

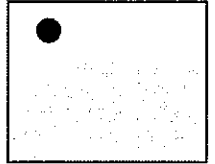
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PLANNING & BUILDING CONTROL  
LOCHABER

29 JUN 2010

Our Ref: IG857-16/PJL/HB

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Mr S Fair  
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28 June 2010

Dear Stephen

**TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1999  
ERECTION OF CHP PLANT AT INVERGARRY**

I refer to your letter of 3 December 2009 and to our subsequent meeting of 19 January 2010. Within your letter and during our meeting you referred to a number of points and issues which I consider to be inaccurate or incorrect and I will attempt to respond to each of the points in detailed manner in the hope that you can be convinced that this application is worthy of your positive recommendation.

At the outset I think it is appropriate and important to make reference to the Council's Screening Opinion of 31 October 2008. In response to the developer's request for an opinion Mr Mooney for the Council stated that **"the site is not covered by any of the designations, classified by the 1999 regulations as sensitive areas"**. He goes on to say **"the nearest dwelling to the proposed site appears to be within 200m and whilst there would unavoidably be some visual impact it is considered that given the proposed scale of the development that this would not be of such significance as to warrant an environmental impact assessment"**. The formal Screening Opinion concludes that **"by reason of its nature, scale, location and cumulative landscape and visual effects the proposal is unlikely to have a significant effect on the environment in combination with other proposed developments in the Highlands"**.

Notwithstanding the above, the need for some study work in relation to road transport, landscape and visual impacts, hydrology, drainage and geotechnical issues, noise impacts, grid connection and socio economic benefit was identified.

Accordingly a great deal of research has been undertaken into each of these subjects and the results are included within the planning application and appendices.

Turning to the contents of your above noted letter which starts with a brief synopsis of the development proposals. You then make reference to the Screening Opinion of 31 October 2008 and go on to list relevant Development Plan Policies. Most of these policies are highlighted within the Planning Policy section of the application document. However for ease of reference I have assessed the proposed development in the context of those policies you have highlighted and this review is attached as Appendix 1.



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You then refer to responses of the statutory consultees. At the time of your preparing and issuing your letter of 3 December 2009, it is evident that you had not received the advice or written representation from either SEPA or Environmental Health, both key consultees. I would have thought that the comments of each of these bodies would be essential in order for you to fully consider the potential impact of this development and hence I am surprised that you were prepared to make clear your view as to the suitability of the site for the proposed use at such an early stage.

I think the response of each of the consultees can be summarised as follows;

**SNH** confirms that the development does not lie within any site designated by SNH for natural heritage interests and that the scale, location and detailed design of the plant are such that it is unlikely to have a significant effect on the natural heritage of the area. As a consequence SNH has no objection to the proposed development.

**Scottish Water** confirms that it has no objection to the proposed development.

**Transport Scotland** does not object to the proposed development and advises that a number of conditions should be imposed all for the purpose of improving the site access.

**Area Roads Manager** states that subject to the provision of further details confirming the adequacy of space for vehicular turning and parking with the site the "development can be supported".

**SEPA** has submitted a technical objection on the specific grounds that further information in relation to the treatment of surface water is required. Preparation of a SUDS proposal is currently in progress and we are confident that SEPA's concerns can be satisfactorily addressed. SEPA note that although they do not regulate air quality matters they comment that the worst case scenarios modelled do not present any air quality effects and that predicted values are well below the Air Quality Standard.

**Environmental Health** do not object but raise a number of points which require further work to be undertaken in order to ensure that the proposed conditions can be met. This work is currently underway.

**Forestry Officer** is unable to support the application pending receipt of information on a number of points regarding tree removal, landscaping and car parking. This falls short of an objection and I am confident that the provision of details as requested will satisfy the Forestry Officer.

In brief summary, it is evident that the consultees responses are generally supportive but with the submission of further details we are confident that those concerns which have been expressed can be satisfactorily addressed.

Turning now to your commentary to which I will respond on a paragraph by paragraph basis. For your ease of reference I attach a copy of your letter upon which I have numbered the relevant paragraphs.

1. You welcome the prospect of a reduction on road miles, investment in the local economy during construction and operation of the plant but you state that the "job creation figures are questioned by objectors". I re-iterate that the estimate of job creation is based upon independent research carried out by the DTI and Highlands and Islands Enterprise. It is to be expected that objectors will cast doubt on positive attributes a development proposal may contain but nobody has produced or referred to any research or other credible means of refuting the estimates contained within the above noted research.



