



**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL
IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

SCOPING OPINION - 23/06032/SCOP

Applicant:	Global Energy Nigg Ltd
Agent (contact details):	Mabbett & Associates Planning & Development Willow House Stoneyfield Business Park Inverness IV2 7PA
Project:	Engineering works to form new berthing quay on the east side of the inner dock at the port of Nigg
Project Address:	Land 430M NW Of Nigg Welding School Nigg Tain

This response is given without prejudice to the Planning Authority's right to request information in connection with any statement, whether Environmental Statement (ES) or not, submitted in support of any future application. These views are also given without prejudice to the future consideration of and decision on any planning application received by the Council.

The Highland Council request that any Environmental Statement (ES) is submitted in support of an application for the above development that takes the comments highlighted below into account; many of which are already acknowledged within the Scoping Report submitted. In particular, the elements of this report as highlighted in parts 3, 4 and 5 should be presented as three distinct elements.

1.0 Description of the Development.

The description of development for an ES is often much more than would be set out in any planning application. An ES must include: -

- a description of the physical characteristics of the whole development and the full land-use requirements during the operational, construction and decommissioning phases (where applicable. These might include requirements for borrow pits, local road improvements, infrastructural connections (i.e. connections to the grid), off site conservation measures, etc. A plan with eight figure OS Grid co-ordinates for all main elements of the proposal should be supplied.
- a description of the main characteristics of the production processes, for instance, nature and

- quantity of the materials used;
- the risk of accidents, having regard in particular to substances or technologies used;
- an estimate, by type and quantity, of expected residues and emissions (water, air and soil pollution, noise, vibration, light / flicker, heat, radiation, etc.) resulting from the operation of the development;
- biosecurity measures to reduce the risk of the introduction of marine invasive non-native species (MINNS);
- the estimated cumulative impact of the project with other consented or operation development.

2.0 Alternatives.

A statement is required which outlines the main development alternatives studied by the applicant and an indication of the main reasons for the final project choice. This is expected to highlight some or all of the following: -

- the range of technologies that may have been considered;
- locational criteria and economic parameters used in the initial site selection; and
- the environmental effects of the different options examined.

Such assessment should also highlight sustainable development attributes including for example assessment of carbon emissions / carbon savings.

3.0 Environmental Elements Affected

- 3.1 The ES must provide a description of the aspects of the environment likely to be significantly affected by the development. The following paragraphs highlight some principal considerations.
- 3.2 **Land Use:** - The ES should recognise the existing land uses affected by the development having particular regard for The Highland Council's Development Plan and other supplementary planning policies. This is not instead of but in addition to the expectation of receiving a Planning Statement in support of the application itself which, in addition to exploring compliance with the Development Plan, should look at National Planning Framework 4 and Planning Advice Notes which identify the issues that should be taken into account when considering significant development. It is not considered necessary to cover the matter of energy policy within the ES or helpful to cover planning policy within each Chapter of the ES.
- 3.3 **Population:** - The ES should estimate who may be affected by the development, in all or in part, which may require individual households to be identified, local communities or a wider socio economic groupings such as tourists & tourist related businesses, recreational groups, economically active, etc. The application should include relevant economic information connected with the project, including the potential number of jobs, and economic activity associated with the procurement, construction, operation and decommissioning of the development.
- 3.4 **Community Assets:** - The ES needs to recognise community assets that are currently in operation for example TV, radio, tele-communication links, radar, MOD safeguards, etc. In this regard the applicant, when submitting a future application, will need to demonstrate what interests they have identified and the outcomes of any consultations with relevant authorities.
- 3.5 **Nature Conservation Sites:** - The ES should address the likely impacts on the nature conservation interests of all the designated sites in the vicinity of the proposed development. It should provide proposals for any mitigation that is required to avoid these impacts or to reduce them to a level where they are not significant. The potential impact of the development proposals on other designated areas should be carefully and thoroughly considered and, where possible, appropriate mitigation measures outlined in the ES. With regard to this topic the Scoping Report

provided is brief and lacks detail.

