



Arnish Road Upgrade Stornoway Deep Water Port

Planning Statement

Application for Full Planning Permission for:

Upgrade of the access road between Arnish Point and the A859

On behalf of **Stornoway Port Authority**



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1 Introduction

1.1 This Planning Statement has been prepared by Stantec on behalf of Stornoway Port Authority ('the Applicant') to support an application for Full Planning Permission for the upgrade of the existing road link between the Arnish Point Industrial Estate and Deep Water Terminal and the A859 at land to the north-west of Arnish Industrial Estate ('the site'). The full description of the development is as follows:

"Upgrading of the existing road link from single-track to dual lane road, including associated earthworks, associated drainage works, provision of services ducting and re-use of excavated peat." ('the proposed development')

1.2 This Planning Statement provides justification for the proposed development against the provisions of the Development Plan and it is intended to assist Comhairle nan Eilean Siar ('CnES') in making a full and proper assessment of the application, as required by Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 25 requires that the determination of an application must be made in accordance with the Development Plan unless material considerations indicate otherwise.

1.3 As set out in greater detail below, the proposed development will serve the Arnish Industrial Estate and Stornoway Deep Water Port ('DWP') which are identified in the Local Development Plan ('LDP') and National Planning Framework 4 ('NPF4') as a key part of strategic infrastructure network in Lewis and Scotland more widely.

1.4 The Planning Statement forms part of the planning application package that has been submitted to CnES which includes the following:

- Planning application forms and certificates;
- Planning application drawings;
- Peat Management Plan;
- Preliminary Ecological Appraisal;
- Environmental Supporting Document
- Biodiversity Enhancement Statement;
- Pollution Prevention Plan
- Archaeological Desk Based Assessment and Walkover Survey Report

Document Structure

1.5 This Planning Statement is structured into the following sections:

Chapter 2: The Site and Surroundings – Provides a review of the existing Site and immediate surroundings;

Chapter 3: Need for the Proposed Upgrade – Sets out the justification of need for the proposed development;

Chapter 4: Proposed Development – Describes the proposed development associated with this detailed planning application;

Chapter 5: Planning Policy Context – Identifies the supporting local and national planning policy context;

Chapter 6: Compliance with the Development Plan – Assesses the proposed development against the planning policy context; and

Chapter 7: Conclusions – Summarises the key planning considerations and demonstrates that the proposed development complies with the Development Plan and other material considerations and should therefore be supported.

2 The Site and Surrounding Area

The Site

- 2.1 The site lies to the west of Glumaig Bay in Arnish, approximately 1.5km to the south-west of Stornoway town centre. The site generally follows the existing single-track road which connects the industrial area on Arnish Point to the A859 to the north-west.
- 2.2 The site extends to a total of approximately 19.0ha; however, it should be noted that the site as identified by the red line boundary (refer to Horizontal Alignment Plans) encompasses areas for all of the proposed works, temporary peat storage areas and permanent peat re-use areas. The footprint of the proposed road once completed is approximately 7.6 hectares and is therefore significantly smaller than that of the overall site.
- 2.3 The existing Arnish Road is a single-track private road approximately 3.4km in length which runs between the A859 (the main spine road running from Stornoway to Leverburgh) and Arnish Point Industrial Estate ('APIE'). The road is managed by Highlands & Islands Enterprise ('HIE') and comprises a tarmac surface and a number of unsurfaced laybys which act as passing places.
- 2.4 Arnish Road is used by businesses at Arnish Point, as well as for access to the lighthouse and for leisure use by residents and visitors. A new two-lane road link also connects Arnish Road to the new Deep Water Terminal ('DWT') to the north of the industrial estate.
- 2.5 The site itself is not subject to any designations in the LDP, but provides access to the Stornoway Deep Water Terminal element of the Stornoway Port Authority Master Plan, as discussed further below.
- 2.6 SEPA's indicative online flood map indicates that the site crosses through two areas of high risk of surface water flooding. The most significant of these is where the road crosses the Allt Poll a' Choire burn. There is also a small area of surface water flood risk further to the south-east coinciding with a hardstanding area.
- 2.7 The site does not appear to be directly subject to any environmental or ecological designations.
- 2.8 There are also a number of semi-mature trees located sporadically along the length of the site. These are not considered to be of significant value. As noted in the Biodiversity Enhancement Statement, a number of these trees are non-native species.
- 2.9 There are also no historic environment assets or designations within the site.

Surrounding Area

- 2.10 The wider area is generally rural in nature, with the exception of Arnish Point to the south-east which contains the Arnish Point Industrial Estate, the Stornoway DWT and the Arnish Point Lighthouse. Slightly further inland, the site passes the Arnish Point power station, while further to the north it connects to the new two-lane link road to the DWT.
- 2.11 The Lews Castle Grounds lie to the north of the north-western section of the road and contains a number of tracks used by walkers. One of these tracks connects to Arnish Road.
- 2.12 Macaulay Farm lies to the south of the Arnish Road junction with the A859, while Stornoway Substation lies to the south of the junction on the opposite side of the road.
- 2.13 While no historic or environmental designations lie within the site, several are located within the site's vicinity. The Castle Grounds are designated as The Lews Castle and Lady Lever Park Garden and Designed Landscape (ref. GDL00263) and contains the Cnoc Na Croich, Chambered Cairn Scheduled Monument (ref. SM6550). There are a number of paths within the Grounds which form part of the Core Path network.
- 2.14 The Arnish Point, Gun Emplacements (ref. SM5347) Scheduled Monument also lies to the east on the opposite side of Arnish Point.
- 2.15 There are a number of areas of environmental designations in the vicinity of the site. The Environmental Supporting Document gives details of these and assesses the impact of the Proposed Development on these areas. No adverse impacts are anticipated.

