#### THE HIGHLAND COUNCIL

# **SOUTH PLANNING APPLICATIONS COMMITTEE** 30 September 2014

Agenda Item	7.6
Report No	PLS/073/14

14/00071/FUL: Scottish Hydro Electric Transmission Plc Land 50M North of Bochruben Farm, Torness, Inverness

**Report by Area Planning Manager - South** 

#### SUMMARY

**Description:** Construction of 275/132kV substation incorporating outdoor electrical

switchgear and transformers, control/welfare building, access road from

B862 and associated drainage, earthworks and landscaping.

**Recommendation - GRANT** 

Ward: 13 - Aird and Loch Ness

**Development category:** Major

**Pre-determination hearing :** N/A

Reason referred to Committee: Major application; Community Council objection.

#### 1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to erect a new 275/132 kV substation adjacent to Bochruben Farm near Torness. The substation is required to connect the wind farms at Dunmaglass and Corriegarth to the National Grid and distribute the electricity generated by the turbines. The substation is one part of a wider series of works that are required to make the grid connection. These other works include:
  - Construction of approximately 8km of new 132kV double wood pole trident lines.
  - An underground cable connection to the substation.
  - Construction of two new support towers at the termination of the wooden poles and at the proposed substation.
  - Upgrading and extension of existing tracks and the construction of new tracks to facilitate the connection works.
  - Three temporary construction laydown areas.
  - Temporary site compound.
  - Upgrades to the local road network.

The other works are outwith the scope of the present application and are either permitted development under Part 13, Class 40 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 or are the subject of separate applications under Section 37 of the Electricity Act 1989.

- 1.2 The site extends to 31.77 ha of which 2.2ha is the substation. The remainder covers the access road, proposed bunding and tree planting. The substation will contain a control building of approximately 270 square metres together with the standard apparatus, notably two 120 MVA transformers. The applicant has advised that the maximum height of equipment and plant within the substation would be no greater than 12.5 metres. The site would be surrounded by a 2.4 metre high security fence of palisade construction and a deer fence around the whole site to ensure that the proposed new screen planting is protected. A permanent access road, approximately 330 metres long, will be required to link the site to the B862 public road. The submission, as noted above, also includes proposals for significant bunding, both to ameliorate noise impacts and to act as screening. The bunding is proposed alongside the access road and around the northern and eastern boundaries of the substation site itself. New tree planting is also identified on the bunds and alongside a water course located within the site.
- 1.3 A formal Proposal of Application Notice (13/00561/PAN) was submitted in February 2013. A report was submitted with the present application outlining the consultation undertaken with the community and stakeholders. Meetings were held with Stratherrick and Foyers Community Council and the wider community, including meetings at Stratherick Public Hall. These meetings covered the proposal itself and the site selection process. The events were advertised in the local press. It is considered that the consultation process was acceptable.
- 1.4 A number of supporting documents were submitted with the application, notably an Environmental Appraisal. The Scottish Government had previously confirmed that there was no requirement for a formal Environment Impact Assessment for the overall project. Separate submissions were made in relation to Noise Assessment, a Transport Assessment, Flood Risk Assessment, Drainage Statement and a Revised Peat Plan.
- 1.5 Variations were made to the landscaping scheme during the processing of the scheme to comply with the requirements of the Forestry Officer.

#### 2. SITE DESCRIPTION

2.1 The substation site comprises an area of undulating moorland to the north and west of the B862 close to the small community at Torness. There is a substantial rocky promontory between the site and the public road. A small burn runs through part of the site close to the route of the access road. There is a dip in the land and a fall to the north east. The site is overlooked by steep hills to the west. The nearest houses are at Bochruben, approximately 300 metres to the south east.

#### 3. PLANNING HISTORY

3.1 There is no relevant planning history with the exception of the Proposal of Application Notice referred to above.

#### 4. PUBLIC PARTICIPATION

4.1 Advertised : Not applicable

Representation deadline: 23.02.2014 and 01.09.2014

Timeous representations: 7
Late representations: 1

- 4.2 Material considerations raised are summarised as follows:
  - Size/industrial design unsuitable to a quiet rural environment.
  - Lack of screening.
  - Need for additional tree planting.
  - Potential for significant noise impact (a number of representations referred to the issues being experienced at the Beauly substation).
  - Impact on tourism of such an industrial development.
  - Impact on private water supplies.
  - Need to exclude construction traffic from the "corkscrew" road.
  - Junction of the access road with the public road needs to be re-designed.
  - Local people suggested alternative site that SSE are not willing to investigate.
  - Lack of wider thinking in relation to potential future requirements for grid connections if further windfarms approved.
  - Concerns over noise impact. Suggest acoustic enclosures for transformers.
     Increased height of bund not sufficient.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>. Access to computers can be made available via Planning and Development Service offices.

#### 5. CONSULTATIONS

- 5.1 **Transport Planning**: No objection subject to appropriate mitigation and conditions.
- 5.2 **Environmental Health**: No objection subject to appropriate noise conditions.
- 5.3 **Forestry Officer**: No objection.
- 5.4 **Historic Environment Team**: No objection subject to ARC 1 condition.
- 5.5 **Access Officer:** No objection subject to submission of a Public Access Plan.
- 5.6 **Flood Team :** No objection subject to further information on greenfield runoff rate.
- 5.7 **Strathdearn & Foyers Community Council: Object** on the grounds of risk to the water supply, insufficient woodland planting/screening, poor layout of the junction (access road) and a question mark over the integrity of the Corkscrew road strength.

Request that planning conditions be set for:

- the house(s) be connected to the mains water supply all costs of doing so at SSE expense, on resilience, environmental and health grounds;
- the environmental health officer's recommendation regarding installation of noise abatement screening to the transformers be set as a condition of consent;
- a significantly larger area of Native Woodland planting;
- the junction design on to the public road network be redesigned with TECS, on safety grounds; and
- construction traffic use of the "corkscrew" (U1004 Torness Inverfarigaig) road be specifically excluded from any consent, on the grounds of insufficient foundations to the road structure.
- 5.8 **SEPA**: No objection subject to appropriate conditions.
- 5.9 **Scottish Natural Heritage :** No comment.

#### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

# 6.1 Highland Wide Local Development Plan 2012

Policy 28	Sustainable Design
Policy 29	Design Quality and Place-Making
Policy 30	Physical Constraints
Policy 57	Natural, Built and Cultural heritage
Policy 61	Landscape
Policy 66	Surface Water drainage
Policy 69	Electricity Transmission Infrastructure
Policy 72	Pollution
Policy 77	Public Access

#### 6.2 Inverness Local Plan

Not applicable

# 7. OTHER MATERIAL CONSIDERATIONS

# 7.1 Proposed Inner Moray Firth Local Development Plan

Not applicable.

# 7.2 Highland Council Supplementary Planning Policy Guidance

Not applicable

# 7.3 Scottish Government Planning Policy and Guidance

Scottish Planning Policy - Delivering Heat and Electricity
National Planning Framework 3

#### 8. PLANNING APPRAISAL

- 8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 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. The determining issues are:
  - do the proposals accord with the development plan?
  - if they do accord, are there any compelling reasons for not approving them?
  - if they do not accord, are there any compelling reasons for approving them?
- 8.3 In order to address the determining issues, the Committee must consider:
  - compliance with the development plan and other planning policy;
  - construction impacts and pollution control, including noise impacts;
  - the effect on flooding and drainage;
  - the effect on the transport network;
  - the impact on the natural, built and cultural heritage;
  - landscape and visual impact;
  - impact on local residents;
  - impact on peat; and
  - any other material considerations.

# 8.3 **Development Plan Policy Assessment**

The Scottish Government's National Planning Framework 3 and Scottish Planning Policy make clear the Government's commitment to a low carbon economy, including further diversification of supplies, particularly through increasing the output from renewables. NPF 3 is clear that planning must facilitate this transition. Scottish Planning Policy highlights the need for Planning Authorities to support the development of a diverse range of electricity generation from renewable energy technologies. The present proposal is part of the necessary infrastructure to enable the Dunmaglass and Corriegarth Windfarms to connect to the National Grid and in principle, therefore, would be consistent with National Planning Framework 3 and Scottish Planning Policy.

- 8.4 The local policy context for assessing the proposal involves the adopted Highland-wide Local Development Plan (HWLDP). Policy 28 supports developments that promote and enhance the social, economic and environmental wellbeing of the people of Highland. The policy covers a wide range of criteria against which applications are judged but there is no weighting given to them and it is a matter for officers and Members to assess compatibility with the policy. The criteria cover a range of issues, including impact on services, the environment, residential amenity, landscape and scenery. Policy 69 states that the Council will support proposals for overground, underground or sub-sea electricity transmission infrastructure (including lines and cables, pylons/poles and vaults, transformers, switches and other plant) which are assessed as not having an unacceptable significant impact on the environment, including natural, built and cultural heritage features.
- 8.5 Providing that the impacts of this phase of development are not considered to have a significantly detrimental impact on amenity, species and habitats, the transport network, potential noise impacts, drainage and flooding, the historic environment and natural resources and thereby demonstrate sensitive siting, the proposals would comply with the Development Plan.

# 8.6 Transport Planning

The applicant has submitted a Transport Assessment in support of the proposal, which covers the substation and the wider proposals in relation to the overhead line upgrade. This assesses the potential impact of the development on the proposed access route. The access route to the new substation site commences at the A9(T) road at the junction with the B851 to the south of Daviot. The B851 and B862 then form the remainder of the route past Scatraig, Tombreck, Dalvourn, Farr, Brinmore, East Croachy, Dunmaglass Estate, Calanour Junction and Abersky, to the point of access near Torness. The report acknowledges that the B851 is the current route for various construction projects, however it notes that the level of improvements that have been made to the route have significantly improved the standard making it suitable for use as a temporary construction route for the substation.

8.7 The report identifies the traffic movements required during the substation earthworks, the civil engineering works and the electrical installation. The greatest average number of two-way vehicle movements on any one day occurs during the Earthworks and Road Installation phase which is estimated at this stage to be 29 additional vehicles per day, which equates to 15% of the average annual daily traffic flow on the B851 between the River Nairn crossing and East Croachy. The report concludes that this level of development traffic suggests a frequency of no more than one vehicle in 15 minutes during the working day so the impact of delivery vehicles on the capacity of the local road network is not envisaged to be significant. There will also be staff car movements of up to 40 two-way car trips per day. During the construction process it is anticipated that there would only be two abnormal load deliveries – the Super Grid Transformers. Each load is likely to be approximately 130 tonnes and will follow the standard access route.

- 8.8 The report also considers potential mitigation due to the increase in HGV traffic above the normal. The consultants carried out a site walkover and swept path analysis. The latter was carried out using a vessel bed trailer arrangement of the type likely to be used for the transportation of the transformers. The mitigation measures include:
  - Removing Dunmaglass Bridge from the abnormal load route and use of an alternative route constructed as part of the Dunmaglass Windfarm proposal.
  - Traffic management at specific pinch points.
  - Widened waiting areas.
  - Road widening, new passing places and corner improvements.
  - Reconfiguration of the Calanour junction.

The report also advises that a Construction Management Plan should be agreed between the Council and the appointed contractor.

- 8.9 The Transport Assessment has been considered by the Transport Planning Section in conjunction with Community Services. The latter have discussed the issues involved with the applicant in relation to the Council's South Loch Ness Road Improvement Strategy. While the B851 and B862 have had localised improvements, there remain significant lengths of these routes which are substandard in their width, alignment and structural condition/integrity. The impact of this development's traffic must, therefore, be suitably mitigated. In accordance with the Strategy, Transport Planning and Community Services are clear on where the main mitigation works to the road network should be carried out. These are:
  - B851 Daviot to Calanour Junction twin tracking along this section with initial focus on Dunmaglass Bridge to Calanour Junction.
  - B851/B862 Calanour Junction SSE will either provide a financial contribution to the Council, appropriate to deliver the works required to make this junction safe in respect of their impact, or SSE will carry out the full works with the Council making a financial contribution to SSE for the elements not attributable to the developments' impact i.e. B862 leg towards Errogie.
  - B862 Calanour Junction to Sub-Station access localised passing places provision, curve widenings to provide twin track width round bends, and localised lengths of strip widening. There will be a particular requirement for twin track provision through the wooded section before the Abersky junction, cattle grid and other localised deficiencies/pinch points.
  - Sub-Station access combined junction/bend layout to be agreed that safely caters for existing/future/development traffic. This will require works to the B862 bend, Sub-station access and 'Corkscrew Road' junction at this location.
  - The impact of 'white van' traffic and how this will be managed/mitigated also needs to be agreed. This is expected to include passing place improvements alongside Loch Ceo Clais /provision and traffic calming in Dores.

