

Perth and Kinross Council
Planning & Development Management Committee – 11 March 2020
Report of Handling by Head of Planning & Development (Report No. 20/64)

PROPOSAL: Erection of switchroom facility and associated works (S42 to modify condition 5 (landscaping and planting) of permission 16/02230/FLL)

LOCATION: Coupar Angus Substation, Pleasance Road, Coupar Angus

Ref. No: [19/01919/FLL](#)

Ward No: P2 - Strathmore

Summary

This report recommends approval of the application as the development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 Planning permission is sought for the modification of condition 5 of planning permission 16/02230/FLL, as approved in March 2017. That permission was for the erection of a switchroom facility and associated works. The site incorporates the Coupar Angus Substation compound and surrounding parcels of land, with access taken off Pleasance Road, Coupar Angus.
- 2 The approved switchroom facility has been constructed. However, the landscaping plan associated to condition 5 has not been implemented, due to the applicant not having control over some of the related land.
- 3 A revised landscaping scheme has therefore been submitted, requiring a modification to the condition and thus this application.

NATIONAL POLICY AND GUIDANCE

- 4 The Scottish Government expresses its planning policies through The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework

- 5 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006 this is now a statutory document and 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.

Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published in June 2014 and sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 7 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Placemaking: paragraphs 36 – 57

Planning Advice Notes

- 8 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are of relevance to the proposal:
 - PAN 40 Development Management

Creating Places 2013

- 9 Creating Places is the Scottish Government's policy statement on architecture and place. It sets out the comprehensive value good design can deliver. It notes that successful places can unlock opportunities, build vibrant communities and contribute to a flourishing economy and set out actions that can achieve positive changes in our places.

DEVELOPMENT PLAN

- 10 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2 (2019).

TAYPlan Strategic Development Plan 2016-2036

- 11 TAYPlan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision for the area as set out in the plans states that:

"By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of

life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

Perth and Kinross Local Development Plan 2 (2019)

- 12 The Local Development Plan 2 (2019) (LDP2) was adopted by Perth and Kinross Council on 29 November 2019. The LDP2 sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 13 The principal relevant policies are;
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 35: Electricity Transmission Infrastructure
 - Policy 39: Landscape
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure

OTHER COUNCIL POLICIES

- 14 None are directly applicable to matters arising from this application.

SITE HISTORY

- 15 [16/02230/FLL](#) Erection of switchroom facility and associated works. Approved on 9 March 2017
- 16 [18/00016/PAN](#) Formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works. Decision issued on 6 February 2019 clarifying PAN sufficient.
- 17 [19/00513/FLM](#) Formation of a battery storage facility, vehicular access and associated works Land 130 Metres South East of Coupar Angus Substation Pleasance Road Coupar Angus. Approved on 24 September 2019.

CONSULTATIONS

- 18 No internal or external bodies were required to be consulted.

REPRESENTATIONS

- 19 Six letters of representation have been received, all of which are objecting to the proposal, all raising concern over:
- Visual impact – the proposed planting will not screen the substation.

- 20 These issues are addressed in the Appraisal section of the report.

ADDITIONAL STATEMENTS

21	Screening Opinion	EIA Not Required
	Environmental Impact Assessment (EIA): Environmental Report	Not Required
	Appropriate Assessment	Not Required
	Design Statement or Design and Access Statement	Not Required
	Report on Impact or Potential Impact eg Flood Risk Assessment	Not Required

APPRAISAL

- 22 Section 42 of the Town and Country Planning (Scotland) Act 1997 enables the determination of applications to develop land without compliance with conditions previously attached. The legislation specifies that on such an application the Planning Authority shall consider only the question of the conditions to be attached to any resulting permission. If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. If they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 23 Sections 25 and 37 (2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for the area comprises the approved TAYplan 2012 and the adopted Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above.
- 24 Taking the above into account, this assessment is limited to the merits of the revised landscaping plan and the terms of condition 5 of the extant planning permission, to determine whether the modification proposed is acceptable.
- 25 In this case the principal determining issue is whether the revised landscaping plan is acceptable and would be in accordance with the relevant provisions of the adopted Development Plan, or if an exception to these provisions is justified by other material considerations.

Principle

- 26 Since the approval of the parent permission in 2016 (Ref: 16/02230/FLL) there has been a Development Plan change with the adoption of LDP2. Notwithstanding, the principle of the development is considered to accord with the updated Development Plan, in that the themes of the relevant policies are broadly similar.