The following designations should be considered in the EIAR:

The Moray Firth Special Area of Conservation (SAC) protected for its bottlenose dolphin and subtidal sandbank habitat lies approximately 450m to the south, see: <https://sitelink.nature.scot/site/8327> and;

The Moray Firth SPA, protected for its range of waterbirds, see: <https://sitelink.nature.scot/site/10490> lies approximately 2km to the south-east. However, some SPA species occasionally use parts of the Cromarty nearby.

This proposal also lies in general proximity to the Cromarty Firth Special Protection Area (SPA) protected for its range of non-breeding birds, such as oystercatcher, redshank, common tern, red-breasted merganser & scaup, etc. A full list of qualifying species can be found here: <https://sitelink.nature.scot/site/8488>

3.6 **Moray Firth SAC (bottlenose dolphin)** **Dornoch Firth & Morrich More SAC (harbour seal only)**

It's not entirely clear, but it seems that both bottlenose dolphin and harbour seal are not being scoped in. For the avoidance of doubt, we recommend that both SAC species are scoped into the EIA Report for full assessment. Although the construction methods of the Inner Dock (yet to be confirmed) are likely to involve the formation of a temporary working platform (using clean crushed rock), it is likely that noise effects will still permeate through the water out into the Moray Firth SAC nearby. Pre-application advice provided previously highlighting possible mitigation measures for inclusion within a Marine Mammal Protection Plan (June 2023), where SAC harbour seals are also likely to benefit from similar mitigation. It will be important for any Marine Mammal Protocols to be fully presented within the EIA Report to inform the shadow Habitats Regulation Appraisal (HRA) process using SAC Conservation Objectives.

We also recommend that changes in the movements, numbers and distribution of vessels associated with construction and operational aspects at Nigg should be scoped in for assessment. Previous studies on this issue could be a useful baseline. Therefore, based on all the information available to date, we advise there is potential for Likely Significant Effect for both SAC species. It is likely that an EPS licence may be required to progress this proposal, as disturbance effects to dolphins could still occur.

3.7 **Moray Firth SAC (subtidal sandbanks)**

Its not totally clear from the Scoping Report that there will be sediment disposal off the Sutors, as there is mention of retaining materials excavated from near the toe of the existing inner dock. However, there would appear to be minimal ecological connectivity to this marine habitat for other operations. However, we recommend its inclusion within the shadow HRA process for completeness.

3.8 **Moray Firth SPA** **Cromarty Firth SPA**

Although this proposal lies outwith these Protected Areas, some SPA species use waters relatively near to Nigg and within the wider Cromarty Firth. The Scoping Report lacks detail about new operational processes linked to the Inner Dock proposal, where this dock expansion is likely to play its part in floating turbine construction. Many bird species will not have experienced massive floating turbines before; therefore, we welcome a precautionary approach for Protected Areas. We note that section 7.6.3 of the Scoping Report refers to turbine testing and wet storage within the firth. We welcome the intention that the developer aims to complete a robust

assessment of potential impacts to ornithology, involving both SPA's. However, there appears to be a mismatch with this proposal being earmarked for submission in 2024 (Section 2.8.11), yet waterfowl survey work is not proposed until 2024/2025. This issue could cause problems, resulting in project risk to timescales and delivery (Section 7.6.3).

There is a growing evidence base around displacement effects on a range of marine waterbirds associated with the presence of marine wind turbines. However, to date, turbine assembly has largely been at offshore wind farm sites. Therefore, this development raises novel issues, where large floating turbines are likely to be constructed, tested & towed in proximity to SPA species.

We are aware that non-breeding eiders may be sensitive to tall turbine structures (even when non-functional), where displacement effects may occur to individuals using these areas. We note that the Scoping Report highlights other SPA sub-tidal species that use the Nigg coastal section, including goldeneye, red-breasted merganser, long-tailed duck, red-throated diver, common scoter and shag. In addition, Slavonian grebe and scaup should also be scoped-in for assessment. Many of these species have potential to be affected by the presence of large turbine structures, which may result in displacement (or disturbance) effects to SPA birds using subtidal waters. These effects could be generated at port-side, during turbine towing and if stored (even temporarily) within or adjacent to either SPAs. The potential for displacement and/or disturbance effects will depend on birds' responses to presence, movement and other operations linked to such massive floating turbine structures. Therefore, it would help if the applicant provided more information on this, including spatial extent of towing, destination point, how it will be done, frequency per season & time of day and/or tidal cycle, etc.