In addition, appropriate Bridge Assessment work will be required on all associated public road structures.

8.10 The specific locations and final designs for these improvements have still to be agreed. On other large developments, for example, Stronelairg windfarm, the principles have been agreed at the grant of planning permission with the details covered by a separate condition. This would also be in line with the mitigation agreed for other aspects of the development and the recommendation in the Transport Assessment in relation to a Construction Management Plan. In this respect Members will note the recommendation in respect of condition 1 which requires "An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by other Services and agencies and relevant planning conditions attached to this permission)". Specific roads conditions are also recommended. On the basis of the Transport Assessment and discussions with Transport Planning and Community Services it is considered that the mitigation proposals put forward by the applicant are reasonable and commensurate with the impact on the road network, which will be of a temporary nature over approximately 18 months.

# 8.11 <u>Noise</u>

The applicants submitted a revised Noise Assessment in July 2014 following comments from the Environmental Health Service, which updated the assessment in the Environmental Assessment. The assessment covers both daytime and night time noise levels and presents an assessment in accordance with PAN1/2011 (Planning and Noise) for both time periods. The main operational noise source within the substation will be from two 120 MVA transformers, each with a manufacturer's specified Sound Power Level (SPL) of 85dBA and a predicted operational Sound Power Level of 89dBA. The assessment included taking readings at the Berryburn substation, which is located between Grantown on Spey and Forres, in order to obtain accurate levels for the main operational noise source. The assessment notes that the noise environment was dominated by a continuous whirl from the transformer fans, combined with a continuous, low frequency hum from the transformer itself.

8.12 The assessment identifies three Noise Sensitive Receptors within 422, 593 and 872 metres of the proposed substation. Both day and night time ambient and background noise measurements were taken on 3<sup>rd</sup> and 4<sup>th</sup> April 2013 at these locations. The assessment confirmed that the "level of significance" for these properties was "neutral" during the day but "moderate" and "large" at night. The assessment then considered the potential to mitigate the noise impact. This concluded that the proposed original bunding would reduce two of the sites to "neutral" and one to "slight". However, to ensure that all of the Noise Sensitive Receptors achieve a neutral level of impact, the bunds would need to be raised from 7.5 metres to 9 metres.

8.13 In their original response, Environmental Health had concerns over operational noise and recommended further discussions over the possibility of providing total acoustic enclosures around the transformer units. Further discussions have taken place with the applicant and additional information has been submitted. On the basis of these discussions and the further submission. Environmental Health are satisfied with the proposal. However, Members will be aware that noise has been a major issue at Balblair substation with SSE having to spend considerable sums to deal with the matter. This is understood to be caused by noise at 100Hz. In order to avoid the same issue at Torness, Environmental Health are advising that a condition is attached to ensure that in the 100Hz one third octave frequency band noise must not exceed 27dB at the noise sensitive locations. This would essentially mean that any noise would be inaudible at these locations. Other conditions are recommended to ensure that noise does not exceed existing background noise levels at the noise sensitive locations and to ensure that if other equipment is installed within the site after it becomes operational, a noise assessment is carried out to ensure that it complies with the recommended conditions. On the basis of these conditions it is considered that any potential noise impact can be controlled. Environmental Health suggest, nevertheless, that the applicant considers additional acoustic screening around the transformers, which would significantly improve noise mitigation. However, this is not suggested as a condition as it is unlikely to meet the test of reasonableness on the basis that the Noise Assessment and advice from Environmental Health concludes that the proposed mitigation will be sufficient. The suggested conditions in relation to acceptable noise levels and monitoring will ensure that, if necessary, further mitigation measures will be implemented.

#### 8.14 Other Potential Pollution Risks

There is the potential for other forms of pollution from the development, including oil pollution. SEPA has a suite of controls that they recommend for such sites and it is recommended that these are incorporated as a condition.

# 8.15 Hydrology

The Environmental Assessment included an evaluation of the impact of the proposal on the local hydrology. This examined surface water, groundwater, groundwater dependent ecosystems and soils. The Environmental Assessment concluded that whilst potential exists for impacts to arise, none are anticipated to be significant as long as the appropriate mitigation measures are put in place. In addition both a Drainage Strategy (which supersedes the original submission) and a Flood Risk Assessment have been submitted, which have been assessed by SEPA and the Flood Team. The FRA concluded that there was potential vulnerability to fluvial, pluvial and groundwater flooding but that design measures could be adopted such that the site is at little or no to low risk from flooding from all sources. The design measures can be incorporated into a condition. The Drainage Assessment examined pre- and post-development surface water and foul flows, treatment and attenuation, watercourse realignment and potential impact of overland flows. The Assessment concluded that the surface water runoff from the site will not result in flooding of the site or increase flooding elsewhere and that the surface water runoff from the site can be attenuated to equivalent greenfield runoff rates. The Assessment contains recommendations to achieve these results which,

again, can be incorporated into a condition.

8.16 SEPA and the Flood Team are satisfied that, subject to appropriate conditions, the impact on the hydrology will not be significant and that appropriate mitigation can be put in place. Representations have been made in relation to the potential impact on private water supplies. The Environmental Assessment notes that private water supplies have been identified that may be affected by the overall scheme for the area (including pylons and new lines) but notes that these are potentially affected by the pylons/lines that are not part of the present application. SSE have, however, committed to carrying out a full risk assessment of the cable route to ensure that appropriate mitigation is put in place.

#### 8.17 Natural Environment

The Environmental Assessment concluded that there would be no impact on national/internationally important habitats. Similarly, the report concluded that it is extremely unlikely that the works will have a negative impact on bird species. In relation to the substation the likely impacts relate to habitat loss and displacement, although these are likely to be negligible. The EA puts forward several mitigation measures, which can be incorporated into a condition. Members will note that Scottish Natural Heritage was consulted on the proposal but advised that they had no comment to make.

# 8.18 Built and Cultural Heritage

The Environmental Assessment concluded that there would be a negligible affect on archaeological remains and built heritage. The Assessment does, however, highlight potential impacts from the other aspects of the overall scheme and puts forward a scheme of mitigation that would include the present site. The Historic Environment Team is broadly in agreement with the Assessment and recommends a planning condition to ensure that the mitigation is implemented.