3 Need for the Proposed Upgrade

3.1 It has been determined that Arnish Road requires to be upgraded due to its existing condition and the intensification of use of the areas which it serves. This Chapter provides further details on each of these aspects.

Unsuitability of Existing Road

3.2 The existing road was built in the early 1970s to serve industrial development at Arnish Point and is not built to adoptable standards. The road is effectively a 'single track road' with passing places which features poor sightlines and visibility and includes an insufficient number of passing places, which has led to safety issues during its operation.

3.3 The website CrashMap records that two serious traffic accidents have occurred on the road in the recent period: April 2009 and September 2019. Both accidents involved two vehicles.

3.4 There is a 30mph speed limit sign at the north end of the road. However, this speed limit is frequently ignored by vehicles using the road. There is anecdotal evidence of near misses. In addition, there are delays to traffic heading towards Arnish Point at peak periods such as end of shifts at the metal fabrication yard.

Adjoining Land Uses

3.5 The unsuitability of Arnish Road is exacerbated by increased traffic demand since the original road was constructed. Arnish Point Industrial Estate has been developed over the years and now forms a significant industrial estate. The current business users at APIE are as follows:

- The most significant current use of the road is by the c.150 employees working at the metal fabrication facility operated by Harland & Wolff. In addition, there are regular deliveries of materials by HGV;
- The Hebridean Seaweed Company factory opened in 2021. The factory has regular deliveries of seaweed by HGV as well as collection of completed products. Approximately 25 people work in the factory;
- The Scottish Salmon harvesting station operates from 1am to 12 noon and employs approximately 20 people. The harvested product is taken by HGV to the nearby processing factory at Marybank; and
- Scale AQ leases one of the undeveloped plots for use to assemble fish farm cages. Approximately ten people work on the site. The majority of deliveries and dispatches are by sea; however, some deliveries come via HGV.

- 3.6 In addition to the current uses, Arnish Industrial Estate is likely to expand in future and further increase the number of users of Arnish Road. The industrial estate is let on a long-term lease to HIE, who have invested in the estate to create new plots and upgrade the infrastructure. There are currently several undeveloped plots at the industrial estate which are being marketed for industrial use.
- 3.7 Arnish Point power station, operated by Scottish & Southern Electricity Networks, is also located part-way along the road. This is a diesel-fueled generating station which is used as a back-up and peak load facility for the local electricity network.
- 3.8 The Deep Water Terminal is connected to Arnish Road by a new two-lane access road (planning ref. 21/00108/PPDM), which has been built to adoptable standards. Stornoway Port Authority's 2017 Master Plan identifies future phases of the DWT, to be developed in accordance with demand. Future phases have the potential to increase traffic on the Arnish Road.
- 3.9 The DWT will be used by large freight vessels, including vessels delivering components for onshore wind farms and land-based elements of the SSEN Western Isles Interconnector. A linkspan will be installed at one of the quays, allowing a future freight ferry to berth there.
- 3.10 As well as freight, the DWT will serve large cruise vessels in the immediate future. There are currently bookings in place for 50 vessels to use the DWT for the 2024 cruise season. Coaches providing tours of the island will use Arnish Road to access the terminal, and there will also be regular shuttle buses operating between the terminal and Stornoway Town Centre.
- 3.11 In addition to serving the industrial uses and DWT, Arnish Road is also used by locals for recreational access to the local area which further adds to the traffic demand on the road. Arnish Point itself is a popular destination for walkers, and Arnish Road also connects to a track leading to the Castle Grounds to the north.
- 3.12 Arnish Point is the location for the Renewables Base and Outer Hebrides Energy Hub, which is classed as a National Development in NPF4. The developments envisaged for the Renewables Base/Energy Hub include energy generation from renewables, transmission cables, infrastructure for the production, storage and transportation of low and zero-carbon fuels such as renewable hydrogen production.¹

Conclusion

- 3.13 As outlined above, it is clear that the demand for the use of Arnish Road to access the Arnish Industrial Estate, the DWT and the various recreational uses in the area has increased significantly and is likely to continue to do so in the future. The road is currently used by

¹ NPF4, Annex B

employees at the industrial estate and will be used by coaches providing transport links and tours to visitors arriving by cruise ship.

- 3.14 The existing road was not designed to accommodate this level of use and is currently unsuitable for the safe access to and from Arnish Point. Its narrow width, poor visibility and lack of regular passing places makes it unsafe, and issues with its use are likely to increase significantly as demand continues to rise.
- 3.15 The proposed upgrade of the road is therefore crucial to the continued operation and expansion of Arnish Industrial Estate and to the DWT, and it is considered that the proposed development is strongly justified in this regard.

