

APPENDIX A9.1 – THC Planning Condition Review

Table 9.2 – Planning Condition Review

THC Text	Suggested Change
Condition 1	
<p>1. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the planning authority in consultation with the relevant roads authority. The CTMP, which shall be implemented as approved, must include as a minimum:</p>	<p>Noted and agreed.</p>
<p>i. A description of all measures to be implemented by the developer in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised traffic management consultant.</p>	<p>Noted and agreed.</p>
<p>ii. No construction vehicle routing should take place on the A938 between the A9 at Carrbridge and Duthil, and the plan should identify measures to restrict vehicles from utilising this route.</p>	<p>Please note suggested revised wording to reflect public comments relating to Ferness: <i>No construction vehicle routing should take place on the A938 between the A9 at Carrbridge and Duthil. No construction traffic should access the site via Ferness. The CTMP should provide measures to restrict vehicles from utilising these routes.</i></p>
<p>iii. A strategy for construction vehicle identification. Vehicles should be marked with a unique identifier on the front, sides and rear of the vehicles linking it to the Proposed Development, to enable identification.</p>	<p>Please note suggested revised wording to ensure that this relates only to bulk material HGV deliveries: <i>A strategy for bulk material HGV construction vehicle identification. Vehicles should be marked with a unique identifier on the front, sides and rear of the vehicles linking it to the Proposed Development, to enable identification.</i></p>
<p>iv. Detailed information on vehicle numbers, signing and lining arrangements, arrangements for emergency vehicle access, measures to minimise traffic impacts on existing road users, measures to accommodate pedestrians and cyclists and a nominated road safety person. Thereafter, the development shall be carried out in full accordance with the Plan, unless agreed otherwise in writing with the planning authority.</p>	<p>Please note revised wording to avoid repetition: <i>Detailed information on arrangements for emergency vehicle access, measures to minimise traffic impacts on existing road users, measures to accommodate pedestrians and cyclists and a nominated road safety person.</i></p>
<p>v. A review of material quantities and confirmation on amounts sourced both on and off-site. Any significant changes to those used to inform the assessment undertaken within Chapter 12 could result in an increase in the number of HGV movements and hence additional impact on the road network, primarily on the final approaches to the Site. Any changes in the predicted impacts as a result of the increase in construction traffic movements, would require to be appropriately mitigated.</p>	<p>Please note revised wording to : <i>A review of bulk material quantities shall be undertaken prior to construction works commencing. Should traffic volumes significantly increase, revised mitigation proposals shall be detailed in full.</i></p>
<p>vi. A risk assessment for transportation of abnormal loads during daylight hours and hours of darkness.</p>	<p>It is proposed that this is rejected as the wording is vague and nonetheless, the timing of AIL movement is a matter for the Police under the Movement Order, rather than as a planning condition.</p>
<p>vii. Proposed traffic management and mitigation measures on the abnormal load access route. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs should be considered.</p>	<p>Noted and agreed.</p>