#### 8.19 Peat Slide Risks

The Environmental Assessment included a peat landslide Risk Assessment. Its purpose was to identify the potential landslide risk and identify any required mitigation measures. The assessment concluded that there is a significant risk of peat slide but at a level acceptable for development assuming adequate mitigation measures. The report outlines a series of mitigation measures, including installation of appropriate drainage, monitoring of ground water levels and contingency measures incorporated into the Construction Environmental Management Plan (CEMP). The report was considered by SEPA who required further information. A revised Peat Management Plan was submitted highlighting further peat probing results and information on the use of peat on the proposed landscaping bunds. On the basis of the revised Peat Management Plan and insertion of the peat information into the finalised CEMP, SEPA has withdrawn its objection to the proposal.

# 8.20 Landscape Impact

The site is located within the "Farmed and Wooded Foothills" zone as identified in the Inverness Landscape Character Assessment published by Scottish Natural Heritage. The Assessment provides very general guidance on new development, advising for this zone that elements in the landscape should be grouped to form a focus point. The Environmental Assessment contains a more detailed evaluation of the impact of the overall proposal on the landscape characteristics of the area. This concluded that there would be a direct effect on the landscape in this Landscape Character Zone (defined as "undulating Plateau" in the report). In relation to the substation it identified potential impact from the upgrading of the public road, construction works and creation of the temporary construction compound. However, the effect would not be significant and mitigation through bunding and tree planting and the existing rock outcrop would reduce the impact of the completed substation. Whilst there will, therefore, be an impact on the landscape character, this will be localised, temporary in relation to construction works and can be partly mitigated.

# 8.21 <u>Visual Impact</u>

Any proposal to insert a large industrial type development into an area of relatively open countryside will undoubtedly have a visual impact. This issue was considered as part of the Environmental Assessment, which identified that there would be visual impact on several "receptors", notably a section of the B862, particularly around Loch Ceo Glais and several houses, especially Fank Cottage, Dunchea, Torness House and Bochruben Farm. This would be in the short term during construction, and in the long term, once the substation is operational. The Assessment concluded that there would be some localised short term significant effects on the above receptors but noted that the site will provide a degree of backclothing from the Bheinn a' Bhathaich ridge to the west and from a smaller ridge immediately south and east of the site. The proposed bunding and tree planting will also mitigate potential effects. It is clear from the Assessment that the overall visual impact on the wider local area will not be significant but that certain receptors will be affected in the long term with existing views of the open countryside being irrevocably lost. This impact must be weighed alongside other factors, such as the need for the development, economic issues and the overall local and national support for transition to a low carbon economy. Whilst regrettable for those involved, it is considered that the latter outweigh the localised visual impact.

#### 8.22 Residential Amenity

The settlement pattern at Torness is one of a scattering of houses with a more built up area at Torness itself. The nearest property is Bochruben Farm, which is approximately 300 metres from the substation itself. Other properties are up to 1.5 km away. The major impacts on residential amenity will be noise, visual impact and disruption from the construction operations. The latter will be temporary, as in any other development project, and the others have been dealt with above. Overall it is considered that the impact on residential amenity is acceptable.

# 8.23 Landscaping

A landscaping plan has been submitted as part of the application. This includes new bunding and tree planting, designed to screen the development and improve the landscape setting. The plans have been carefully considered by the Council's Principal Officer (Land) who is satisfied with the proposals, including the type and number of trees to be planted.

#### 8.24 Public Access

The proposal includes the erection of a deer fence around the whole site, with an inner security fence around the actual substation. The deer fence is required to protect the new tree planting from deer and other animals. The Forestry Officer confirms that this is standard practice and would be temporary until the trees become established. Whilst there will an impact on visual amenity, it will be temporary and such fences are not uncommon in rural Highland. The Access Officer is concerned that the extent of the fencing will restrict public access to the surrounding hills. His advice is that a Public Access Plan is submitted outlining how public access will be maintained during construction and after the erection of the deer fence. In this respect a condition is recommended that a Public Access Plan is submitted within four months of the grant of planning permission.

#### 8.25 Material Considerations

Representations have been submitted on a number of matters, several of which have been dealt with above. Concerns have been expressed over the size of the development. However, to a large extent this is a given as the substation must be sized to deal with the electricity being produced by the windfarms. Impact on tourism has also been raised. It seems unlikely, however, that there will be a significant impact on tourist numbers due to the construction of the substation that will only be seen from a short section of the public road. Local people have suggested an alternative site to the applicants. However, this is a matter for them. The Planning Authority can only deal with the application before it. The applicant has not identified the "corkscrew" road as a route for construction traffic and given its condition, it is most unlikely to be used. However, a condition prohibiting its use would be appropriate.

#### 8.27 Other Considerations – not material

Not applicable.

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

Not applicable.

#### 9. CONCLUSION

9.1 National and local planning policy supports the transition to a low carbon economy in Scotland. Renewable energy is a significant part of that process. Connecting the windfarms and other forms of renewable energy to the National Grid requires significant investment in new and improved infrastructure. Substations are a vital component of that infrastructure. There is no doubt that a new substation is required and must be located to connect to both the windfarms and the National Grid. The applicant evaluated some 13 sites in the general area, concluding that the present site is the most appropriate in relation to their needs and the environment.

The proposal will have an impact on the environment but the Environmental Assessment confirms that this will not be significant and part of it will be short term during construction works. Mitigation has been put forward through the Environmental Assessment and this can be dealt with through conditions. There are no objections from consultees and there will be positive aspects including new investment in the electricity infrastructure, construction employment and improvements to the local road network.

There will be an impact on a small number of local residents. Their views and outlook will be altered for the foreseeable future and there will be short term disruption during construction. This loss must be balanced against the need for the substation and the wider benefits of the project. On balance, these outweigh the impact on local residential amenity.