4 Proposed Development

Introduction

- 4.1 This chapter sets out the details of the proposed development and associated construction works and should be read in conjunction with the submitted drawings and technical reports.
- 4.2 The Arnish Road upgrade project involves construction of a new twin-track, single carriageway road along the route of the existing Arnish Road. The new road will be built to adoptable road standards as set out in the Design Manual for Roads and Bridges ('DMRB'). It is intended that the completed road will be adopted by CnES.
- 4.3 The Applicant's engineering team has carried out surveys and trial pits to inform the design of the new road. In addition, they have consulted the CnES Roads team, utility companies and SEPA about the design of the upgraded road.

Route and Layout

- 4.4 The route of the new road closely follows that of the existing road, but has been straightened as necessary to comply with the relevant adoptable standard for visibility. This will improve sightlines compared to the existing road. The new road will connect to the existing access tracks along the road and create new access tracks to grazing land. It will also connect to the entrance to the power station and to the new DWT access road.
- 4.5 The route minimises the need for excavation of deep peat. As described in more detail in Chapter 6 of this Planning Statement, peat will be excavated and used to restore areas of peatland within and near to the site.
- 4.6 The new road will comprise a carriageway of 6.6m wide with hard verges either side. The carriageway will be constructed of compacted rockfill placed on glacial till or rock and surfaced with asphalt. Soil/peat will be removed prior to placement of rockfill to allow the road to be used by HGVs without detriment to the surfacing.
- 4.7 There will be a hard verge on either side of the carriageway, in accordance with the requirements of the local authority and to allow space for utility services. The verges will be left unsurfaced. The verges have been widened to 2.7m and 3.3m to accommodate future cabling associated with the Western Isles Interconnector and feed in cables from proposed offshore wind farms.
- 4.8 Typical cross sections through the new road are shown in drawing 23/139/43 Rev PA.

- 4.9 The proposed development has also been designed to allow the future transport of 75m long wind turbine blades from the DWT. The largest turbines require a turning area for a right hand turn onto the A859 which exceeds the standard junction size. The works will therefore include the creation of a surface which is suitable for use by a blade transporter. This will be left unsurfaced and will only be used for the transport of turbine blades or similar large equipment. CnES as Roads Authority will be notified and consulted prior to the use of this area.
- 4.10 The level of the new road will comply as far as possible with the relevant standards from the Design Manual for Roads and Bridges. This will improve visibility compared with the existing road.

Speed Management

- 4.11 The upgraded road will be designed for the national speed limit of 60mph from the A859 as far as the power station, where a 30mph zone will start. This part of the road is the start of the Arnish Industrial estate, which has numerous entrances to individual businesses or currently vacant sites. A 30mph limit will keep speeds to a suitable level for this type of area.
- 4.12 There is a 40mph speed limit on the A859 from part-way along Willowglen Road to the south of the SSEN substation. Vehicles exiting the Arnish Road will therefore be entering this 40mph zone.
- 4.13 Speed limit signs will be installed along the upgraded road to notify users of the applicable speed limits.

Drainage

- 4.14 Where the level of the road is lower than the adjoining land, ditches will be provided on either side of the verges. These will have a gradient of not less than 1 in 100 and direct surface water to existing water courses. Where the road level is higher than the surrounding land, the embankments either side of the road will be constructed to a gradient of 1:1.5 to direct surface water away from the road. The design of the drainage will comply with the Controlled Activity Regulations ('CAR') General Binding Rules.
- 4.15 There are three culverted water courses under the existing road. These will be extended under the new road using circular pipes with a suitable strength for vehicle loading. The applicant has consulted SEPA on the licensing requirement for these culverts; SEPA has advised that a Simple CAR Licence will be required. The detailed design of these culverts will be developed in consultation with SEPA to take account of the relevant provisions of the CAR and the presence of any protected species. Dedicated crossing points will be included where there is evidence of otter presence.

- 4.16 The Applicant has consulted the Outer Hebrides Fisheries Trust in respect of the implications of the proposed culverts on otters. The Trust has advised that the only water course under the road that carries fish is at chainage 13.10. Trout and eels are known to frequent this water course, which is a tributary of the river Creed. The design of this culvert will allow these species to move up and downstream unimpeded.

Impact on Existing Utility services

- 4.17 The following utilities are present in the vicinity of the road upgrade works:
- Scottish & Southern Engineering Networks overhead high voltage cables running to the north of the road up and crossing under the existing road opposite Arnish Point power station;
 - Scottish & Southern Engineering Networks below ground high voltage cables running over Arnish Moor to the Arnish Point power station and to the Deep Water Terminal access road;
 - Scottish & Southern Engineering Networks below ground high voltage cables running from Arnish Road power station alongside the existing road to the various plots of Arnish Road Industrial Estate;
 - Scottish Water owned 125mm water main, installed in 2002 under and alongside the existing road; and
 - BT Openreach copper cables and fibre optic cables running in ducts to the north-east of the existing road.
- 4.18 There is no mains drainage in the vicinity of the proposed development.
- 4.19 The Applicant's engineering team has reviewed the implications of the proposed works on these services and has consulted the utility companies. The design of the road upgrade includes for diversion of services where these will be affected by the works.
- 4.20 In addition, a CCTV column is located to the north of the road at chainage 31-30. The CCTV network provides coverage of the Industrial Estate and is operated by HIE. The road upgrade works will not disturb the CCTV cabling.