THC Text	Suggested Change
<p>vii. A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted.</p>	<p>Reject. This wording is not feasible as the haulier is not commissioned at the inception of the project.</p> <p>No other developments are requested to provide a similar contingency plan and as such it is proposed that this is deleted in full.</p>
<p>xi. A detailed protocol for abnormal load movements, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and / or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required. All such movements on Council maintained roads shall take place outwith peak times on the network, including school travel times, and shall avoid local community events.</p>	<p>Reject. This is poorly worded and confused. The signage requirements are previously covered by point 1, whereas the convoy arrangements are covered by the Police as required by law.</p> <p>The time of movements is a matter for the Police and not a planning condition.</p>
<p>x. Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of the planning authority.</p>	<p>Reject. These requirements are already covered by point 1.</p>
<p>xi. Drainage and wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road.</p>	<p>Please note revised wording to :</p> <p><i>Drainage and wheel cleaning measures to ensure water and debris are prevented from discharging from the site onto the public road.</i></p>
<p>xii. An updated review of the last 5-year Personal Injury Accident (PIA) data for the proposed construction access routes. The review should include a detailed summary of all accidents recorded, including information on cause of accident, vehicle types and locations, examining the existing accident characteristics of the area. This should include an assessment of the potential impact of the Proposed Development on the road network, to establish if this could have any adverse effects on road safety and if necessary, provide suitable mitigation measures to negate any impact. Thereafter, any mitigation works identified shall be completed to the satisfaction of the Council prior to any haulage operations (either general construction vehicles or abnormal load) taking place, unless otherwise agreed in writing.</p>	<p>Reject. Sufficient accident data has already been provided to THC and in its response, the Council notes that they consider the information provided to date is "suitable for the purposes of the assessment" (Page 3, WSP Briefing Note to THC).</p>
<p>Condition 2</p>	
<p>It anticipated that road mitigation works may be required to offset the impact of development traffic on the local road network. As such a Road Mitigation Schedule of Works and Transport Report for the affected routes shall, therefore, be agreed with the Council prior to any other works commencing.</p> <p>It is expected that all necessary road mitigation works will be implemented prior to the start of construction, and it is recommended that early consultation with The Highland Council as roads</p>	<p>Reject. Please see alternative text. The wording of the original exceeds the assessment already provided.</p> <p><i>No turbine component shall commence until a Road Mitigation Schedule of Works and Transport Report has been submitted to and approved by the planning authority in consultation with the relevant roads authority. The report, primarily in relation to physical road mitigation shall be implemented as approved, must include as a minimum:</i></p>

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<p>authority is undertaken to agree the scope of works required.</p> <p>No development shall commence until a Road Mitigation Schedule of Works and Transport Report has been submitted to and approved by the planning authority in consultation with the relevant roads authority. The report, primarily in relation to physical road mitigation shall be implemented as approved, must include as a minimum:</p>	
<p>1: The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction-related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of the roads authority, including:</p>	<p>Reject: The access route to site is the same as that for the now operational Tom Na Clach wind farm which was expected to generate a similar level of construction traffic (see WSP authored Transport Assessment of that scheme). The B9007 and surrounding road network were improved to accommodate that traffic level and this was accepted on that basis. As the traffic generation levels are similar to that already agreed and implemented, it is considered that no further enhancement works are justified or required.</p>
<p>a. An updated route assessment report for abnormal loads, including swept path analysis and details of the movement of any street furniture, any traffic management measures, and any upgrades and mitigations measures as necessary. This should be undertaken for the candidate turbine and any subsequent changes to either the turbine specifications or proposed method of transport would require any assessments to be updated as necessary. The route assessment report should include the following as a minimum:</p> <ul style="list-style-type: none"> • a review of overhead services along the route. • a review, in summer conditions, of roadside vegetation along the access route and clearance of any vegetation that may interfere with abnormal load movements. • a review of road works or road closures that could affect the movement of abnormal loads. • a review of new or diverted underground services that may be at risk from abnormal loads. • consultation and agreement with the Police and respective roads authorities regarding the movement of abnormal loads on the local road network. 	<p>Please see revised wording:</p> <p>An updated route assessment report for abnormal loads, <i>including swept path analysis and details of the movement of any street furniture, any traffic management measures, and any upgrades and mitigations measures as necessary. The route assessment report should include the following as a minimum:</i></p> <ul style="list-style-type: none"> • <i>a review of roadside vegetation along the access route and clearance of any vegetation that may interfere with abnormal load movements.</i> • <i>a review of road works or road closures that could affect the movement of abnormal loads.</i> • <i>a review of services, both overhead and underground that may be at risk from abnormal loads.</i> • <i>consultation and agreement with the Police and respective roads authorities regarding the movement of abnormal loads on the local road network.</i> • <i>details of any restoration works of the proposed mitigation measures to be undertaken following construction works.</i> <p><i>All necessary measures will be implemented to the satisfaction of the Council.</i></p>
<p>b. A videoed trial run supported by a summary report to confirm the ability of the local road network to cater for turbine delivery, undertaken in conjunction with both the roads authority and Police Scotland. Three weeks' notice of this trial run must be made to the local roads authority who must be in attendance if deemed necessary.</p>	<p>Please see revised text. Please note that the police and Council are notified by law of AIL movements already and as such there is no need to repeat this in a planning condition:</p> <p><i>A trial run for the worst case abnormal load will be undertaken immediately following the substantive completion of the proposed mitigation works. A video and written report of the trial run will be provided to the Council, who will be invited to attend.</i></p>