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. RECOMMENDATION

#### Action required before decision issued N

**Subject to the above,** it is recommended the application be **Granted** subject to the following conditions and reasons / notes to applicant:

- 1. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010) (as amended, revoked or re-enacted; with or without modification), has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA, SNH and Community Services). The CEMD shall be submitted at least two months prior to the intended start date on site and shall include the following:
  - (1) An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by other Services and agencies and relevant planning conditions attached to this permission);

- (2) Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans;
- (3) Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
- a. Habitat and Species Protection;
- Pollution Prevention and Control;
- c. Environmental Incidents:
- d. Fuel Transport and Storage;
- e. Concrete production/use;
- f. Dust Management;
- g. Construction Noise Management Plan;
- h. Site Waste Management;
- Surface and Ground Water Management;
  - Drainage and sediment management measures from all construction areas including access track improvements; and
  - Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
- j. Water Course Management, including crossings;
- k. Peat Stability, Slide Risk and Management (for the avoidance of doubt the site specific drawings and tables contained within the Peat Management Plan and referred to by SEPA in their letter dated 12 June 2014 shall be incorporated into the CEMP);
- I. Public and Private Water Supply Protection Measures; and
- m. Emergency Response Plans;
- (4) Post-construction restoration and reinstatement of temporary working areas, compounds and borrow pits;
- (5) Details for the appointment, at the developer's expense, of a suitably qualified Environmental Clerk of Works (ECoW), including roles and responsibilities and any specific accountabilities required by conditions attached to this permission;
- (6) A statement of responsibility to 'stop the job/activity' if a breach or potential breach of mitigation or legislation occurs; and
- (7). Methods for monitoring, auditing, reporting and the communication of environmental management on site and with client, Planning Authority and other relevant parties.

Thereafter, development shall be carried out in accordance with the approved Schedule of Mitigation, Construction Environmental Management Document and any Construction Environmental Management Plans approved thereunder.

**Reason**: To ensure that the construction of the substation is carried out appropriately and does not have an adverse effect on the environment.

- 2. No development shall commence until a Traffic Management Plan (TMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s). The TMP must include:
  - i. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised SQ traffic management consultant;
  - ii. The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction-related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of the Roads Authority, including;
  - a. A route assessment report for abnormal loads, including swept path analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
  - b. An assessment of the capacity of existing bridges and other structures along the construction access route(s) to cater for all construction traffic, with upgrades and mitigation measures proposed as necessary;
  - c. A videoed trial run to confirm the ability of the local road network to cater for transformer delivery. Three weeks notice of this trial run must be made to the local Roads Authority who must be in attendance;
  - iii. Drainage and wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road; and
  - iv. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the public road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority. For the avoidance of doubt a Road Bond will be required as part of the Section 96 Agreement.

Thereafter, the TMP shall be implemented as agreed.

**Reason**: To protect road safety and the amenity of other users of the public road and rights of way.

3. No work shall commence on the construction of the substation until the mitigation works agreed under condition 1 above have been completed.

**Reason:** In order to ensure that the road network is capable of accommodating construction and delivery vehicles.

4. All watercourse crossings shall be box culverts. These shall be designed and constructed as set out in the appendix to the letter from SEPA dated 10 July 2014.

**Reason**: In order to safeguard the water environment.

5. With the exception of the watercourse crossings referred to in Condition 4 above, all works must be a minimum of 10 metres from any watercourses.

**Reason**: In order to safeguard the water environment.

6. The recommendations set out in Section 5.2 of the Flood Risk Assessment by Waterman Transport and Development Ltd and dated May 2014 shall be implemented in full during the construction period and, where appropriate, shall be maintained thereafter.

**Reason**: In order to ensure that appropriate measures are in place to deal with potential flood risk.

7. The recommendations set out in the Drainage Strategy by Waterman Transport and Development Ltd and dated May 2014 shall be implemented in full during the construction period and, where appropriate, shall be maintained thereafter.

**Reason:** In order to ensure that appropriate measures are in place to deal with site drainage.

8. Before development commences the detailed calculations showing that run off rates from the development can be attenuated to greenfield runoff rates shall be submitted to and agreed by the Planning Authority.

**Reason:** In order to demonstrate that the drainage system can be relied upon as a flood mitigation measure.

- 9. The following measures shall be incorporated into the design, construction and ongoing operation of the substation.
  - An alarm will be fitted to each transformer to indicate any significant and/or rapid loss of oil.
  - A reinforced concrete bund designed to accommodate a minimum of 110% of oil in the transformer (bund will be designed to comply with SEPA's PPG2) will be provided.
  - The bund wall will be designed to include a small weir immediately above an
    external gully so that in the event of an oil contaminated water over topping
    the bund wall, it will be directed via the gully directly (on the surface and
    visible for all to see) into the Full Retention Separator.
  - The bund, weir, and all surfaces used to transport the oil to the interceptor will be impermeable to oil.
  - There should be two oil detection bund pumps located within each bund.
     Each of these pumps will be fitted with sensors that ensure that they do not pump oil if present.
  - Each of the oil detection bund pumps must also be fitted with an alarm.
     Should the pumps fail, the alarm should notify SSE immediately of the failure by telemetry.
  - The pump unit must be set to pump out only water and leave any hydrocarbons, including emulsified hydrocarbons, in the bunded area.

- An impermeable roadway with raised kerbs and ramps will be used to
  protect the delivery area during transfer of oil to the transformer. This area
  will act as a delivery storage area. The discharge from this area must also
  drain via an interceptor.
- Should spill occur during transfer, the oil should automatically shut off.
- The separator will be sized in line with manufacturer's guidelines to cope sufficiently with the flows produced by both pumps and that of the surface water originating from the loaded area.
- A swale or similar must be used to transfer the separators discharge to the water environment.

**Reason:** In order to safeguard the site and surrounding area from potential pollution risk.

All landscaping works shall be carried out in accordance with the scheme and plans approved as part of this permission. All planting, seeding or turfing as may be comprised in the approved scheme and plans shall be carried out in the first planting and seeding seasons following the commencement of the development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

**Reason:** In order to ensure that the approved landscaping works are properly undertaken on site.

11. At least one month prior to the commencement of development a Community Liaison Group shall be established by the developer in collaboration with the Highland Council and local Community Council. For the avoidance of doubt, this may be incorporated within the Dunmaglass Windfarm Community Liaison Group.

**Reason:** In order to ensure community participation in the consideration of the impacts of the proposal on local infrastructure and the environment.

12. The Construction Environmental Management Document shall include specific mitigation measures to reduce the potential impact of the development on bird species. The mitigation measures shall be based on those outlined in Chapter 7 of the Environmental Assessment.