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2. You refer to a detailed assessment having been carried out and that this "has identified a number of concerns relative to the appropriateness of the development for the site". It is not explained what form of detailed assessment was undertaken or by whom.

I agree that the site is immediately adjacent to the A87(T) but the plant is set back circa 25 metres behind existing trees and foliage which afford good screening of the plant from oblique views.

Without reference to any apparent research or empirical data you assert that "tourism and the character of the village would be adversely affected by the development". Commenting firstly of the possible impact upon the character of the village; I must emphasize that the site is 1km from the village. I have consulted with Historic Scotland who confirm the village is not a conservation area and there are no gardens or designed landscapes in the village.

You described the proposed building as a 'very large' utilitarian building and the activity as 'intensive'. Against what criteria have you assessed this proposal in order to describe them in such a way? In so much as the building is purposeful I agree it is utilitarian but is that not to be anticipated with the vast majority of industrial or commercial building? Use of an adjective such as intensive is unnecessary and inappropriate. The plant will operate in accordance with its design capacity and this will entail circa 9 loads of woodfuel per weekday arriving at the site. This equates to less than 1 per hour during a normal working day.

Of some significance also must be the fact that by virtue of the Hierarchy of Development Regulations, development of this scale and character is considered to be a local development.

You refer to strategic tourist routes however we have been able to find no evidence that any routes are identified as such within Highland. During the course of our subsequent dialogue with the Council on this point we were advised to consult with Visit Scotland to which end we have learnt of the existence of 12 National Tourist Routes. As you can see however from the Visit Scotland pamphlet attached none of the routes include the A87(T).

As regards the potential impact upon tourism it would be reasonable to consider what if any impact has been recorded as a result of the windfarms that have been constructed in Scotland over recent years. However, as far as we can determine, there has been no evidence from studies or surveys that support the view that construction of windfarms has resulted in a decline in tourism in any area.

In the circumstances I fail to understand how by means of an objective assessment you reach the conclusion you have as there is simply no evidence to support your view.

You have commented that the visualisations are helpful but that they "underplay the visual impact because of the blinkered angles used". As was explained when we met the drive by simulation is intended to represent the view of a forward looking motorist travelling along the A87(T) in either direction. Since our meeting we have commissioned further specialist visualisation work entailing superimposition of the proposed plant into a number of photographs taken at various points looking into the site. At the time of writing this work is nearing completion and we will forward to you the images in early course.

4. You have correctly confirmed that the site is identified in the WHILP as suitable for business development and that it is a brownfield site. However, you then assert that "this scale of development is incongruous with the village and is considered to be a gross over development of the site" and further that "due to visual impact, insensitive siting and conflict with local character, impact on the community and residential amenity and impact upon tourism the proposal runs contrary to Structure Plan Policies G2, T5 and T6"



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You provide no explanation as to the criteria, research or reference data that you have relied upon to reach this conclusion and the absence of such quantifiable assessment gives me reason to believe that you are simply expressing an opinion which is simply not justifiable in the context of the provisions of the development plan, planning guidance and the environmental impact criteria.

5. It is accepted that the cemetery is considered to be sensitive but I don't accept that there is an "obvious conflict between uses". To do so pre-supposes that the development will cause unacceptable environmental impact and again I consider it inappropriate that you should draw such a conclusion.

I think it is important to point out that the cemetery is separated from the proposed plant by a trunk road with on average 1200 vehicle movements/day and at peak times over 130 movements/hour. This level of traffic movement creates a significant level of disturbance and background noise.

6. The means by which heat may be used does not form part of this application.
7. It is acknowledged that bats are a protected species. Following discussion with SNH we do not believe there are bats in the existing building but if it transpires that there is a roost we would procure the necessary licence to conduct a survey in the first instance.
8. I note your recommendation that the developer should seek an alternative site but you can be assured that whilst it is obviously not possible to consider every possible option several alternatives have been considered. At this point you advise that we should "look for a site that is easily accessible but well removed from major scenic routes or sensitive settlements". Notwithstanding all my comments in the foregoing you again pre-suppose without any objective assessment that a CHP plant such as is proposed will cause unacceptable impacts if located close to a scenic route or a sensitive settlement.

I trust you find the above informative and helpful in your consideration of the proposal. I have no doubt however that further discussions on a number of points will be necessary and to this end I propose that we meet with you and your colleagues in due course and after submission of the photo montages to review the above and any other outstanding issues.

