

Minute

Special General Meeting of the Council

Tuesday, 1 October 2019, 09:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors J Harvey Johnston, Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Andrew Drever, Barbara Foulkes, Steven B Heddle, Rachael A King, John T Richards, Stephen Sankey, John A R Scott, Gwenda M Shearer, Graham L Sinclair, James W Stockan, Magnus O Thomson, Owen Tierney and Duncan A Tullock.

Clerk

- John W Mundell, Interim Chief Executive – for Items 1 to 5.
- Hazel Flett, Senior Committees Officer – for Items 6 and 7.

In Attendance

- John W Mundell, Interim Chief Executive.
- Gavin Barr, Executive Director of Development and Infrastructure.
- Gavin Mitchell, Head of Legal Services.
- Roddy MacKay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Stuart West, Planning Manager (Development and Marine Planning).
- Hazel Flett, Senior Committees Officer.
- Angela Kingston, Committees Officer.

Observing

- Kenneth Roy, Team Leader Roads Support.
- Kirsty Groundwater, Press Officer.

Apologies

- Councillor Stephen G Clackson.
- Councillor W Leslie Manson.
- Councillor Kevin F Woodbridge.

Declarations of Interest

- Councillor Alexander G Cowie – Item 6.
- Councillor David Dawson – Item 6.

Chair

- Councillor J Harvey Johnston, Convener – for Items 1 to 5.
- Councillor Robin W Crichton – for Items 6 and 7.

1. Introduction

The Convener welcomed everyone to the meeting which had been called to determine the planning application relating to the proposed erection of a substation and associated works at land near Stymilders/Heddle Hill, Firth.

Prior to proceeding to the main item of business, the Convener advised of several procedural matters which required to be addressed.

In accordance with the Scheme of Administration, planning applications defined as being National, namely developments listed in the National Planning Framework, required to be determined by the Council, and could not be determined by officers or the Planning Committee.

2. Audio-casting

As it was proposed to follow the same hearings process operated by the Planning Committee, this meeting was not audio-cast live.

3. Standing when Speaking

As the meeting was to operate like a Planning Committee, it was proposed that Standing Order 52, which stated “At General Meetings of the Council, Members shall stand when speaking, and shall address the Convener”, be suspended.

The Council **suspended Standing Order 52** thereby foregoing the requirement to stand when speaking, which only applied at General Meetings of the Council.

4. Voting

Standing Order 108 provided that the usual method of voting at Council and Service Committee meetings shall be by recorded vote. At meetings of the Planning Committee, which was not a Service Committee, voting was by a show of hands.

The Council resolved that voting should be by a show of hands.

5. Chairing of Meeting

As the meeting was to operate like a Planning Committee, in terms of Standing Order 44, the Convener proposed to depart the Chair in “other circumstances”. In this case, the “other circumstances” were that, because of the nature of the business to be conducted, it was the Convener’s view that it would be entirely appropriate for the Chair of the Planning Committee to chair the remainder of the proceedings.

On the motion of the Convener, seconded by Councillor Owen Tierney, the Council:

Resolved that the Chair of the Planning Committee should Chair the remainder of the proceedings.

The Convener left the Chair at this point and Councillor Robin W Crichton, Chair of the Planning Committee, took the Chair for the remainder of the meeting.

Signed: Harvey Johnston.

6. Planning Application 19/113/NATEIA

Proposed Erection of Substation, Associated Infrastructure, Landscaping and Temporary Construction Compound Areas on land near Stymilders/Heddle Hill, Firth

Councillor Alexander G Cowie declared a non-financial interest in this item, in that a close family member was employed by the company and was a member of the shadow board, and was not present during discussion thereof.

Councillor David Dawson declared a financial interest in this item, being a shareholder in a commercial undertaking related to the applicant company, and was not present during discussion thereof.

Simon Hall, Tommy Hart and Max Aremia, representing the applicant, Scottish Hydro Electric Transmission plc; Spencer Rosie and David Murdoch, representing Orkney Heritage Society, objectors; and Jim Leitch and Eric Goodyer, objectors, were present during consideration of this item.

6.1. Pre-Determination Hearing

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Council:

Noted:

6.1.1. That letters of objection relating to the application for planning permission in respect of the proposal for the erection of a substation, comprising a platform area, electrical infrastructure and buildings and associated plant, together with ancillary infrastructure, drainage, landscaping, an access road and temporary construction compound areas, on land near Stymilders/Heddle Hill, Firth, had been received from the following:

- Margaret Rinder, Hall of Cara, Grimness, St Margaret's Hope.
- David Lynn, 4 Lawrence Street, Glasgow.
- Eric Goodyer, Craiglands, Birsay.
- Rose Grimond, Howberry Wood Farm, Henley-on-Thames.
- Stuart Gray, Vakkerrygg, Ireland Road, Stenness.
- Kate Grimond, The Old Manse, Grimbister.
- John Grimond, Old Manse of Firth, Grimbister.