**Reason:** In order to safeguard birds.

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

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

14. Within four months of the date of this permission a Public Access Plan shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter the Public Access Plan shall be implemented as agreed including any timescales set out in the Plan. For the avoidance of doubt this should show the existing public, non-motorised public access footpaths, bridleways and cycleways on the site, together with proposed public access provision, both during construction and after completion of the development (including links to existing path networks and to the surrounding area).

**Reason:** In order to allow the Council to uphold access rights under the Land Reform (Scotland) Act 2003.

15. Noise arising from within the operational land of the substation hereby permitted, when measured and/or calculated as Leq, 5min, in the 100Hz one third octave frequency band must not exceed 30 dB at the locations specified in Table 1.

Table 1 – Monitoring Locations\*

Monitoring Location	Grid Reference
Bochruben	X:257191
	Y:827345
Bochruben House	X:257701
	Y:827725
Torness	X257900
	Y827101
Dunchea	X:258742
	Y:827702

<sup>\*</sup>Monitoring locations taken from Table 4.1, Noise Impact Assessment Ver 2 July 2014 prepared by New Acoustics. Dunchea added.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

16. The Rating Level\*<sup>1</sup> of noise arising from the use of plant, machinery or equipment installed or operated within the operational land of the substation, hereby permitted, must not exceed the noise limits for day and night-time contained within table 1, when measured and/or calculated at the locations specified.

Table 1

Monitoring Location	Grid Reference	Day-time Limit <sup>12</sup> (07.00-23.00 hours) Noise Level, L <sub>A90, 1hr</sub>	Night-Time Limit*2 (23.00 – 0700hrs) Existing Background Noise Level, L <sub>A90, 5min</sub>			
Bochruben	X:257191 Y:827345	32	22			

Bochruben	X:257701	29	22
House	Y:827725		
Torness	X257900	32	23
	Y827101		
Dunchea	X:258742	TBC	TBC
	Y:827702		

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

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

17. Within a period of 6 weeks of the substation becoming operational, a noise assessment shall be carried out to verify compliance with conditions 13 and 14. A copy of this noise assessment shall be submitted to, and approved in writing by, the Planning Authority. If the noise assessment shows that the substation does not comply with conditions 14 and 15, a scheme of mitigation, including timescales for the implementation of the mitigation, shall be submitted to the Planning Authority within 8 weeks from the date of submission of the noise assessment. Thereafter the mitigation shall be implemented in accordance with the approved scheme and timescales.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

18. Prior to the addition of any plant, machinery or equipment within the operational land of the substation hereby permitted, which is likely to affect compliance with conditions 13 and 14, then a noise impact assessment with respect to the proposals shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the mitigation shall be implemented in accordance with the approved scheme and timescale.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

19. The normal working hours during the construction phase within the site shall be Monday – Friday between 0800hours and 1800hours and on Saturdays between 0800hours and 1300hours, with no work being carried out on Sundays or public holidays Any work requiring too be conducted outwith these times shall only commence with prior written approval of the Council.

In mitigating the effects of noise the applicant should follow the guidance outlined within BS5228: Part 1 1997 – Noise and Vibration Control on Construction and Open Sites.

<sup>&</sup>lt;sup>\*2</sup> The noise limits have been derived using the existing background noise levels detailed within "Table 6.1 Noise Impact Assessment Ver 2 July 2014 prepared by New Acoustics". The night-time limit incorporates a +5dB increase from the existing background levels. Information for Dunchea to be confirmed by Environmental Health.

**Reason:** In order to safeguard the amenity of neighbouring properties and occupants.

20. For the avoidance of doubt no construction traffic shall use the U1004 (Torness – Inverfarigaig) road.

**Reason:** The condition of the road is such that it is not capable of accommodating construction vehicles.

21. For the avoidance of doubt, the proposed landscape/screen bunds shall be a minimum height of 9 metres.

**Reason:** In the interests of reducing noise impact.

22. No development or work (including site clearance) shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, all in accordance with the attached specification, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

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

#### REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

#### **TIME LIMITS**

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

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

#### FOOTNOTE TO APPLICANT

# **Initiation and Completion Notices**

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

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

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

# **Accordance with Approved Plans & Conditions**

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

#### Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (p.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 & 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 dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS 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: <a href="http://www.highland.gov.uk/yourenvironment/roadsandtransport">http://www.highland.gov.uk/yourenvironment/roadsandtransport</a>

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

http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm

#### Mud & Debris on Road

Please note that it 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.

# **Major Development Site Notice**

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

**Building Regulations:** Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886606.

Signature: Allan J Todd

Designation: Area Planning Manager - South

Author: J. Harbison

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

Relevant Plans: Plan 1 – Location Plan

Plan 2 – Control Building Floor Plan

Plan 3 – Control Building Elevation Plan

Plan 4 – General Plan Plan 5 – Drainage Plan

Plan 6 – Sub Station Drainage Plan

Plan 7 Site Elevation Plan

Plan 8 – Sub Station Elevation Plan

Plan 9 - Sub Station General Plan

Plan 10 – Sub Station Access Layout Plan

Plan 11 – Site Layout Plan A1

Plan 12, 13, 14 – Landscaping Plans

# Appendix – Letters of Representation

Name	Address	Date Received	For/Against
N. MacKenzie	Garradh Beithe, Gorthleck, Inverness-shire IV2 6YP	10.02.2014 & 15.02.2014 & 02.09.2014	Against
Mrs Catherine Chattington	Dunchea House by Torness, Stratherrick,	11.02.2014 & 19.02.2014	Against
Ros Rowell	Edinuanagan Croft Torness	15.02.2014 & 11.02.2014	Against
Heather Macleod	The Old School, Errogie	17.02.2014 & 03.09.2014	Against
Tim Clifford	Bochruben Cottage Torness	17.02.2014 & 02.09.2014	Against
John Parrott	The Old School, Errogie	16.03.2014 & 03.09.2014	Against
Alan Hutchinson	Edinuanagan Croft, Torness	18.02.2014	Against
George Macrae & Barbara Reid	Torness House, Torness	18.02.2014	Against

This drawing should not be scaled. Dimensions to be verified on site. Any discrepancies should be referred to the Engineer prior to work being put in hand. This drawing is the property of Waterman Transport & Development Limited, and the drawing is issued on the condition that it is not copied reproduced, retained or disclosed to any unauthorised person, either wholly or in part without the consent in writing of Waterman Transport & Development Limited

