

Item: 3

Special General Meeting of the Council: 1 October 2019.

Erect 220/132kV Substation, Associated Infrastructure, Landscaping and Temporary Construction of Compound Areas at Stymilders/Heddle Hill (Land Near), Firth.

Report by Executive Director of Development and Infrastructure.

1. Summary

1.1.

The proposal is for the erection and operation of a 220/132kV substation, comprising a platform area, electrical infrastructure and buildings, associated plant, ancillary infrastructure, drainage, landscaping access road and temporary construction compound areas. The development site lies to the south west of Finstown near the properties Stymilders and Quarry House. A total of 11 objections have been received, from 10 individuals and one from Orkney Heritage Society.

1.2.

The report considers the development in relation to National Planning Framework 3 and Scottish Planning Policy, as well as the Orkney Local Development Plan 2017. Issues considered in the report include:

- Historic environment.
- Landscape and visual impact.
- Noise.
- Traffic.
- Tourism and recreation.
- Peat and carbon rich soils.
- Water environment.
- Visual amenity.
- Residential amenity.
- Natural environment, ecology and nature conservation.

1.3.

Consideration is balanced between the benefits and adverse effects. Sufficient supporting information has been submitted to enable a full assessment to be made of the likely effects of the development. This is assessed along with delivery of part of the High Voltage Energy Transmission Network Plan which is a 'National' development within the National Planning Framework 3 and is vital in meeting national targets for electricity generation, statutory climate change targets and security of energy supplies.

1.4.

In conclusion it is considered that the needs case for the development outweigh landscape and historic environment concerns. As such, the application is recommended for approval.

Application Number:	19/113/NATEIA.
Application Type:	Planning Permission/National Development with EIA.
Proposal:	Erect a 220/132kV substation comprising platform area, electrical infrastructure and buildings, associated plant, ancillary infrastructure, drainage, landscaping, access road and temporary construction compound areas.
Applicant:	Scottish Hydro Electric Transmission plc, c/o Mr Simon Hall, 200 Dunkeld Road, Perth, PH1 3AQ.

1.5.

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Overview

2.1.

The Planning Authority is processing this application as a National category of development, the need for which is recognised in the Scottish Government's third National Planning Framework Plan (NPF3). Given its status as a National Development as set out in Section 26A of the Town and Country Planning (Scotland) Act 1997 as amended, it requires to be reported to the full Council.

2.2.

It should be noted that this application relates solely to development of the substation site at Firth. Any new cable routes would be considered by the Scottish Government Energy Consents Unit (ECU) under Section 37 of the Electricity Act 1989 – a separate process from planning permission. The Council is a consultee to the Section 37 (S37) application under the Electricity Act for new overhead "grid transmission" line (OHL), which will ultimately be determined by Scottish Ministers.

2.3.

The application site covers an area of 33.6 hectares consisting of a substation platform (measuring 285 metres by 255 metres) on which the electrical infrastructure will be housed within a series of buildings. The platform surface will be finished in gravel.

2.4.

The buildings will be steel framed, to protect the electrical infrastructure from the prevailing climate condition. The series of buildings comprise the following:

2.4.1. Gas Insulated Switchgear Building (11.14 metres high by 66.6 metres long by 13 metres wide)

- This building consists of a power cable ground floor basement and first floor Gas Insulated Switchgear (GIS) hall, which is the high voltage circuit switching equipment contained in gas-filled chambers to provide greater insulation at shorter distances, therefore allowing for compact circuit arrangements.
- The ground floor height is dictated by the bending radius of the power cables needing to be manipulated into position during installation. The first-floor height is dictated by the crane clearance required to vertically remove the GIS circuit breakers and cable test modules.

2.4.2. Control Building (6.2 metres high by 24.5 metres long by 23 metres wide)

- This building houses the batteries, low voltage power, control and circuit protection systems, as well as welfare facilities.
- The height of the building is dictated by the height of the control and circuit protection systems cubicles.

2.4.3. Two Synchronous Condenser Buildings (SynCon) (13.7 metres high by 64.5 metres long by 30.5 metres wide)

- These buildings house rotating machines that generate inertia and short circuit power needed to stabilise the weak electrical network on the island.
- The height of the buildings is dictated by the crane clearance required to vertically remove the internal component of the generator circuit breaker out of its structure.

2.4.4. Two Reactor Buildings (10.3 metres high by 37 metres long by 26 metres wide)

- This building houses electrical devices similar to transformers but used to improve the power quality of the circuit, which are needed due to the long length of power cable connecting the island to the mainland.
- The height of the buildings is dictated by the roof clearance required to vertically remove the internal component of the reactor tap changer out of its structure.

2.4.5. Super Grid Transformer (SGT) Building (14.2 metres high by 90.5 metres long by 36 metres wide)

- This building houses a high voltage (220/132 kV) transformer, that converts the circuit voltage from 220 kV at the subsea cable to 132 kV at the substation.
- The height of the building is dictated by the overhead crane clearance required to vertically remove the internal component of the transformer circuit breaker out of its structure.

2.4.6. Two Transformer Buildings (12 metres by 25.5 metres by 21.5 metres)

- These buildings will house medium voltage (132/33 kV) transformers, that convert the circuit voltage from 132 kV on the transmission network to 33 kV on the Distribution network.
- The heights of the buildings are dictated by the roof clearance required to vertically remove the internal component of the transformer tap changer out of its structure.

2.4.7. Grid Supply Point (GSP) Building (5.5 metres by 16.6 metres by 6.1 metres) (Distribution substation for the 33 kV connections)

- This building contains the Distribution business' equipment, including a combination of the control building equipment and medium voltage GIS.
- The height of the building is dictated by the medium voltage GIS cubicles, noting that these are much smaller than the Transmission business' high voltage GIS.

2.4.8. Ancillary Elements

- Access road from A965.
- Landscaping, planting, screening and bunding (approximately 8 metres in height).
- Sustainable Urban Drainage System (SuDS).
- Access roads within the platform.
- Security fencing: 2.4 metres high palisade fencing will surround the perimeter of the platform area.
- Lighting: the site will not be permanently lit as security lighting will be controlled by motion sensors; lighting shall also be downward facing to avoid light spillage.
- Fire-fighting water holding tank.
- A standby diesel generator.

2.4.9. Temporary Infrastructure

- Construction compound (welfare facilities, canteen, site offices, meeting rooms).
- Material/plant storage areas.
- Car parking.

2.4.10 Timescale

The applicant has requested at the outset that the time limit on any planning permission be five years, rather than the standard three years, to allow for changes in the timescales for project delivery.

3. Site Description

3.1.

The development is located to the east of the properties of Stymilders and Quarryhouse, both Firth, and to the south of the A965, as shown on the location plan attached as Appendix 1 to this report. Access to the development would be from the A965 to the east of the junction of the A965 with the A986. The platform will be

approximately 285 metres by 255 metres to accommodate the proposed electrical infrastructure buildings. Site preparation will involve a “cut and fill” exercise to create the principal parts of the compound / level platform area. Suitable material and soil/topsoil will be re-used as fill and bunding of, or around, the platform and development. The substation will accommodate Gas Insulated Switchgear (GIS), enclosed within a large building. This “enclosed” approach helps to reduce the overall footprint of the development, when compared to an open, Air Insulated Switchgear (AIS) substation that requires greater “clearance distances” between the various electrical components.

3.2.

The development area is located at approximately 52 metres Above Ordnance Datum (AOD) on the west side of Heddle Hill, approximately 1.7 kilometres west-southwest of Finstown. The site, as shown on the site plan attached as Appendix 2 to this report, cuts into the western slopes of Heddle Hill which is currently grassland and heath. The access runs to the north across undulating agricultural grass land. Three residential properties lie adjacent to, or in close proximity to, the west boundary of the development site.

3.3.

Located within the “Rolling Hill Fringe and Moorland Hills” Landscape Character Type (LCT), the loose network of surrounding hills provides a visual backdrop when viewed from the majority of visual receptors. No part of the site is covered by any international, national, regional or local landscape designations. The Hoy and West Mainland National Scenic Area lies 800 metres to the west of the site.

3.4.

The site lies within the Heart of Neolithic Orkney World Heritage Site Sensitive Area and would be visible at a distance from the key components of the World Heritage Site but would not break the sensitive ridgelines. There are no scheduled monuments or listed buildings within the site boundaries. There are however a significant number of scheduled monuments (30 including Maeshowe, Ring of Brodgar, Stones of Stenness, Watch Stone etc), 8 listed buildings and a rural conservation area within 5 kilometres of the development site, with a further 34 undesignated sites within 500 metres of the site.

3.5.

There are no designated natural heritage sites within the application site boundary which carry statutory protection at a European, UK or Scottish level such as Special Areas of Conservation (SACs), Special Protection Areas (SPAs), Sites of Special Scientific Interest (SSSIs), however part of the site lies within the Heddle Local Nature Conservation Site (LNCS).

3.6.

The application is supported by an Environmental Impact Assessment Report (EIAR) submitted under the Town and Country Planning (Environmental Impact

Assessment) (Scotland) Regulations 2017. This includes a substantial package of information and proposed mitigation.

3.7.

The principle of development has been considered within this report, where it is noted that the need for this development has been established by virtue of inclusion within National Planning Framework 3 (NPF 3). The EIAR details the consideration of alternatives, different technologies and alternative locations. A sequential approach to site selection criteria was used. Several sites were identified through the stages of the site selection process. Site selection was then further assessed following a desk-based study together with fieldwork which assessed environmental factors. The final location was selected based on operational/technical, economic and environmental factors. The key advantages for the proposed development site as identified by the developer are:

- The closest site to the public road network allowing for ease of access for construction, operation and maintenance activities.
- The closest site to Warebeth, resulting in the shortest 220 kV cable route.
- The best site for connectivity for developer overhead line corridors and required connections to other utilities including water and electricity distribution network.
- Backdrop of the Hill of Heddle provides for screening and integration with the landscape.

4. Description of Proposed Development

4.1.