- Neil Kermod, Quarry House, Stymilders Road, Stenness.
- Angela Barnett, Garaber, Heddle Road, Finstown.
- Jim and Maureen Leitch, Feolquoy, Evie.
- Orkney Heritage Society.

6.1.2. That, on 19 February 2019, the Policy and Resources Committee recommended that, prior to the pre-determination hearing, the Council should undertake an unaccompanied site visit to the proposed substation site at Finstown.

6.1.3. That the site visit, referred to at paragraph 6.1.2 above, had taken place at 13:30 on 30 September 2019.

After hearing representations from Spencer Rosie, on behalf of Orkney Heritage Society, Jim Leitch and Eric Goodyer, objectors, and after hearing a statement from David Lynn, 4 Lawrence Street, Glasgow, objector, which was read out by the Clerk, and after hearing representations from Tommy Hart, representing the applicant, Scottish Hydro Electric Transmission plc, the Council:

Noted:

6.1.4. The representations from the objectors present, the statement from an objector read out by the Clerk and representations from the applicant, together with questions from members and responses from the objectors and the applicant, where applicable.

Councillors John T Richards and Magnus O Thomson left the meeting and rejoined the meeting during discussion of this part of the meeting.

6.2. Adjournment

The Chair adjourned the meeting at 12:25, thereby completing the pre-determination hearing.

The meeting reconvened at 12:30.

6.3. Determination of Planning Application 19/113/NATEIA

Following representations from the Chair, the Council:

Noted:

6.3.1. Standing Order 31, which stated that, if a Committee had a hearing on a matter where the decision may affect the interest or rights of any person as an individual, or a commercial undertaking and where the person had a right to be heard in person or through a representative, a Member of the Committee may only participate and/or vote on the matter if s/he had been present through consideration of the whole item of business.

6.3.2. That the applicant, Scottish Hydro Electric Transmission plc, had requested 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.

Councillor Robin W Crichton, seconded by Councillor Owen Tierney, moved that planning application 19/113/NATEIA be refused, as, in their opinion:

(1) The siting, scale and design of the proposed development would introduce several very large structures into a rural environment and was not considered to be appropriate for the location and would result in an unacceptable adverse landscape and visual impact.

(2) The siting, scale and design of the proposed development would have an unacceptable adverse impact on the quality of life and amenity of residents of properties located closest to the development.

(3) The proposed development was partially located within the Hill of Heddle Local Nature Conservation Site and would result in the loss of natural and semi-natural habitat.

(4) There was a lack of detailed information provided on the type and amount of construction waste arising from the proposed development and, in particular, the opportunity to re-use stone quarried whilst excavating the site.

(5) The site of the proposed development lay within the Heart of Neolithic Orkney World Heritage Site Sensitive Area and would be visible at a distance resulting in an adverse visual impact when viewed from a number of its component parts, including Maeshowe and the Stones of Stenness, to the detriment of the landscape setting of the World Heritage Site.

And, accordingly, the proposed development was contrary to the following policies within the Orkney Local Development Plan 2017:

- Policy 1 – Criteria for All Development, parts i, iv, vii, viii, ix and x.
- Policy 2 – Design, parts i and ii.
- Policy 8 – Historic Environment and Cultural Heritage, Section A, parts i and ii.
- Policy 9 – Natural Heritage and Landscape, Section G, parts i and ii.

Councillor John A R Scott, seconded by Councillor James W Stockan, moved an amendment that planning application 19/113/NATEIA be approved, subject to conditions as proposed by officers.

On a vote being taken 10 members voted for the amendment and 4 for the motion, and the Council:

Resolved:

6.3.3. That planning permission be granted in respect of the proposal to erect a substation, comprising a platform area, electrical infrastructure and buildings and associated plant, together with ancillary infrastructure, drainage, landscaping, an access road and temporary construction compound areas, on land near Stymilders/Heddle Hill, Firth, subject to the conditions attached as Appendix 1 to this Minute.

7. Conclusion of Meeting

At 13:05 the Chair declared the meeting concluded.

Signed: Rob Crichton.

Appendix 1.

Proposed Erection of Substation, Associated Infrastructure, Landscaping and Temporary Construction Compound Areas on land near Stymilders/Heddle Hill, Firth (19/113/NATEIA)

Grant subject to the following conditions:

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 refuelling; 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 (L_{Ar,T}) and background Noise Level (L_{A90,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 minimise 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 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 is 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. 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).