Pickfords Wharf, Clink Street, London SE1 9DG t 020 7928 7888 f 020 7902 0992

Farigaig Substation, near Torness CONTROL BUILDING PLANS & ELEVATIONS



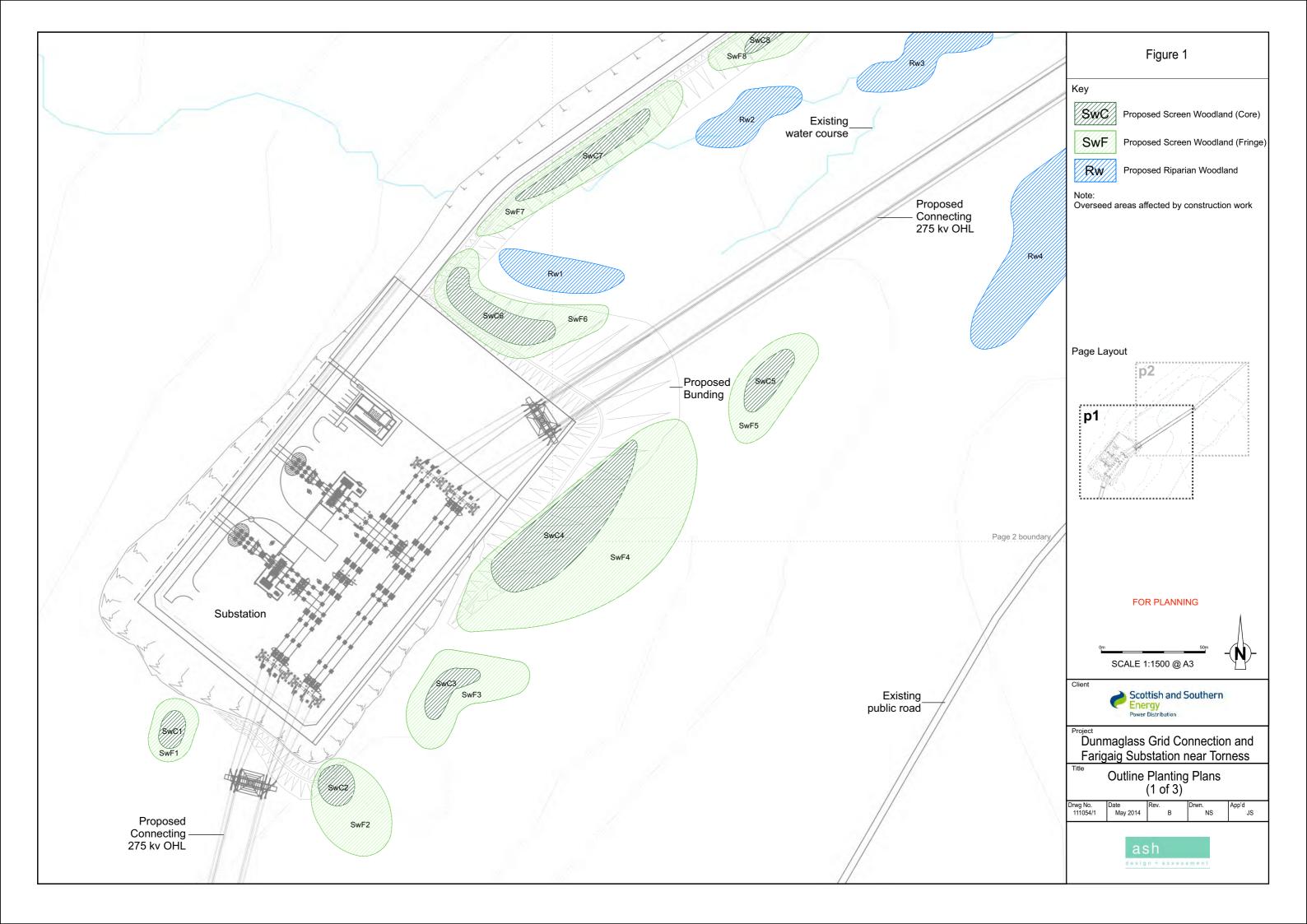
Broxden House Broxden Business Park Lamberkine Drive Perth PH1 1RA