Works to Existing Road

- 4.21 Between chainage 4.20 to 5.70, the new road runs to the east of an existing rock outcrop. This improves visibility and provides an opportunity to obtain site-won materials. The rock will be blasted to generate material for the road base. This will reduce the volume of material brought onto site from the local quarry, thereby lowering the number of vehicle movements during the

works. Part of the existing road will be retained in this area, to provide access to the existing track to the Castle Grounds.

- 4.22 With the exception of the road between chainage 4.20 and 5.70 referred to above, the existing surfacing will be removed and disposed of. The existing sub-base will be removed and, where possible, re-used in the construction of the upgraded road. The remaining void will be used to re-locate peat which has been excavated from the footprint of the works. The route of the existing road was covered in peat prior to its construction, so is a suitable area for peat re-use. Details are set out in the Peat Management Plan.

Phasing

- 4.23 The construction of the upgraded road will be done in phases. The existing road will be kept open throughout the works, except for brief closures during rock blasting between chainages 4.20 to 5.70. These closures will last no more than 30 minutes and will be communicated in advance to road users. Rock blasting will be done outside peak travel times and facilities for emergency services access will be maintained throughout.
- 4.24 A Traffic Management Plan will be developed for review by the CnES prior to commencement of works.

5 Planning Policy Context

- 5.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan

- 5.2 The current Development Plan for the application site comprises the:
- National Planning Framework 4 ('NPF4'), adopted 13 February 2023; and
 - Outer Hebrides Local Development Plan ('LDP'), adopted November 2018.
- 5.3 This chapter sets out the planning policy framework covering the site, starting with national planning policy and guidance.

National Planning Framework 4

- 5.4 NPF4 was adopted on 13 February 2023 and replaces the previous National Planning Framework 3 and Scottish Planning Policy (SPP).
- 5.5 The purpose of NPF4 is to guide spatial development in Scotland by setting out national planning policies, designating national developments and highlight regional spatial priorities.
- 5.6 The Chief Planner issued a letter including 'Transitional Arrangements for National Planning Framework 4' on 8th February 2023 in order to advise how NPF4 should be applied in advance of all the regulations of our new / emerging Planning System are published and until a new round of LDPs are adopted.
- 5.7 Under a section titled 'Applying NPF4 Policy' the Chief Planner's letter states that:

"Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.

It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between a provision of NPF and a provision

of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.”

- 5.8 Part 1 of NPF4 sets out the National Spatial Strategy for Scotland to 2045 and identifies 18 ‘National’ scale developments which will support this. Further details of each National Development are provided in Annex B of NPF4, which also notes that *“These national developments range from single large scale projects or collections and networks of several smaller scale proposals.”*
- 5.9 The first identified National Development is “National Development 1: Energy Innovation Development on the Islands”, which is an example of a National Development comprising a network of several projects. Annex B states that in the Outer Hebrides, ‘Major’ scale projects supporting the Arnish Renewables Base and Outer Hebrides Energy Hub will be considered as part of National Development 1. A list of classes which apply to development for the delivery of the Arnish Renewables Base is also given, which includes:
- “Quay to service renewable energy, energy transportation, energy decommissioning, fabrication or freight handling, including new or enhanced associated laydown or operational area at Arnish”.*
- 5.10 While the proposed development is not a ‘Major’ application and is therefore not considered to form part of National Development 1, it is crucial to the future operation of the DWT and APIE which do form part of National Development 1.
- 5.11 Part 2 of NPF4 sets out the national planning policies. **Policy 1** (Tackling the Climate and Nature Crises) prioritises the climate and nature crises in all planning decisions and states that significant weight must be given to the crises when considering all proposals.
- 5.12 Similarly, **Policy 2** (Climate Mitigation and Adaptation) requires that proposals are situated and designed to minimise both lifecycle greenhouse gas emissions, and vulnerability to current and future risks from climate change. As noted in the Chief Planner’s letter, there is no single accepted methodology for quantifying this, and the emphasis of the policy is on reducing emissions as far as possible, rather than eliminating them entirely.
- 5.13 **Policy 3** (Biodiversity) aims to protect and enhance biodiversity and strengthen nature networks by requiring that all proposals will contribute to the enhancement of biodiversity. For local developments – such as the proposed development – **Part c)** of the policy requires measures to be identified which conserve, restore and enhance biodiversity that are proportionate to the nature and scale of development.

- 5.14 **Policy 4** (Natural Places) states that proposals which will have an unacceptable impact on the natural environment will not be supported. It adds that proposals which are likely to have an adverse impact on any protected species will only be supported where the proposal meets the relevant statutory tests and incorporates protection for the identified species.
- 5.15 **Policy 5** (Soils) aims to protect peatland and prime agricultural land. **Part c)** of the policy states that development proposals on peatland will only be supported for the certain types of developments, including: “*i. Essential infrastructure and there is a specific locational need and no other suitable site*”.
- 5.16 **Part d)** of Policy 5 adds a requirement for development proposals on peatland to include an assessment of the existing condition of the peatland, the likely effect of the proposed development, and the likely net effects on climate emissions and carbon release.
- 5.17 **Part c)** of **Policy 6** (Forestry, Woodland and Trees) states that development proposals involving woodland removal will only be supported where they will deliver significant public benefit.
- 5.18 **Policy 7** (Historic Assets and Places) aims to protect and enhance the historic environment. **Part h)** of the policy states that proposals affecting scheduled monuments should avoid negative impacts on their setting, while **Part i)** states that proposals affecting designated Gardens and Designed Landscapes (‘GDL’) will be supported where they will not significantly impact on views to, from and within the GDL.
- 5.19 **Part o)** of Policy 7 also states that archaeological resources should be evaluated where there is potential for these to exist below a site.
- 5.20 **Policy 12** (Zero Waste) states that developments should seek to reduce, reuse or recycle materials in line with the waste hierarchy. **Part b)** states that proposals will be supported where they reuse existing infrastructure, salvage materials for reuse, minimise waste and embodied carbon and reduce pressure on virgin resources.
- 5.21 **Policy 13** (Sustainable Transport) gives support to proposals which improve active travel and public transport infrastructure, including proposals which support “*a mode shift of freight from road to more sustainable modes, including last-mile delivery*”.
- 5.22 **Policy 14** (Design, Quality and Place) states that proposals will be designed to improve the quality of an area, regardless of scale and location.
- 5.23 **Policy 18** (Infrastructure First) aims to encourage an infrastructure first approach to land use planning. The policy states that proposals which provide infrastructure in line with that identified as necessary in the relevant LDP will be supported.

