cater for pedestrian and cycle connections to the developable land to the south.

Given all of the above, we recommend that any permission issued includes a suitably worded Condition requiring the design details for both vehicular accesses into this development site from the existing B9175 be submitted to and accepted by the Planning Authority prior to any works commencing. Once approved, those access arrangements should be fully implemented prior to the new development beginning to operate. This may need to be brought forward depending on how the intended construction access for this development will be operated, which will be clarified through consideration of the detailed CTMP. To be clear, Highland Council will be expecting this development to construct a suitably designed southern access that provides appropriate connection to both this development and the boundary of the developable land to the south.

The section of the southern access providing connection to the developable land to the south will need to be built to an adoptable standard. This will require a Road Construction Consent (RCC) prior to works commencing to construct that new section of adoptable road. We therefore recommend that any permission issued includes a suitably worded Informative clarifying that no works should commence to construct any new adoptable local public road before a Road Construction Consent (RCC) has been sought and secured from Highland Council as the Local Roads Authority.

#### Non-Car Connectivity

The site is not well connected by non-car means of travel, even though the submitted TA attempts to suggest that it is accessible by various transport modes. The submission makes reference to a footway being present along the eastern side of the B9175 from circa 1.5km north of the development site through to the Nigg Ferry Terminal to the south. In fact, this is not a formal footway but a narrow metalled area of roadside verge that has been used by pedestrians due to the lack of any other facility along the route. The submission also suggests that the B9175 is conducive to cycling, with it already incorporating the National Cycle Network Route NCN1. However, there are no off-road facilities for cyclists and, with the

60mph speed limit, will become less and less conducive / safe for cyclists as more traffic is generated by developments like this proposal.

Whilst the submission proposes to set aside sufficient land along the development frontage for a 3m wide surfaced roadside shared cycleway / footway facility to be provided, there is no commitment in the submission to installing such a facility as part of delivering this development. Given the increased traffic that this development will generate, both during its construction and ongoing operation, a suitable off-road facility should be provided for pedestrians and cyclists where this Developer has the ability to provide it. That would be at least along the frontage of this development site and recommend that any permission issued includes a suitably worded Condition requiring a 3m wide surfaced kerbed footway/cycleway be provided by the Developer on the eastern side of the B9175 along the entire frontage of their site. We recommend that any Condition requires the proposed layout and construction details for that new roadside active travel facility be submitted to and accepted by the Planning Authority prior to it being built.

Whilst the submitted TA identifies existing bus services for Nigg and Cromarty on the other side of the firth, this confirms that the area is not well served by public transport and won't be sufficient to provide a viable means of access for people working at or visiting this development. Whilst the submission makes reference to the potential opportunity to consider operating a private shuttle bus to transport shift-based work operatives to and from this development, there is no commitment to doing so. The submission suggests that such a thing will be considered in more detail through the Travel Plan process, along with car sharing initiatives, once staff accommodation has been identified. Whilst we accept that the locations of staff working at this site will influence where such private bus shuttle services may need to serve, there are key residential and transport hubs in the local area where the workforce for this development are likely to either reside or will be able to make use of existing travel links, including Tain, Invergordon, Aness, Evanton and Dingwall. NPF4 policies encourage developments that prioritise sustainable means of travel. The submission has recognised that cycling and walking won't be viable due to the remote nature of this site and existing public transport facilities won't serve the travel needs of staff or visitors. Therefore, this development should commit to actively encouraging car sharing and providing private shuttle bus facilities for the shift workforce to key local towns and transport hubs. This will need to be managed through the Travel Planning process for the site (see our earlier comments).

### Parking

The levels of car parking proposed for the development have been determined through first principles rather than applying our published parking standards. That is because the nature and scale of the proposed development means that applying our published parking standards would result in significant overprovision of parking at the site. The submission references two car parks being provided as set out below:

- Car Park 1 – 120 spaces adjacent to the northern vehicular access into the site.
- Car Park 2 – 10 spaces adjacent to the proposed Office and Welfare Building

The assessment of parking needs has been based on proposed staffing levels and allowance for overlap during shift changes. Any identification of any under provision in parking at the site will need to be managed through the ongoing Travel Plan Monitoring (see comments above). The submission confirms that in the main staff Car Park 1, 12No. spaces will be fitted with EV charging ports and a future 37 spaces will be futureproofed with ducting for upgrade in the future, if necessary. Whilst the 12No. spaces appears to meet the 1:10 requirement from Building (Scotland) Regulations, those 12 with the 37No. proposed futureproofed spaces doesn't appear to meet the 50% (60 spaces) requiring to be EV enabled. We recommend that any permission issued includes a suitably worded Condition requiring the proposals for EV car charging facilities, including enabling infrastructure for future conversion to EV charging spaces, be submitted to and accepted by the Planning Authority and then subsequently fully implemented and operating prior to the development beginning to operate. Such facilities should demonstrate adherence to current Building (Scotland) Regulation requirements. Car Park 2 adjacent to the Office and Welfare building includes 7No. parking spaces for disabled drivers, with the submission stating that they will be fitted with EV charging facilities. The 7No. spaces proposed would meet the 5% minimum requirement for such facilities from our published parking standards.

We've not identified any reference to staff and visitor cycle parking being provided at this development. Our published parking standards for industrial developments requires at least 2 cycle parking spaces plus 1 space per 250m<sup>2</sup> of Gross Floor Area (GFA). Given the scale of this development, such an approach would result in a large overprovision of cycle parking facilities at this development. We therefore recommend that a commonly used standard for other development types is used of 1-space per 8No. car parking spaces proposed. Applying this to the 130No. car parking spaces proposed in Car Parks 1 & 2 would result in this development being required to provide facilities for at least 16No. cycle parking spaces. We recommend that any permission issued includes a suitably worded Condition requiring the location and design of cycle parking facilities be submitted to and accepted by the Planning Authority and subsequently fully implemented and operating prior to the development beginning to operate. Such facilities should accommodate at least 16No. bikes.