Yours sincerely

Philip J Lea  
Director

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## APPENDIX 1

### REVIEW OF PLANNING POLICIES IDENTIFIED IN HC LETTER OF 3<sup>RD</sup> DECEMBER 2009

#### *Policy G2 – Design for Sustainability*

*Proposed developments will be assessed on the extent to which they:*

- *Are compatible with service provision (water and sewerage, drainage, roads, schools, electricity);*

**Comment:**

The plant will be powered by its own electricity, therefore not increasing the load on the national grid. A suitable power line runs through the site, affording convenient grid connection. The existing bellmouth junction with the A87 into the site will require to be upgraded to the satisfaction of the roads authority.

- *Are accessible by public transport, cycling and walking as well as car;*

**Comment:**

Due to the nature of the business the majority of journeys to and from the site require the use of a motor vehicle or haulage of timber fuel.

- *Maximise energy efficiency in terms of location, layout and design including the utilisation of renewable sources of energy;*

**Comment:**

The site is as close as practicable to the local supply of timber therefore maximising energy efficiency by minimising haulage distances.

- *Are affected by significant risk from natural hazards, including flooding, coastal erosion, land instability and radon gas, unless adequate protective measures are incorporated, or the development is of a temporary nature;*

**Comment:**

None of the above hazards will impact upon the site.

- *Are affected by safeguard zones where there is a significant risk of disturbance and hazard from industrial installations, including noise, dust, smells, electro-magnetism, radioactivity and subsidence;*

**Comment:**

There are no industrial developments close to the site.

- *Make use of brownfield sites, existing buildings and recycled materials;*

**Comment:**

The proposed development will result in the regeneration of a brownfield site as identified in the West Highland and Islands Local Plan and shown on Drawing Inset LO37.



- *Impact on individual and community residential amenity;*

**Response:**

The potential impacts upon residential amenity are assessed within the planning application.

- *Impact on non-renewable resources such as mineral deposits of potential commercial value, prime quality or locally important agricultural land, or approved routes for road and rail links*

**Response:**

The development will have no impact upon mineral deposits, prime or locally important agricultural land or approved routes for road/rail links.

- *Impact on the following resources, including pollution and discharges, particularly within designated areas;*
  - *Habitats*                      *freshwater systems*
  - *Species*                        *marine systems*
  - *Landscape*                    *cultural heritage*
  - *Scenery*                        *air quality;*

**Comment:**

The site is not within a designated or sensitive area and the potential impacts upon the environment have been assessed within the Environmental Considerations Section 3.0 of the application.

- *Demonstrate sensitive siting and high quality design in keeping with local character and historic and natural environment and in making use of appropriate materials;*

**Comment:**

The proposed plant is sited 1km from the village. The plant is designed to a high standard making use of materials chosen for particular performance characteristics.

- *Contribute to the economic and social development of the community.*

**Comment:**

The proposed development will contribute to the social and economic needs of the community providing long term secure jobs for local people.

*Policy T5 – Strategic Tourist Routes*

*The Council will support the development and maintenance of a high quality network of strategic tourist routes based on a range of modes of travel.*

**Comment:**

A review of the Structure Plan in addition to the Lochaber Local Plan 1999 and the West Highland & Islands Local Plan (Draft) 2008 has been carried out in order to determine which routes within the area are classified as 'Strategic Tourist Routes'.

However, we can find no record of any designated strategic tourist routes. We were advised to review the Visit Scotland National Tourist Routes map as this would give an indication of potentially sensitive routes within the Highland region.



A review of the National Tourist Routes map prepared by Visit Scotland identifies 12 National Tourist Routes, none of which are within or close to Invergarry, nor are any sections of the A87 designated a National Tourist Route. Accordingly there will be no adverse impacts upon National Tourist Routes by the proposed development.

*Policy T6 – Scenic Views*

*The Council will protect important scenic views enjoyed from tourist routes and viewpoints, particularly those specifically identified in Local Plans. There will be a presumption against development in narrow areas of land between roads and railways and open water.*

**Comment:**

As identified in the response to Policy T5 above there will be no adverse impacts from National Tourist Routes by the proposed development.

A review of the Lochaber Local Plan 1999 and the West Highlands and Islands Local Plan (Draft) 2008 does not identify any potential viewpoints in the vicinity of the application site, however, the Highland Structure Plan recommends referring to the SNH Landscape Character Assessment in order to appraise any potential impacts.