- 5.24 **Policy 20** (Blue and Green Infrastructure) aims to *‘protect and enhance blue and green infrastructure and their networks’*.
- 5.25 **Policy 22** (Flood Risk and Water Management) aims to strengthen flood resilience by avoiding development in areas of flood risk where possible and reducing vulnerability of developments to flooding. It requires that proposals do not increase the risk of surface water flooding and manage surface water drainage through SuDS.
- 5.26 **Policy 23** (Health and Safety) aims to protect people and places from harm and promote safety. It states that development proposals which will have a positive impact on health will be supported.
- 5.27 **Policy 29** (Rural Development) supports rural economic activity and growth. **Part a)** states that proposals which contribute to the viability of rural communities will be supported, including proposals for essential infrastructure.

Outer Hebrides Local Development Plan

- 5.28 The Outer Hebrides LDP was adopted in November 2018, and outlines the spatial framework and policies which guides land use planning decisions and facilitates sustainable economic growth within the Outer Hebrides.
- 5.29 **Policy DP1** (Placemaking and Design) aims to ensure that proposed developments are of a high-quality design which takes into consideration and complements the surrounding area.
- 5.30 **Policy DP2** (Car Parking and Roads Layout) relates to the car parking and roads layout standards for the CnES area, and provides a list of criteria for new vehicular accesses:
- a. *“The access road must enter the main road at right angles. The gradient of the access should not be greater than 1 in 10 for the first 10m;*
 - b. *If a gate is to be installed, it should be located at a minimum distance of 7.5m from the main road as per Fig 4 Appendix 3*
 - c. *Where a development accesses onto an adopted or surfaced unadopted road the first three meters on an access will be surfaced with bitmac or concrete. If the development accesses an unsurfaced unadopted road there will be no requirement to surface an access or surface the road;*
 - d. *Vehicles should be visible at a minimum distance of 90m from a point on the access road, 5m back from the main road. Relaxation on visibility splays may be acceptable depending on the road status and site location. Visibility should be taken at a height of 1m;*
 - e. *Where a new vehicular access is provided, it should be possible to enter and exit the access in a forward gear. Off road turning should be provided commensurate with the parking requirements for the development; and*

- f. Where a new access comes on to an existing adopted footpath, dropped kerbs must be installed in accordance with the New Roads and Streetworks Act 1991 and to the Comhairle standards as detailed in Appendix 3. The kerb and footpath must be reinstated to the satisfaction of the Comhairle at the developer's expense."*
- 5.31 **Policy ED1** (Economic Development) identifies sites allocated for strategic business requirements, and states that these areas will be safeguarded against uses which would compromise the business function or economic use of the sites.
- 5.32 **Policy EI1** (Flooding) states that proposals should avoid areas at risk of flooding and promote sustainable flood management.
- 5.33 **Policy EI3** (Water Environment) states that development proposals should avoid negative impacts on the water environment. The policy also gives criteria for sites which contain a watercourse. These include that culverts or watercourse diversions should be avoided unless there is no practicable alternative; that existing and new habitats are enhanced (for example via the control of non-native species); and that no significant effects are caused on groundwater and water bodies as a result of the construction or operation of the proposed development.
- 5.34 **Policy EI5** (Soils) requires that developments are designed to minimise adverse impacts on soils, particularly carbon-rich soils and peat.
- 5.35 **Policy EI7** (Countryside and Coastal Access) aims to maintain and improve access to the Core Path network and recreational resources such as beaches, coastline and historical sites, and states that development proposals which achieve this will be supported.
- 5.36 **Policy EI9** (Transport Infrastructure) relates to transport infrastructure within the Outer Hebrides, and states that the priority areas for the upgrading of transport infrastructure includes ports and harbours. It also identifies requirements for such proposals, including complementing the character of the surrounding area, utilising Sustainable Drainage Systems ('SuDS') and accommodating improved road safety.
- 5.37 **Policy NBH1** (Landscape) outlines that development proposals should relate to the specific landscape and visual characteristics of the local area and ensure that the overall integrity of landscape character is maintained. It further states that development proposals should not have an unacceptable visual or landscape impact.
- 5.38 **Policy NBH2** (Natural Heritage) provides guidance on proposals which will affect various natural environment designations or protected species. It also states that proposals should avoid having a significant adverse impact on biodiversity and seek to enhance biodiversity where possible.