Condition 5

- 27 The approved wording stated that *“The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme and thereafter maintained.”*
- 28 The change now proposed, relates to the revised landscaping scheme/plan, which was approved at that time. Otherwise the non-landscaping elements of the scheme, i.e. the switchroom facility itself, is not altered. Those elements previously having been deemed to be in accordance with the Development Plan.
- 29 There have been six objections expressing concern over the impact on visual amenity. These objectors do not consider that the proposed planting scheme will successfully screen the substation and would only mitigate visual impact of part of the site. It is noted by the objectors that the trees that previously helped to screen the substation had been felled as part of the recent works to upgrade the facility and that this planting proposal does not restore the planting to the same extent as before the upgrade works when there was planting on all four sides. The objectors have requested that a more robust planting plan be agreed to more effectively screen the substation on all sides. They note that the recently approved battery storage facility included a much more detailed and extensive planting plan that would screen the development from all lines of site and that a similar plan should be approved for the substation.
- 30 In this regard, the landscaping plan previously approved related to a smaller extent of landscaping than is now proposed. Particularly the approved plan only directly related to a section of the overall substation compound which was to contain the switchroom facility, as was proposed by that 2016 planning application. With that planting scheme not attempting to screen or mitigate the visual impact of the wider substation. It is now proposed to widen the scope of the landscaping plans to cover a greater extent of the substation boundaries, to the north-east and north-west, to allow for expanded visual mitigation. It also reintroduces a larger area of landscaping in proximity to the substation, to replace some of the planting that was removed prior to a previous expansion of the facility. It is not intended or expected that any landscaping could completely screen the substation rather it would reduce the overall landscape impact and add biodiversity. The landscaping proposed as part of the battery storage would further enhance and improve the situation.
- 31 The plan indicates two main areas to be planted; an area to the north-east and an area to the west. These two areas will contain a mix of native tree species including hazel, blackthorn, holly and field maple. The stock size and range of species was increased following consultation with PKC’s Tree Officer. The density was also increased so that the scheme would provide improved early years screening. The area to the north-west is shown as being sown with species rich grass and clusters of hawthorn. Planting in this area is constrained by limitations associated to underground and overhead cables, so is not as dense as the other locations.

- 32 It is considered that the amended landscaping scheme will ensure that planting at the site is carried out and that an extended area of landscaping is provided. This will also provide an enhancement to the originally approved scheme and it is recommended that this new plan is approved and that a new permission be issued, with revised wording to ensure that the work is carried out in the next available planting season and that any planting which fails to become established within five years is replaced.
- 33 A number of conditions were previously attached. Those that have either been satisfied or are no longer relevant will be removed. The position with each condition is explained in the bullet points below:
- Condition 1 related to development being carried out in accordance with the approved plans. This condition will be re-imposed.
 - Condition 2 of the previous permission related to noise. This condition will be re-imposed.
 - Condition 3 related to flood resilience, however as the switchroom has now been completed it is no longer necessary.
 - Condition 4 related to alternative fence details. The condition has been satisfied and is no longer required.
 - Conditions 5 and 6 related to landscaping. These conditions have been updated and will be applied.
 - Condition 7 protects animals from being trapped in open excavations. However as this is targeted at significant excavations associated with construction it is not considered necessary with the scale of landscaping proposed.
 - Condition 8 related to the reinstatement of the construction compound/area. As this area has been reinstated the condition is not required.

Economic Impact

- 34 The economic impact is likely to be minimal.

LEGAL AGREEMENTS

- 35 No legal agreement is required.

DIRECTION BY SCOTTISH MINISTERS

- 36 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 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

- 37 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. The Local Development Plan and other material considerations have been fully considered and it is recommended that the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

A Approve the application

Conditions and Reasons for Recommendation

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason - To ensure the development is carried out in accordance with the approved drawings and documents.

2. All plant or equipment 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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason - In the interests of amenity and to prevent undue noise from the switchroom and associated plant.

3. The detailed landscaping and planting scheme which is hereby approved shall be completed within the first available planting season (October to March) following the date of this decision. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only 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. 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.

Background Papers: 6 letters of representation
Contact Officer: Persephone Beer 01738 475354
Date: 27 February 2020

DAVID LITTLEJOHN HEAD OF PLANNING & DEVELOPMENT

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