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<p>c. Details of the proposed site access at its junction with the public road and any required works to the standards as set out within THC's Roads and Transportation Guidelines for New Developments. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road, and the provision and maintenance of appropriate visibility splays.</p>	<p>Noted and agreed.</p>
<p>d. An assessment of the capacity of existing bridges and other structures along the construction access route(s) to cater for all construction traffic and abnormal load traffic (including cranes), with upgrades and mitigation measures proposed as necessary. All assessment work must be carried out under the Technical Approval process laid out in DMRB CG300. This involves the submission of an Approval in Principle (AIP) for each assessment for acceptance by the Technical Approval Authority (TAA). This AIP should include details of the proposed delivery vehicles, including axle weights and spacings. On completion of the assessment, assessment and check certificates must be submitted to the TAA, along with the assessment report and copies of the assessment and check calculations. All works to be completed to the satisfaction of the Council prior to any construction activities taking place.</p>	<p>Reject. The Council were asked for their opinion on the access route for AIL traffic, but failed to provide a response to the Route Survey for the proposed development. Only structures relating to the THC network should be considered and in that case, only those where the Council has proven structural concerns should be assessed. Please see revised text:</p> <p><i>An assessment of the capacity of existing bridges and other structures along the abnormal load traffic route from the A95 to site will be undertaken on such structures that the Council notes have existing load bearing constraints. All assessment work must be carried out under the Technical Approval process laid out in DMRB CG300, with the submission of an Approval in Principle (AIP) for each assessment for acceptance by the Technical Approval Authority (TAA). This AIP should include details of the proposed delivery vehicles, including axle weights and spacings. On completion of the assessment, assessment and check certificates must be submitted to the TAA, along with the assessment report and copies of the assessment and check calculations. All works to be completed to the satisfaction of the Council prior to any construction activities taking place.</i></p>
<p>e. Following completion of the trial run and structural assessments, full details of all road mitigation measures needed to facilitate abnormal load movements shall be agreed with The Highland Council. Said measures shall be fully implemented to the satisfaction of the Council prior to any abnormal load movements commencing. Appropriate reinstatement / restoration works shall be carried out, as required by The Highland Council, at the end of the turbine delivery and erection period.</p>	<p>Reject. These details are covered in point a of the condition.</p>
<p>f. An assessment of the B9007 Duthil to Ferness Road, including the existing passing place provision, to confirm its suitability or otherwise to accommodate the intensification of use as a result of the Proposed Development. The assessment must review the capability of the road to physically accommodate the increased loadings from construction vehicles and where necessary propose physical mitigation measures. This should include a programme of mitigation works to provide (where applicable) improved passing place provision, road widening, verge strengthening, localised surfacing repairs (depending on the required scale and density of such repairs, full width structural overlays may be necessary to avoid increasing joints within the carriageway surface) and restoration proposals (if applicable).</p>	<p>Reject. Construction traffic will not travel north beyond the site access, so the request for the section to Ferness is inappropriate.</p> <p>The access route to site is the same as that for the now operational Tom Na Clach wind farm which was expected to generate a similar level of construction traffic (see WSP authored Transport Assessment of that scheme). The B9007 and surrounding road network were improved to accommodate that traffic level and this was accepted on that basis. As the traffic generation levels are similar to that already agreed and implemented, it is considered that no further enhancement works are justified or required.</p>

