

PERTH AND KINROSS COUNCIL**12 December 2012****Report of Handling by Development Quality Manager**

Erection of a new 400/275KV electricity substation and associated works including landscaping and access tracks on Land 450 Metres North West of Haughend Farm by Meigle.

Ref. No: 12/00948/FLM
Ward No: N2 - Strathmore

Summary

This report assesses the application for the erection of a new 400/275KV electricity substation and associated works including landscaping and access tracks. It recommends approval as it complies with the National Planning Framework for Scotland (NPF2) as well as the policies within the Structure and Local Development Plans for the Area.

As this proposal is a National Planning Application for which, under Paragraph 27.1(a) of The Town and County Planning (Development Management Procedure) (Scotland) Regulations 2008, a pre-determination hearing is required to be held prior to the application being presented to Full Council for determination.

Background and Description

1. This application is a key element of the Keith to Kincardine East Coast Reinforcement Project which is a national development contained within the National Planning Framework for Scotland (NPF2). The NPF statement of need confirms that the strategic reinforcement project is essential to provide the transmission capacity necessary to realise the potential of Scotland's renewable energy resources, maintain long-term security of electricity supply and support sustainable economic development.
2. Presently the overhead transmission lines operate at a voltage of 275kV. The proposed upgrade by Scottish Hydro Electric Transmission Limited (SHETL) would result in the transmission line between Kintore and Kincardine operating at 400kV with the line from Haughend to Tealing (just north of Dundee) remaining at 275Kv. In order to accommodate both voltages it is necessary to construct a 275/400kV substation at or close to the existing T-junction at Haughend where the three lines converge.
3. The overhead line element of the proposed works (which consists of restringing the existing pylons) will be subject of an application to the Scottish Ministers under Section 37 of the Electricity Act, although the Council would be formally consulted. However the formation of the substation is required to be assessed under the Town and Country Planning (Scotland) Act 1997(as amended).

PRE-APPLICATION CONSULTATION

4. The proposed development is classed as a national development which requires pre-application consultation with the local community to be undertaken. A Proposal of Application Notice (PAN) was submitted to the Planning Authority as required by Regulation 6 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 and Section 35 B of the Planning Act in April 2011. The content of the PAN was subsequently agreed.
5. The applicant has submitted documentation with the submission which details the extent of pre-application consultation undertaken in the form of a pre-application consultation summary report. Having had the opportunity to take account of this correspondence and its relationship with the content contained within the PAN I am satisfied that the pre-application consultation activity is sufficient.

National Policy and Guidance

National Planning Framework

6. The second National Planning Framework for Scotland (NPF) was published in June 2009, setting out a strategy for Scotland's spatial development for the period up until 2030. Under the Planning etc (Scotland) Act 2006 this is now a statutory document and a material consideration in any planning application. The document provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.
7. The NPF identifies sustainable development as a key issue to be addressed through future planning, in the form of efficient use of resources, reduction in energy use and CO₂ emissions and the development of new and renewable sources of energy. It also offers a commitment towards EU objectives of working towards deriving 20% of all energy used from renewable sources by 2020. To facilitate the growth in renewable generation, the NPF recognises the need to increase the capacity of Scotland's existing transmission infrastructure, stating that, 'Grid connections between rural energy resources and the centres of electricity consumption need to be improved.'

The Scottish Planning Policy 2010

8. This SPP is a statement of Scottish Government policy on land use planning and contains:
 - the Scottish Government's view of the purpose of planning,
 - the core principles for the operation of the system and the objectives for key parts of the system,
 - statutory guidance on sustainable development and planning under Section 3E of the Planning etc. (Scotland) Act 2006,

- concise subject planning policies, including the implications for development planning and development management and,
- the Scottish Government's expectations of the intended outcomes of the planning system.

9. Of relevance to this application are:

- Paragraphs 45 – 48: Economic Development
- Paragraph 97: Prime Quality Agricultural Land
- Paragraphs 110 – 124 Historic Environment
- Paragraphs 125 – 148: Landscape & Natural Heritage
- Paragraphs 196 – 211: Flooding and Drainage

Scottish Planning Advice Notes

10. The following Scottish Government Planning Advice Notes (PANs) are of interest:

- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 40 Development Management
- PAN 51 Planning and Environmental Regulation (Revised 2006)
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 79 Water and Drainage

Scottish Government's guidance note, "Controlling Light Pollution and Reducing Lighting Energy Consumption" (March 2007).

11. This sets out the commitment to reduce light pollution and save energy by specifying appropriate lighting standards.

Development Plan

12. The Development Plan for the area consists of TAYplan Strategic Development Plan 2012 – 2032 and the Eastern Area Local Plan 1998.

TAYplan Strategic Development Plan 2012 – 2032 Approved June 2012

Policy 3: Managing TAYplan's Assets

13. Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through: safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geodiversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets.

Policy 6: Energy and Waste/Resource Management Infrastructure

- A.** Local Development Plans should identify areas that are suitable for different forms of renewable heat and electricity infrastructure and for waste/resource management infrastructure or criteria to support this; including, where appropriate, land for process industries (e.g. the co-location/proximity of surplus heat producers with heat users).
- B.** Beyond community or small scale facilities, waste/resource management infrastructure is most likely to be focussed within or close to the Dundee and/or Perth Core Areas (identified in Policy 1).
- C. Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations:**
- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones;
 - Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
 - Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
 - Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and groundwater pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on off-site properties;
 - Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism and listed/scheduled buildings and structures;
 - Impacts of associated new grid connections and distribution or access infrastructure;
 - Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure; and,
 - Impacts upon neighbouring planning authorities (both within and outwith TAYplan).