#### Roads Drainage

We recommend that any permission issued includes a suitably worded Condition requiring the surface water drainage and SUDS arrangements for the altered B9175 and the new adoptable section of the southern access be submitted to and accepted by the Planning Authority prior to any works commencing to construct this new development. Once approved, those drainage arrangements should be fully implemented and operating in time to support the ongoing operation of those new pieces of roads infrastructure. To be clear, any roads-only drainage and SUDS arrangements need to be located within what will be defined as the new adoptable public road boundary and be easily accessible from the local public road for their ongoing inspection and maintenance. Also, the designs need to adhere with the requirements of the CIRIA SUDS Manual, SUDS for Roads and the latest version of Sewers for Scotland.

### Conveyor Connection Through to the Port of Nigg

The construction of a conveyor system for delivering new cables to the portside at Nigg for onward delivery by sea will help to reduce the demand for commercial vehicles needing to make such transfers. However, the design and construction of any such facility below the local public road will need careful consideration, as will clarity about its ongoing ownership. Any such structure will require Technical Approval from Highland Council Structures Team. This will need to be designed to accommodate abnormal vehicle loadings, as the B9175 is recognised as a route for the movement of such loads. It will also need to be designed so that safe access can be gained for its ongoing inspection and maintenance. The structure accommodating the cable conveyor would provide no public benefit other than supporting the public road and there would be no access underneath the structure except through the private land on either side of the B9175. Therefore, it may be that the structure remains private. This will be considered further through the Technical Approval and Operational Agreement processes. When it comes to the construction of the structure, closure of that road will not be acceptable as this is the only viable road connection to Nigg, the port and the ferry terminus. Therefore, this will require careful consideration into how this connection below the public road is to be constructed, with the required detailed CTMP giving due consideration to this.

We recommend that any permission issued includes a suitably worded Condition requiring the designs, construction methods and ongoing ownership, inspection and maintenance regimes for the structure that will accommodate the proposed cable conveyor connection below the existing B9175 between the development site and the Port of Nigg be submitted to and accepted by the Planning Authority before any works commence to build that connection.

- 5.11 **NatureScot** have no objection subject to conditions. NS note that this proposal could be progressed with appropriate mitigation. However, because it could affect an internationally important feature linked to the Cromarty Firth Special Protection Area (SPA), we object unless it is made subject to conditions, as outlined below.

The proposal sits in proximity (c.750m) to the Cromarty Firth Special Protection Area (SPA) protected for its osprey, greylag goose, curlew & other coastal birds. The site's status (SPA) means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Highland Council is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal).

#### *Cromarty Firth SPA - Osprey*

Our advice is that this proposal will have a likely significant effect on the osprey qualifying interest of this SPA. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest. To help you do this, we advise that on the basis of the appraisal carried out to date, if the proposal is undertaken in accordance with the following mitigation, then the proposal should not adversely affect the integrity of the site:

- An osprey Species Protection Plan (SPP), to be agreed by Highland Council and NatureScot, will be required to ensure adverse effects are avoided, should this species move into suitable nesting habitat in advance of construction works.

The appraisal we carried out considered the impact of the proposals on the following:

- An osprey Species Protection Plan, should include pre-construction surveys (if works begin after the start of the osprey breeding season), combined with appropriate non-disturbance buffer zones. This should allow ospreys to breed successfully, contributing to the SPA population, should they choose to breed close to the cable factory. Our advice is that the development site is not overly suitable for these coastal/wetland species and it is unlikely that the proposal will have a significant effect on any other qualifying interests.

5.12 **SEPA** have no objection to the development. The site is within an area shown to be at risk of flooding based on the SEPA Future Flood Maps. This indicates that there is a risk of flooding from the sea. Additionally, the site is close to a small watercourse. The SEPA Flood Maps don't cover small watercourses (catchments <3km<sup>2</sup>) but they can still cause flooding.

In accordance with NPF4, development must avoid the area of flood risk unless it meets one of the exceptions outlined within Policy 22. The Local Planning Authority has confirmed to us that the proposed development should be considered as Essential Infrastructure under Policy 22a(i). The principle of development in this area for this use is therefore acceptable, provided the requirements within Policy 22a are met, specifically:

- The risks of flooding are understood and addressed;
- There is no increased flood risk elsewhere as a result of the development;
- The development remains safe and operational.

We are satisfied that these requirements have been met through provision of the Flood Risk Assessment (FRA) carried out by Mabbett (312251 Rev. 1.0) and site design in accordance with the recommendations set out within it. The FRA is based on appropriate methods and its representation of flood risk at the site is in line with all other evidence that is currently available. The results indicate that the site is at risk of coastal flooding in the west of the site and also from fluvial flooding from the small watercourse to the east of the site, which during the design flood event overtops its embankments with flow pathways flowing west through the site. A significant part of the site is therefore at risk of flooding during a 1 in 200 year plus climate change design event.

It is proposed to raise levels within the site such that the development itself is protected from flooding and recommendations are set out with regards to evacuation and operation at the site during a flood event. Mitigation is also proposed to capture the overland flow from the small watercourse within the SUDS proposed for the site and the Drainage Impact Assessment (DIA) was updated to demonstrate how this could be achieved. A total storage volume is provided within the site of 5382m<sup>3</sup>. The assessment outlines that a storage volume would be required for the 1 in 1000 year rainfall event of 2176.524m<sup>3</sup> and a further 1333m<sup>3</sup>



is required to attenuate the 1 in 200 year plus climate change flows which overtop the watercourse and currently flow onto the site. This equates to a total volume of 3482.5m<sup>3</sup>, which is significantly less than the storage provided. The floodwater from the watercourse will be intercepted by a trench and water will then infiltrate into the ground. We are satisfied therefore that the measures put in place mean that the development itself is unlikely to be at significant flood risk. The mitigation outlined will provide sufficient storage within the site such that there should be no increase in flood risk elsewhere as a result of the development.

In summary, the proposals are considered an exception under Policy 22a(i) of NPF4 and therefore acceptable within an area of flood risk. Information has been provided to show that the flood risk is understood and addressed, the development will remain safe and operational and mitigation is implemented to ensure there is no increase in risk elsewhere. We therefore have no objection to the proposals provided these are carried out in accordance with the FRA and DIA submitted which should become approved documents.

### Consentability

The development will require a Pollution Prevention and Control Part A Permit from SEPA to cover the non-ferrous metal processes and associated coatings/solvents activities. While an application has not yet been submitted the developer has initiated constructive pre-application engagement direct with us and based on the information available at this stage we consider the proposals capable of being authorised.