The proposal will introduce several very large structures into the local rural landscape, as shown in the drawings attached as Appendices 3 and 4 to this report. The site itself is 33.6 hectares, with the development requiring an extensive, level platform to facilitate the safe deployment of the proposed electrical infrastructure to link with the grid transmission network. Design mitigation has been offered on a number of elements, in excess of the most significant decision of using a GIS substation design. The use of GIS is a more compact space saving design than the alternatives of AIS. The proposed development is also proposing to:

- Remote from existing settlements and large number of residential receptors.
- Using cut and fill to lower the level of platform.
- Provide bunding to help screen buildings from the west and north.
- Use a muted/recessive colour of cladding to minimise visual.

4.2.

The operational needs of the substation are such that the buildings will be finished in profiled steel cladding. The buildings are to be a muted colour to help reduce its visual prominence in relation to the existing / surrounding landscape. Considerable discussion has been undertaken with the applicant and key stakeholders to highlight the importance of the landscape in which this proposed development sits.

4.3.

Tree and shrub planting are to be introduced on the bunding and around the substation site and along access tracks (where appropriate) to enhance screening. This would comprise native woodland planting, with the beneficial consequence of offering greater habitat diversity in the locality. There will be a 2.4 metre high steel palisade fence around the substation. Painting the fencing has been discounted owing to the operational requirement of earthing metallic objects within the substation that are not connected electrically to the high voltage system. It would be preferable to have the fence painted or otherwise coated, however a galvanised fence once it has weathered and lost its shine should blend into the landscape fairly well. The colour of all structures would be set by condition, eg a muted coloured pallet such as Camouflage RAL1105010, which is a muddy green colour, is being considered as the most suitable colour to minimise the visual impact of the development.

4.4.

The lack of screen bunding to the south and south west means that residential properties and users of the Germiston Road and the road over the Hill of Heddle will have a clear view to the site. The location of the Hill of Heddle LNCS partly within and adjacent to the site limited the ability to establish a large screen bunding without impacting on the LNCS. Nevertheless, discussion is still ongoing, with possible options to have small groups of tree/shrub plantings near the site along with other groups set back. It is considered this will break up the scale and mass of the building when viewed from the public roads and affected properties. The lack of screening on the south side of the development has been raised in a number of the objections.

5. Relevant Planning History

5.1. Site History.

Reference.	Proposal.	Location.	Decision.	Date.
18/194/SCR	Screening opinion request to construct an electricity substation.	Heddle Hill (Land Near), Firth.	EIA required.	16.07.18.
18/348/SCO	18/348/SCO - Scoping opinion request to erect a 220kV/132 kV electrical substation	Stymilders (Land Near), Firth.	Offer observations	10.12.18.

5.2.

The application is a National Development under the Town and Country Planning (Hierarchy of Development) (Scotland) Regulation 2009, and as identified in the National Planning Framework 3 (NPF3). NPF3 advises that the erection of new substations directly linked to cabling of 132 Kilovolts (kV) or higher forms part of the

high voltage electricity transmission network upgrade and is therefore a National Development.

5.3.

As a National Development, the proposal has been subject to a period of pre-application consultation (PAC), under Regulation 7 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, which required the developer to consult with stakeholders within the area of the development. The developer was required to hold a public event where members of the public could make comments with regard to the proposed development. Accordingly, public consultation events were undertaken between February 2017 and March 2019, relating to this proposal and the wider project (cable routes to Orkney and across Orkney). Consultation events relating to the PAC were undertaken in September 2018 and February 2019, with the event held in February 2019 dedicated to the Finstown substation. A newspaper advertisement was placed in The Orcadian in advance of this meeting, together with additional publicity on Radio Orkney. A PAC Report has been submitted in support of the application, which referred to the outcome of the public consultation and details the consultation which was undertaken.

5.4.

The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It was determined that the development was likely to have a significant impact on the environment which required the application to be accompanied with an Environmental Impact Assessment Report (EIAR). The application is also supported by submission of a Non-Technical Summary and Pre-Application Consultation Report.

5.5.

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations) contain two schedules. Schedule 1 lists projects where Environmental Impact Assessment (EIA) is mandatory. Schedule 2 lists projects where EIA may be required 'where proposed development is considered likely to give rise to significant effects on the environment by virtue of factors such as its nature, size or location'.

5.6.

A Screening Opinion was sought from Orkney Islands Council as the proposed development falls within Schedule 2 of the EIA Regulations. An opinion was provided by the Council in July 2018, which determined that an EIAR was required as it was considered that the development would be likely to have a significant effect on the environment.

5.7.

A Scoping Opinion was provided by the Council in December 2018, following input from both statutory and non-statutory consultees, regarding the information to be provided within the EIAR.

5.8.

For information, the planning application for the erection of 275/220 kV electricity substation at Dounreay, Caithness, which connects to the subsea cable across the Pentland Firth and forms part of the high voltage electricity transmission network and the 'National Development', was consented on 12 September 2019 by Highland Council.

6. Representations

6.1.

Ten objections have been received from:

- Margaret Rinder, Hall of Cara, Grimness, St Margaret's Hope.
- David Lynn, 4 Lawrence Street, Glasgow.
- Dr Eric Goodyer, Craiglands, Birsay.
- Ms Rose Grimond, Howberry Wood Farm, Henley-on-Thames.
- Mr Stuart Gray, Vakkerrygg, Ireland Road, Stenness.
- Mrs Kate Grimond, The Old Manse, Grimbister.
- Mr John Grimond, Old Manse of Firth, Grimbister.
- Mr Neil Kermod, Quarry House, Stymilders Road, Stenness.
- Mrs Angela Barnett, Garaber, Heddle Road, Finstown.
- Jim and Maureen Leitch, Feolquoy, Evie.

6.2.

Matters raised in objection to the proposal are summarised as follows:

- Conflict with the Local Development Plan, with land not designated for employment use.
- Industrialisation of a rural area.
- Visual impact and impact on landscape character; amenity and sensitive landscape, amenity of visitors to key visitor attractions.
- Cumulative impacts with other development, including overhead lines.
- Out of keeping with traditional Orkney vernacular, offensively conspicuous, unsightly.
- Buildings too high, too obtrusive.
- Industrial nature of buildings.
- Adverse impact on landscape and setting of the World Heritage Site.
- Adverse impact on residential amenity (noise etc).
- Visual impact on area to south which does not have screen bunding.
- Adverse landscape impact of access track, particularly from Harray Road.
- Substation platform not lowered adequately as building still visible over bunds.
- Adverse environmental impact due to aggregate being brought onto site.

- Lack of re-use of heat - a heat management plan should be required.
- Consultation process not adequate.

7. Consultations

7.1. Statutory Consultees

The following agencies are the statutory consultation bodies as prescribed by the EIA Regulations:

7.1.1. Historic Environment Scotland (HES)

HES has not objected to the application full details of their consultation response are provided online. Planning Authorities are expected to treat HES comments as a material consideration, and this advice should be taken into account in the decision-making process. HES provided detailed comments on the application and the EIA, and their view is that the proposals do not raise historic environment issues of national interest and therefore do not object. Their decision not to object should not be taken as support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

7.1.2. Scottish Water (SW)

SW infrastructure has been identified within the development site boundary. According to their records, the development proposals impact on existing SW assets.

7.1.3. Scottish Environment Protection Agency (SEPA)

On 30 May 2019, SEPA's initial response was an objection to the application, on the grounds of flood risk and watercourse realignment. The information submitted with the application was not sufficient to satisfy SEPA's concerns. A second response on 9 September 2019 removed the original objection following SEPA's review of further information submitted by the applicant. SEPA's removal of its objection is subject to a number of conditions, to ensure the flood risk and water engineering works adequately address its previous concerns. It should be highlighted that, should the requested conditions not be attached, SEPA wishes its previous objection to stand. Therefore, if the Planning Authority proposes to grant planning permission without attaching the conditions requested by SEPA, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 would require referral to Scottish Ministers.

7.1.4. Scottish Natural Heritage (SNH)

SNH has been engaging with Scottish and Southern Electricity Networks (SSEN) Transmission on this important strategic development for some time. SNH is pleased to note that its pre-application advice has helped to inform the proposal as presented. SNH has considered the proposal in relation to the Hoy and West Mainland National Scenic Area (NSA) and the Mainland Moors Special Protection Areas (SPA). In SNH's view, it is unlikely that the proposal will have a significant effect on any qualifying interest either directly or indirectly. An appropriate assessment is therefore not required.

7.1.5. Roads Services (as Roads Authority)

Roads Services have no objection to the application, but request several conditions are attached to any consent, together with agreement of the proposed Transport Management Plan.

7.2. Other Consultees

7.2.1. Environmental Health

Environmental Health has no objection to the application, but has requested several planning conditions to enable effective control over construction and operation of the development.

7.2.2. Development and Marine Planning (DMP)

Development and Marine Planning has no objection to the application, provided the development does not breach sensitive ridgelines, and the buildings should be recessive in colour and of a matte finish where practically possible.

7.2.3. Development and Marine Planning – Access

DMP Access advises that the Catalogue of Rights of Way shows a claimed right of way bisecting the site. If the course of this right of way is to be affected, it will be necessary to provide an alternative route.

7.2.4. Development and Marine Planning – Environment

DMP Environment advises that the site of the proposed substation is partially located within the Heddle Local Nature Conservation Site (LNCS), where development of the substation and ancillary buildings would impact on areas of natural and semi-natural habitat. A Peat Management Plan and Compensation Strategy are proposed, full details should be agreed through condition, with further condition to minimise the risk of disturbance to birds during the breeding season; minimise damage to and loss of habitat; enhance biodiversity and measures to protect European Protected Species through appropriate Species Protection Plan and Construction Environmental Management Plan.

7.2.5. Royal Society for the Protection of Birds

RSPB Scotland are satisfied with the proposal, provided the mitigation measures to protect and enhance the available habitats for breeding birds and other wildlife, both within and adjacent to the substation area, are covered by condition.

7.2.6. Orkney Heritage Society

Orkney Heritage Society has raised objections based on the following points:

- Inadequate attempts to hide the scheme with uninspired and incomplete landscaping.
- Inadequate attention to minimise the impact of the scheme through lack of consideration of the opportunity for reuse of won minerals from the site.
- Industrialisation of a rural piece of the county.

- Failure of the applicant to accurately represent the inadequate public consultation activity and the arising complaints.
- Failure to accurately represent the concomitant powerlines upon which the scheme will rely.