Eastern Area Local Plan 1998

14. The principal relevant policies are in summary: -

Policy 01 Eastern Sustainable Development

15. The Council will seek to ensure, where possible, that development within the Plan area is carried out in a sustainable manner. Where development is considered to be unsustainable but has other benefits to the area which outweigh the sustainability issue, the developer will be required to take whatever mitigation measures are deemed both practical and necessary to minimise any adverse impact. The following principles will be used as guidelines in assessing the sustainability of projects:-
- a) Non-renewable resources should be used wisely and sparingly, at a rate which does not restrict the options of future generations.
 - b) Renewable resources should be used within the limits of their capacity for regeneration.
 - c) The quality of the environment as a whole should be maintained and improved.
 - d) In situations of great complexity or uncertainty the precautionary principle should apply.
 - e) There should be an equitable distribution of the costs and benefits (material and non-material) of any development.

Policy 02 Eastern General Development Policy

16. All developments within the Plan area not identified as a specific policy, proposal or opportunity will also be judged against the following criteria:-
- (a) Rural sites should have a landscape framework capable of absorbing or, if necessary, screening the development; where required, opportunities for landscape enhancement will be sought.
 - (b) In the case of built development, regard should be had to the scale, form, colour and density, of existing developments within the locality.
 - (c) The development should be compatible with its surroundings in land use terms and should not result in significant environmental damage or loss to the amenity or character of the area.
 - (d) The road network should be capable of coping with traffic generated by the development and satisfactory access on to that network provided.
 - e) Where applicable there should be sufficient spare capacity in drainage, water and education services to cater for new development.
 - (f) The site should be large enough to accommodate the development satisfactorily in site planning terms.

- (g) Buildings and layouts for new development should be designed so as to be energy efficient.
- (h) Built development should, where possible, be built in those settlements which are the subject of inset maps.

Policy 03 Eastern Flood Risk

- 17. Development in areas liable to flood, or where remedial measures would adversely affect flood risk elsewhere, will not normally be permitted.
- 18. For the purposes of this policy flood risk sites will be those which are judged to lie within:-
 - (1) Areas which flooded in January 1993.
 - (2) Sites which lie within a flood plain.
 - (3) Low lying sites adjacent to rivers, or to watercourses which lead to categories 1 and 2.

Note:- This policy reflects the Council's Interim Flood Risk Policy. A Flood Appraisal Group has been set up to prepare a more detailed Policy on this topic.

Policy 06 Eastern Light Pollution

- 19. The Council will not grant consent for proposals which would result in unnecessary and intrusive light pollution. The use of locations and lighting systems which limit light pollution, together with conditions to control the period of usage will be encouraged.

Policy 09 Eastern Renewable Energy

- 20. The Council will encourage, in appropriate locations, developments which contribute towards the Scottish Renewables Obligation. In the absence of a detailed Council wide policy on renewable energy production, developments will be assessed against the following criteria:
 - 1. That provision can be made for construction traffic, without danger to road traffic safety or the environment.
 - 2. That the development will not have a significant detrimental effect on sites of nature conservation interest or sites of archaeological interest.
 - 3. That the development will not result in an unacceptable intrusion on the intrinsic landscape quality of the area.
 - 4. That the development will not result in a loss of amenity to neighbouring occupiers by reasons of noise emission, visual dominance, electromagnetic disturbance or reflected light.
 - 5. The cumulative impact of having two or more windfarms in the same area will be considered.

21. The proposed transmission lines between development and the National Grid will be considered an integral part of the development and their impact will also be assessed in relation to the above criteria. Developers will be required to enter into an agreement for the removal of the development and the restoration of the site, following the completion of the development's useful life.

Policy 12 Eastern Environment and Conservation

22. In the absence of imperative reasons of overriding public interest, the Council will not grant consent for, or support, development which would damage the integrity of Sites of Special Scientific Interest, National Nature Reserves, Special Protection Areas, Ramsar Sites and Special Areas of Conservation.
23. Note:- Further details of protected sites and areas are contained in the Technical Appendix

Policy 13 Eastern Environment and Conservation

24. The Council will not normally grant consent for any development which would have an adverse effect on sites of local nature conservation interest and will seek to protect the integrity of such sites identified on the proposals maps and any others approved by the Council, which may be identified by Scottish Natural Heritage, SWT and others with the owners' agreement during the Plan period. The Council will apply the same policy to principal wildlife corridors.

Policy 14 Eastern Environment and Conservation

25. The Council will not normally grant consent for any development which would have an adverse effect on:- sites supporting species mentioned in Schedules 1, 5 and 8 of the Wildlife and Countryside Act, 1981 as amended; Annex II or IV of the European Community Habitat and Species Directive; Articles 1.4 and 1.2 of the European Community Wild Birds Directive.
26. Note:- A list of protected species is contained in the Technical Appendix.

Policy 15 Eastern Environment and Conservation

27. The Council will not normally grant consent for any development which would have an adverse effect upon those habitats and species listed in Annex I and II of the EC Habitats and Species Directive.
28. Note:- The list of protected habitats and species is contained in the Technical Appendix.

Policy 16 Eastern Environment and Conservation

29. The Council will seek to protect native woodland from development and will encourage and support the protection and expansion of existing native woods and the creation of new ones

Policy 18 Eastern Trees

30. Individual trees or groups of trees with considerable amenity value will be protected by the use of Tree Preservation Orders, where they are considered to be in danger. Only in exceptional cases will Tree Preservation Orders be applied to woodlands or commercial plantations.
31. Note:- Further information on T.P.O.s is contained in the Technical Appendix.
32. Community Woodland: the Council will encourage the provision of Community Woodland schemes. Priority will be given to encouraging the expansion, by up to 20 ha of the woodland recreational opportunities in the area surrounding Blairgowrie and Rattray, Coupar Angus and Alyth.

