

PERTH AND KINROSS COUNCIL

25 February 2015

Report of Handling by Development Quality Manager

Renewal of permission (12/00948/FLM) 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: 14/01949/FLM
Ward No: 2 – Strathmore

Summary

This report assesses the renewal of application (12/00948/FLM) 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 updated National Planning Framework for Scotland (NPF3) as well as the policies within the TAYplan and Perth and Kinross Area wide Local Development Plan.

The proposal is a National Planning Application for which, under Paragraph 27.1(a) of The Town and Country 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 Scottish Hydro Electric Transmission Limited (SHETL) seeks to renew the consent to form a substation at Haughend which is a key element of the Keith to Kincardine East Coast Reinforcement Project. The renewal is to ensure the substation can be delivered within the revised project timescales.
- 2 On 12 December 2012 full Council granted consent to application 12/00948/FLM, for the erection of a new 400/275KV electricity substation and associated works including landscaping and access tracks subject to conditional control and the Report of Handling for the earlier application is appended to this report (**Appendix 1**).
- 3 There has been no substantial change of circumstances in terms of the physical make-up of the site since the granting of consent, however some pre-commencement conditions associated with 12/00948/FLM have been submitted and approved, such as archaeology and ornithology. The consultees have been re-consulted on the renewal, their advice refers to previous commentary associated with the earlier scheme and their position of conditional control is reaffirmed. It should be noted that the national and local policy position has changed since the determination of the earlier application, accordingly this assessment predominantly focuses on how the renewal relates to the change in policy.

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. 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 for the formation of the substation site. The pre-application consultation activity is sufficient to satisfy the requirements contained within the PAN notice.

NATIONAL POLICY AND GUIDANCE

National Planning Framework

- 5 The East Coast Reinforcement project was contained within the National Planning Framework for Scotland (NPF2). The requirement for electricity infrastructure upgrade works is also included in the National Planning Framework for Scotland (NPF3). The updated NPF3 statement confirms these classes of development are needed to support the delivery of an enhanced high voltage electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies.

The Scottish Planning Policy 2014

- 6 The Scottish Planning Policy (SPP) was published on 23 June 2014. It 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.

Of relevance to this application are:-

A Successful Sustainable Place

- Paragraphs 92 – 108: Supporting Business & Employment
- Paragraphs 135 – 151: Valuing the Historic Environment

A Low Carbon Place

- Paragraphs 152 - 174: Delivering Heat & Electricity

A Natural, Resilient Place

- Paragraphs 193 – 218: Valuing the Natural Environment
- Paragraphs 219 – 233: Maximising the Benefits of Green Infrastructure
- Paragraphs 254 – 268: Managing Flood Risk & Drainage

Planning Advice Notes

- 7 The following Scottish Government Planning Advice Notes (PAN) are also of interest:-

- PAN 3/2010 Community Engagement
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 60 Planning for Natural Heritage
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 68 Design Statements
- PAN 69 Planning & Building Standards Advice on Flooding
- PAN 75 Planning for Transport
- PAN 79 Water and Drainage

DEVELOPMENT PLAN

- 8 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2012-2032 and the Perth and Kinross Council Local Development Plan 2014.

TAYplan Strategic Development Plan 2012 – 2032 - Approved June 2012

- 9 The vision set out in the TAYplan states that:

“By 2032 the TAYplan region 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 and visit and where businesses choose to invest and create jobs.”

Policy 3: Managing TAYplan’s Assets

- 10 Seeks to respect the regional distinctiveness and scenic value of the TAYplan area and presumes against development which would adversely affect environmental assets.

Policy 6: Energy and Waste/Resource Management Infrastructure

- 11 Relates to delivering a low/zero carbon future for the city region to contribute to meeting Scottish Government energy targets and indicates that, in determining proposals for energy development, consideration should be given to the effect on off-site properties, the sensitivity of landscapes and cumulative impacts.

PERTH AND KINROSS COUNCIL LOCAL DEVELOPMENT PLAN 2014

- 12 The Local Development Plan was adopted by Perth and Kinross Council on 3 February 2014. It is the most recent statement of Council policy and is augmented by Supplementary Guidance.

The relevant policies are, in summary:

Policy PM1A - Placemaking

- 13 Development must contribute positively to the quality of the surrounding built and natural environment, respecting the character and amenity of the place. All development should be planned and designed with reference to climate change mitigation and adaption.

Policy PM1B - Placemaking

- 14 All proposals should meet all eight of the placemaking criteria.