Landscaping:

- The attempts to incorporate this significant piece of infrastructure have been piecemeal and superficial.
- Absolutely no attempt has been made to hide it from the south.
- The masking in the form of the bunds has been poorly executed leaving a gap in the 8m high earth ramparts directly facing the A986, so exposing motorists to the enormity of the scheme.

These reasons for objection are expanded on within the OHS letter of objection.

7.3.

No other consultation objections have been received, and all other matters raised in consultation responses can be addressed by mitigation, monitoring and planning conditions.

8. Legal Aspects

8.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, "Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan..."

8.2.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

8.3.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

9. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies, supplementary guidance and planning policy advice below are relevant to this application.

- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 4 – Business, Industry and Employment.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9A – Natural Heritage Designations.
 - Policy 9B – Protected Species.
 - Policy 9C – Wider Biodiversity and Geodiversity.
 - Policy 9D – The Water Environment.
 - Policy 9E – Peat and Soils.
 - Policy 9G – Landscape.
 - Policy 10A – Core Paths and Access.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Transport, Travel and Road Network Structure.
- Supplementary Guidance and Planning Policy Advice:
 - Supplementary Guidance – Energy (April 2017).
 - Supplementary Guidance – Historic Environment and Cultural Heritage (April 2017).
 - Supplementary Guidance – Natural Environment (April 2017).
 - Planning Policy Advice - Heart of Neolithic Orkney World Heritage Site (December 2010).
 - Planning Policy Advice - Orkney Core Paths Plan (April 2018).
- Orkney Sustainable Energy Strategy 2017-2025.
- National Policy and Guidance:
 - National Planning Framework 3 (2014).
 - Scottish Planning Policy (2014).
 - Scottish Government Advice:
 - PAN 60 Planning for Natural Heritage 2008.

- PAN 1/2011 Planning and Noise.
- PAN 2/2011 Planning and Archaeology.
- PAN 1/2013 Environmental Impact Assessment.
- Scottish Energy Strategy: The Future of Energy in Scotland.

10. Environmental Impact Assessment

10.1.

The proposal was assessed against The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It was concluded that the proposed development was a Schedule 2 Development - Infrastructure projects (exceeds 0.5 hectares).

10.2.

Having assessed the characteristics and location of the development and the characteristics of the potential impact as set out in Schedule 3 to the 2017 Regulations, the Council issued a Screening Opinion stating that, in its opinion, the characteristics and location of the site present issues that are of sufficient complexity and significance to warrant the proposal being accompanied by a full EIAR.

11. Assessment

11.1. National Policy Context

11.1.1 National Planning Framework 3

Scotland's third National Planning Framework sets out the Government's aspirations on how best to achieve a more successful country, through increasing sustainable and long-term strategy for increasing sustainable economic growth. To help deliver the spatial strategy of NPF3 "national developments" are identified, it includes plans for infrastructural investment including a high voltage electricity transmission network vital in meeting national targets for electricity generation, statutory climate change targets and security of energy supplies. The current application falls into the category of National Development. Whilst this establishes a need for the project, all necessary assessments and consents are still required for such development. Appropriate levels of mitigation would still be expected to avoid or reduce environmental effects and demonstrate no adverse effects on the integrity of European protected sites.

11.1.2 Scottish Planning Policy

An aim of the planning system is to achieve the right development in the right place and not to allow development at any cost. SPP introduces a presumption in favour of development that contributes to sustainable development. This proposal would release capacity of renewable energy power production that presently can be partly curtailed and allow further connection of approved development, yet to be constructed, renewable energy projects to the grid. Orkney presently is only connected to mainland Scotland via two 33kV distribution line lines. This proposal would provide a connection to the 132kV transmission line, which would facilitate

renewable generation, adding to the sustainability of the development. The delivery of this infrastructure advances the sustainable development credentials of the proposal. The installation of a high voltage transmission network to the area is not only a short-term economic construction boost, but also considered as a long-term infrastructural benefit to the area.

11.1.3.

Further advice is provided in SPP in respect of potential impacts on the natural environment and the need to protect and enhance Scotland's key natural resources including historic environment, cultural heritage, landscape, ecology, woodland, habitats and biodiversity. The impacts on these resources have been presented within the supporting Environmental Impact Assessment Report (EIAR) and are considered in more detail within this assessment. The policies and content of National Planning Framework 3 and Scottish Planning Policy is a material consideration that carries significant weight.

11.2. Orkney Local Development Plan 2017

Whilst there is no specific mention of the National Planning Framework (NPF) in the Local Development Plan (LDP) it is a critical statutory planning document, which sets out spatially the government's strategic objectives. All LDPs must be produced to support the NPF and to align with its objectives. The Orkney LDP was subject to scrutiny by the Government, to ensure that the aims and objectives of the NPF were not hindered. As such, the principle of developments featuring in the NPF is supported on a national level subject to the consideration of all material factors. With regards to the LDP itself, Policy 7C (i) states:

- The development of renewable and low carbon energy schemes, including the onshore infrastructure and/or buildings required for offshore marine renewable energy developments, and related transmission infrastructure, will be supported where it has been demonstrated that the proposal will not result in significant adverse effects on known constraints, either individually or cumulatively. Sufficient supporting information must be submitted with any planning application to enable a full assessment to be made of the likely effects of the development.

11.3. Landscape and Visual Impact

11.3.1.

The site of the proposed substation is within a Landscape Character Type defined as "Rolling Hill Fringe and Moorland Hills", where the landform consists of smooth rounded hills. The topography forms a natural bowl with the Lochs of Stenness and Harray in the centre. This natural topographical bowl is a key feature of the landscape of the area and is critical in the relationship between the landscape and the setting of the component parts of the World Heritage Site (Maeshowe, Ring of Brodgar, Stones of Stenness, Watch Stone etc). These connections all contribute to the feeling that these monuments are situated at the centre of a highly significant cultural landscape. Nevertheless, the landscape is also a very traditional agricultural landscape with scattered farmsteads, field boundaries and roads creating the main features in the landscape. The topographic bowl is formed by a series of visually

interconnecting ridgelines, with these ridgelines being of significance. It is therefore important that the development avoids breaking these ridgelines.

11.3.2.

The proposed site lies to the west of the Hill of Heddle at the point where the steeper slopes meet the flatter land. On these lower slopes, and to the north towards the public road, the land is undulating with hillocks.

11.3.3.

The Zone of Theoretical Visibility (ZTV) map for the project, attached as Appendix 5 to this report, demonstrates the extent of the visual impact on the surrounding area. Given the topography of the area, the views to the site from the west and north west are considered to be fairly extensive. Views from the north and south are from closer proximity, mainly within 5 kilometres. Other, more distant views are presented from elevated hill top locations. The views from the east are very limited due to the proximity of the site to the Hill of Heddle. In considering the visual impacts, there will be both short-term visual impacts during the construction phase of the development and that of the development in-situ during its operational lifetime.

11.3.4.

Landscape impacts and visual impacts are separate, but related. Landscape impacts are changes in the fabric, character and quality of the landscape. Visual impacts relate solely to changes in available views of the landscape, and the effects that those changes have on people. Landscape and visual impacts do not necessarily coincide. Impacts can be beneficial as well as adverse.

11.3.5.

The construction phase is expected to last for approximately 3.5 years. The activities and temporary features with the potential to cause short-term effects on the landscape and visual amenity include:

- Excavations and construction of platform.
- Construction of 5 metre wide access off A965.
- Construction of bunding.
- Temporary site compound (plant, machinery, site huts).
- HGV/lorries/van deliveries to site and movement of vehicles and machinery on site (which may be fitted with flashing lights).
- Erection of the buildings, site works, large vehicles, cranes and floodlight of site for construction.
- Spoil heaps, stockpiles, exposed top-soil.
- Reinstatement works, including mitigation measures and the removal of the construction compound.

11.3.6.

It is proposed that the phasing of the development will result in the bunding being quickly established, using material excavated from the cut and fill required for the

platform of the building. It is considered that the proposed bunding and landscaping within the site boundary offers a good degree of mitigation through the provision of screening during the construction phase of the development. This shall also aid in minimising the visual impact from the wider area together with reducing impacts on residential amenity.

11.3.7.

The size and nature of vehicles and loads going to the site during the construction phase shall inform the geometry of the bell mouth and access. The new access road and bell mouth entrance onto the A965, during construction period and in the long term, will have an impact, particularly for users of the A965 in proximity to the new junction. The type of vehicles to be used through the construction, operation and maintenance of the development, together with the delivery of large components for the substation, dictate the geometry of the junction. However, following discussion with the applicant, the width of the access has been reduced from 5 metres to 3.5 metres, with passing places, and the cut for the access has also been reduced. These changes are considered to aid mitigation, as does replacing the stone dyking adjacent to the A965, erecting a new stone dyke along the new access and incorporating some shrub / tree planting to further screen the access road when viewing it from the A965 or further afield.

11.3.8.

The proposed nature and use of the buildings have dictated the minimum ridge heights of the buildings. Most of the buildings on site have a ridge height of between 10.5 metres and 14.5 metres. The scale and height of the buildings make it difficult to hide the height of buildings completely, particularly when the locational requirements and other factors such as drainage requirements, electrical earthing etc, that have influenced the development are taken into account. The developer has therefore looked to mitigate through both siting and layout considerations. However, objectors have raised a range of other matters pertaining to landscape and visual impacts, particularly related to the sensitive nature of the landscape and the fear of industrialisation of this rural area which would occur as a consequence of this development.

11.3.9.

No objections have been raised from Scottish Natural Heritage or Historic Environment Scotland in respect of the impacts on the landscape interests of the National Scenic Area (NSA) or the World Heritage Site (WHS) which lies to the west of the proposal.

11.3.10.

The nature of the landscape with the site sitting within a topographical bowl means that the site will be viewed at a distance over a wide area, therefore seen from a number of properties, public road, footpaths, historic monuments, WHS and NSA. The EIAR indicates that the development is likely to be noticeably visible to the 'ordinary observer' to 2 kilometre distance. Figure 6.4 of the EIAR identifies the visual receptors within the 2 kilometre range and key tourist attractions within 2 kilometres and 5 kilometres.

11.3.11.