Policy 20 Eastern Archaeology

33. The Council will safeguard the settings and archaeological landscapes associated with Scheduled Ancient Monuments (protected under the Ancient Monuments and Archaeological Areas Act 1979), unless there are exceptional circumstances.
34. Note:- Further details of the list of Scheduled Ancient Monuments is contained in the Technical Appendix.

Policy 21 Eastern Archaeology

35. The Council will seek to protect unscheduled sites of archaeological significance. Where development is proposed in such areas, there will be a strong presumption in favour of preservation in situ and where in exceptional circumstances preservation of the archaeological features is not feasible, the developer, if necessary through appropriate conditions attached to planning consents, will be required to make provision for the excavation and recording of threatened features prior to development commencing.
36. Note:- A list of unscheduled sites of archaeological significance is contained in the Technical Appendix.

Policy 22 Eastern Archaeology

37. Where it is likely that archaeological remains may exist, the prospective developer will be required to arrange for an archaeological evaluation to be carried out by a professionally qualified archaeological organisation or archaeologist before the planning application is determined.

Policy 23 Eastern Listed Buildings

38. There will be a presumption against the demolition of Listed Buildings and a presumption in favour of consent for development involving the sympathetic restoration of a Listed Building, or other buildings of architectural value. The setting of Listed Buildings will also be safeguarded.

Policy 38 Eastern Landward general policies

39. Developments in the landward area, as shown on Proposals Map A, on land which is not identified for a specific policy, proposal or opportunity will generally be restricted to agriculture, forestry, recreation, tourism related projects or operational developments of statutory undertakers and telecommunications operators, for which a countryside location is essential. Developments will also be judged against the following criteria:-
- a. The site should have a good landscape framework capable of absorbing, and if necessary, screening the development.
 - b. In the case of built development the scale, form, colour, density and design of development should accord with the existing pattern of building.
 - c. The development should be compatible with its surroundings in land use terms and should not result in a significant loss of amenity to the local community.
 - d. The local road network should be capable of absorbing the development and a satisfactory access onto that network provided.
 - e. Where applicable there should be sufficient spare capacity in local services to cater for the new development.
 - f. The site should be large enough to accommodate the development satisfactorily in site planning terms.
 - g. Built development should not be located adjoining and outwith those settlements which are the subject of Inset maps.

Policy 39 Eastern Rural Land Uses - Agricultural

40. The Council will support agriculture remaining as a major land use and a source of employment in the Plan area. In line with government policy, there will be a presumption against the use of significant areas of prime quality agricultural land for irreversible development.

Policy 47 Eastern Historic gardens and design landscapes

41. The Council will protect and seek to enhance the Historic Gardens and Designed Landscapes identified on Proposals Map A and any others which may be identified by Historic Scotland and Scottish Natural Heritage during the Plan period.
42. Note:- Further details are contained in the Technical Appendix.

Perth and Kinross Council Local Development Plan - Proposed Plan January 2012

43. Members will be aware that on the 30 January 2012 the Proposed Plan was published. The adopted Local Plan will eventually be replaced by the Proposed Local Development Plan. The Council's Development Plan Scheme sets out the timescale and stages leading up to adoption. Currently undergoing a period of representation, the Proposed Local Development Plan may be modified and will be subject to examination prior to adoption. This means that it is not expected that the Council will be in a position to adopt the Local Development Plan before December 2014. The Plan may be regarded as a material consideration in the determination of this application, reflecting a more up to date view of the Council.
44. Under the LDP the principal policies of relevance are as follows:-

Policy PM2 – Design Statements

45. Design statements will be required for developments falling within any of a series of specified categories

Policy TA1: Transport Standards and Accessibility Requirements

46. The Plan identifies that encouragement will be given to the retention and improvement of existing infrastructure

Policy HE1: Scheduled Monuments and Non-Designated Archaeology

47. There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting and the Council will seek to protect areas or sites of archaeological interest and their settings

Policy NE1: Environment and Conservation Policies

48. Development proposals should not have any significant impact on International Nature Conservation Sites, National Designations, Local Designation or European Protected Species.

Policy NE2 – Forestry, Woodlands and Trees

49. The Council will seek to protect all wildlife and wildlife habitats, including grasslands, wetlands and peat-lands and habitats that support rare or endangered species.

Policy NE3: Biodiversity

50. The Council will seek to protect and enhance all wildlife and wildlife habitats.

Policy NE4: Green Infrastructure

51. This policy sets out a series of criteria under which development can contribute to the creation, protection, enhancement and management of green infrastructure.

Policy ER2: Electricity Transmission Infrastructure.

52. Proposals for electricity transmission infrastructure (including lines, towers/pylons/poles, substations, transformers, switches and other plant) will be supported. In environmentally sensitive locations appropriate mitigation will be required and should be considered as part of the preparation of any proposal. Underground alternatives to overhead route proposals will generally be supported where they would not have a significantly detrimental impact on the environment. Where new infrastructure provision will result in existing infrastructure becoming redundant, the Council will seek the removal of the redundant infrastructure as a requirement of the development.

Policy ER5: Prime Agricultural Land

53. Development on prime agricultural land will not be permitted unless it is necessary to meet a specific established need such as a major infrastructure proposal and there is no other suitable site available on non prime land.

Policy ER6: Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes

54. Development and land use change should be compatible with the distinctive characteristics and features of Perth and Kinross's landscapes.

Policy EP2: New Development and Flooding

55. There will be a general presumption against proposals for built development or land raising on a functional flood plain and in areas where there is a significant probability of flooding from any source or where the proposal would increase the probability of flooding elsewhere.