The 1998 Lochaber: Landscape Character Assessment commissioned by SNH and carried out by Environmental Resources Management aims to describe and classify the landscape of the area, in addition to considering the likely effects of landscape change and develop guidance for the future.

The assessment classifies the area as Broad Forested Strath and notes that;

*'Pressure for landscape change, including housing, industry, recreation and infrastructure, is high throughout this landscape type due to its accessibility, primary resources (eg minerals and woodland), communications and services; however, sensitivity to landscape change tends to be low due to its generally robust landscape.'*

This opinion is also backed up through SNH's consultee response within which they "consider that the scale, location and detailed design of the plant are such that is unlikely to have significant effect on the natural heritage of the area" and as a consequence "**SHN therefore has no objection to the proposed development**".'

Highland Council also highlights additional Highland Structure Plan policies E1, N1, W7 and W12 which were not assessed within the original planning application. These policies are therefore reviewed below.

*Policy E1 – Distributed Renewable Energy Developments*

*'The Council supports the utilisation of the region's distributed renewable energy resource, including hydro, wind, wave and tidal stream power. Proposals will be assessed against the provisions of the General Strategic Policies.'*

*Approvals for renewable energy developments will normally be for a temporary period only (tied to the lifetime of a project), with provision where appropriate for the removal and reinstatement of affected areas. Earlier action for removal and reinstatement will be required in the event of premature permanent cessation of energy production.'*

**Comment:**

The proposal accords with the General Strategic Policies.



*Policy N1 – Nature Conservation*

*'New developments should seek to minimise their impact on the nature conservation resource and enhance it wherever possible. The Council will seek to conserve and promote all sites according to the following hierarchy:*

***sites and species of international importance*** - *Developments which would have an adverse effect on the conservation interests for which a site has been designated will only be permitted where there is no alternative solution and there are imperative reasons of over-riding public interest, including those of a social and economic nature. Where a priority habitat or species (as defined in Article 1 of the Habitats Directive) would be affected, prior consultation with the European Commission is required unless the development is necessary for public health or safety reasons.*

***sites of national importance*** - *Developments will only be permitted where the objectives of designation and the overall integrity of the area will not be compromised or any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social and economic benefits of national importance.*

***sites of local importance*** - *Developments will be assessed for their effects on the interests of sites of local conservation importance and will be resisted where these are judged to be unreasonably detrimental.'*

**Comment:**

The site is identified in the West Highlands and Islands Local Plan (Draft) 2008 (WHILP) for business use, whilst the eastern and western extents are identified as Wider Countryside. The application site is therefore not of international, national or local importance as defined within the WHILP.

Land immediately to the north of the application site is identified as having National Importance under *Policy 4.2 – Inventoried Ancient Woodland and Long Established Woodland (Semi-Natural)*. In addition to which a forest design plan has been prepared for the woodland entailing the thinning and removing of conifers over a 15 year period leading to a gradual conversion to broadleaves whilst suppressing Rhododendron invasion.

*Policy W7 – Waste Combustion and Energy Recovery*

*Proposals for the combustion (with energy recovery) of household, commercial and non-hazardous industrial waste will be supported where they conform to the General Strategic Policies and the following additional criteria:*

- *compatibility with the character of the area, with preference being given to sites within or adjoining general industrial areas;*
- *the relationship to the strategic transport network, including the potential role of rail and waterborne transport and the ability of the local transport network and site access to accommodate the traffic generated;*
- *the extent to which the proposal makes provision for the recycling of material prior to incineration and the re-use of residues; and*
- *the links to residue processing and disposal sites.*

**Comment:**

Timber used within the combustion process is not household, commercial, non-hazardous or industrial waste. The plant will utilise timber from forestry plantations which is not classified as waste.



*Policy W12 – Air Quality*

*The Council will work closely with partner agencies to ensure that high standards of air quality are maintained within the Highland area. Where appropriate, new developments will be required to submit an environmental assessment, which addresses the subject of air pollution.*

**Comment:**

An air quality assessment has been carried out by BMT Cordah, the Executive Summary states;

*“The atmospheric dispersion modelling study considered three different stack heights and included for the effect of local buildings, meteorological and topographical conditions on pollutant dispersal.*

The modelling predictions indicate that even for the worst case scenario, i.e. shortest stack height, worst case meteorological conditions and with building downwash effects, that ambient pollutant concentrations will be below statutory air quality objectives at the closest sensitive receptors.

*Based on the results of the study it is therefore considered that no adverse air quality effects will occur as a result of the development of the proposed wood-fired CHP plant”.*