We welcome that survey work is proposed to take place to assess potential impacts of port operational procedures. However, we offered assistance on the issue of survey work within our pre-application advice back in June 2023. This could have allowed for a survey programme to be agreed and implemented during the 2023/24 non-breeding season, which has nearly just gone. It will be necessary for SPA bird survey work to be provided with the application, otherwise an assessment of impacts cannot be undertaken.

On the above basis, the spatial extent of bird survey work to date should inform a robust assessment of birds using subtidal waters. We therefore recommend at least one non-breeding season (ideally, July- April inclusive) of vantage point survey, covering subtidal waters to the south and south-west within the firth, as well as covering the extent of turbine towing areas. Survey methods should follow that for 'inshore marine waterfowl (divers, grebes and seaduck, pp.448-450, based on Gilbert et al, 1985). However, as the focus should be to gather information on spatial distribution of key species (and then numbers, etc.), we recommend surveys twice per month over the non-breeding period, ideally spanned out between each visit (subject to suitable weather / sea state conditions). The selection of vantage points for survey work should be based on desk analyses of likely viewsheds from various locations, considering position and elevation, followed by ground-truthing. NatureScot would be happy to comment on a draft survey protocol in due course.

We also recommend that several winter survey visits should occur in late afternoon - leading into sunset, so that any potential SPA related communal / group night roosting zones might be identified. For example, this could be relevant for both long-tailed duck and even Slavonian grebe, should turbine towing occur during the night. We further advise that underwater noise and navigation should also be considered.

Should turbine towing be specifically planned to occur during the night, then we recommend that the applicant should attempt to identify any nocturnal activity by SPA waterbirds, such as scaup. This species appears to switch into a nocturnal foraging rhythm during core winter months (e.g. December - March), whilst roosting during the day. It is also worth bearing in mind that initial turbine movement at night is likely to be problematic for monitoring the effects to SPA waterbirds in response to these new structures (see Annex A, point ii below). This issue may require further

consideration, perhaps balancing up the different daytime and/or nighttime effects (should any occur). No information thus far has been provided on static locations of floating turbine, such as wet-storage zones.

Although the Conservation & Management Advice (CMA) document for the Moray Firth SPA is relatively recent (2021), the Site Condition Monitoring results for most species have since been updated, and these can be viewed on the main Moray Firth SPA webpage, see: <https://sitelink.nature.scot/site/10490>.

For the Cromarty Firth SPA, we note the distance between the proposal and high-tide waterfowl roosts. However, intertidal foraging habitats are likely to be closer to Port of Nigg, where these may be used by SPA species, including redshank, oystercatcher, bar-tailed godwit and curlew, etc. Operational effects of floating turbines, relates to all relevant ecological processes for SPA waders and wildfowl, such as: foraging, roosting, loafing, etc. Some studies suggest waders (albeit on breeding habitat) can be displaced from their favoured territories by the presence of turbine structures, therefore the potential effects of displacement to SPA waders and wildfowl should also be considered. This is relevant to non-breeding periods (e.g. most waterfowl) and breeding periods (common tern & osprey, see below).

We know that ospreys use coastal firths during the breeding season. Individuals can also be seen foraging and resting, during spring and autumn, within the Cromarty Firth area. We also previously noted, potential nesting habitat close to the cable factory in our final response. Therefore, potential impacts to osprey foraging habitats should be assessed in context to floating turbines and any wet storage zones.

We understand that common terns may use areas within Port of Nigg. This potentially takes them closer to works and turbine construction areas. Therefore, disturbance from piling and any dredging could occur, as well as managing laydown for construction materials, etc. It is also possible that displacement effects may occur from floating turbines, once constructed at port side. Therefore, these factors should be given due consideration in context to assessment of the SPA Conservation Objectives for both species.

NatureScot would welcome further detail on floating turbine testing at port-side. If testing involves low rotor speeds and very short duration testing, then it is possible that collision risk will be negligible, so vantage point surveys to assess collision risk may not be required. However, until further information is provided on this, NatureScot are unable to advise further. NatureScot would welcome detail in due course to help advise further on potential survey work required.