The PPC permit will include conditions covering water discharges, air quality, noise and odour in relation to the manufacturing process. This may include a requirement for monitoring and regular assessment during operation. As a result these issues need not be covered by planning conditions. Construction activities and vessel loading activities will not be controlled by us so any issues relating to them should be covered by condition if you consider that necessary.

### Other planning matters

3.1. We ask that a condition is applied requiring all construction works to be undertaken in line with the submitted Construction Environmental Plan (Revision 1).

5.13 **Transport Scotland** do not object to the development and after a review of the submitted Transport Assessment do not propose to advise against the granting of planning permission. No conditions are required from their remit.

5.14 **Scottish Water** do not object to the development.

## **6. DEVELOPMENT PLAN POLICY**

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

### **National Planning Framework 4**

6.2 Strategic Renewable Electricity Generation and Transmission Infrastructure

Policy 1 - Tackling the Climate and Nature Crises

Policy 2 - Climate Mitigation and Adaptation

Policy 3 - Biodiversity  
Policy 4 - Natural Places  
Policy 5 - Soils  
Policy 6 - Forestry, Woodland and Trees  
Policy 7 - Historic Assets and Places  
Policy 11 - Energy  
Policy 12 - Zero Waste  
Policy 13 - Sustainable Transport  
Policy 18 - Infrastructure First  
Policy 22 - Flood Risk and Water Management  
Policy 25 - Community Wealth Building  
Policy 26 - Business and Industry

### 6.3 **Highland Wide Local Development Plan 2012**

23 - Nigg  
28 - Sustainable Design  
29 - Design Quality and Place-making  
30 - Physical Constraints  
31 - Developer Contributions  
40 - Retail Development  
41 - Business and Industrial Land  
51 - Trees and Development  
52 - Principle of Development in Woodland  
55 - Peat and Soils  
56 - Travel  
57 - Natural, Built and Cultural Heritage  
58 - Protected Species  
59 - Other important Species  
60 - Other Importance Habitats  
61 - Landscape  
63 - Water Environment  
64 - Flood Risk  
65 - Waste Water Treatment  
66 - Surface Water Drainage  
67 - Renewable Energy Developments  
69 - Electricity Transmission Infrastructure  
71 - Safeguarding of Waste Management Sites  
72 - Pollution  
77 - Public Access

### 6.4 **Inner Moray Firth Local Development Plan 2015**

A section of the site towards its southern boundary lies within the NG1 Allocation (Nigg) for Industry

### 6.5 **Inner Moray Firth Local Development Plan 2022**

The IMFLD2 is at Proposed Plan stage and has been submitted to Scottish Government for Examination – this process is on course to be completed by 23<sup>rd</sup>

January 2024 with adoption of the LDP to follow. The northern and southern portion of the site are within the NG1 Allocation (Nigg) for Industry.

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

PAN 1/2011 - Planning and Noise (2011)

Construction Environmental Management Process for Large Scale Projects (2010)

PAN 60 – Planning for Natural Heritage (Jan 2008)

Developing with Nature Guidance (NatureScot 2023)

Nigg Masterplan (March 2013)

7. Other Planning Policy Documents - None

## 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) landscape and visual effects
- d) noise and other amenity impacts
- e) impact on natural heritage
- f) impact on cultural heritage
- g) drainage and flood risk
- h) access
- i) forestry
- j) biodiversity and climate change
- k) impact on infrastructure and services and proposed mitigation (developer contributions)
- l) any other material considerations

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

- 8.4 The Development Plan comprises the National Planning Framework 4 (NPF4), the Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan and associated statutory supplementary guidance. In this instance, weight also requires to be given to the forthcoming Inner Moray Firth LDP 2 which is likely to be adopted in early 2024. If the Council is satisfied that the proposal is not significantly detrimental overall, then the application will accord with the Development Plan.
- 8.5 National Planning Framework 4 (NPF4) forms part of the Development Plan and was adopted in February 2023. It comprises three parts:
- Part 1 – sets out an overarching spatial strategy for Scotland in the future. This includes a vision and spatial principles.
  - Part 2 – sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. It is clear that this part of the document should be taken as a whole, and all relevant policies should be applied to each application.
  - Part 3 – contains a series of annexes which sets out how the document should be used, statements of need for national development, spatial planning priorities, qualities of successful places and other matters.
- 8.6 The Regional Strategy for the North East identifies the area as a centre for the skills needed to meet Scotland's climate change commitments. In relation to the North East, the Strategy states that the area is "Rich in natural assets, this area, along with the wider Moray and Cromarty Firths, has built on its oil and gas experience to pioneer new technologies." One of the identified priorities for the area is to "plan infrastructure and investment to support the transition from oil and gas to net zero whilst protecting and enhancing blue and green infrastructure and decarbonising connectivity."
- 8.7 The Application Site has been selected as it lies within the Nigg and Pitcalzean Site, of the Inverness and Cromarty Firth - Green Freeport Bid document prepared for the Highland Council Committee on 30 June 2022. The Opportunity Cromarty Firth (OCF) is a collaboration between private, public and academic organisations, committed to ensuring the Cromarty Firth and wider region becomes a major global hub for renewable energy. OCF seeks to sustain and grow the UK's manufacturing base, with a particular focus on the advanced manufacturing of low carbon technologies – including offshore wind, oil & gas decarbonisation and hydrogen production. The Inverness and Cromarty Firth - Green Freeport Bid document states that "the Opportunity Cromarty Firth project is centred around supporting offshore wind energy projects planned for the Moray Firth, North, Northeast and East identified in the Scottish Government's Marine Plan and maximising the benefits for the north of Scotland. OCF's potential for Green Freeport status is significant as it would accelerate the local and national transition to net zero." Therefore, aligning with the UK and Scotland's net-zero obligations and skills agenda, with increasing investments in research & development and workforce training.