Policy EP3: Water Environment and Drainage

56. Proposals will need to have regard to the Scottish River Basin Management Plan and any associated Area Management Plans.

Policy EP4: Health and Safety Consultation Zones

57. Consultation zones are identified for pipelines and other modifiable installations within which the Health and Safety Executive must be consulted over certain types of development proposals.

Policy EP5: Nuisance from Artificial Light and Light Pollution

58. The Council's priority will be to prevent a statutory nuisance from occurring first and foremost, from artificial light and light pollution.

Site History

59. None.

Consultations

60. **Health and Safety Executive** – Does not advise against approval of the application.
61. **Historic Scotland** – No objection
62. **Environmental Health** – No objection but conditions are recommended
63. **Perth and Kinross Council Flooding Section** – No objection subject to a condition which will ensure the submission of the finalised arrangement of the Sustainable Urban Drainage System (SUDS).
64. **Scottish Water** – No objection.
65. **Scottish Environment Protection Agency** – No objection subject to conditions.
66. **Scottish Natural Heritage** – No objection.
67. **Perth and Kinross Heritage Trust** – No objection subject to conditions.
68. **RSPB** – No objection.

Representations

69. One letter of objection has been received raising the following issues:-

- Visual Impact
- Noise
- Loss of prime agricultural land
- Economic Impact on Farming Operations
- Impact on Scheduled Ancient Monument

70. These issues are all raised in the Appraisal section of this report.

ADDITIONAL STATEMENTS

71.Environment Statement	Not required
Screening Opinion	Not required
Environmental Impact Assessment	Not required
Appropriate Assessment	Not required
Design Statement / Design and Access Statement	Submitted
Report on Impact or Potential Impact	Environmental Appraisal/Surveys submitted.

Appraisal

72. Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The Development Plans that are applicable to this area comprise the approved Tayplan 2012 – 2032 and the Eastern Area Local Plan 1998. The Perth and Kinross Council Proposed Local Development Plan 2012 is a material consideration in the determination of the application.
73. The determining issues in this case are:- whether the proposal complies with Development Plan policy; whether the proposal complies with supplementary planning guidance; or if there are any other material considerations which justify a departure from policy.

Substation Site Selection

74. SHETL has a statutory duty under Schedule 9 of the Electricity Act 1989 to develop and maintain an efficient, co-ordinated and economical electrical transmission system in its licensed areas. Where there is a requirement to extend, upgrade or reinforce its transmission network, SHETL's aim is to achieve an environmentally aware, technically feasible and economically viable solution that would cause the least disturbance to the environment and the people who use the area.
75. As part of this process SHETL carried out a site selection exercise that identified four potential sites for the substation. These options were then considered by specialist consultants over spring and summer 2010 which

included site investigations to inform the selection and consultation with statutory bodies. The outcome of this process resulted in a preferred option being chosen by SHETL which is now subject to this application.

The Substation

76. The proposed substation is approximately 7.2 hectares in area with the maximum height of equipment and plant within the substation at 11.3m. The substation will be surrounded by a 2.4 metre palisade fence. A single storey building will house the site services and control equipment which is located to the west. A new access to the substation will be created from the public road which will require an element of tree felling.
77. The substation will be operated remotely and unmanned aside for regular inspections every two weeks, and less frequent periodic maintenance and upgrades. The lifespan of the substation is estimated at 40 years, after which time it can be decommissioned or upgraded. The proposal includes illumination, however, SHETL has confirmed the floodlights would only be used in the event of a fault during the hours of darkness.

Construction and Operational Noise

78. The closest residential properties to the site of the proposed substation are Gamekeepers Cottage approximately 120 metres, Haughend Farm Cottage approximately 150 metres and Haughend Farm approximately 220 metres away.
79. Construction is planned to take 18 months from initiation to completion which consist of 3 phases. Phase 1 Site Access and construction compound, Phase 2 Site preparation, platform formation, control building, tower construction, Phase 3 Electrical installation and commissioning.

Construction Noise

80. Construction plant noise levels have been estimated using BS55228 for each phase of works. The noise levels predicted for Phase 1 are lower than the 65dB(A) lower cut off value for daytime construction noise, predicted noise level is to be no greater than 54dB (A) and the effect from construction noise on all receptors is negligible.
81. Predicted noise levels for Phase 2 are above the 65dB (A) threshold. At Gamekeepers Cottage, with mitigation, the noise level would be 69dB (A) which is still a moderate–major effect. Haughend Farm Cottage and Haughend Farm will be mostly affected by noise from the tower construction stage. The tower construction work even with general mitigation measures may not be sufficient to reduce noise levels to below the 65dB (A) threshold. However, the activity is a short-duration activity and peak level would only be encountered for short periods, if at all. The effect on these locations is therefore considered to be minor-moderate.

82. Predicted noise levels at all assessed receptors for Phase 3 are within the 65 dB(A) threshold, except at Gamekeepers Cottage where the noise level predicted is 68dB(A) however mitigation measures should reduce this by 5 dB, thus resulting in a minor effect at worst. It should be noted that these predictions are if all plant is in operation simultaneously at full power, and if all plant is situated at the region of the site nearest to the receptor.
83. No vibration impacts have been identified at any of the receptors.
84. The Environmental Appraisal has suggested time limits associated with construction works which Environmental Health has requested to be incorporated into a condition.