3.9 **Cromarty Firth SSSI**

Red-breasted merganser, redshank, bar-tailed godwit, whooper swan & wigeon are all covered by the above advice. Should other SSSI interests, such as mudflats and sandflats, etc., have the potential to be affected by construction or operational aspects (even cumulative issues), then this should be scoped in. Longevity of any adverse impacts is important, and whether effects are likely to be permanent or temporary. Thus, impacts of scale, levels of significance and reversibility for assessment against SSSI features should be captured within the EIA Report (if relevant).

Cumulative effects

We recommend that cumulative effects to Protected Areas should be considered, taking into account other port and harbour developments in the wider Moray Firth area. For the avoidance of doubt, this includes floating turbine towing and any wet storage zones. Wet storage is likely to be away from port-side and outwith vessel channels, thus suitable storage locations may be more favoured by SPA birds using sub-tidal waters.

Wider countryside birds

We are aware that eiders may be particularly sensitive to tall turbine structures. However, there are likely to be 'unknowns' in context to any effects that may occur from huge turbines (under construction & during testing) to an active breeding eider colony nearby. However, we are aware that the breeding eider colony previously at Nigg shifted some years ago, therefore we are unsure if any birds still breed there. Some level of assessment should be provided within the EIA Report if a small colony still exists.

- 3.10 **Habitats / Biodiversity:** - The ES should provide an account of the habitats present on the proposed development site. It should identify rare and threatened habitats, and those protected by European or UK legislation, or identified in national or local Biodiversity Action Plans. Habitat enhancement and mitigation measures should be detailed.

We recognise opportunities to reduce the introduction of marine invasive non-native species (mINNS) to a minimum and proactively improve the practice of existing port activities. Introduction and spread are most relevant to vessel movements (e.g. due to hull fouling and/or from ballast water, etc.). Several mINNS are already present within the Cromarty Firth and activities during construction and operation could facilitate their spread. We recommend that site-based biosecurity plans are included within the EIA. This should aim to minimise the spread and introduction of mINNS at both construction and operational phases of the development. There are a wide range of potential biosecurity measures that could be employed. NatureScot would be happy to advise further on biodiversity plans if required.

- 3.11 **Animals:** - The ES should provide a baseline survey of the animals (mammals, reptiles, amphibians, etc) interest on site. It needs to be categorically established which species are present on the site, and where, before a future application is submitted. The presence of protected species or European Protected Species must be included and considered as part of the planning application process, not as an issue which can be considered at a later stage. Any consent given without due consideration to these species may breach European Directives with the possibility of consequential delays or the project being halted by the EC. Please refer to the comments of SNH in this respect.
- 3.12 **Water Environment:** - The ES needs to address the nature of the hydrology and hydrogeology of the site, and of the potential impacts. Measures to prevent erosion, sedimentation or discolouration will be required, along with monitoring proposals and contingency plans. Assessment will need to recognise periods of high rainfall which will impact on any calculations of run-off, high flow in watercourses and hydrogeological matters. You are strongly advised at an early stage to consult Scottish Environment Protection Agency (SEPA) as the regulatory body responsible for the implementation of the Controlled Activities (Scotland) Regulations 2005 (CAR), to identify if a CAR license is necessary and the extent of the information required by SEPA to assess any license application.
- 3.13 **Fish and other Aquatic Interests:** - The ES needs to address the aquatic interests within local watercourses, including down stream interests that may be affected by the development, for example increases in silt and sediment loads resulting from construction works; pollution risk / incidents during construction; obstruction to upstream and downstream migration both during and after construction; disturbance of spawning beds / timing of works; and other drainage issues. The ES should evidence consultation input from the local fishery board(s) where relevant.
- 3.14 **Air Quality / Noise:** - The ES needs to address existing air quality and the general qualities of the local environment including background noise, sunlight, prevailing wind. From this base data information on the expected impacts of any development can then be founded recognising likely impacts for each phases of development including construction, operation and decommissioning. Issues such as dust, air borne pollution and / or vapours, noise, light, shadow-flicker can then be highlighted.