- 8.8 In policy terms the site lies largely within Industrial Allocations in the Highland-wide Local Development Plan, the currently adopted Inner Moray Firth LDP and the forthcoming Inner Moray Firth 2 LDP which is set to be adopted shortly; the latter allocates a greater amount of land on the eastern side of the B9175 than its predecessor in recognition of the need for additional land to facilitate the expansion of activities at Nigg Yard. As such, key to the assessment of the application in addition to the NPF4 context detailed above, is the extent to which the proposal complies with the developer requirements set out in the aforementioned LDPs with assessment of the area of the proposal lying outwith the designated sites defaulting to the general policies of NPF4 and HwLDP.
- 8.9 On the whole the policy context broadly supports the proposed development in light of the industrial allocations with general policies favouring business and industrial development where it can be delivered in suitable locations with minimal impact on the environment. Notwithstanding the policy position however, the proposal remains to be assessed in terms of all other applicable material considerations which are reflected in the general policies of HwLDP and NPF4. In this instance, noise generation when experienced from Cromarty has been weightily referenced in the objection comments received on the proposal and therefore this issue forms a significant element in the planning appraisal which follows.

### **Layout and Design**

- 8.10 The design of the Proposed Development is noted as having evolved in answer to potential constraints outlined during the design and pre-application process with the strategy for the design of the Proposed Development primarily seeking to minimise and protect the natural, cultural and built heritage and to minimise landscape, visual and noise effects.
- 8.11 The factory and catenary continuous vulcanization (CCV) building occupies the centre of the application site with most of the industrial processes proposed to take place in this facility. Originally this was composed of three large buildings (main factory, CCV building and ACHV hall) however in order to reduce massing and visual impact these were rationalised, reduced in size and height, and incorporated into a single long building, as illustrated in the attached architectural drawings. The vertical cable building (VCB) is a tall structure which houses a vertical stranding machine. This is connected to the main factory by an overhead gantry which takes unfinished cables back and forth. As the tallest building, this has been strategically located at the northerly end where surrounding topography and trees conceal or serve as a backdrop to the Proposed Development.
- 8.12 The warehouse building will receive and distribute all the raw materials for the production process as well as to store large pieces of testing equipment when not in use. An adjacent HGV unloading area with mobile ramps will serve the building. The shielding room building is a high voltage cable testing facility for intermittent use.
- 8.13 All of these buildings (main factory & CCV, VCB, warehouse and shielding room) have been sized for minimum internal clear heights to allow for the safe installation,

maintenance and use of the equipment and process involved. They are all to be clad in insulated trapezoidal double skin metal cladding in a goosewing grey colour. This product removes the risk of condensation (a risk to manufacturing process), allows for the inclusion of insulated translucent panels for natural light, and reduces energy consumption (as these buildings are not heated there is no obligation for the Applicant to incorporate insulation into the fabric, but they have chosen to in any case). The EIAR notes that detailing will be kept simple and unobtrusive.

- 8.14 An office and welfare building is situated next to the entrance, security hut and parking area. The EIAR outlines that this has been kept relatively simple, using window and external element proportions to increase the attractiveness of it in the context of an industrial facility.
- 8.15 There is evidently a need for the development to be kept functional and to be sized and designed according to the specific needs of the proposed development; this has clearly limited the amount of architectural flair which could be applied to the development and is reflected in the uniform building finishes across the majority of the site and the overall industrial appearance of the proposal. The proposal requires to be considered in terms of its visual impact both site specifically and within a wider setting due to its expansive scale. In all views it will be seen in the context of Nigg Yard which already contains a number of tall buildings similar in stature and scale to that currently proposed and whilst it will push development further into the currently more rural setting landwards of the B9175 this will not be to the detriment of any particular house or rural community. Nigg's seaward location have often resulted in a necessity to consider visual impact from across the Firth at Cromarty; in this instance the proposed development lies further back from Nigg Yard when viewed from this location and therefore will not be prominent in the view.

### **Landscape and Visual Effects**

- 8.16 Such matters have been considered in the submitted EIAR which also includes a number of photos montages in order to aid in the assessment of the proposal; these are however just one tool in the assessment of visual impact at the disposal of the Planning Authority. The assessment also takes into account the Sutors of Cromarty, Rosemarkie and Fort George Special Landscape Area which covers the eastern end of the Cromarty Firth, extending continuously across the northern and southern sides. At the closest point, the SLA is located 1.2km to the east of the Application Site and accordingly, the effects on this High sensitivity designation would be indirect. A Zone of Theoretical Visibility (ZTV) is submitted with the application and shows that coverage across the SLA is limited, and primarily focused across the upper westerly facing slopes at Hill of Nigg (on the north side of the Firth), and the northerly facing slopes at Sutors of Cromarty / Gallow Hill on the Black Isle (on the south side of the Firth). These areas comprise sloping, mixed farmland with parcels of tree cover and there would be no views from wider parts of the SLA due to the containing influence of these hills.
- 8.17 From the westerly facing slopes at Hill of Nigg, the Proposed Development would be experienced within the adjoining low-lying landscape to the west, within the same field of view as Nigg Energy. The Proposed Development would be partly screened by in the undulations in the intervening landform, well-below the distant

horizon. Those parts of the Proposed Development that would remain visible would augment the existing built form and infrastructure within westerly views, but would remain spatially separate from the SLA and would not notably increase the horizontal spread of development. From the northerly facing slopes on the Black Isle, the Proposed Development would be experienced at greater distance. The proposed buildings would merge with the existing built form at Nigg Energy Park on the opposite side of the Firth, within a geographically separate landscape context.

8.18 The Proposed Development would contrast with the more natural elements of the SLA, and its sense of remoteness and tranquillity. However, based on its proximity to Nigg Energy Park, it would be experienced in a local landscape context that is already characterised by “unusual contrasts in scale...where huge oil rigs or large ships are viewed within the enclosed firths”. As a result, the Proposed Development would exert relatively limited influence on views across the “narrow mouth of the deep Cromarty Firth”. The location of the Proposed Development on the low-lying coastal shelf, within a developed stretch of coastline, would be consistent with the existing pattern of development, thereby limiting the potential effects on the “wide range of visual and perceptual experiences”. The Proposed Development would not foreshorten or impinge upon westerly views along the Cromarty Firth, and would result in no change to existing views out to sea from the eastern side of the SLA.