The proposed substation would be seen by a limited number of receptors in close proximity to the site. In the main, these would be the three residential properties adjacent to the site; the two properties at Stymilders and Quarry House, along with the properties further to the west along the Stymilders/Germiston Road, from Hillview and Langamo on the A986 and Moorside on the A965, together with properties off the Hill of Heddle Road to the south and south west . In addition, occupants of scattered houses / farm houses in the area, along with users of the local road network including those on the A965, A968, Stymilders Road, Germiston Road and those using the road over the Hill of Heddle, would have sight of the development.

11.3.12.

The EIAR recognised the level of visual effect change that would be created within the area. Seven residential properties have been identified as having a major adverse visual impact both during construction and following completion. These properties are all situated within 1 kilometre of the site. There would be a further seven properties where it has been assessed that an adverse visual effect at a moderate level would occur. These properties are typically at a distance between 1 and 2 kilometres distant. The visual impacts relate solely to changes in available views of the landscape, and the effects that those changes have on people. Therefore, the changes indicated, including the land forming/bunding along two sides up to approximately 8 metres in height, proposed as mitigation, are all considered as matters which impact the level of visual change.

11.3.13.

Visual impacts on recreational, visitor and transport receptors were also assessed within the EIAR. It is recognised that there would be considerable visual changes accruing within this locality, from both the proposed substation and the access road when viewed from the A965.

11.3.14.

The major/moderate visual effects referred to above can be demonstrated from Viewpoints (VP) at 1, 2, 3, 4, 5, 6 and 7, shown in Appendix 5 to this report, which all sit within approximately 2 kilometres of the proposed substation. These viewpoints were selected for analysis to represent local residents, road users and people using the area.

11.3.15.

Impact on the Outstanding Universal Value (OUV) of the WHS and its component parts must also be assessed. The upper portions of several of the buildings would be visible from the Ring of Brodgar, Stones of Stenness etc, with Maeshowe being the closest at a distance of 2.25 kilometres. The EIAR accepts that on completion of the development there will be a minor to moderate adverse visual effect from Maeshowe, with a minor adverse visual effect on the monuments slightly further away. Given the distances involved, it is not considered that the visual effects will be any greater during the construction phase.

11.3.16.

HES advise that the development would be visible in the far distance but would not break the skyline of the topographic bowl which forms a key feature of the setting of the WHS. However, they are satisfied that given the distance to the development, its location at the foot of Hill of Heddle and the embedded mitigation, the proposed development would not have an adverse impact on the integrity of the setting of the monuments and would not raise issues of national interest within their remit. HES conclude “We do not object to the proposed development. The proposals would not have direct physical effects on any assets within our remit and there would not be an adverse effect on the integrity of the setting of any of the scheduled monuments in the vicinity or significant effects on the OUV of the World Heritage Site”. Other third-party objections have been raised regarding the visual impact of the development on the WHS.

11.3.17.

On balance, when considering the development in relation to the distances from which it would be viewed and given that it would not breach any of the sensitive ridgelines when viewed from any of the component parts of the WHS, it is considered that a reasonable and proportionate effort has been made in setting the development within the landscape. The developer has also employed design and offered mitigation to further reduce impacts, however the fact remains that this is a collection of large industrial structures within a rural landscape.

11.4. Historic Environment

11.4.1.

Policy 8A of the OLDP (2017) supports development “which preserves or enhances the archaeological, architectural, artistic, commemorative or historic significance of cultural heritage assets, including their settings...” It is further stated that, “Development which would have an adverse impact on this significance will only be permitted where it can be demonstrated that: (i.) measures will be taken to mitigate any loss of this significance; and (ii.) any lost significance which cannot be mitigated is outweighed by the social, economic, environmental or safety benefits of the development.”

11.4.2.

The site lies within the Heart of Neolithic Orkney Sensitive Area and would be visible at a distance from the key components of the WHS but would not break the sensitive ridgelines. There are no scheduled monuments or listed buildings within the site boundaries. There are, however, a significant number of scheduled monuments (30 including Maeshowe, Ring of Brodgar, Stones of Stenness, Watch Stone etc), eight listed buildings and a rural conservation area within 5 kilometres of the development site, with a further 34 undesignated sites within 500 metres of the site.

11.4.3.

An archaeological watching brief, and scheme of investigation are required, as mitigation.

11.5. Water/Drainage/Waste Water/Flood Risk

11.5.1.

The EIAR identifies a number of field drains along with a water course that runs through the site. The applicant has advised that existing surface water ditches which run through the substation site will be diverted around the site into existing ditches. Approximately 450 metres of the existing water course will be realigned to run to the east of the site. The proposed realignment will include naturalising the profile of the burn including planting which will enhance the biodiversity of the area. The diverted water course will realign into the original route to the north of the site.

11.5.2.

The surface water run-off from the site will be an attenuation pond proposed to the north of the platform which will collect run-off from impermeable surfaces on site and the surrounding drainage network. The aim of the attenuation pond is to ensure that the run-off from the proposed development would not result in any increase in pre-development levels within the wider catchment.

11.5.3.

A request has been made by SEPA for pre-commencement conditions to ensure final design details are submitted for approval and thereafter implemented as agreed. It should be noted that modifications to the submitted layout may lead to the necessity to redesign/relocate other elements of the proposal such as the SuDS pond and bunding to provide an acceptable solution in terms of watercourse realignment and flood risk at the detailed design stage.

11.5.4.

SEPA advise that a Construction Environmental Management Plan (CEMP) will be required which should take into account any separate requirements required by the Construction Site Licence, and request that a planning condition is attached to any planning consent requiring the submission of a detailed, site specific CEMP for approval before construction starts on site.

11.5.5.

Temporary waste from staff canteen and toilet facilities will require to be effectively managed and potentially authorised. Any discharge through soakaway and percolation will require to be assessed and full details will require to be submitted. Further information on foul drainage must therefore be submitted for approval, set by planning condition.

11.5.6.

In consideration of the development against the OLDP 2017 Policy 13, Flood Risk, SuDs and Waste Water Drainage, it is concluded that all matters in respect of flood risk, SuDs and waste water drainage can be adequately addressed through the inclusion of condition.

11.6. Nature Heritage

11.6.1.

There are no nationally or internationally protected natural heritage designations on the site, however the Orkney Mainland Moors Special Protection Area lies 1.3 kilometres from the site. SNH advise that the proposal could affect the Orkney Mainland Moors Special Protection Area (SPA), classified for its populations of hen harrier, short-eared owl and red-throated diver, as the development is within the foraging range of hen harriers and short-eared owl. Given the small area of foraging habitat lost and the alternative foraging habitat available, SNH do not consider that the proposal will have a significant effect on any qualifying interest, either directly or indirectly, of the Orkney Mainland Moors Special Protection Area. An Appropriate Assessment is therefore not required.

11.6.2.

The site of the proposed substation is partially located within the Hill of Heddle Local Nature Conservation Site (LNCS), and this development would cover 6.8 hectares of the LNCS. The physical impacts accruing would be on 1.98 hectares of this locally designated site of natural and semi-natural habitat. These habitats are known nesting sites, including lapwing, curlew, skylark, reed bunting and linnet, all of which are identified in the Scottish Biodiversity List (SBL) as Priorities for Conservation. Priority habitats in the site include lowland meadows, lowland calcareous grassland, lowland fens, upland heath and blanket bog.

11.6.3.

The compensation strategy proposed by the applicant includes fencing off areas of land from future grazing, with the land being managed thereafter to encourage the reversion to heath. Details of the proposed strategy will require to be agreed with the Council as Planning Authority along with the full range of mitigative measures. The biodiversity enhancement options proposed include on-site tree planting and wildflower planting areas. Plans to naturalise the watercourse would help improve its potential to support wildlife, additional planting including tree or scrub planting alongside the naturalised watercourse would potentially provide cover for otters etc.

11.6.4.

The EIAR has also identified within the Ecological Zone of Influence (EZOI) the presence of otters and common pipistrelle bats, both European Protected Species, along with Orkney voles and the great yellow bumblebee. Measures to avoid harm, disturbance, displacement and mortality to these species have been identified, beyond those included in the Species Protection Plan and the Construction Environmental Management Plan (CEMP). The appointment of an Ecological Clerk of Works is also proposed.

11.6.5.

In consideration of the development against the OLDP 2017 Policy 9 – Natural Heritage and Landscape, it is concluded that there would be no significant unacceptable lasting effects on nature conservation as a consequence of the development.

11.6.6.

In relation to the proposed habitat loss and the LNCS designation, it is accepted that the layout proposed, minimises impact and that satisfactory mitigation in relation to habitat creation is proposed. Impact on ecology and nature conservation is therefore considered to be satisfactorily addressed subject to appropriate planning conditions, in respect of the Compensation Strategy Species Protection Plan, Construction Environmental Management Plan and the appointment of an Ecological Clerk of Works.

11.6.7.

As the competent authority, the Council must consider, by means of Appropriate Assessment, attached as Appendix 6 to this report, if the project will have a 'likely significant effect' on a Natura site before a development can be consented. Considering the Orkney Mainland Moors SPA, SNH has concluded that it is unlikely the proposal will have a significant effect on any qualifying interest, either directly or indirectly and do not consider that an appropriate assessment is required. The Council, in assessing the project and taking account of the advice from SNH, has concluded that Appropriate Assessment is not required.

11.6.8. Peat and Carbon-rich Soils

The applicant has provided a Peat Management Plan (PMP) as part of the draft Construction and Environmental Management Document (CEMD) demonstrating the levels of peat across the site. It is proposed that all excavated peat will be re-used as part of the development of the site. This will be finalised through the submission of the final CEMD should the development be granted.

11.6.9.

On the basis of the submitted information including the draft CEMP and PMP, SEPA has raised no objections. The development would therefore accord with Policy 9E Peats and Soils of the OLDP 2017. A site-specific CEMP including a PMP would be required through condition.

11.6.10. Cumulative Impacts

The EIAR considers the impact of this development with other potential developments together with existing developments nearby. In this instance the in-combination effect considered the following:

- 220 kV underground cable from Finstown to Warebeth.
- Orkney Infrastructure Project 132kV transmission line connections (overhead and underground).
- Heddle Quarry extension.
- Cursiter Quarry extension.