Operational Noise

85. There are four main sources of noise from the operation of the proposed new substation
 1. Transformer noise; transformers create a steady humming noise caused by the power frequency oscillation within the iron core of the unit, cooling fans are used only when a transformer is out of service for maintenance or is faulty, estimated usage of fan is one week every two years.
 2. Switchgear operation; the switchgear would only operate in response to faults or for planned maintenance; the number of operations is expected to be in the order of ten per year. The noise associated with the switchgear is a single instantaneous noise event. The design and specification of the site will ensure that noise from the switchgear events will not exceed 57 dB Lmax externally at the nearest noise sensitive receptors.
 3. Corona Discharge is the result of the breakdown of particles in the air, in areas of high electrical stress. It regularly occurs around high voltage electrical installations and is most prevalent in areas of high pollution and under damp atmospheric conditions. The main source of corona discharge at the substation would be from the overhead lines which enter the site and will be located 200 meters away from the closest noise sensitive receptor.
 4. Reactor Noise; reactive compensation devices; resonate with power frequency oscillation in a similar manner to transformers, and has a particularly high tonal content.
86. The applicant has assessed the impact of operational noise on the nearest properties to the substation site using criteria in BS 4142 with noise levels at the nearest sensitive receptors being calculated using a three dimensional noise propagation model. The model has used typical transformer and cooling fan sound power values associated with the proposed type of substation. The applicant states that the assessment of internal noise levels are predicted to

be significantly below the day and night time noise rating levels of NR20 (night) and NR35(day) at all locations. Environmental Health has been consulted on the application and they advise a condition should be imposed on the consent to limit operational noise associated with the substation.

Light Pollution

87. Substations are not generally illuminated, however, this proposal includes floodlights as there may be times when illumination is required for safety purposes during the hours of darkness, during the winter months or for any overrun of planned works. It is acknowledged that there is no requirement for the site to be constantly illuminated and that use will be limited to operational requirements.
88. Minimising obtrusive light and reducing lighting energy usage are important environmental factors which are detailed in the Scottish Government's guidance note entitled Controlling Light Pollution and Reducing Lighting Energy Consumption (March 2007). In this instance I consider conditional control of permanent floodlights could ensure light spillage beyond the boundaries of the site is minimised by ensuring the equipment is aligned and or screened appropriately. This would likely reduce the impact in comparison to portable/temporary lighting that could be deployed at this site.

Air Quality

89. Ambient air quality legislation in Europe derives from the 1996 Air Quality Framework Directive (Directive 96/62/ EC), which established an EU-wide framework for addressing air quality issues. Three Daughter Directives set Limit Values for seven air pollutants - benzene, carbon monoxide, lead, nitrogen dioxide, ozone, particles and sulphur dioxide - and dates by which they should be achieved. A proposed fourth Daughter Directive contains target values for a further five pollutants - arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons (PAHs) - which should be brought down to levels as low as is practicable.
90. Overall responsibility for achieving the Limit Values lies with the Scottish Ministers, and ultimately with the UK Government as the EU Member State. However, local authorities play a central role through their duties in working towards the domestic air quality objectives.
91. The Environmental Appraisal has taken account of the potential impact on air quality by using ADMS4, a dispersion model used to identify the air quality impact of existing and proposed industrial installations. The Environmental Appraisal concludes that the development is consistent with the current Environmental Protection UK guidance. No properties are predicted to be affected by slight, moderate or major air quality construction impacts; no exceedance of air quality objectives or limit values are predicted; and uncertainty in the prediction undertaken has been minimised through the

application of worst case assumptions. Accordingly the Environmental Health Section of the Council offers no objection.

Nature Conservation Effects

River Tay Special Area of Conservation

92. The proposal is close to the River Tay Special Area of Conservation (SAC), designated for its clear water lochs, Atlantic salmon, sea lamprey, otter, brook lamprey and river lamprey. It also contains populations of freshwater pearl mussel.
93. The site's status means that the requirements of either the Conservation (Natural Habitats, &c.) Regulations 1994 as amended, (the "Habitats Regulations") apply, or the Conservation of Habitats and Species Regulations 2010 as amended apply.

Atlantic salmon and lamprey

94. Atlantic salmon and lamprey spawning grounds are vulnerable to construction run-off, which can smother the gravel spawning areas with silt. There is a risk of sediment being mobilised or pollution due to spillage of fuels etc during the construction of the substation. The applicant will be following SEPA Pollution Prevention Guidelines, which greatly reduce these risks. In addition, the distance from the SAC and the topography of the site mean that it is unlikely that there will be a significant effect on any of the qualifying interests either directly or indirectly, this view is also confirmed by Scottish Natural Heritage.

Otters

95. Otters can be disturbed by construction near watercourses. In this case, the nearest signs of otter activity are over 480 metres away from the substation footprint and over 235 metres from the reconfiguration works associated with the overhead line. Therefore it is unlikely that this proposal will cause any significant disturbance to otters. Scottish Natural Heritage recommends, as good practice, that any exposed pipes are capped and that trenches or holes have mammal exit ramps installed when contractors are off site.

Freshwater pearl mussel

96. Freshwater pearl mussels are protected under Schedule 5 of the Wildlife and Countryside (Scotland) Act 1981 (as amended). Freshwater pearl mussels are vulnerable to being smothered by silt from construction run-off and are sensitive to pollutants. Consultation with Scottish Natural Heritage confirms there are no records of pearl mussel beds near the proposed construction site.

Requirement for an Appropriate Assessment

97. Given the proposal is not likely to have a significant effect on the qualifying interests of the River Tay Special Area of Conservation (SAC), an appropriate assessment is not required in this instance.

Protected Species

Red Squirrels

98. Red squirrels are protected under Schedule 5 of the Wildlife and Countryside (Scotland) Act 1981 (as amended). Red squirrels have been reported in the plantation north of the substation site, however, the red squirrel survey confirms that there are no dreys. Due to the small number of trees to be felled the agent's consultant advises that the proposed works are not expected to impact upon the local red squirrel population.
99. Consultation with Scottish Natural Heritage confirms they are content with the information provided and recommend the mitigation method statement at appendix II of ECHOES Ecology Ltd's report is adhered to.