8.19 The Proposed Development would however represent a new element within the neighbouring low-lying coastal shelf. The proposed buildings would be assimilated with the existing built form at Nigg Energy Park and would not notably increase the spread of built form across wider vistas. At a local level, comprising westerly-facing slopes at Hill of Nigg closest to the Application Site, the magnitude of change would be Minor at most, resulting in a Moderate effect. This is assessed as not significant in this instance based on the low-lying location of the Proposed Development, and the limited change to views along the Cromarty Firth. This position as expressed in the EIAR is agreed.

### **Noise and Other Amenity Impacts**

8.20 The nature of the development means that the application detail includes cable which would be loaded from the factory onto spools on the factory site and then subsequently loaded, to vessels berthed in the Port of Nigg. The main concern for Environmental Health is the potential for additional noise sources in an area which is already the subject of complaints by residents. As noted earlier the cable factory buildings themselves, all shoreside activities excluding vessel loading associated with the development will be regulated by a PPC permit issued by SEPA; this will cover all emissions including noise. The effect of this is that the Statutory Nuisance provisions of the Environmental Protection Act 1990 would not apply to those aspects of the development covered by the permit and the Council’s Environmental Health service would have no direct control over emissions from permit activities.

There does however remain a need for the noise from the site to be considered cumulatively with existing noise arising from the port and industrial base (which arises largely from vessels in the Firth) and other sources in the vicinity.

- 8.21 Regrettably an operational noise assessment has not been submitted with the application with the EIAR noting that details of the type, number, and location of fixed plant are not yet available which is disappointing given the proposed operator already has a number of other such facilities worldwide. Nevertheless some additional information submitted during the course of the assessment, whilst not representing a Noise Assessment, has allowed a sufficient picture of noise information to be established for Environmental Health. It confirms that noise emissions *from the factory site itself* are not expected to be significant as most plant and activity can be enclosed, and noise sources should be capable of being sufficiently attenuated. The external spools will be electrically powered and will not involve the use of diesel generators.
- 8.22 The area of most concern, as reflected in objections, is likely to be noise arising from vessels at the port during loading operations which would be outwith the PPC permit process. The submitted details indicate that development involves about 20 vessels a year with loading operations being carried out around the clock for 5-7 days each time. The port already undertakes cable loading operations in association with the existing functions at Nigg Yard. The assessment provided by EH notes that the proposed spooling activities for this development should actually be quieter as they will not involve the use of Self-Propelled-Motorised-Trailers (SPMTs) with the cable being loaded directly from the factory site to the vessel. The development will however result in more frequent cable loading operations and there will be an increase in the number of vessels associated with that activity. However, Environmental Health confirm it has no record of any complaints associated with previous cable loading activities or the vessels associated with this operation in particular.
- 8.23 There is still potential for noise from cable vessels to contribute to cumulative noise issues. The proposed factory is estimated as being likely to be operational from 2026; prior to this the applicant will be required to submit a noise impact assessment to the satisfaction of the planning authority and Environmental Health. The assessment will need to identify what noise impact might arise from the development and what mitigation/management arrangements will be put in place. Should consent be granted at NPAC in January 2024 there will be a considerable amount of time for the applicant to prepare such an assessment; it should be based on extensive noise monitoring and the applicant should be fully aware that any condition preventing operation of the proposed factory will not be discharged until such a time as Environmental Health are entirely satisfied that all reasonable attempts have been made to obtain extensive and detailed noise information and that such information has translated into a sufficient Noise Management Plan. This should be linked into an overall strategic noise management approach covering the Port of Nigg and associated activities. Previous noise monitoring by the applicant's consultant has shown that noise arising from the industrial base and the port has already raised background levels in the area and the aim should be to ensure there is no further increase. Both the assessment and management plan should seek to demonstrate that the best practicable means will be employed to reduce the impact of operational noise.
- 8.24 One form of mitigation which has been discussed is the introduction of a shore power connection which would enable vessels to be berthed without having to run



engines. This is due to be installed at the Port of Aberdeen and is already in place at the Port of Leith in Edinburgh. Such a form of power would result in a significant reduction in noise and other emissions from the port in general and would also allow wider environmental improvements through removing use of diesel generators. The applicant has indicated that many of the vessels involved do not have the capacity to connect to shore power; as such it is evident that there are wider issues in the feasibility of its installation. The applicant has submitted a document entitled Port of Nigg Environmental Improvement Plan - Shore Power Supply which gives a commitment to conduct a feasibility study on the viability of implementing shore power. It is hoped that this is an issue that will be taken forward particularly given the port's status as part of the Inverness and Cromarty Firth Green Freeport. In the absence of shore power, the mitigation available to control vessel engine noise is likely to be limited and with the constraints imposed by the proximity of noise sensitive receptors, the viability of future development at the port may be affected.

- 8.25 The need for the development to be consented through the Pollution Prevention and Control permit process means that it will become the responsibility of SEPA to ensure the development adheres to relevant legislation with regard to dust, air quality and noise therefore no control on these matters is required through the planning regime.

#### **Impact on Natural Heritage**

- 8.26 The proposal sits in proximity (c.750m) to the Cromarty Firth Special Protection Area (SPA) protected for its osprey, greylag goose, curlew & other coastal birds. The site's status (SPA) means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply or, for reserved matters, The Conservation of Habitats and Species Regulations 2017. Consequently, Highland Council is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as Habitats Regulations Appraisal).
- 8.27 NatureScot have identified that the proposal will have a likely significant effect on the osprey qualifying interest of this SPA. Consequently, Highland Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interest. This process, which has incorporated advice from NS, has determined that if the proposal is undertaken in accordance with mitigation, then it should not adversely affect the integrity of the site.
- 8.28 The required mitigation means that an Osprey Species Protection Plan will be required and that this should include pre-construction surveys (if works begin after the start of the osprey breeding season), combined with appropriate non-disturbance buffer zones. This should allow ospreys to breed successfully, contributing to the SPA population, should they choose to breed close to the cable factory.
- 8.29 The development site is not overly suitable for the remainder of the coastal/wetland species that the SPA is protected for (greylag goose, curlew, common tern) and it is unlikely that the proposal will have a significant effect on any other qualifying

interests, either directly or indirectly. An appropriate assessment is therefore not required. The proposed development will not impact on any other natural heritage feature.