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<p>The works shall be carried out in full accordance with the plans as may be approved unless otherwise agreed in writing with the planning authority. Thereafter, any works identified within said Transport Report shall be completed to the satisfaction of the Council prior to any haulage operations (either general construction vehicles or abnormal load) taking place, unless otherwise agreed in writing.</p>	
<p>g. A review of existing carriageway markings and traffic signs over the length of the proposed works, with any necessary improvement works undertaken to the satisfaction of the Council prior to any haulage operations (either general construction vehicles or abnormal load) taking place, unless otherwise agreed in writing.</p>	<p>Reject. Points addressed in Condition 1</p>
<p>2: Establish the current condition of the B9007, confirming its suitability or otherwise to accommodate the increase in construction traffic (both general construction traffic and abnormal load traffic). This work which should be undertaken by a consulting engineer acceptable to the local roads authority and will involve an engineering appraisal including the following:</p>	<p>Reject. Points addressed in Condition 3</p>
<p>a. Assessment of the structural strength of the carriageway including construction depth and road formation, where this is likely to be significant in respect of proposed impacts, including non-destructive testing and sampling as required. This should be undertaken for the main carriageway running surface and existing passing places;</p>	<p>Reject. The Council has already had the road upgraded to the site access to accommodate a larger wind farm site. No further works are considered necessary.</p>
<p>b. Road surface condition and profile; and</p>	<p>Reject. Existing condition is addressed by Condition 3.</p>
<p>c. Details on road widths and the vertical and horizontal alignment of carriageway running surfaces.</p>	<p>Reject: Points addressed in point a.</p>
<p>Condition 3</p>	
<p>To further protect the Council's interests, it is recommended that a registered legal agreement is established in respect of the development proposed. The agreement shall relate to Section 96 of the Roads (Scotland) Act 1984 and appropriate planning legislation and include the provision of a Road Bond or similar security, under which the developer is responsible for the repair of any damage to the public road network that can reasonably be attributed to construction related traffic. The agreement shall take account of any neighbouring significant developments that might progress concurrent with the works proposed and will provide, if necessary, a mechanism for apportionment of costs between respective developers. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the roads authority. The scope of said road condition surveys, both prestart and post-construction should be agreed with the roads authority prior to any works being undertaken.</p>	<p>Agreed in principle, although subject to the provision of the proposed legal text of use of an alternative condition review and compensation mechanism.</p>

THC Text	Suggested Change
Condition 4	
<p>Any works required within or alongside Council maintained roads will require the prior written consent of The Highland Council, as roads authority. This includes those works required to the start of any related grid connection works that could impact on Council maintained roads.</p> <p>The majority of the foregoing requirements are linked to the construction phase of the Proposed Development; however, similar issues will arise during decommissioning. Further consultation and agreement with interested parties will be required at this stage and a condition to this effect should be attached to any permission granted.</p> <p>Ongoing maintenance of turbines will be required throughout the lifetime of the development. This may give rise to significant transport issues, which will require further consultation with interested parties. As such, notification and approval of the planning authority in consultation with the respective roads authority, and community councils, should be undertaken, for any significant HGV or abnormal load movement required during this period.</p>	<p>The Council is aware that the grid connection works are a matter for others and should address any of these concerns to the grid operators who will make the necessary applications.</p> <p>Noted and agreed – a suspensive condition on decommissioning is accepted in principle, subject to a review of the wording.</p> <p>Reject. The Council has already accepted that the operational phase does not generate significant traffic flows and as such no further conditions are required. Should a replacement AIL be necessary, then the existing legal application route for these loads will be followed, of which the Council is a consultee. As such, no further condition is considered necessary.</p>