- 5.39 **Policy NBH3** (Trees and Woodland) seeks to protect trees and woodland areas which contribute to landscape and amenity value, and requires developers to incorporate existing trees within the development where possible.
- 5.40 **Policy STY3** (Development of Stornoway Port Area) relates specifically to Stornoway Harbour, and states that developments within the harbour limits or adjacent developed coast should take into account the Stornoway Port Authority Masterplan.

Other Material Considerations

Stornoway Port Masterplan

- 5.41 The Stornoway Port Masterplan ('SPM') was published by the Stornoway Port Authority in March 2017 and sets out the framework for the physical development of Stornoway Port. As noted above, the SPM is referred to by LDP Policy STY3 as a consideration for developments within or adjacent to the port.
- 5.42 A key part of the masterplan is the development of the Deep Water Terminal to the west of Arnish Point. The upgrading of Arnish Road is identified within the SPM as forming part of the DWT development on pages 33, 56 and 57 of the SPM.

6 Compliance with the Development Plan

6.1 As highlighted previously, Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6.2 Section 37(2) of the Act further provides that, in dealing with applications for planning permission:

"... the Authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations."

6.3 With NPF4 only having recently been approved, and with some of its policies being written in a way that expects compliance through the emerging round of NPF4-compliant LDPs, it is also important to consider the Chief Planner's letter of 8 February 2023 on 'Transitional Arrangements for National Planning Framework 4'.

6.4 Under a section titled 'Applying NPF4 Policy', it states that:

"Application of planning judgement to the circumstances of an individual situation remains essential to all decision making, informed by principles of proportionality and reasonableness.

It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement."

6.5 In order to fully assess the policy compliance of the proposed development, and any additional material considerations, we have assessed the following key issues that we believe are of relevance to the determination of the planning application:

- The principle of the proposed development;
- Design and layout;
- Peat Management;
- Drainage;
- Ecology and biodiversity; and
- Climate change and sustainable transport.

Principle of the Proposed Development

- 6.6 As set out in Chapter 3 above, there is a clear and urgent need to upgrade the existing Arnish Road in order to safely accommodate traffic to and from the APIE, the DWT and the power station and to ensure safe access for recreational visitors to the area. The proposed development is therefore an upgrade and improvement of the existing land use on the site.
- 6.7 Although Arnish Road is not directly identified as a project within the LDP, **LDP Policy STY3** clearly gives significant weight to the Stornoway Port Masterplan which in turn identifies the upgrade of Arnish Road as a component of the development of the Deep Water Terminal. The DWT and industrial area at Arnish Point are also identified as part of National Development 1 in NPF4.
- 6.8 By enabling improved, safer access for employees, freight and other vehicles between the DWT and the A859 (and thereby the wider road network across Lewis), the proposed development will support the operation of the DWT and industrial estate. **It is therefore in support of NPF4 National Development 1 and supported by LDP Policy STY3.**
- 6.9 **LDP Policy ED1** also seeks to protect sites allocated for strategic business requirements (such as the APIE and DWT) from uses which compromise their function. The existing road severely restricts the operation of the sites at Arnish Point, and it is therefore considered that the upgrade also meets the intent of LDP Policy ED1.
- 6.10 The DWT and industrial area at Arnish Point will form a key part of Scotland's industrial strategy to move towards net-zero emissions by providing infrastructure to support existing and future renewable energy technologies. By enabling and supporting these uses, the proposed development is considered to also be supported by **NPF4 Policy 1** which gives priority to the climate crisis in planning decisions.
- 6.11 The principle of developing infrastructure is clearly further supported by **NPF4 Policy 18** and **LDP Policy EI9**, while **NPF4 Policy 13** also gives clear support for proposals which "*support a mode shift of freight from road to more sustainable modes, including last-mile delivery*". The Proposed Development will support the use of the Deep Water Terminal as a regular freight berth, which will reduce freight traffic in Stornoway Town Centre.
- 6.12 In connecting the industrial uses at Arnish Point and by providing the opportunity for tourists to visit and explore the area via cruise ship, the proposed development will also support economic activity and growth in a rural part of Scotland subject to ongoing population decline. It is therefore further supported by **NPF4 Policy 29**.

- 6.13 In line with **NPF4 Policy 23**, the improvements to the road will address the existing road's safety issues and ensure that the increasing number of users does not lead to an increased risk of accidents.
- 6.14 The proposed development will also provide improved access for local residents to various recreational assets, including Arnish Point and its historic features, the wider coast and natural areas, and the Core Paths in the Lews Castle Grounds. It is therefore also further supported by **LDP Policy EI7**.
- 6.15 **With regard to the above, it is therefore considered that the principle of the proposed development is clearly and robustly supported by a number of local and national policies.**
- 6.16 As the principle of development has been clearly established, it is the details of the proposed development which must be considered acceptable under the terms of all relevant development plan policies when read as a whole. These aspects are considered in the sections below.