### **Impact on Cultural Heritage**

- 8.30 Both the Council's Archaeology Team and Historic Environment Team confirm that the development will not adversely impact on any cultural heritage asset. A condition has been applied to ensure a Written Scheme of Investigation is provided and that this should ensure a suitable methodology for the recovery and recording of any archaeological finds during the construction phase of the proposed development.

### **Drainage and Flood Risk**

#### Drainage

- 8.31 Drainage Impact Assessment (DIA) has been submitted as part of the application setting out the drainage strategy for the site which relies entirely on infiltration as the means of discharge for surface water. The proposed SUDS design includes additional attenuation capacity, above that required for the site drainage, to accommodate fluvial flood flows. Based on the submitted details the Council's FRM Team are content with the proposed drainage strategy and have no objection to the application. A condition is applied so that the final drainage design is submitted for review and approval and this will need to include an exceedance routing exercise to demonstrate that such events can be managed without flooding to any of the buildings.

#### Flood Risk

- 8.32 The site is adjacent to the coast and there is a small watercourse to the east. The submitted Flood Risk Assessment identifies parts of the site to be at risk of coastal flooding, as well as areas at risk of fluvial flooding from the small watercourse.
- 8.33 NPF4 (Policy 22) introduces a new requirement that development in a flood risk area should only be supported if it is:
- essential infrastructure where the location is required for operational reasons;
  - water compatible uses;
  - redevelopment of an existing building or site for an equal or less vulnerable use;
- or
- redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured

As noted in consultation responses, the Planning Authority have deemed that the development meets the above requirements as it is it serves the offshore wind industry and needs to be located by the coast for operational reasons.

- 8.34 Once the above has been established, in such cases NPF4 states that it shall be demonstrated by the applicant that:

- all risks of flooding are understood and addressed
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

In this regard, the FRM Team advise that the FRA considers the flood risk and concludes that this can be managed without impacting on the proposed development or increasing flood risk to others. Climate change has been considered in the design. The risk from coastal flooding will be managed by raising the ground levels on site, along with further raised finished floor levels of the buildings. This will provide in excess of 600mm freeboard above the 1 in 200 year plus climate change event (in this case climate change based on 2123 projections).

- 8.35 It is proposed that the fluvial flood risk will be managed by providing additional storage capacity within the SUDS attenuation features to contain out of bank flows from the watercourse that enter the site (estimated to be 1330m<sup>3</sup> in a 1 in 200 year plus climate change flood event). Due to the inherent uncertainty in the modelling, it is proposed that 5382m<sup>3</sup> of storage capacity will be provided within the SUDS. Taking into account all these factors, the FRM Team have no objection to the development on flood risk grounds. This is re-iterated through SEPA's position that the measures put in place mean that the development itself is unlikely to be at significant flood risk and the mitigation outlined will provide sufficient storage within the site such that there should be no increase in flood risk elsewhere as a result of the development.

### **Access**

- 8.36 The Application Site lies within close proximity to the local highway network, with the B9175 adjacent to the western boundary which is a single carriageway road subject to a 60mph limit (national speed limit), with the exception of a short section through Arabella, which has a limit of 40mph. Operating in a north – south direction, the B9175 links the A9 in the north with Nigg Ferry Terminal in the south. The route is circa 10km in length. The B9175 connects to the A9 (T) via a four-arm roundabout known locally as the Nigg Roundabout junction approximately 10km north of the site.
- 8.37 Access to the Application Site is proposed via two priority junctions with the B9175. These access points have been selected as they allow for an appropriate visibility splay for the access and egress of vehicles. They also allow for the efficient movement of vehicles around the Proposed Development. The finished product would be stored in a series of coiling units before being fed via an underpass under the public road to a ship berthed in the dock area of the Port of Nigg for onward transfer to off-shore wind farm locations. The aim of which is to minimise any increase in HGVs across B9175. The final detailing of both access points requires to be agreed via a condition as requested by Transport Planning.
- 8.38 The assessment of the surrounding road network has demonstrated that there is sufficient capacity to accommodate the development proposals which is generally

accepted by Transport Planning as well as a Transport Scotland following their audit of the Transport Assessment. It is therefore considered that the level of predicted traffic flow change associated with the operation of the proposed Development would be of negligible significance.

8.39 It is noted from the advice provided by Transport Planning that the assessment does not fully assess or consider impacts on public transport, walking and cycling with limited information on such opportunities could be facilitated. Reference is made to the preparation of a Travel Plan however this requires to be actually implemented rather than a commitment made to it in order to ensure reliance on private car can be reduced through active travel options. A condition is applied to secure the Plan and for it to include the requirements set out in Transport Planning's advice as well as further condition in order to secure a 3m wide surfaced kerbed footway/cycleway be provided by the Developer on the eastern side of the B9175 along the entire frontage of their site.

8.40 Similarly a Construction Traffic Management Plan is sought by condition and this should provide the information sought by Transport Planning and its consultation response. This includes a requirement for a Wear and Tear Agreement to ensure any damage to the public road attributed to the development construction phase is made good by the developer.

8.41 Parking is to be provided across two car parks:

- Car Park 1 – 120 spaces adjacent to the northern vehicular access into the site.
- Car Park 2 – 10 spaces adjacent to the proposed Office and Welfare Building.

The assessment of parking needs has been based on proposed staffing levels and allowance for overlap during shift changes. Any identification of any under provision in parking at the site will need to be managed through the ongoing Travel Plan Monitoring while a condition is applied to ensure sufficient EV charging points are provided across both car parks.

### **Forestry**

8.42 The proposed site is located within an area of rough grazing. Immediately to the north is the Pitcalzean Wood Tree Preservation Order, part of which is also listed in SNHs Inventory of Ancient Woodland as 2b Long Established Woodland of Plantation Origin. This means that it appears as woodland on the first edition Ordnance Survey maps dating back to the 1860s. A Tree Report has been prepared along with a Tree Constraints Plan (TCP) and Tree Protection Plan (TPP). The TPP shows what appears to be proposed excavation within the Root Protection Area (RPA) of at least two of the protected trees, yet has been annotated to state that there will be no level changes allowed within the RPA's.