Bats

100. Bats are European Protected Species (EPS), protected in Scotland by the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Destruction of a bat roost requires a licence, whether the bats are present at the time of felling or not.
101. Scottish Natural Heritage have advised in their updated response of the 10th of August 2012 that no direct signs of bats have been detected and the requirement for additional survey work, beyond what has been undertaken to date, would be disproportionate as only a small number of trees are required to be felled. Consequently they advise that the mitigation proposed by the applicant will minimise impacts on bats and they recommend that a bat ecologist is present during felling.

Ospreys

102. Ospreys habitually nest on the pylon at Haughend Junction and the proposed substation will be a few metres away from the nest site. Ospreys are listed on Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). It is an offence to disturb ospreys intentionally or recklessly whilst they are nesting. If they remain at their present nesting site, the construction and operation of the substation will almost inevitably cause disturbance to the ospreys.
103. Scottish Natural Heritage's preference was the selection of a substation site that would allow the ospreys to remain undisturbed at their existing location; however, due to other constraints, alternative sites were assessed as

unfeasible. The mitigation proposed is that an artificial nesting platform will be installed to the south west of the current nest site (see application 12/01393/FLL) and that the ospreys will be blocked from using their current nesting site outside the breeding season. There is a fair chance that the ospreys will nest on the new platform and it is far enough away from the substation that the chances of disturbance during construction and operation are low. Scottish Natural Heritage and the RSPB are content that expert advice has been followed and that the mitigation plans are the best option under the circumstances. This element will require conditional control to ensure the mitigation measures are put in place prior to the commencement of development.

104. Overall the implementation of appropriate mitigation will ensure compliance habitat and species are protected thereby complying with policies 3 and 6 of the Structure Plan as well as policies 12, 13, 14 and 15 of the Local Plan.

Flooding and Drainage

Flooding

105. The substation forms part of essential infrastructure, and as such the Risk Framework, in Scottish Planning Policy (SPP) paragraph 204, states that these forms of development should be developed outwith the risk of flooding from the 1 in 1000 year flood event to ensure that there is little or no flood risk to the development site.
106. In support of the application SHETL have submitted a flood risk assessment (FRA). Table 4 within the FRA shows the estimated flood levels adjacent to the development site for various flow estimates. The highest 1 in 200 year flood estimate is 39.43m AOD and the 1 in 1000 year flood estimated is 39.48m AOD.
107. The FRA has been forwarded to SEPA for comment. They confirm a single site analysis of the stage data at their gauging station has been carried out and they get very similar flood levels for the 200 year and 1000 year flood events. As site levels for the substation range between 40m AOD to 45m AOD the development is outwith the 1:1000 estimated flood area, consequently SEPA offer no objection on flood risk grounds.

Drainage

108. Due to development reducing surface permeability by replacing vegetated ground with areas of hard standing the amount of water infiltrating into the ground will be reduced and increases in surface run-off will occur. The alteration of natural flow patterns (in both total quantity and in peak flow) can lead to problems elsewhere within the river catchment, particularly flooding downstream. It is therefore important to ensure that surface water is managed by the use of a sustainable drainage scheme (SUDS) as required by the policies of the development plan and national guidance.

109. The applicant has proposed that the drainage from the development be treated using SUDS, however, a full site specific surface drainage strategy has not been developed at this stage. Consultation has been undertaken with SEPA and the Council's Flooding Section. They have advised that a condition should be used to ensure the submission of the drainage strategy and, given the extent of the site area, I am satisfied that this can be incorporated into the site and a suspensive condition will be used to control this aspect.

Cultural Heritage

Scheduled Ancient Monuments

110. Scheduled monuments are archaeological sites, buildings or structures of national or international importance. The purpose of scheduling is to secure the long term legal protection of the monument in the national interest, *in-situ* and as far as possible in its existing state and within an appropriate setting. Development which will have an adverse effect on a scheduled monument, or the integrity of its setting, should not be permitted unless there are exceptional circumstances.
111. Due to the proximity of the proposal to Scheduled Monument 7263 'enclosure 500m West of Haughend' Historic Scotland were consulted. They advise the proposed substation will have an adverse impact on the setting of the Scheduled Ancient Monument however overall they recognise that the reconfiguration of the powerline and towers to accommodate the substation will result in an overall improvement to the setting of the monument and therefore no objection is offered.

Unscheduled Archaeology

112. Archaeological sites are an important, finite and non-renewable resource and should be protected and preserved *in situ* wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when allocating sites in the development plan and when making decisions on applications. Where preservation *in-situ* is not possible planning authorities should, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development.
113. Perth and Kinross Area Archaeologist (PKHT) has been consulted. They confirm that archaeological remains have been identified on the proposed site during a pre-planning archaeological evaluation. PKHT are content with the Cultural Heritage Chapter contained within the Environmental Appraisal subject to the mitigation measures being refined which will be secured by condition.

Listed Buildings

114. While the word "setting" is not defined in planning legislation Historic Scotland's guidance on this matter confirms that authorities are firmly encouraged not to

interpret the word narrowly. It highlights at all times the listed building should remain the focus of its setting. Attention must never be distracted by the presence of any new development whether it be within or outwith the curtilage. In this rural location I consider the appropriate factors to take into account are the principal views either of or from the listed buildings.

115. The Environmental Appraisal identifies the listed buildings surrounding site and depicts the extent of visibility associated with the proposed development by using a Zone of Theoretical Visibility (ZTV). Having taken account of the content of the ZTV and having had the opportunity to undertake a site visit, as well as viewing the proposed site from surrounding vantage points and its relationship with the surrounding listed buildings, I am content that the impact on the setting would be minimal, especially when taking account of the existing presence of electricity infrastructure. The application therefore accords with Structure Plan Policy 3 and Local Plan Policy 23.