11.6.11.

The likely cumulative effects are typically associated with the landscape and visual impacts. These are matters highlighted in many of the objections received. The EIAR recognises that there may be a temporary increase in the cumulative impact

while the construction is taking place on the underground cable, the combined effect of which is slightly greater than either development in isolation. It has been assessed within the EIAR that the impacts with the substation and the 132 kV infrastructure project line connection would give rise to a moderate adverse visual effect which would be greater than either individually. However, it should be noted that although the Orkney Infrastructure Project 132 kV transmission line connections will be consented through a different regime, in this case the Electricity Act Regulations, there is still a screening opinion required against the relevant EIA regulation. In this instance the Screening Opinion provided by the Scottish Government Energy Consenting Unit is that an EIAR is required as there is a likelihood of a significant effect on the environment. That EIAR will look at the visual impacts and provide mitigation of that proposal, if consented, along with cumulative impacts.

11.7. Roads and Transportation

11.7.1.

At the operational stage, access to the site will be relatively limited and infrequent in nature. The main traffic impact from this application will arise during the construction phase of the project, with access for all vehicles being proposed from a new access road to be created off the A965, approximately half way between the properties known as Binscarth Cottages and Moorside. The EIAR seeks to identify the main receptors and issues likely to be affected by this development and the proposed mitigation to minimise these impacts. Construction traffic would comprise 'light' and 'heavy' (HGV) vehicle trips along with some 'abnormal loads' for larger elements of the project such as Substation transformer components and electrical equipment. HGV trips would deliver construction plant/machinery, aggregates, concrete and other construction materials. The developer anticipates that the main delivery port would be Hatston and then transported to the site by road, as would 'abnormal loads' under a suitable licence and requiring specific escorts.

11.7.2.

The construction phase is anticipated to run over three years with the busiest period for vehicle movement to and from the site being the second half of 2021 and first half of 2022. In daily traffic terms the traffic forecast undertaken suggests that across this part of the construction period, there would be up to 43 vehicular trips per day with the majority of these being cars or large goods vehicle (LGV). This equates to 43 arrivals (8 HGV) and 43 departures (8 HGV) per day.

11.7.3.

The access and junction were originally designed with a 5 metre wide access and surfaced junction, however due to concerns on the long-term visual impact, the applicant has agreed mitigation by reducing the access to 3.5 metres, with provision of local widening at passing places and on bends. At the junction to the A965, the surfaced area would be reduced to provide a smaller surfaced bellmouth with permanent hard verges for the transformer deliveries. The stone dykes are to be replaced along the A965 and a new stone dyke built along the access road. The cut into the access road is to be reduced to the maximum gradient to allow the largest components to be delivered to site. The reduction in the cut and the stone dykes

along with planting should aid in the reduction of impacts arising from the formation of the proposed junction and access.

11.7.4.

Policy 14C Road Network Infrastructure of the OLDP 2017 requires that it is demonstrated, amongst other considerations, that development can be safely accessed by service and delivery vehicles, and that the development is designed to cause minimal impact on the character of the site and the surrounding area. No objection has been raised to the development and the proposed level of traffic or junction by the Council's Roads Services. It is recommended that a condition should be attached to any planning permission regarding the geometry of the bellmouth and associated visibility splays, a reduction in the cut and the provision of stone dykes and planting.

11.7.5.

The Council's Access Officer advises that the Catalogue of Rights of Way shows a claimed right of way bisecting the site. If the course of this right of way is to be affected, it will be necessary to provide an alternative route. Full details of the status of the route and any alternative re-routing required, along with full information of the gates, fencing and signage, shall be covered by condition.

11.8. Noise and Vibration

11.8.1.

The Noise Sensitive Receptors (NSRs) in proximity to the development are principally three residential properties. The two properties at Stymilders (100 metres distant) and Quarry House (150 metres distant) are situated to the west of the substation platform. The properties of Moorside (520 metres distant) to the northwest, Binscarth Cottage (500 metres distant) to the northeast and Binscarth Farmhouse (600 metres distant) to the north, are more distant from the development site. The developer has offered mitigation from the outset by the proposed design internalising most of the components, rather than a substation that is open to the air.

11.8.2.

Noise emission can arise from electrical substations, however modern technology has significantly helped in this regard. Nevertheless it is important that the applicant ensures that the performance of the new equipment fully complies with initial expectations when built, and if the performance was to fall below the parameters set out in the assessment supporting this application, any failings would be addressed. It is for these reasons that the Council's Environmental Health Officer (EHO) has requested a number of planning conditions to support any decision to grant planning permission. These are expected to address not only noise arising from the operation of the substation, but also construction activity, and would manage issues associated with noise impacting on residential amenity, a point raised by objectors.

11.9. Construction Impacts

11.9.1.

The applicant has requested construction work to be carried out within the hours of 07:00 to 19:00 (summer) and 07:00 to 17:00 (winter) up to seven days a week. However, the EHO recommends that no work which results in audible noise at the site boundary, or deliveries to and from the site by vehicles, shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays, 08:30 to 13:00 on Saturdays or at any time on Sundays or Public Holidays. This would provide respite for nearby residents, however variation to these times may be agreed in certain circumstances, for example special deliveries.

11.9.2.

The number of construction workers employed on site would vary throughout the different phases of construction works. It is expected that the total workforce would peak at approximately 180 workers.

11.9.3.

The EIAR provided in support of this application includes a draft Species Protection Plan which sets out measures for contractors to avoid disturbance to protected species. The EIAR outlines the applicant's commitment to working within the framework of a Construction Environmental Management Plan (CEMP) and a draft CEMP has been provided as part of their submission. In this context, specific "Plans" would be prepared in collaboration with the appointed contractor/sub-contractor and agreed with the Planning Authority, in consultation with key statutory agencies, to ensure all works are undertaken in a manner to protect such interests in the surrounding environment. Should the development be consented, a pre-commencement condition would be attached to ensure that the CEMP was in place and adhered to, prior to any work commencing on site.

11.9.4.

The draft CEMP sets out best practice advice from statutory agencies, highlighting specific measures to be taken to safeguard interests. This establishes how the development will minimise such impacts as may arise on valued habitat(s); watercourses; dust management, pollution protection, fuel storage measures etc. This will be adopted by the Contractor, and the appointment of an Ecological Clerk of Works (ECOW) by the developer will further ensure compliance with the CEMP. Specific requirements of the CEMP can also be set out in the relevant planning conditions attached to any approval.

11.10. Socio-Economic Impact

11.10.1. Economic Impact, Recreation and Tourism

The development of a high voltage energy transmission network has been identified as a national priority to facilitate renewable energy development and its export. The development of such projects is beneficial in strengthening the robustness of the country's grid network and improving distribution network in rural areas. The

development is required to facilitate the connection of renewable energy development to the National Grid, which shall allow the export of electricity generated to consumers. The relationship of the development to the economic and social benefits of the wind energy developments it is intended to support is therefore relevant.

11.10.2.

The applicant has advised that the development would contribute positively to the economy of the area. Construction is expected to take place over a 3.5 year period. There will be expenditure to the benefit of the local economy from supply chain, construction and construction workforce, together with a requirement for local accommodation by any of the workforce from outwith the area.

11.10.3.

Such benefits as may arise must also recognise potential negative impacts, eg the accommodation requirement could impact on the available accommodation for tourists visiting the area. Options to mitigate this with temporary work camps along with utilising existing available accommodation are currently being investigated. Further potential downsides are highlighted by those objecting to the development. In particular, they highlight the many sensitive archaeological features of the area and the value to those who live, work and holiday in the locality. The initial stages of the construction and particularly, the formation of the access and bunding, are likely to have the greatest visual impact. Upon completion of these initial works however, the majority of construction work and stored materials shall be screened thereby minimising the visual impacts. Nevertheless, there will still be a visible impact for a short distance along the A965 between the junction and access, together with construction traffic.

11.10.4.

It is considered however that the impact of construction vehicles will not be significant for those using the local road network. The substation site is set apart from local communities and the majority of individual houses and is also set well away from the public roads in the locality. It is not expected that the development would have a significant adverse impact on residents or visitors in the long term.

12. Conclusions and Recommendation

12.1.

The Scottish Government and the Council each have policies in support of renewable energy and low carbon development. NPF3 identifies the national importance and need for 'A High Voltage Energy Transmission Network' (including associated substations) to meet national targets for electricity generation, statutory climate change targets and security of energy supplies.

12.2.

NPF3 and SPP are material planning considerations that must be taken into account in the determination of planning applications and preparation of local planning policies.

12.3.

Statutory consultees' responses to this application are generally supportive. No significant adverse impacts have been identified with this project following assessment by consultees. A number of agencies have requested planning conditions to be attached to any grant of planning permission, to ensure that their specific interests are secured.

12.4.

It is fully recognised that there have been a number of objections from the public together with an objection from Orkney Heritage Society. Following assessment of the concerns raised within these representations, it is considered that there are no significant issues that merit refusal of the proposal. Whilst it is accepted that this location is very sensitive having many attractive and valued historic features and a key tourist attraction, the requirement for the 132 kV high voltage transmission network, along with the approved renewable energy projects in Orkney, has to be balanced. It is considered that a sufficiently robust case has been presented which identifies the need for, and siting of, required grid infrastructure in this area, which addresses local, regional and national interests by facilitating connection to the proposed underground 132 kV line to Warebeth and in turn connects to the submarine cable across the Pentland Firth to Dounreay and the national transmission network. The applicant has brought forward mitigation through design to help reduce the impact of the proposals. For these reasons the expected impact of the development on the area and the local community is not considered to be significantly detrimental to warrant refusal.

12.5.

There are temporary impacts that will occur during construction. These can be managed to a degree through phasing of the development, early physical screening of the development from view, together with best practice construction management techniques which will ensure peat, water and ecological resources are safeguarded from the key impacts. Necessary conditions can be attached to any permission granted to effectively manage issues arising.

12.6.

The application can be supported in the context of NPF3, SPP and OLDP (2017) and particularly Policy 7 – Energy, which in its support for renewable and low carbon energy schemes, supports the related transmission infrastructure. Given the positive infrastructural improvements arising there is clear and justifiable local/national/public benefits arising from the development. Furthermore, it is considered that the development can be undertaken without significant impact on the setting of the World Heritage Site.