8.43 An Arboricultural Impact Assessment (AIA) is required to demonstrate that this is achievable. This must include cross sections taken along the section of woodland from T358 to T365 to show the extent of any proposed excavation in relation to the RPA. If the AIA can demonstrate that with appropriate protection measures, the proposed development will not have an adverse impact on the adjacent woodland,

then an Arboricultural Method Statement (AMS) will be required to provide more detail on the implementation of the TPP, including supervision. As noted previously a verbal update will be provided at the meeting of NPAC as the required information was not submitted in its entirety prior to this report being prepared – this may also include the need for additional conditions.

### Landscape & Biodiversity Enhancements

8.44 Landscaping and biodiversity enhancement measures have been proposed for the Proposed with the following measures incorporated into the site layout:

- Formation of berm along western boundary, which can accommodate planting
- Woodland mix areas of planting to the north of the site and at the southern end
- Wet wildflower planting around and along the route of the SuDS ponds and swales, and
- Areas of wildflower meadow mix planting, primarily along the eastern boundary

The development proposes a landscape planting scheme which would introduce 0.5444 ha of woodland planting and 0.6482 Ha wildflower planting. The measures proposed overall are considered to be commensurate with the scale of development as required by NPF4 and are secured by condition.

### **Other material considerations**

8.45 There are no other material considerations.

### **Non-material considerations**

8.46 Objections have noted that the EIAR has been prepared by a company which is majority owned by the applicant alluding to a conflict of interest and a potential understating of impacts. The ownership of the company preparing information related to a planning application is not a material planning consideration. Where information has been considered deficient in any event, further information has been requested.

### **Matters to be secured by Legal Agreement / Upfront Payment**

8.47 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:

- a) None

## **9. CONCLUSION**

9.1 The application seeks consent for a proposal which represents the first of its kind nationwide and would contribute to wider targets to enhance renewable energy generation through off-shore wind turbines. As such it complies with the broad aspirations of national policy and those expressed at a local level including the Green Freeport Initiative. The proposal will result in the creation of 170 jobs and

represents a significant and welcome investment in the local area and wider economy. Whilst not explicitly noted in the EIAR it is assumed that the proposal has potential to create or at least sustain jobs through the supply chain. The proposal is not however without its technical constraints and the proposed increased vessel movements associated with the development in addition to the existing position has required careful consideration. Additional information has been supplied which allays the initial concerns of Environmental Health however this must be followed up through the preparation of a detailed Noise Assessment and the formation of a sufficient Noise Management Plan prior to the factory becoming operational.

- 9.2 The Council is satisfied that environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of operational compliance has been secured through this permission.
- 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: As detailed in the report.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: It would be expected that any new road signage includes Gaelic

## **11. RECOMMENDATION**

### **Action required before decision N issued**

**Subject to the above actions**, it is recommended to **GRANT** the application subject to the following conditions and reasons:

1. The proposed development hereby approved shall be undertaken in accordance with the submitted application form, plans (including amended plans where required) and the approved Environmental Impact Assessment Report and Schedule of Mitigation with all construction works undertaken in line with the submitted Construction Environmental Plan (Revision 1).

Reason: To ensure the development proceeds strictly in accordance with the submitted details in the interests of environmental protection.

2. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted and approved in writing by the Planning Authority in consultation with the Roads Authority. The CTMP shall include:
- All construction access to be taken along the B9175 between the development site and the Nigg Roundabout on the A9(T).
  - Facilities within the development site for construction-related vehicle parking and for the loading and unloading of construction vehicles and for materials to be stored. The monitoring and deterring of unwanted parking on the local public road should also be detailed.
  - Suitable vehicle turning facilities so that all vehicles will be able to drive into and out of the development site in forward gear. Construction-related vehicles needing to reverse either onto or off the existing local public road will not be accepted.
  - An estimated profile of construction-related vehicle movements to and from the development, broken down by at least abnormal loads (AILs), if required, larger goods vehicles (HGVs) and other cars / LGV vehicles, including workforce vehicles.
  - Measures to avoid convoys of construction vehicles on the public road, particularly by larger commercial vehicles.
  - Details of intended regimes for the ongoing monitoring and updating of the Plan to suit both changes in construction activities and lessons learnt. This should include a commitment to establish a Community Liaison Group that will allow feedback from the locally impacted communities and businesses to be raised and fed into the processes of reviewing the Plan.
  - A signed “Wear and Tear” agreement with Highland Council in accordance with Section 96 of the Roads (Scotland) Act 1984 including pre-commencement road surveys (When undertaking pre-commencement condition surveys of the existing local public road due to be used for construction access purposes, we recommend that the Promoter considers if there were any areas of existing damage that would benefit from being repaired early. If so, the Promoter should work with The Council and get them repaired in a timely manner before the main construction traffic impacts start to use the route. This may assist the Promoter by reducing the risk of their construction access needing to be closed at short notice during the construction of their development whilst emergency road repairs are undertaken.) The establishment of that Agreement, including the inspection and any repair regimes required, should be set and agreed through the detailed CTMP. This should include establishing a suitable Road Bond, to protect The Council from any extraordinary expenses in having to make good any damage inflicted by the activities of this development that are not suitably repaired by the Promoter.
  - Wheel washing facilities and daily road sweeping to keep the public road clear of any mud or other construction-related debris from this development.

The CTMP shall thereafter be implemented as approved and in accordance with the timescales therein and shall remain in place during the construction phase.

Reason: To minimise disturbance to and maintain free flow of traffic on the local road network.

3. No development shall commence until the design details for both vehicular accesses into this development site from the existing B9175 are submitted to and accepted by the Planning Authority. Once approved, those access arrangements should be fully implemented prior to the new development beginning to operate.

Reason: To ensure both access comply with applicable roads standards.

4. No development shall commence until full details of a 3m wide surfaced kerbed footway/cycleway along on the eastern side of the B9175 along the entire frontage of the site have been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority. The details shall show the footway/cycleway be designed in accordance with Highland Council's Roads and Transport Guidelines for New Developments and be suitably signed and road marked as a shared pedestrian and cycle facility in accordance with the current Traffic Signs Regulations and General Directions and the Traffic Signs Manual. Thereafter the approved footway/cycleway shall be provided before the main construction works commence and shall be maintained as such for the lifetime of the development.

Reason: To ensure pedestrian and cyclist safety during the construction phase and thereafter.