Design and Layout

- 6.17 As shown on the submitted OS Plan Overlay drawing, the route of the upgraded road has been designed to current standards and to closely follow that of the existing road in order to minimise the visual impact of the proposed development. However, the new road will be significantly straightened to enhance visibility and safety, as seen in the slight deviations from the existing route.
- 6.18 The main exception to this is between chainage 4.20 to 5.70, where the existing road runs to the east of a rock outcrop. The new road is proposed to run through this outcrop in order to improve sightlines, and the rock removed will be used to generate material for the road base to reduce the volume of material brought onto site from the local quarry in line with **NPF4 Policy 12**. Part of the existing road along this section will be retained and joined to the new road to provide access to the existing track network to the Lews Castle Grounds.
- 6.19 It is considered that by minimising the changes to the existing route, the proposed development will have little impact on the surrounding landscape or on the setting of the Lews Castle and Lady Lever Park Garden and Designed Landscape.
- 6.20 It is also expected that following the existing route will reduce the likelihood of disturbance of archaeological remains. However, an archaeological desk-based assessment and walkover survey has been carried out and submitted to the Western Isles Archaeology Service. Measures to protect archaeology will be included in the Construction Environmental Management Plan to be developed and submitted to the Planning Authority for approval prior to work commencing on site.

- 6.21 **It is therefore considered that the proposed development is in accordance with NPF4 Policies 7 and 14 and LDP Policies DP1 and NBH1 as they relate to adverse impacts on landscapes and historical assets.**
- 6.22 In line with **criterion a.** of **LDP Policy DP2**, the new road is perpendicular with the A859 at the junction and the gradient for the first 10m is less than 1:10. The entire new road will be surfaced with tarmac in line with **criterion c.**
- 6.23 As shown in the submitted visibility splay drawings, the junction with the A859 will achieve 120m by 4.5m visibility splays and the junction between the new DWT access road and the new Arnish Road will achieve 4.5m x 215m splays – both largely in excess of the requirements of **criterion d.** of LDP Policy DP2. **The proposed design therefore also complies with the relevant provisions of LDP Policy DP2.**

Peat Management

- 6.24 The site lies within an area of peatland, and in recognition of the importance of peatlands for carbon storage, efforts have been made to ensure that disturbance to peat is minimised and mitigated as far as possible, in line with the intent of **NPF4 Policy 2.**
- 6.25 The application is supported by a Peat Management Plan ('PMP') which sets out the overall approach to minimising disruption, the proposed mitigation measures and the long-term restoration and management plans. The PMP has been developed in compliance with SEPA guidance on development within areas of peat.
- 6.26 As set out in Chapter 4 of the PMP, a site investigation involving depth surveys, peat coring and the development of a peat depth map was completed in order to gain an understanding of the depth and characteristics of peat within the site in accordance with **Part d)** of **NPF4 Policy 5.**
- 6.27 The map model was then used to calculate the total peat excavation volumes required for the construction of the road, totalling approximately 21,000m³. It is proposed that this will be reinstated largely within the site in the following areas:
- In the restoration of the existing road where it adjoins peat habitat;
 - In the reinstatement of the rock winning area and of the temporary construction compound and associated access track; and
 - In the restoration of an existing area of peat cutting to the west of the new road.
- 6.28 The total available volume available for peat reuse has been calculated at approximately 22,500m³ – comfortably in excess of the volume to be extracted. The assessment in the PMP

also demonstrates that there is sufficient volume of the different types of peat to restore the previously cut areas to an improved condition.

- 6.29 The PMP also provides guidance on methodologies for the handling and storing of peat during the construction period which will be followed by the Contractor conducting the works.
- 6.30 The PMP identifies areas for temporary storage of peat and methods of handling.
- 6.31 **Part c) of NPF4 Policy 5** identifies proposed developments for essential infrastructure as acceptable on areas of peatland, where there is a specific locational need. It is demonstrated in the PMP that measures have been taken to minimise the impact of the proposed development on peat and to ensure that all extracted peat is replaced and used to restore and enhance the peatland within and near the site. **It is considered that the proposed development therefore complies with NPF4 Policy 2, 5 and LDP Policy EI5.**

Drainage

- 6.32 The new road has been designed to ensure that adequate drainage is provided to deal with surface water and to accommodate the watercourses which cross the road.
- 6.33 Where the level of the road is lower than the adjoining land, ditches will be provided on either side of the verges. These will have a gradient of not less than 1 in 100 and direct surface water to water courses. Where the road level is higher than the surrounding land, the embankments either side of the road will be constructed to a gradient of 1:1.5 to direct surface water away from the road. The design of the drainage will comply with the CAR General Binding Rules.
- 6.34 There are three existing culverted water courses under the existing road. These will be extended under the new road using circular pipes with a suitable strength for vehicle loading. The applicant has consulted SEPA on the licensing requirement for these culverts, and SEPA has advised that a Simple CAR Licence will be required. The detailed design of these culverts will be developed in consultation with SEPA to take account of the relevant provisions of the CAR and the presence of any protected species.
- 6.35 The applicant has also consulted the Outer Hebrides Fisheries Trust in respect of the implications of the proposed culverts on otters. The Trust has advised that the only water course under the road that carries fish is at chainage 13.10. Trout and eels are known to frequent this water course, which is a tributary of the River Creed. The design of this culvert will allow these species to move up and downstream unimpeded.
- 6.36 **It is considered that the design of the proposed road will ensure that there are no flooding or drainage issues, and that the proposed development therefore accords with NPF4 Policy 20 (as it relates to blue infrastructure) and 22 and LDP Policy EI1 and EI3.**