12.7.

The Planning Authority is required to strike a balance between proposals which deliver an NPF3 development allowing the renewable energy generation targets to be achieved and the protection of natural resources and landscape setting which contribute to the overall character of the local area. The objections raised by Orkney Heritage Society and public representations highlight matters regarding visual impacts on the settings of Outstanding Universal Value of the World Heritage Site along with impacts that the scale of building will have on this area and surrounding properties. These are accepted as important considerations at this location, however it is considered that the applicant has sufficiently demonstrated that any effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation measures.

12.8.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the aims of both local and national policy and is acceptable in terms of all other applicable material considerations and the support for the High Voltage Energy Transmission Network which is identified as a 'National Development' in NPF3.

12.9.

Accordingly, the application is recommended for approval, subject to the conditions attached as Appendix 7 to this report.

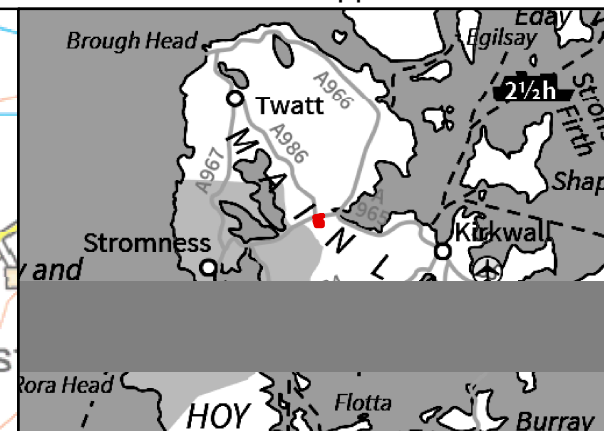
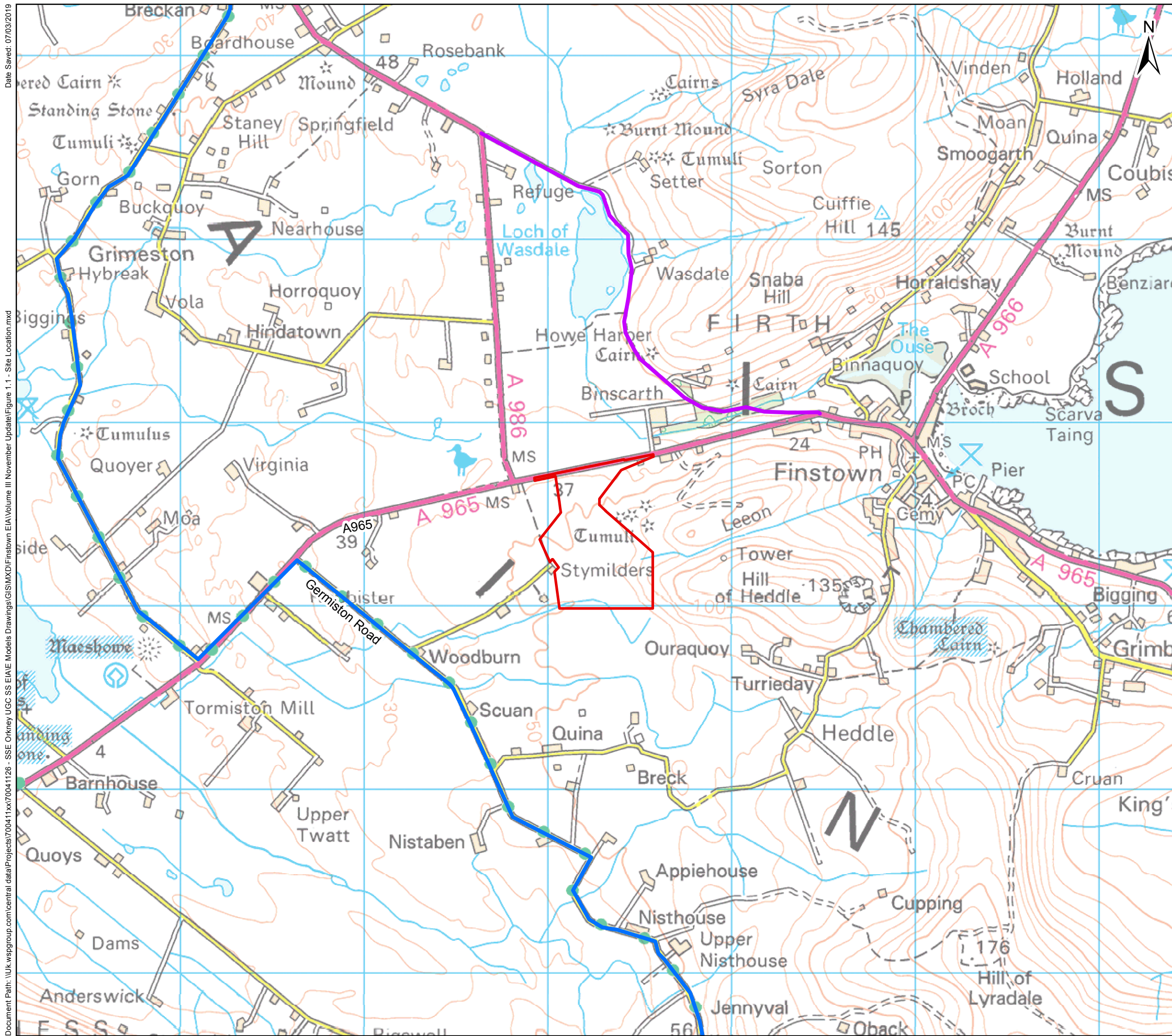
13. Contact Officers

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14. Appendices

- Appendix 1: Location Plan.
- Appendix 2: Site Plan.
- Appendix 3: Elevations.
- Appendix 4: Cross section.
- Appendix 5: Key Visual Receptors.
- Appendix 6: Appropriate Assessment.
- Appendix 7: Conditions.



Key

- Application Boundary
- National Cycle Network Route 1
- WM9 Core Path

0 0.5 1 Kilometres

Client: Scottish Southern

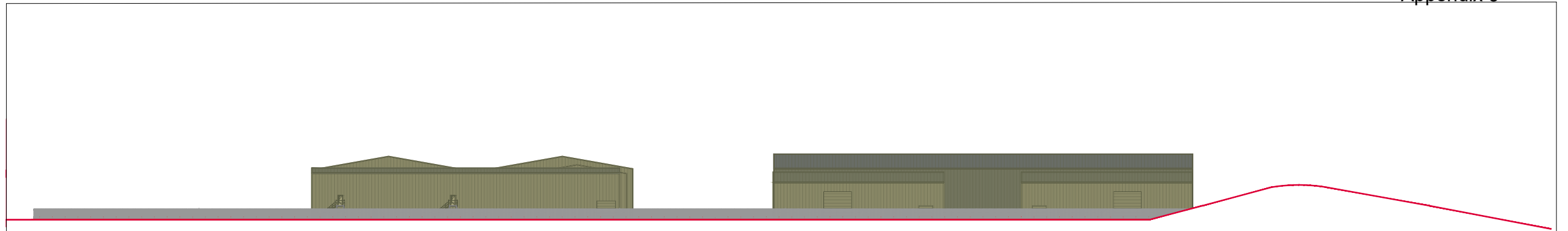
Project: **Finstown Substation EIA Report**

Title: **Figure 1.1 Location of Proposed Development**

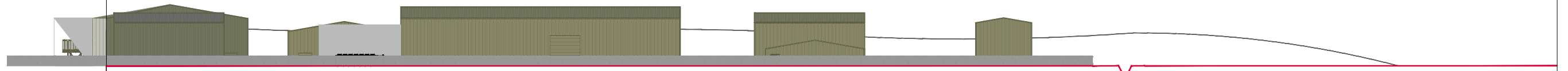
Date: 07 March 2019 Scale: 20,000 @ A3
 Drawn: MM Checked: CM Approved: SMcM

Date Saved: 07/03/2019
 Document Path: \\uk.wspgroup.com\central_data\Projects\700411\70041126 - SSE Orkney UGC SS EIA\IE Models Drawings\GIS\MXD\Finstown EIA\Volume III November Update\Figure 1.1 - Site Location.mxd