Historic Gardens and Designed Landscapes.

116. An Inventory of Gardens and Designed Landscapes of national importance is compiled by Historic Scotland. Planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes included in the current Inventory and gardens and designed landscapes of regional and local importance. Relevant policies are included in the development plans to ensure the effect of developments on a garden or designed landscape are considered in the determination of planning applications.
117. The Garden and Designed Landscape of Drumkilbo (141) is located 2.1km south-east of the proposed substation site. The Inventory confirms that panoramic views of the North from the landscape towards the Grampian Hills form an important part of this cultural asset. From my site visit views of the substation would be limited and the main change would result from the reconfiguration of the towers. I do not consider that this level of change would have a severe enough impact to warrant refusal especially when the existing powerline from Tealing to the Haughend T-Junction is immediately adjacent to this designed landscape.

Landscape and Visual Effects

118. The proposed substation lies within a relatively flat area of the river valley. To the North the land rises towards the Grampians while to the south the land rises to the Sidlaw Hills. The landscape surrounding the substation is predominantly of agricultural land use specialising in cereal crops, potatoes and soft fruit. Although Strathmore is relatively broad and open (especially when viewed from higher ground) there are local variations to topography and shelter belts/hedges splitting agricultural fields and entwined with woodlands and forestry plantations.
119. Zones of theoretical visibility have been prepared to ascertain the extent of visibility of certain components of the substation (fig12, 13 and 14 of the EA). This highlights that the main effect of the substation (excluding towers) will be confined to a 5km radius which falls within 4 Landscape Character Types as

defined by Scottish Natural Heritage's Tayside Landscape Character Assessment 1999 (TLCA). These are:-

- Broad Valley Lowlands
- Highland Foothills
- Igneous Hills
- Mid Highland Glens

120. Taking cognisance of the study of the landscape types it is apparent that the main impact is confined to the Broad Valley Lowland Landscape Type in which the substation is located. Mitigation measures are discussed in the Environmental Appraisal and detailed in fig 11, this should be brought forward by condition to diminish the impact on the landscape.
121. There will be potential effects from the reposition of the towers to accommodate the substation but the magnitude of change is minimal given the existing transmission line alignment.

Transport

122. Consultation with the Council's Transport Planners has been undertaken with regards to the new site access from the substation to the public road and they have no objection.
123. While SHETL has taken account of the access requirements for long and heavy loads along the public road network in the design of the substation, these improvements (which are detailed in the Appendices of the Environmental Appraisal), fall outwith the site boundaries of the application site, therefore consent is not approved for these by the determination of this application.
124. Notwithstanding this, suitable and safe passage along the public carriageway requires to be secured, which can be controlled by ensuring road improvements are undertaken prior to the commencement of works associated with the construction of the substation.

Land Use, Tourism and Recreation

Prime Quality Agricultural Land

125. Prime quality agricultural land is a finite national resource. Development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development, where no other suitable site is available.
126. In this case the development will result in the loss of some prime agricultural land to accommodate a national infrastructure project. Taking account of the numerous and complex constraints associated with this site I am content that the loss of this prime quality agricultural land is justified.

Recreational Activities

127. There are no major tourist or recreational attractions in close proximity to the site. However, due to the proximity of the River Isla and local path networks, there is likely to be a localised but minor impact on recreational activities such as fishing and walking. The Environmental Appraisal has taken cognisance of this and made recommendations to reduce the impact associated with the development, which is discussed further under the landscape and access headings contained in this report.

Radio and Television Interference Effects

128. High-voltage transmission lines can cause interference with other electrical and electronic equipment with the largest sources of interference occurring where the electrical field gradient is greatest. It is also dependant on weather conditions.
129. The Environmental Appraisal acknowledges that there are several properties within the vicinity of the Alyth substation which would detect insignificant radio interference from the substation, but considerable interference from the proposed transmission line diversions that will be subject to the Section 37 Application which will be determined by the Scottish Ministers. The applicant recognises that compensation measures are likely to be necessary.

Electric and Magnetic Effects

130. In the UK there are presently no statutory regulations to limit the exposure of people to power frequency electric or magnetic fields. However, in 2004 the National Radiological Protection Board (NRPB) provided advice to Government, recommending the adoption in the UK of guidelines published in 1998 by the International Commission on Non-Ionizing Radiation Protection (ICNIRP). These guidelines are designed to set conservative exposure levels for the general public to 50 Hz electric and magnetic fields, and they are endorsed by the UK's Health Protection Agency, the World Health Organisation and the UK Government.
131. The Environmental Appraisal submitted with the application confirms that around substations electric magnetic fields occur due to circuits crossing the substation boundary, rather than the equipment located within the substation compound. It is noted that electric fields diminish within the vicinity of earthed objects and structures, therefore there would be a negligible electric field outwith the substation at Haughend due to the earthed metal fence surrounding the site. The field strengths at the publicly accessible substation boundary are likely to be greater than existing field strengths at the T junction but, as detailed in the Environmental Appraisal, will remain within accepted national and international guidelines.

Legal Agreements

132. None required

Direction by Scottish Ministers

133. Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, regulations 30 – 32, there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

Conclusion and Reasons for Recommendation

134. In conclusion, the application must be determined in accordance with the adopted Development Plans unless material considerations indicate otherwise. In this respect, I have taken account of the numerous constraints associated with this site and applied them to the development plan. In this case I am content that alternatives have been explored and that the proposal represents the most appropriate option, subject to conditional control. Overall the proposal complies with the National Planning Framework, Tayplan and Eastern Area Local Plan. I have taken account of the Proposed Local Development Plan as well as other material considerations, however, there are none which would justify refusing the application.