APPROVAL

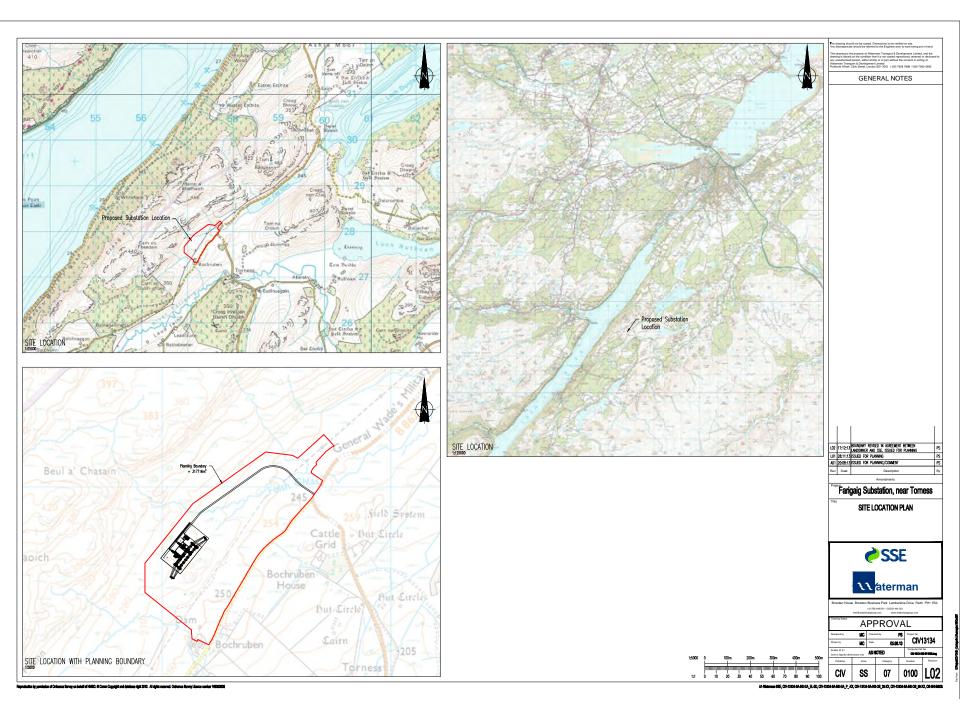
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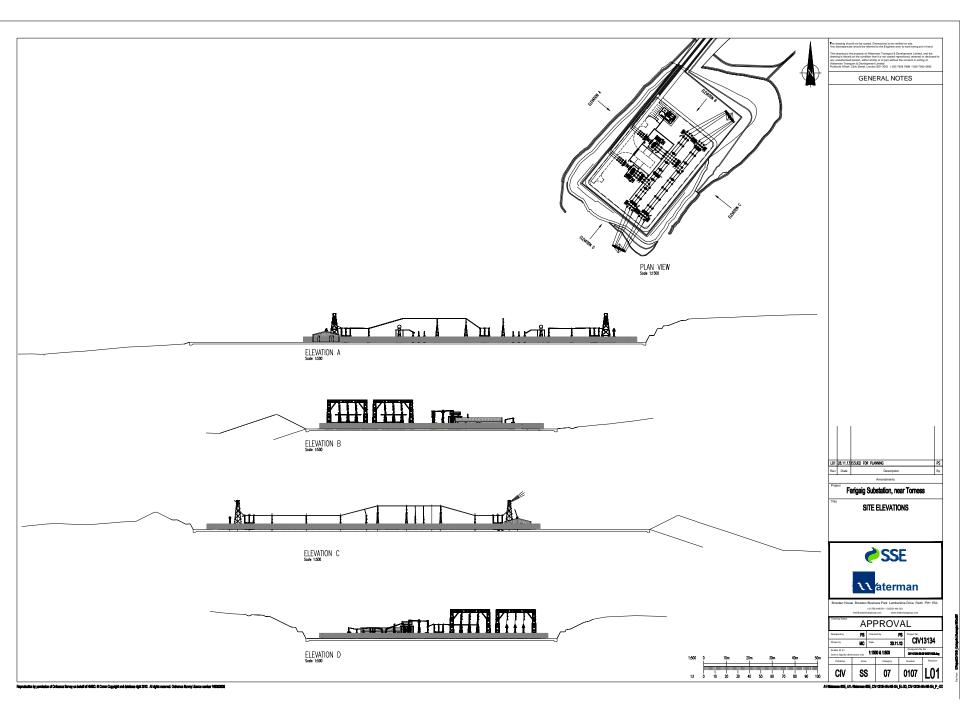


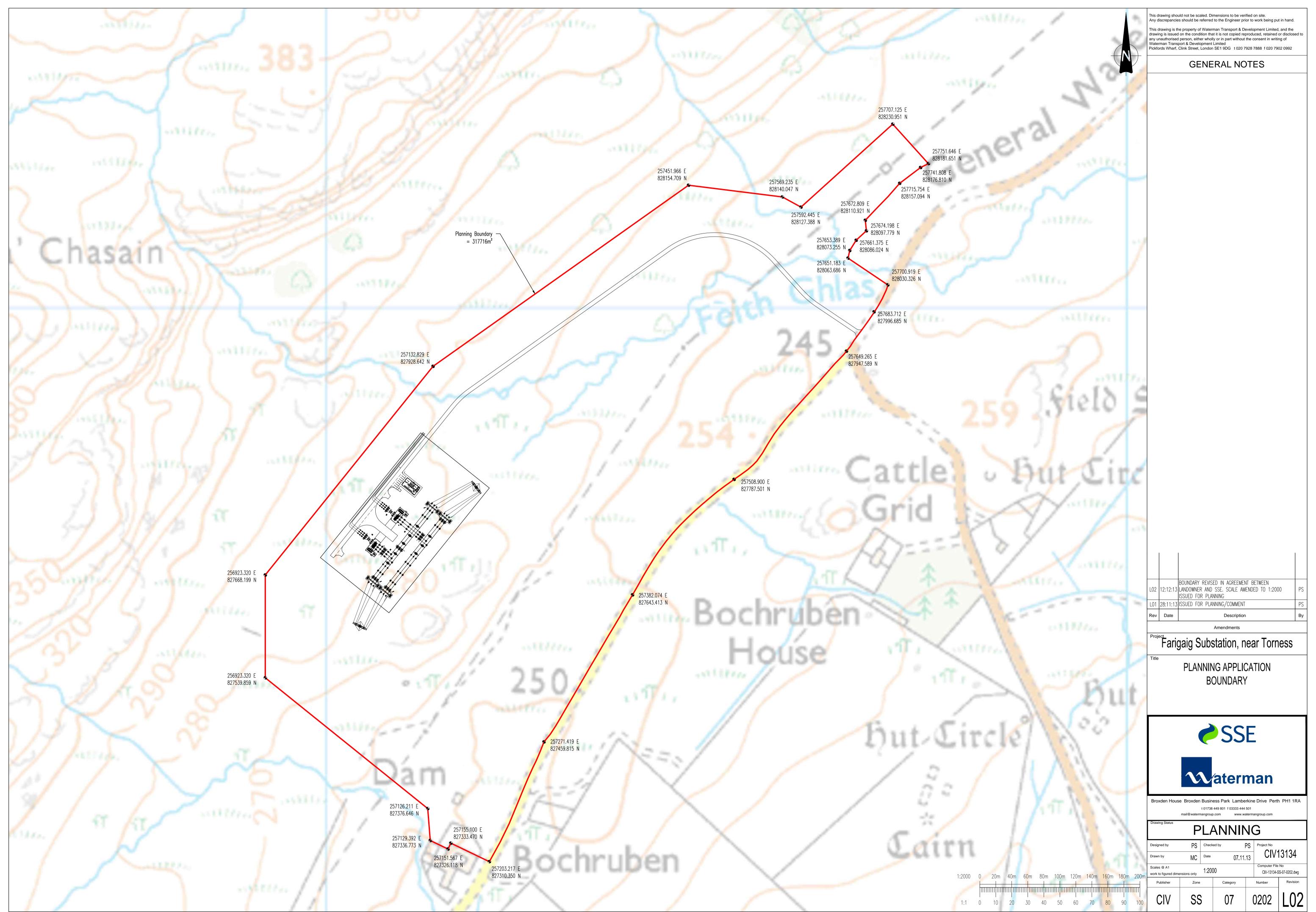
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