Site elevation from the north



Site elevation from the east




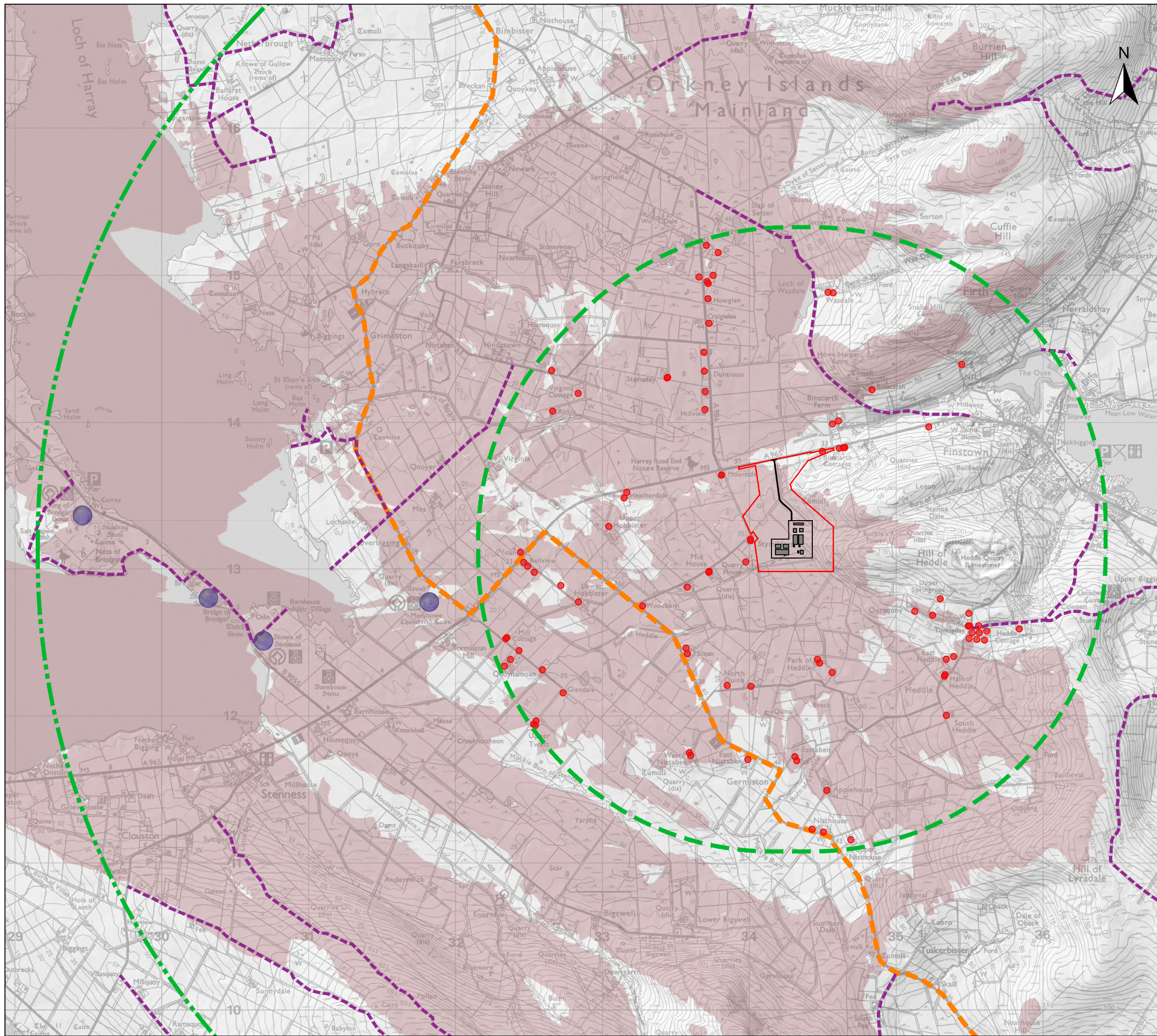
Site elevation from the south



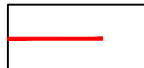







Site elevation from the west




Client:	
Project:	Finstown Substation EIA Report
Title:	Figure 3.3 Platform Elevations
Date: 29/11/2018	Scale: 1:1000
Drawn: CL	Checked: SM
	Approved: SM



Key

-  Application boundary
-  2 km radius from Proposed Development
-  5 km radius from Proposed Development
-  Proposed Development theoretically visible
-  National Cycle Network
-  Core paths
-  Residential properties within a 2km radius from the Site*
-  Key tourist attractions

*Finstown residential properties are not shown because there would be no visibility.

Client:	 Scottish & Southern Electricity Networks
Project:	Finstown Substation EIA Report
Title:	Figure 6.4 Key Visual Receptors
Date: 05/12/2018	Scale: 1:25,000 @ A3
Drawn: CL	Checked: AJF Approved: AJF

Appendix 6.

Appropriate Assessment.

Erect a 220/132KV Substation, Stymilders/Heddle Hill (Land Near), Firth, Orkney.

Planning Reference: 19/113/NATEIA.

Consideration of Proposals Affecting European Sites

The proposed North Orkney Special Protection Area (North Orkney pSPA) means that the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters, The Conservation of Habitats and Species Regulations 2017 apply. The Scottish Government has a policy of protecting proposed SPAs (e.g. Orkney Mainland Moors SPA) as if they were classified, and as set out in Scottish Planning Policy. Consequently, Orkney Islands Council (OIC) is required to consider the effect of the proposal on the SPA before it can be consented (commonly known as a Habitats Regulations Appraisal).

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of a Natura 2000 site is that it is likely to have a significant effect on that site, it must undertake an appropriate assessment of the implications for the conservation interests for which the area has been designated. The need for appropriate assessment extends to plans or projects outwith the boundary of the site in order to determine their implications for the interest protected within the site.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not:
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then:
- Make an appropriate assessment of the implications (of the proposal) for the site in view of that site's conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not adversely affect the integrity of the site. If this is not the case, and there are no alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required.

Appraisal

Natura interests – Orkney Mainland Moors SPA

The proposal lies within 1.3 kilometres of the North Orkney Special Protection Area (SPA) selected for the following qualifying species:

- Hen harrier (*Circus cyaneus*).
- Red-throated diver (*Gavia stellata*).
- Short-eared owl (*Asio flammeus*).

In its response to the Council, SNH has provided an appraisal of the impact that the proposal is likely to have on the Orkney Mainland Moors SPA.

The aim is to conserve these features in order to make a long lasting contribution to the SPA network.

The Conservation Objectives for Orkney Mainland Moors Special Protection Area are noted as follows:

To avoid deterioration of the habitats of the qualifying species or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and

To ensure for the qualifying species that the following are maintained in the long term:

- Population of the species as a viable component of the site.
- Distribution of the species within site.
- Distribution and extent of habitats supporting the species.
- Structure, function and supporting processes of habitats supporting the species.
- No significant disturbance of the species.

Matters in relation to the conservation objectives as noted above considered the development, on qualifying species of the Orkney Mainland Moors SPA and other relative natural heritage considerations. Given the nature of works proposed – Erect a 220/132kV substation, Stymilders/Heddle Hill (Land Near), Firth.

These points were considered within the response from SNH which concluded “It is unlikely that the proposal will have a significant effect on any qualifying interests on any qualifying interests either directly or indirectly. An appropriate assessment is therefore not required”.

Conclusion

In our view, from the information available it appears that in this case the proposal is not connected with or necessary for the conservation management of the sites. It is considered the location of the site which is 1.3 kilometres from the nearest part of the SPA. Although this is within the foraging range of hen harriers and short-eared owls breeding in the SPA, the extent of foraging habitat which will be lost as a result of the development is small and alternative foraging habitat is available.

On the basis of this appraisal, it is concluded that the proposal will not significantly affect the qualifying interests of the Orkney Mainland Moors SPA.

Appendix 7.

Proposed Conditions – 19/113/NATEIA.

Construction Management Plan

01. For the avoidance of doubt the development shall be constructed and operated in accordance with the provisions of the application submission, the submitted plans, and the methods set out in the supporting Environmental Impact Assessment Report (March 2019) including appendices, supporting information and within the Schedule of Mitigation within table 14-1.

Those mitigation measures to be implemented include but are not limited to: general environmental protection measures; access track construction; site compound construction; peat management; flooding; watercourse crossings; working (in or near watercourses and water diversions; soil storage and removal; oil storage and refueling; dust management; construction traffic management; and ecology and nature conservation.

Reason: To ensure the development is carried out in compliance with the details as submitted and approved.

02. Prior to the commencement of any development (including site clearance), a site-specific Construction Environmental Management Plan (CEMP) including all updated appendices and documents shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Scottish Environment Protection Agency (SEPA). The CEMP should accord with the outlined Schedule of Mitigation submitted with the application and all work shall be carried out in accordance with the approved CEMP. For the avoidance of doubt, the CEMP shall include:

- Processes to control/action changes from the agreed Schedule of Mitigation.
- Programme of Works during the construction phase.
- Site Drainage/Surface Water Management Plan.
- Foul Drainage provisions and associated discharge.
- Pollution Prevention Plan.
- Dust Management.
- Noise Impact Assessment.
- Peat Management Plan (PMP).
- Species Protection Plan (SPP).
- Drainage Strategy for Construction Phase.

Reason: To minimise the risk to the environment and natural heritage.

Archaeology

03. Prior to commencement of any development (including site clearance), 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 a Written Scheme of Investigation, will be 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.

04. No blasting shall be carried out unless a Blasting Scheme has been submitted to, and approved in writing by, the Planning Authority. Blasting shall be carried out in accordance with the approved Blasting Scheme only.

Reason: To ensure the impacts of such activity are fully considered in respect of local housing and other relevant public safety interests.

Natural heritage

05. Prior to commencement of any development (including site clearance), a Biodiversity Enhancement Plan (BEP) (including Local Nature Conservation Site compensation proposal) shall be submitted to, and approved in writing by, the Planning Authority. The BEP shall include the following:

- Appointment of an Ecological Clerk of Works to ensure implementation of mitigation measures.
- Purpose and clear conservation objectives of the proposed works.
- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures.

The development shall be implemented wholly in accordance with the approved BEP, and thereafter all features shall be retained in accordance with those approved details throughout the lifetime of the development.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of planning policy and conservation objectives.

06. All works related to the development shall be confined to the application site boundary, and no development, including dumping of spoil or waste, or storage of plant or materials, temporarily or permanently, shall be permitted on the Hill of Heddle Local Nature Conservation Site, outwith the site boundaries.

Reason: To avoid damage to locally identified sensitive habitats and the species they support.

Noise arising from the operational phase of the development (EH)

07. The noise mitigation measures described within the Noise Impact Assessment* shall be implemented and maintained throughout the operational lifetime of the development, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interest of residential amenity.

* Noise Impact Assessment - Apex Acoustics report 6799.2D dated 6 September 2019.

08. When measured and/or calculated as a Leq, 5min, in the 100Hz one third octave frequency band, noise levels must not exceed 30dB, at noise sensitive properties as highlighted within the Noise Impact Assessment.

Furthermore, the Rating Level** 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 existing pre-development background noise levels at noise sensitive properties, as detailed within the approved Background Noise Survey within the Noise Impact Assessment.

Reason: In the interest of residential amenity.

** Rating Level (LAr,T) and background Noise Level (LA90,T) to be calculated in accordance with BS 4142: 2014 - Method for Assessing and Rating Industrial and Commercial Sound (or any subsequent updates of this standard in force at the time).

09. Following any complaint to the Planning Authority from an occupant of a dwelling alleging noise disturbance at that dwelling, and at the discretion of the Planning Authority in consultation with Environmental Health, the Planning Authority shall provide a written request to the site operator to appoint an independent noise consultant, at the expense of the site operator, to assess the level of noise from the development at the complainant's property in accordance with the procedures in BS4142:2014 - Method for Assessing and Rating Industrial and Commercial Sound (or any subsequent updates of this standard in force at the time). The written request from the Planning Authority shall include a requirement for the independent noise consultant and associated timescales for any assessment to be approved by the Planning Authority, and also include the date, time and location to which the complaint relates.