Recommendation

A Approve the application subject to the following conditions:

- 1 That no alterations or amendments shall be made to the details contained in the approved plans referred to in this decision notice unless so indicated by conditions, attached to this consent, or agreed in writing with the Local Planning Authority.
- 2 Prior to the commencement of development, a full site specific drainage scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA and the Council as Flood Prevention Authority, and all work shall be carried out in accordance with the said scheme. The submitted information shall include a detailed drawing of the SUDS layout for the proposal site.
- 3 Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours detailing cut/fill and height of bunding; means of enclosure; hard surfacing materials and exact location of lighting. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. Thereafter the landscape works shall be carried out as approved prior to the site being brought into use or earlier.

- 4 Any trees or planting associated with condition 3 which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced within the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.
- 5 No development shall take place within the development site, as outlined in red on the approved plan(s), until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, agreed by Perth & Kinross Heritage Trust, and approved by the Local Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented, and that all recording and recovery of archaeological resources within the development site is undertaken to the reasonable satisfaction of the Local Planning Authority, in agreement with Perth & Kinross Heritage Trust.
- 6 Prior to the commencement of development, details of an independent and suitably qualified Ecological Clerk of Works to be appointed by the developer, together with details of a reporting scheme to the planning authority by the person appointed, must be submitted to and approved in writing by the planning authority. The Ecological Clerk of Works shall undertake a watching brief throughout the felling of trees associated with the formation of the site access and oversee compliance with the ecological mitigation measures provided in Appendix II of ECHOES Ecology Ltd submission dated the 23 July 2012. The appointment of the Ecological Clerk of Works shall end following completion of the felling associated with the site access.
- 7 Before development commences on site, the mitigation measures that are approved under application 12/01393/FLL, which seek to protect the breeding Ospreys and specifically dissuade them from using areas of the site to be worked during the breeding season, shall be implemented in accordance with a timescale to be approved in writing by the Planning Authority, in Consultation with SNH, and such other parties as considered appropriate.
- 8 At least two months prior to the commencement of any works, a full site specific construction environmental management document (CEMD) must be submitted for the written approval of the planning authority in consultation with SEPA, SNH, Historic Scotland and the Council's Environmental Health Service. Thereafter all work shall be carried out in accordance with the approved plan.
- 9 Construction operations shall only be carried out at the site between the hours of 07.00 to 19.00 in April to September and 07.30 to 17.00 in October to March. At weekends, the working hours shall be approximately 07.00 to 17.00 in April to September and 07.30 to 17.00 in October to March. Any variation in these working hours shall only be

as be agreed in writing, and in advance, by this Council as planning authority.

- 10 Only the plant machinery and equipment specified in the Environmental Statement submitted with the application (or similar plant which generates no greater sound power levels) shall be used, unless otherwise agreed in writing with this Council as planning authority. All vehicles, plant and machinery shall operate only during the permitted hours of operation, and shall at all times be silenced in accordance with the manufacturer's recommendations and so operated as to minimise noise emissions. The planning authority reserves the right to insist on any reasonable additional measures to further minimise noise emissions, should it prove expedient to do so.
- 11 All external lighting within the site shall be sufficiently installed, screened and aligned to the satisfaction of this Council as planning authority, in consultation with the Environmental Health section, so as to ensure that light spillage beyond the boundaries is minimised and maintained, as agreed.
- 12 All plant or equipment associated with operation of the substation shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 25 between 2300 and 0700 hours daily, within any neighbouring residential premises, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.
- 13 Prior to the commencement of development a scheme of localised road widening, junction improvements and other associated strengthening or upgrade works shall be agreed in writing with this Council as planning authority in consultation with the Roads Service and such other parties as considered appropriate.

Reasons

- 1 To ensure a satisfactory development as indicated on the submitted drawings.
- 2 To ensure the provision of an acceptable drainage system in the interests of the amenity of the area, for the protection of the water environment and to ensure that the development does not exacerbate flooding downstream of the development.
- 3 To ensure that the proposed development does not prejudice the appearance of the locality and to preserve and enhance nature conservation interests.
- 4 To ensure that the proposed development does not prejudice the appearance of the locality and ensure the Local Planning Authority retains effective control.

- 5 To safeguard any archaeological interest in the site.
- 6 - 7 To avoid habitat damage and safeguard natural heritage interests.
- 8 To ensure compliance with the commitments contained within the environmental appraisal and the subsequent recommendations contained within the consultation responses.
- 9-12 To protect the residential amenity of the occupiers of neighbouring properties and the amenity of this area of Perth and Kinross in accordance with the adopted development plans.
- 13 In the interests of pedestrian and traffic safety, and the interests of free traffic flow.

B JUSTIFICATION

The proposal complies with the National Planning Framework, Tayplan and Eastern Area Local Plan. I have taken account of the Proposed Local Development Plan as well as other material considerations, however, there are none which would justify refusing the application.

C PROCEDURAL NOTES

None

D INFORMATIVES

- 1 This planning permission will only last for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended), the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 This development will require the 'Display of notice while development is carried out', under Section 27C(1) of the Town and Country Planning Act 1997, as amended, and Regulation 38 of the Development Management Procedure (Scotland) Regulations 2008. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 38 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development
 - Readily visible to the public
 - Printed on durable material.

- 4 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 5 The applicant is advised that in terms of Sections 56 of the Roads (Scotland) Act 1984 they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environment Protection Agency.

NICK BRIAN
DEVELOPMENT QUALITY MANAGER

Background Papers: One letter of representation
Contact Officer: John Russell – Ext 75346
Date: 30 November 2012