Policy PM2 - Design Statements

- 15 Design Statements should normally accompany a planning application if the development comprises 5 or more dwellings, is a non-residential use which exceeds 0.5 ha or if the development affects the character or appearance of a Conservation Area, Historic Garden, Designed Landscape or the setting of a Listed Building or Scheduled Monument.

Policy TA1B - Transport Standards and Accessibility Requirements

- 16 Development proposals that involve significant travel generation should be well served by all modes of transport (in particular walking, cycling and public transport), provide safe access and appropriate car parking. Supplementary Guidance will set out when a travel plan and transport assessment is required.

Policy HE1A - Scheduled Monuments

- 17 There is a presumption against development which would have an adverse effect on the integrity of a Scheduled Monument and its setting, unless there are exceptional circumstances.

Policy HE1B - Non Designated Archaeology

- 18 Areas or sites of known archaeological interest and their settings will be protected and there will be a strong presumption in favour of preservation in situ. If not possible provision will be required for survey, excavation, recording and analysis.

Policy NE1A - International Nature Conservation Sites

- 19 Development which could have a significant effect on a site designated or proposed as a Special Area of Conservation, Special Protection Area or Ramsar site will only be permitted where an Appropriate Assessment shows that the integrity of the site will not be adversely affected, there are no alternative solutions and there are imperative reasons of overriding public interest.

Policy NE2A - Forestry, Woodland and Trees

- 20 Support will be given to proposals which meet the six criteria in particular where forests, woodland and trees are protected, where woodland areas are expanded and where new areas of woodland are delivered, securing establishment in advance of major development where practicable.

Policy NE2B - Forestry, Woodland and Trees

- 21 Where there are existing trees on a development site, any application should be accompanied by a tree survey. There is a presumption in favour of protecting woodland resources. In exceptional circumstances where the loss of individual trees or woodland cover is unavoidable, mitigation measures will be required.

Policy NE3 - Biodiversity

- 22 All wildlife and wildlife habitats, whether formally designated or not, should be protected and enhanced in accordance with the criteria set out. Planning permission will not be granted for development likely to have an adverse effect on protected species.

Policy NE4 - Green Infrastructure

- 23 Development should contribute to the creation, protection, enhancement and management of green infrastructure, in accordance with the criteria set out.

Policy ER2 - Electricity Transmission Infrastructure

- 24 Proposals for electricity transmission infrastructure will be supported. Appropriate mitigation will be required in environmentally sensitive locations.

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

- 25 Development proposals will be supported where they do not conflict with the aim of maintaining and enhancing the landscape qualities of Perth and Kinross and they meet the tests set out in the 7 criteria.

Policy EP2 - New Development and Flooding

- 26 There is 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. Built development should avoid areas at significant risk from landslip, coastal erosion and storm surges. Development should comply with the criteria set out in the policy.

Policy EP5 - Nuisance from Artificial Light and Light Pollution

- 27 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects.

Policy EP8 - Noise Pollution

- 28 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation.

OTHER POLICIES

- 29 None

SITE HISTORY

- 30 11/00005/PAN Formation of a 6 hectare 275/400KV substation, including site access, site drainage, landscaping and construction of laydown areas 17 May 2011.
- 31 12/00948/FLM Erection of a new 400/275KV electricity substation and associated works including landscaping and access tracks 19 December 2012 Application approved by full Council.
- 32 12/01393/FLL Erection of tower and timber structures, 15 October 2012. Application permitted under delegated powers
- 33 13/00858/OHL Installation of East Coast 400kv reinforcement project. No objection raised, 26 June 2013.
- 34 14/01915/FLL Road widening, formation of stairs and demolition of railway bridge. Pending consideration.

CONSULTATIONS

EXTERNAL

- 35 **Alyth Community Council** – No response within consultation period.

- 36 **R S P B** – No objection.
- 37 **Scottish Natural Heritage** – No response.
- 38 **Scottish Environment Protection Agency** – No objection subject to conditional control being imposed.
- 39 **Historic Scotland** – No objection.
- 40 **Angus Council** – No response within consultation period.
- 41 **Scottish Water** - No response within consultation period.
- 42 **Perth And Kinross Area Archaeologist** – No objection subject to conditional control.

INTERNAL

- 43 **Transport Planning** – No objection.
- 44 **Environmental Health** – No objection subject to conditions.
- 45 **Community Greenspace Access Officer** - No response within consultation period.
- 46 **Local Flood Prevention Authority** – No objection.

REPRESENTATIONS

- 47 No letters of representation have been received.

ADDITIONAL STATEMENTS RECEIVED:

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Environment Statement	Not Required
Screening Opinion	Not Required
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact e.g. Flood Risk Assessment	Submitted

APPRAISAL

- 49 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 Council Local Development Plan 2014.