The independent noise consultant, timescale for the assessment of the noise levels, and an assessment protocol shall be submitted to, and agreed in writing by, the Planning Authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken.

Reason: In the interest of residential amenity.

10. The site operator shall provide to the Planning Authority the independent consultant's assessment of the noise levels undertaken in accordance with BS4142:2014 - Method for Assessing and Rating Industrial and Commercial Sound (or any subsequent updates of this standard in force at the time) within two months

of the date of the written request by the Planning Authority in condition 09 above, unless the time limit is extended, in writing, by the Planning Authority. The assessment shall include all data collected, including any audio recordings made, for the purposes of undertaking the compliance measurements.

Reason: In the interest of residential amenity.

11. Once the Planning Authority has received the independent consultant's assessment and, where the Planning Authority is satisfied of an established breach of noise limits set out in the planning approval, and upon notification by the Planning Authority in writing to the site operator of the said breach, the site operator shall within 21 days, unless otherwise agreed in writing by the Planning Authority, propose a mitigation scheme for approval from the Planning Authority.

This scheme shall be designed to mitigate the breach and prevent its future recurrence. The scheme shall specify timescales for implementation. The scheme shall be implemented as reasonably approved by the Planning Authority and retained thereafter, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interest of residential amenity.

Noise arising from the construction phase of the development

12. Prior to commencement of any development (including site clearance), the developer shall submit a Construction Noise Management Plan for approval, in writing, by the Planning Authority. The plan shall include a description of methods of work, an assessment of likely noise impacts at nearest noise sensitive receptors and any proposed mitigation measures to reduce noise impacts.

Reason: In the interest of residential amenity.

13. Notwithstanding the Construction Noise Management Plan, no work which results in audible noise at the site boundary, or deliveries to or from the site by vehicles, shall take place outside the hours of 08:00 to 18:00 Mondays to Fridays, 08:30 to 13:00 Saturdays or at any time on Sundays or Public Holidays, unless otherwise agreed, in writing, by the Planning Authority.

Reason: In the interest of residential amenity.

Footpath across site

14. Prior to commencement of any development (including site clearance), an alternative footpath route and the specification of its construction including timing shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the footpath shall be constructed in accordance with the details submitted to the Planning Authority.

Reason: To ensure the footpath which presently runs through the platform area is relocated to a suitable location.

Landscape scheme

15. Prior to commencement of any development (including site clearance), a scheme of hard and soft landscaping works shall be submitted to, and approved in writing by, the Planning Authority.

Details of the scheme shall include:

- Existing landscape features and vegetation to be retained.
- Final details of all new screening landform.
- The location of all new trees, shrubs, biodiversity habitat and grassed areas.
- A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- The location, design and materials of all hard-landscaping works including dykes, fences and gates within site boundaries.
- Phasing plan for landscaping and planting.
- An indication of biodiversity habitat to be created or removed.
- A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall thereafter be carried out in accordance with the approved scheme and shall be completed in accordance with the phasing plan as agreed, in writing, with the Planning Authority.

Any planting which, within a period of five years from completion of the development, in the opinion of the Planning Authority, is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of implementation of the approved scheme, detailed proposals for a programme for long-term management and maintenance of all approved landscaping shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, all management and maintenance of the landscaping shall be implemented, in perpetuity, in accordance with the approved programme.

Reason: To ensure implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape, in the interests of the biodiversity and visual amenity of the area and to ensure that the landscaping is managed and maintained in perpetuity.

16. Prior to commencement of any development (including site clearance), full details of the extent, location, design and height of all fencing and boundary treatments shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed wholly in accordance with the approved details.

Reason: In the interest of visual amenity.

Native species are required as part of the design

17. All species used in the planting proposals shall be native species of local provenance unless otherwise agreed, in writing, by the Planning Authority.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

Control over lighting

18. Prior to commencement of any development (including site clearance), full details of all external lighting to be used both during construction and operational phases of the development shall, be submitted to, and agreed in writing with, the Planning Authority. Thereafter, lighting shall be installed wholly in accordance with the approved details.

Reason: In order to visual amenity of the area.

Construction Traffic Management Plan

19. Prior to commencement of any development (including site clearance), a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the approved CTMP.

Reason: In the interests of road safety and to avoid degradation of the road network.

Construction phase site waste management plan

20. Prior to commencement of any development (including site clearance), a construction phase Site Waste Management Plan shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall progress wholly in accordance with the approved Site Waste Management Plan.

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

Phasing of Development

21. Prior to commencement of any development (including site clearance), a Phasing Plan outlining details of the phasing of the development shall be submitted to, and approved in writing by, the Planning Authority. Thereafter, development shall be phased wholly in accordance with the approved Phasing Plan.

Reason: To ensure that build-out of the development is phased to avoid adverse impact on amenity and infrastructure.

Construction compound

22. No materials to be stored or any processes to take place outwith the area detailed in drawing no. G85221-176.99.82-Y1-P021 unless agreed in writing by the Planning Authority prior to that storage or process being carried out.

Reason: In the interest of visual amenity.

23. Notwithstanding the submitted details, no extension to the construction compound shall take place outwith the area detailed in drawing no. G85221-176.99.82-Y1-P021 unless screening has been submitted to, and agreed in writing with, the Planning Authority.

Reason: To minimise visual impacts of the extension to the contractors' compound.

24. Prior to commencement of any development (including site clearance), a reinstatement plan for any temporary works shall be submitted to, and approved in writing by, the Planning Authority. This shall also include an agreed timescale for restoration works. Thereafter works shall be completed wholly in accordance with the approved details.

Reason: In the interests of amenity.

Material and Colours

25. Prior to commencement of any development, samples of materials and colours to be used on the external surfaces of the buildings shall be agreed, in writing, with the Planning Authority. The approved materials shall thereafter be used in implementation of the development.

Reason: In the interest of visual amenity.

Access road

26. Prior to commencement of any development (including site clearance), full details of access to the site and the access junction with the A965, including its geometry/construction and drainage details, shall be submitted to, and approved in writing by, the Planning Authority, in conjunction with Roads Services.

Reason: In the interest of road safety.

27. Prior to commencement of any development (including site clearance), full details of the design and gradient of the access road from the A965 to the site shall be submitted to, and agreed in writing with, the Planning Authority. Thereafter, the access road shall be constructed wholly in accordance with approved details.

Reason: To minimize the cut for the access road in the interest of visual amenity.

Water environment and flood risk required by SEPA

28. Not less than four months prior to commencement of any development (including site clearance), a detailed scheme for the protection and enhancement of the water environment shall be submitted to, and approved in writing by, the Planning Authority, in consultation with SEPA. The scheme shall include full design details, with input from a geomorphologist, of the following:

- The diversion and realignment of watercourses within the site including appropriate buffer zones between the edge of the wider channel (ie the extent of channel utilised during high flows) and the development.

- Engineering activities in the water environment, including the location and type of any proposed watercourse crossings and culverts.
- Hydraulic modelling to support the design details to show there will be no increased flood risk to the development or downstream.
- Realignment drawings including plan view, long profile (extending up- and downstream to show the tie in to the unmodified channel) and cross sections (spaced to display changes in channel form).
- Information on materials forming the channel bed and banks.
- Measures to be included to naturalise the realigned watercourse.
- Information on how the realigned channel will be scaled including the development of a two-stage channel as appropriate.
- Details of the new culvert under the existing farm track.
- Geomorphic justification of all design choices.

Any redesigned watercourse and associated structures shall be designed to accommodate the 1 in 200-year flow from the whole catchment.

No development shall take place within the 1 in 200-year plus climate change functional flood plain.

A buffer zone of a minimum of six metres between all water bodies, existing and retained or realigned, and the development will be maintained.

All works on site must be undertaken in accordance with the approved scheme and supervised by a geomorphologist, unless otherwise agreed in writing with the Planning Authority, in consultation with SEPA.

Reason: To protect and improve the water environment and to protect people and property from flood risk.

Flood Risk

29. Prior to commencement of any development (including site clearance), a stage 3 Flood Risk Assessment (FRA) shall be submitted to, and agreed in writing with, the Planning Authority, in conjunction with SEPA. The stage 3 FRA shall provide full details of the following:

- The estimated 1 in 200-year design flow being confirmed.
- Once the inflows are confirmed and further modelling work has been undertaken, model details and output will be provided, to confirm the surface water management proposals will not increase the flood risk to the site or downstream.
- Provision of proposed new channel morphology details and modelling results confirming these proposals will not increase the flood risk to the site or downstream.
- Confirmation and details of the proposed design standard for the various watercourse crossings.

Thereafter, development shall be carried out in accordance with the approved details.

Reason: To minimise flood risk.

30. Notwithstanding the details included in Drawing 1126-HMR-107.qgz Rev A, the small pond to the south of the proposed substation platform shall not be in filled unless it is clearly justified this is unavoidable and that there would be no increased flood risk downstream as a result. Infilling shall not be carried out unless full details of any proposed justification for the works is submitted to, and agreed in writing by, the Planning Authority, in conjunction with SEPA.

Reason: To minimise flood risk.

31. Prior to commencement of any development (including site clearance), final details of surface water drainage shall be submitted to, and approved in writing by, the Planning Authority. The drainage shall thereafter be carried out wholly in accordance with the approved details.

Reason: In order to secure a satisfactory standard of development, minimising risk of flooding.

Infrastructure within site boundary

32. Prior to commencement of any development (including site clearance), the developer shall locate Scottish Water infrastructure within the boundary of the site, agreed as required with Scottish Water any works to relocate or protect the infrastructure, and submit details of site investigations and agreement form Scottish Water to the Planning Authority.

Reason: To ensure that infrastructure in protected.

Ecological Clerk of Works

33. Prior to commencement of any development (including site clearance), the Planning Authority shall approve in writing the terms of appointment by the developer of an independent and suitably qualified Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA as necessary. The terms of appointment shall include but not necessarily be limited to:

- Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements.
- Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent.
- Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site.
- The power to halt development on site where environmental considerations warrant such action.

An ECoW shall also be appointed under the terms of this condition throughout the construction phase of the development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development.

Time Limit

34. That the development hereby granted must commence within five years of the date of this decision notice.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).