The scoping report refers to a previous construction noise assessment and has suggested that further assessment be scoped out of the EIAR but states that a construction noise management plan (CNMP) will be submitted for the approval of the planning authority prior to commencement of the development.

The CNMP should identify the measures to reduce the impact of noise from construction activities and from piling in particular. This activity can be extremely intrusive and is likely to be of particular concern to residents. Within the normal operating times, there may be a need to further restrict piling operations to avoid early morning or late afternoon periods.

The scoping report has confirmed that an operational noise assessment will be undertaken. It also refers to previous assessments and monitoring surveys which have been carried out for other developments in this area. It is proposed that this data will be reviewed to determine its suitability for further use in assessment of operational impacts from the new quay. It is understood the applicant will liaise with Environmental Health on this and on the details of what additional noise monitoring is necessary.

Section 4.5.2 outlines how the assessment will be carried out and the proposal is for it to be carried out in accordance with Pan1/2011 using principles from BS4142. Table 4.1, which is replicated from PAN 1/2011, shows a matrix for assessing the significance of effects when comparing the noise levels before the development to predicted levels after it becomes operational.

Typically, new industrial development is usually assessed by comparing the specific noise source with the background however, in this case the background level at some receptors is already dominated by noise from existing activities. Therefore, simply comparing before and after will just lead to a self-perpetuating creeping background which would keep increasing with each new development.

As the applicant and Planning Authority are aware, this is already a sensitive area in terms of noise and historically, this Service has received complaints, mainly about noise from vessels moored at the port and from rigs moored off Cromarty. The scoping report has also acknowledged that previous noise monitoring has demonstrated that there is already a significant level of noise at sensitive receptors due to site activities at the Port of Nigg. That being the case, there is likely to be little scope to allow any increase in noise levels as a result of this development.

Strategic Noise Approach

The operational noise assessment will be required to consider the cumulative impact of noise arising from all port activities as well as other existing sources. It may be the case, that further development is only viable if existing noise levels can be reduced. Therefore, there requires to be a strategic noise management approach covering the Port of Nigg and associated activities.

It is understood there is an existing noise management plan covering port activities however, this requires to be expanded upon as summarised below.

Mitigation and Shore power

The noise assessment/noise management plan should identify proposed measures to mitigate operational noise from this development and, where possible, from port activities in general. In other discussions relating to the HV cable factory, the possibility of introducing a shore power connection has been raised. There seems little doubt that this could significantly reduce noise emissions from vessels moored at the port and would likely have other environmental benefits as well. It is acknowledged that there are some technical and logistical issues with shore power however, the applicant has given a commitment to conduct a feasibility study on the viability of implementing shore power as outlined in the document entitled Port of Nigg Environmental

Improvement Plan - Shore Power Supply which was submitted in support of the HV cable factory application.

The Inverness and Cromarty Firth Green Freeport, of which the Port of Nigg forms part, has a core policy objective of adopting high environmental standards and therefore it is hoped that this measure could be progressed in terms of such an objective. In the absence of shore power, the mitigation available to control vessel engine noise is likely to be limited and with the constraints imposed by the proximity of noise sensitive receptors, the viability of this and further development at the port could potentially be affected.

There are existing community concerns with noise in this locality and the introduction of any additional noise source is likely to add to this.

1. The applicant will be required to submit a noise impact assessment for the approval of the Planning Authority which includes but is not limited to the following:
 - A description of the proposed development in terms of noise sources and the proposed locations and operating times of the same;
 - A description of any noise mitigation methods that will be employed. The effect of mitigation methods on the predicted levels should be reported where appropriate;
 - A detailed plan showing the location of noise sources, noise sensitive premises and survey measurement locations;*
 - A survey of current ambient (LAeq) and background (LA90) noise levels at appropriate locations neighbouring the proposed site. Where relevant, the use of previous monitoring results may be useful to inform the assessment but this should be agreed with Environmental Health;
 - A prediction of noise levels resultant at neighbouring noise sensitive premises, for the operational phase of the proposed development. This must include a prediction of cumulative impacts arising from the development and other sources within the port and from external sources. The raw data and equations used in the calculations should be available on request.
 - An assessment of the predicted noise levels in comparison with relevant criteria*.

* Measurement locations and noise criteria to be agreed with Environmental Health.