The determining issues in this case are whether the proposal complies with Development Plan policy, or if there are any other material considerations which justify a departure from policy.

Substation Site Selection

- 50 The justification for the substation site selection was accepted under the previous assessment. There are no changes which require the site selection process to be revisited under this renewal.

Construction and Operational Noise

- 51 There is a presumption against the siting of proposals which will generate high levels of noise in the locality of noise sensitive uses, and the location of noise sensitive uses near to sources of noise generation under Policy EP8 Noise Pollution.
- 52 Construction and operational noise was assessed under the earlier application and deemed to be acceptable. Further consultation has been undertaken with Environmental Health and they have reiterated that conditional control is required. In light of this it is considered that conditional control can ensure compliance with Policy EP8. (See Conditions 9, 10 and 12 of 12/00948/FLM).

Light Pollution

- 53 Consent will not be granted for proposals where the lighting would result in obtrusive and / or intrusive effects. Conditional control can secure the alignment of permanent floodlighting that is required for operational reasons. Accordingly the proposal complies with Policy EP5 Nuisance from Artificial Light and Light Pollution. (See Condition 11 of 12/00948/FLM).

Air Quality

- 54 There are no air quality concerns and the Environmental Health Section of the Council offers no objection.

Nature Conservation Effects - River Tay Special Area of Conservation

- 55 The development is not considered to contravene Policy NE1A International Nature Conservation Sites as conditional control can ensure works are undertaken without a detrimental effect on the Special Area of Conservation. (See Conditions 2, 6 and 8 of 12/00948/FLM).

Nature Conservation Effects - Protected Species

- 56 Appropriate mitigation is required to ensure habitat and species are protected thereby complying with Policy NE3 Biodiversity. This has been secured by conditions. (See Conditions 6, 7 and 8 of 12/00948/FLM).

Flooding and Drainage

- 57 The site is outwith the 1 in 1000 year flood estimate. Accordingly the application adheres to the requirements of Policy EP2 New Development and Flooding. Conditional control will secure a sustainable urban drainage system. (See Condition 2 of 12/00948/FLM).

Cultural Heritage

- 58 Historic Scotland offers no objection to the application associated with historic assets that fall within their remit. Conditional control has already secured a written scheme of investigation as required by Perth and Kinross Heritage Trust but requires to be implemented during the construction of the development. (See Condition 5 of 12/00948/FLM).

Landscape and Visual Effects

- 59 The site selection has already been justified and accepted. Landscaping is proposed to reduce the visual impact of the scheme and this will ensure compliance with Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Area's Landscapes. (Condition 3 of 12/00948/FLM secures both hard and soft landscaping while Condition 4 of 12/00948/FLM requires maintenance of the landscaping scheme for 5 years).

Transport

- 60 Transport Planning are content with the junction arrangement to the public road to ensure there is no conflict with Policy TA1B Transport Standards and Accessibility Requirements. A localised road widening scheme is required to ensure construction components can be delivered to the site and this is controlled via Condition 13 on application 12/00948/FLM. Application 14/01915/FLL has been submitted by SHETL to meet the aims of Condition 13. At the time of writing this application is still pending consideration.

Land Use, Tourism and Recreation

- 61 The loss of agricultural land is justified by the site selection process. There are no significant adverse effects on recreation or tourism.

Radio and Television Interference Effects

- 62 There are no significant adverse effects caused by the substation as borne out by the previous assessment.

Electric and Magnetic Effects

- 63 There are no significant adverse effects caused by the substation as detailed in the previous assessment.

LEGAL AGREEMENTS

- 64 None required.

DIRECTION BY SCOTTISH MINISTERS

- 65 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

- 66 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 updated policy position and explored how this relates to the previous assessment of the scheme as detailed in the Report of Handling prepared under reference 12/00948/FLM. I am content that the scheme is compliant with the updated policy position subject to adherence to the conditions imposed under the earlier consent and accordingly recommend that the renewal be granted as it complies with the Development Plan and there are no other material considerations that would justify refusing the application.

RECOMMENDATION

A APPROVE THE APPLICATION FOR THE FOLLOWING REASONS:

- 1 The conditions contained in planning permission notice ref. 12/00948/FLM dated 19 December 2012 in respect of 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 remain in full force and effect, unless discharged or purified to the satisfaction of the Planning Authority.

Reason:- For clarification purposes and for the avoidance of any possible misunderstanding.

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 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 Section 56 of the Roads (Scotland) Act 1984 he 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: None
Contact Officer: John Russell – Ext 475346
Date: 6 January 2015

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