Ecology and Biodiversity

- 6.37 The application is supported by a Preliminary Ecological Appraisal ('PEA') which was conducted to establish the baseline ecological condition of the site and the adjacent areas by identifying the existing habitat and assessing the potential for protected species.
- 6.38 The PEA found that the proposed development is not expected to result in any significant habitat loss or degradation due to the proposed route largely following that of the existing road. Similarly, the proposed development is not expected to directly impact on aquatic habitats. It was also found that no unacceptable adverse impacts on reptiles or amphibians, invertebrates, fish or protected plant species.
- 6.39 The PEA also found that the proposed development is unlikely to impact roosting bats, provided that no tree works are required. The site does feature a number of semi-mature trees which will likely require to be removed, and these will be subject to a Preliminary Roost Assessment prior to any works – as per the recommendations in the PEA. As noted in the Biodiversity Enhancement Statement, a number of these trees are non-native species, and their removal will provide an environmental benefit.
- 6.40 **NPF4 Policy 6** states that woodland removal must be justified by significant public benefit as a result of the proposed development. It is considered in this case that the extent of tree removal likely to be required is insignificant and entirely justified by the importance of the safe and effective operation of the APIE and DWT.
- 6.41 It was found that the site or adjacent areas are likely to contain breeding birds during the breeding season. The PEA therefore recommends that any works proposed between March to the end of August are preceded by pre-construction breeding bird surveys, and that exclusion zones are imposed around any identified nests until the end of the breeding season. This recommendation will be followed, and any mitigation measures will be informed by a qualified ecologist.
- 6.42 Evidence of otter was found during the surveys, and the PEA therefore recommended that further specific otter surveys for water bodies within 200m of the site and of the existing holts were carried out to establish the requirement for further licensing or mitigation. These surveys were carried out in November 2023; the survey report is included within the Environmental Supporting Document. The latter sets out measures to protect otters during the works. Further surveys will be conducted ahead of the commencement of the works on the site. If required, an application will be submitted for a European Protected Species Licence.
- 6.43 Lastly, the PEA identified a large amount of rhododendron throughout the site. It is proposed that removal of the rhododendron will be carried out to remove this invasive species and thereby

improve the site's ecological condition, in line with **NPF4 Policy 3**. The Biodiversity Enhancement Statement sets out details of the location of existing rhododendron and proposals for its safe removal as part of the Proposed Development.

- 6.44 A Construction Environmental Assessment Plan ('CEMP') will be developed for approval by the CnES prior to work commencing on site, which will take into account all of the recommendations made within the PEA.
- 6.45 **Overall, the proposed development will not have any unacceptable adverse impact on habitats or species. Further bat, bird and otter surveys will be conducted as required, and biodiversity enhancement and mitigation measures will be applied as appropriate. It is therefore considered that the proposed development accords with NPF4 Policy 3, 4, 6 and 20 and LDP Policies EI3, NBH2 and NBH3.**

Climate Change and Sustainable Transport

- 6.46 **NPF4 Policy 13** seeks to promote development that improves sustainability of transport. The Proposed Development will reduce carbon emissions associated with travel to APIE and the Deep Water Terminal by reducing the need for vehicles to stop to allow oncoming vehicles to pass. It will also facilitate the use of the Deep Water Terminal as a main freight terminal, reducing the volume of freight traffic in Stornoway Town Centre.
- 6.47 The Proposed Development will facilitate access for walkers to Arnish Point and to the Castle Grounds by providing a safer route to access walking routes. The upgraded road will connect to the walking routes within the Castle Grounds and to the new path to the Deep Water Terminal.

7 Conclusions

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires decisions to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. This Planning Statement has examined the detail of the proposed development and the context and planning of the site, before assessing the proposal against all relevant planning policy and material considerations.
- 7.2 The need for the proposed development - to upgrade the existing Arnish Road - is clear due to the road's existing condition and the intensification of use of the areas which it serves. The existing road was built in the early 1970s, as a 'single track road' with passing places which does not meet current standards and has resulted in safety issues during its operation.
- 7.3 In addition to this, improved infrastructure is needed as Arnish Industrial Estate is likely to expand in future, with the Stornoway Port's DWT opening in spring 2024 – which will be used for the berthing of large cruise vessels and freight vessels. Both of these will further increase the number of users of Arnish Road
- 7.4 The proposed development has been shown to comply with planning policy at the local and national levels insofar as it:
- Provides a necessary and urgent upgrade to the existing Arnish Road between the APIE and DWT and the A859 to accommodate the increased traffic and improve safety for users and therefore supports a key national infrastructure development;
 - The principle of the proposed development is clearly and robustly established by national and local policy as set out in NPF4 and the Outer Hebrides LDP;
 - Would comprise works identified in the Stornoway Port Masterplan, which is a material consideration under LDP Policy STY3;
 - Would improve access for locals to the recreational assets around Arnish Point and for visitors arriving by cruise vessel to the wider Lewis area, and therefore aid the economic development of the island; and
 - Would not have any unacceptable adverse impact on the surrounding landscape or on the peatland, ecology or historical assets within the site.
- 7.5 Accordingly, this Planning Statement and accompanying documentation demonstrate that the proposed development accords with the Development Plan and all other material planning considerations.

7.6 **As such, it has been demonstrated above that the proposed development fully accords with the Development Plan and all material planning considerations and we therefore respectfully request that planning permission is granted.**