2. The applicant will be required to submit a noise management plan for the approval of the Planning Authority which encompasses the proposed development and existing port activities.

The applicant's attention is drawn to the guidance issued jointly by the Environment Agency and SEPA, Guidance – Noise and vibration management: environmental permits. This guidance includes a section on noise management plans and advises that any plan should include:

- a clear statement that you understand and accept your responsibilities for controlling noise impact, and that you will regularly review the effectiveness of your NMP;
- a commitment that either you, or your contractors or subcontractors, will make sure that any noise control equipment is designed, operated and maintained appropriately so it controls noise effectively at all times;
- a risk assessment of noise problems from normal and abnormal situations (including worst case scenarios due to, for example, weather, temperature, or breakdowns, and accidents)
- details of the appropriate controls (both physical and management) needed to manage the identified risks;
- confirmation of the level of monitoring that should be in place. (The guidance also includes a section on monitoring plans);

- details of the actions you will take, contingencies, and responsibilities when problems arise (it is particularly important that you include expected actions resulting from exceptional circumstances or where serious pollution may occur);
- confirmation of the procedures in place to consider reducing or stopping operations to avoid serious noise pollution; and

Both the assessment and management plan should seek to demonstrate that the best practicable means will be employed to reduce the impact of operational noise.

3. The applicant will be required to submit a construction noise management plan for the approval of the Planning Authority.
4. The applicant will be required to submit a scheme for the suppression of dust for the approval of the Planning Authority.

3.15 **Dust**

Given the separation distance to sensitive receptors, dust from construction work is unlikely to be a significant issue however, the applicant will be required to submit a scheme for the suppression of dust.

- 3.16 **Climatic Factors:** - The ES needs to address all relevant climatic factors which can greatly influence the impact range of many of the preceding factors on account of seasonal changes affecting, rainfall, sunlight, prevailing wind direction, etc.
- 3.17 **Cultural Heritage:** - The ES needs to identify all designated sites which may be affected by the development either directly or indirectly.

There are no known marine archaeological features within the development boundary, and it is likely that the development site has been subject to significant dredging or other disturbance related to the development of the current inner dock and industrial facilities.

It is noted that the Scoping includes a document showing imagery of the site and the image on page 6 shows a view of the seabed within the development site and proposed quayside when the dock has previously been drained of water.

The scoping document sets out in Section 2.8 (pages 10-12) how the construction works will be undertaken. The toe of the existing rock armour on the sloped revetment will be removed using machines based on land. Imported crushed rock will be deposited within the dock area to create temporary platforms from which the piling can be undertaken, and that same imported crushed rock will then be used to infill behind the piling. The impacts to the seabed are therefore entirely confined within the existing inner dock and comprise the removal of rock armour, piling, and the deposition of material won from quarries. The applicant has indicated that a precautionary PAD will be submitted and agreed prior to works commencing.

Given the prior development on site, Historic Environment Scotland are content that the potential for impact on their marine interests is negligible and can therefore be scoped out.

- 3.18 **L VIA:** - The Council expects the ES to consider the landscape and visual impact of the development. The Council makes a distinction between the two. While not mutually exclusive, these elements require separate assessment and therefore presentation of visual material in different ways. It is the Council's position that it is not possible to use panoramic images for the purposes of visual impact assessment. The Council, while not precluding the use of panoramic images, require single frame images with different focal lengths taken with a 35mm format full frame sensor camera – not an 'equivalent.' The preferred focal lengths are 50mm and 75mm. The former gives an indication of field of view and the latter best represents the scale and distance in the landscape i.e. a more realistic impression of what we see from the viewpoint.

These images should form part of the ES and not be separate from it.