5. No development shall commence until final details of the surface water drainage and SUDS arrangements for the altered B9175 and the new adoptable section of the southern access shall be submitted to and approved in writing and on Plan by the Planning Authority. Once approved, those drainage arrangements should be fully implemented and operating in time to support the ongoing operation of those new pieces of roads infrastructure. For the avoidance of doubt any roads-only drainage and SUDS arrangements need to be located within what will be defined as the new adoptable public road boundary and be easily accessible from the local public road for their ongoing inspection and maintenance. The designs shall also adhere with the requirements of the CIRIA SUDS Manual, SUDS for Roads and the latest version of Sewers for Scotland.

Reason: To ensure surface water drainage measures comply with applicable standards.

6. Prior to the development becoming operational the applicant shall submit, for the written approval of the planning authority, a Noise Impact Assessment carried out by a suitably qualified and competent person in accordance with BS 4142:2014+A1:2019 Methods for Rating and Assessing Industrial and



Commercial Sound. The assessment shall demonstrate that operational noise, including associated vessel noise, arising from this development will not have an adverse impact on existing noise sensitive properties when considered cumulatively with existing noise sources. Details of the proposed monitoring methodology and assessment locations must be agreed beforehand with the Council's Environmental Health Officer.

Thereafter the development shall progress in accordance with the approved Noise Impact Assessment and all approved mitigation measures shall be in place prior to the first occupation/use of the development, or as otherwise may be agreed in writing by the Planning Authority.

**Reason:** To ensure noise during the operational phase of the development is effectively mitigated.

7. Prior to the development becoming operational the applicant shall submit, for the written approval of the planning authority, an operational noise management plan which sets out the proposals to reduce the impact of noise arising from this development including associated vessel noise. Thereafter the development shall progress in accordance with the approved Noise management Plan.

**Reason:** To ensure noise during the operational phase of the development is effectively mitigated.

8. Prior to the development commencing, the applicant shall submit, for the approval of the Planning Authority a construction noise management plan which includes but is not limited to: -details of mitigation measures, proposals for noise monitoring and complaints procedures. Thereafter the development shall progress in accordance with the approved Construction Noise Management Plan.

**Reason:** To ensure noise during the construction phase of the development is effectively mitigated.

9. Construction hours of working shall be limited to:

- Monday to Friday 08:00-18:00.
- Saturday 08:00- 13:00.
- No Sunday, bank holiday or night working.

This includes deliveries by construction traffic.

**Reason:** To minimise adverse impact on nearby receptors

10. Within 6 months of the new facility beginning to operate, an Operational Travel Plan for the new facility be submitted to and accepted by the Planning Authority. The Travel Plan shall set out:

- the structure of responsibility for the ongoing implementation of the Travel Plan

- what Objectives and Targets will be set and how they will be measured
- how the Plan will be monitored and reported, which The Council will need at least 5-full years of annual reporting
- a commitment to working in partnership with other developments (existing and new) in the area as they produce and implement their own Travel Planning measures
- how the Plan will be reviewed and updated as necessary through that monitored period
- what the fallback measures / investments will be that the Operator will be required to make if the Plan fails to deliver meaningful alternatives to single-occupancy private car trips or fails to avoid parking overspills onto the local public roads in that area
- what the triggers and timings will be for the Operator to progress with those fallback measures, if required.

**Reason:** To improve and facilitate active travel operations for staff

11. Proposals for EV car charging facilities, including enabling infrastructure for future conversion to EV charging spaces, be submitted to and accepted by the Planning Authority within 6 months of the date of this consent and then subsequently fully implemented and operating prior to the cable factory becoming operational.

Reason: To facilitate use of electric vehicles

12. Within 6 months of the date of this permission the location and design of cycle parking facilities be submitted to and approved by the Planning Authority. Such facilities should accommodate at least 16No. bikes and be designed in accordance with the requirements of Chapter 6 from the Roads and Transport Guidelines for New Developments and the parking requirements from the national document "Cycling by Design". The cycle parking shall thereafter be subsequently fully implemented and operating prior to the development becoming operational.

Reason: To facilitate active travel

13. Prior to any works commencing on the construction of the Conveyor Connection Through to the Port of Nigg, the designs, construction methods and ongoing ownership, inspection and maintenance regimes for the structure that will accommodate the proposed cable conveyor connection below the existing B9175 between the development site and the Port of Nigg shall be submitted to and approved by the Planning Authority. Construction shall thereafter progress in accordance with the approved details with the structure maintained in accordance with the approved details for the lifetime of the development.

Reason: To ensure full details for the construction and maintenance of the new structure are clarified prior to its construction.

14. No development shall commence until the final drainage design is submitted to and approved in writing by the Planning Authority. Such details shall include an exceedance routing exercise to demonstrate that such events can be managed without flooding to any of the buildings. The approved drainage shall thereafter be installed in full prior to the development becoming operational.

Reason: To ensure flood risk is mitigated.

15. An osprey Species Protection Plan (SPP), to be agreed by Highland Council and NatureScot, shall be submitted to and approved in writing by the Planning Authority should osprey move into suitable nesting habitat in advance of construction works. Pre-construction surveys (if works begin after the start of the osprey breeding season) shall therefore be submitted combined with appropriate non-disturbance buffer zones.

Reason: To allow ospreys to breed successfully, contributing to the SPA population, should they choose to breed close to the cable factory.

16. Prior to the first operation of the development hereby approved the landscaping and biodiversity measures detailed on approved plan ref: FIGURE 7-5 - LANDSCAPE MITIGATION PLAN .REV D shall be implemented in full

Reason: In the interests of biodiversity net gain

## **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.

## **REASONED CONCLUSION**

The Council is in agreement with the findings of the Environmental Impact Assessment Report that the Erection of a High Voltage Cable Manufacturing Plant is unlikely to give rise to any new or other significant adverse impact on the environment. The Council is satisfied that all environmental effects of this development can be addressed by way of mitigation. The Council has incorporated the requirement for a schedule of mitigation within the conditions of this permission. Monitoring of operational compliance has been secured through Conditions 1 of this permission.

## **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.

## **INFORMATIVES**

### **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.

### **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.

### **Septic Tanks and Soakaways**

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

## **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as 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.

## **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](mailto: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>

Signature:

Designation: Area Planning Manager North

Author: Gillian Pearson

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

Relevant Plans: Included with Committee Papers