- 3.19 Whilst section 10.4 scopes out the need for a LVIA should there be turbines in place (for testing) more than 28 days in a calendar year then a LVIA should form part of the ES. All elements of a development are important to consider within any ES, including the visual impact of factors such as the testing of turbines and other infrastructure.
- 3.20 Viewpoints (VP) for the assessment of effects of a proposed development must be agreed in advance of preparation of any visuals with The Highland Council. The detailed location of viewpoints will be informed by site survey, mapping and predicted Zones of Theoretical Visibility. Failure to do this may result in abortive work, requests for additional visual material and delays in processing applications/consultation responses.
- 3.21 The purpose of the selected and agreed viewpoints shall be clearly identified and stated in the supporting information. For example, it should be clear that the VP has been chosen for landscape assessment, or visual impact assessment, or cumulative assessment, or sequential assessment, or to show a representative view or for assessment of impact on designated sites, communities or individual properties.
- 3.22 Viewpoints within 5 kilometres of a development shall be precisely identified on an A4 size Ordnance Survey extract at 1:25000 scale. The position of the development and the proposed field of view of photography shall be shown on the map. Viewpoints located more than 5km from a development shall be identified on an A4 size Ordnance Survey extract at 1:50,000 scale and the development and the proposed field of view of photography shall be shown on the map. The Council may also specify on a large scale plan an exact viewpoint position that they wish to be used and provide a reference photograph (see further Guidance).
- 3.23 **Photomontages/Illustrations:** - Photomontages should follow the Council's Visualisation Standards: <http://www.highland.gov.uk/yourenvironment/planning/energyplanning/renewbleenergy> **While it is recognised that SNH guidance has recently changed, and that this may result in an apparent duplication of effort, the Council shall only require visualisations to the Council Standards.**
- 3.24 **Roads Infrastructure:** - Transport Planning interests will relate largely to the impact of development traffic on the Council maintained road network and its users during the construction phase of the project.

A Transport Assessment (TA), or section on traffic and transportation, within the Environmental Statement for the project will be required. The TA should identify all Council maintained roads likely to be affected by the various stages of the development and consider in detail the impact of development traffic, including abnormal load movements, on these roads. Where necessary, the TA should consider and propose measures necessary to mitigate the impact of the development on the road network. Prior to preparation of the TA the developer should first carry out a detailed scoping exercise in consultation with the Council, as local roads authority and, as required, Transport Scotland as trunk roads authority.

4.0 Significant Effects on the Environment

- 4.1 Leading from the assessment of the environmental elements the ES needs to describe the likely significant effects of the development on the environment, which should cover the direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development, resulting from: -
- the existence of the development;
 - the use of natural resources;
 - the emission of pollutants, the creation of nuisances and the elimination of waste,

- 4.2 The potential significant effects of development must have regard to: -
- the extent of the impact (geographical area and size of the affected population);
 - the trans-frontier nature of the impact;
 - the magnitude and complexity of the impact;
 - the probability of the impact;
 - the duration, frequency and reversibility of the impact.
- 4.3 The effects of development upon baseline data should be provided in clear summary points.
- 4.4 The Council requests that when measuring the positive and negative effects of the development a four point scale is used advising any effect to be either strong positive, positive, negative or strong negative.
- 4.5 The applicant should provide a description of the forecasting methods used to assess the effects on the environment.
- 5.0 Mitigation
- 5.1 Consideration of the significance of any adverse impacts of a development will of course be balanced against the projected benefits of the proposal. Valid concerns can be overcome or minimised by mitigation by design, approach or the offer of additional features, both on and off site. A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment must be set out within the ES statement and be followed through within the application for development.
- 5.2 The mitigation being tabled in respect of a single development proposal can be manifold. Consequently the ES should present a clear summary table of all mitigation measures associated with the development proposal. This table should be entitled draft Schedule of Mitigation. As the development progresses to procurement and then implementation this carries forward to a requirement for a Construction Environmental Management Document (CEMD) and then Plan (CEMP) which in turn will set the framework for individual Construction Method Statements (CMS). Further guidance can be obtained at http://www.highland.gov.uk/NR/rdonlyres/485C70FB-98A7-4F77-8D6B-ED5ACC7409C0/0/construction_environmental_management_22122010.pdf This is currently under review by a working party led by SEPA working through Heads of Planning Scotland but for the time being remains relevant.
- 5.3 The implementation of mitigation can often involve a number of parties other than the developer. In particular local liaison groups involving the local community are often deployed to assist with phasing of construction works – abnormal load deliveries, construction works to the road network, borrow pit blasting. It should be made clear within the ES or supporting information accompanying a planning application exactly which groups are being involved in such liaison, the remit of the group and the management and resourcing of the required effort.