



## Kincardine & Mearns Area Committee Report 26 July 2016

Reference No: APP/2016/1395

**Full Planning Permission for Erection of Substation at Land Adjacent to Hillhead of Pitforthie, Fordoun, Laurencekirk, Aberdeenshire, AB30 1LQ**

**Applicant:** Upper Pitforthie Wingen PLC, City Point, 65 Haymarket Street, Edinburgh, EH12 5HD  
**Agent:** Suller & Clark, Mayriggs, 69 Brechin Road, Kirriemuir, DD8 4DE

Grid Ref: E:381805 N:779764  
 Ward No. and Name: W19 - Mearns  
 Application Type: Full Planning Permission  
 Representations: 32  
 Consultations: 2  
 Relevant Proposals Map: Aberdeenshire Local Development Plan  
 Designations: Aberdeenshire Countryside & Rural Housing Market Area  
 Complies with: Yes  
 Development Plans:  
 Main Recommendation: Grant with Conditions



**NOT TO SCALE**

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## 1. Reason for Report

- 1.1 The application is being referred to Area Committee because there have been valid objections from more than five separate households. Furthermore, there is an unresolved objection from Arbutnot Community Council.

## 2. Background and Proposal

- 2.1 The application site is located on a hillside location approximately 1.6km northwest of the approved wind turbine to which it relates. A dwelling house (Hillhead of Pitforthie) is located 30m to the west and an agricultural building/stables 17m to the north (4.7m high with a footprint 100sqm footprint). Beyond the site, the land falls away towards the public roads located 1.6km and 0.5km to the southeast and southwest respectively. There are no other residential properties within approximately 350m of the proposed development.
- 2.2 The proposed building is to house a 33Kv substation with a footprint of 27sqm (7.3m x 3.8m) and a height of 3m to the eaves and 4.7m to the apex. The proposed materials include natural slate and a grey harl although the applicant's agent has advised that they would be willing to consider alternative finishes should the Planning Service consider this necessary.
- 2.3 Full planning permission for the erection of a 79m (to blade tip) high wind turbine was granted in December 2014. The approved development included an 11Kv substation located within close proximity of the turbine.
- 2.4 An enforcement Stop Notice was served on the site following a complaint received regarding the erection of a building on the application site. This planning application was submitted within a few days of this notice being served.

## 3. Representations

- 3.1 A total of 32 valid representations (16 support/22 objection) have been received as defined in the Scheme of Delegation. This does not include multiple representations from the same household which equate to 38 letters in total. All issues raised have been considered. The letters raise the following material issues:

### 3.1.1 Objection

- Adverse landscape and visual impact on character of the area
- Unnecessary large substation
- Potential conflicts with adjacent uses (e.g. safety consideration)
- Increased traffic generation and impact on residential amenity
- Adverse impact on adjacent dwelling house (Hillhead of Pitforthie) caused by noise from the substation
- Design and materials out of keeping with surrounding area

### 3.1.2 Support

- The substation is required to operate the approved wind turbine
- The new location is more effective to the transmission of electricity into the grid

- The building would have no adverse landscape and visual impacts
- Delaying granting planning permission will jeopardise the financial viability of the project to the detriment of a number of small investors

3.2 In addition to the above, objections have been received from both Gourdon Community Council and Benholm and Johnshaven Community Council. It should be noted that the site lies outwith the boundary of both community councils and therefore neither is considered as consultee in relation to this proposal.

3.2.1 Gourdon Community Council objects to the application on the following grounds:

- Detrimental impact to the landscape and current residents in the area caused by the various activities that have taken place in recent months.
- Concerns that although some activities have planning permission others, it would appear, have been undertaken without permission.
- Members should carefully review what is actually happening around Upper Pitforthie and Hillhead of Pitforthie before allowing further development or indeed change of purpose of existing utilities in the area.

3.2.2 Benholm and Johnshaven Community Council objects to the application on the following grounds:

- It will further increase the density of buildings in what is a sparsely populated rural location;
- It will have a detrimental impact on the visual amenity of the area and given that work is being done across Aberdeenshire to encourage tourism is just another detrimental addition to the rural landscape of Aberdeenshire.

## 4. Consultations

### 4.1 Internal

4.1.1 **Infrastructure Services (Environmental Health)** has no objections to this proposal subject to a relevant planning condition relating to noise emissions and maintenance of any machinery being attached to the granting of any consent notice.

### 4.2 External

4.2.1 **Arbuthnot Community Council** has advised that following a meeting where there was representation from both the applicant and members of the community, it took the decision to object to the application on the grounds of the impact to the landscape and the cumulative effect caused by the various additions and activities that have taken place in the area over the past months, some with planning permission and others, it would appear, without permission. It urges Aberdeenshire Council Planning Officers and Elected Members to review the situation around Upper Pitforthie and Hillhead of Pitforthie before permitting any further development in the area.

## 5. Relevant Planning Policies

### 5.1 Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

### 5.2 Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

### 5.3 Aberdeenshire Local Development Plan 2012

Policy 3: Development in the Countryside

SG Rural Development1: Housing and business development in the countryside

SG Rural Development2: Wind farms and medium to large wind turbines

Policy 8: Layout, siting and design of new development

SG LSD2: Layout, siting and design of new development

Policy 12: Landscape Conservation

SG Landscape1: Landscape character

### 5.4 Other Material Considerations

#### 5.4.1 None

## 6. Discussion

6.1 The relevant planning considerations to consider in relation to this application are:

- Development principle i.e. whether the proposed 'relocation' of the substation can be justified in terms of the approved wind turbine,
- Whether the landscape and visual impact of the development is acceptable,
- Whether the development is likely to affect the amenity of the adjacent dwelling house and wider area, and
- Whether the development is likely to cause a significant increase of traffic generation on the local road network.

All other issues raised in letters of representation regarding other developments carried out by the applicant whether authorised or otherwise are not material planning considerations and do not form part of the assessment of this proposal.

### 6.2 Development principle

6.2.1 As stated above, the proposed substation is linked to the approved wind turbine that has been erected in close proximity. As such, it could be considered that the substation is essential infrastructure related to this renewable energy development and therefore acceptable in principle in terms of Policy 3 Development in the countryside and SG Rural Development 2: Wind farms and medium to large wind turbines of the Aberdeenshire Local Development Plan 2012 (LDP). Furthermore, it is clear that the proposed use is ancillary to the existing wind turbine and therefore complies with the requirements of SG Rural Development 1: Housing and business development in the countryside

Originally, it had been the intention to connect the turbine to the 11Kv lines in the area. Since the application was approved SSE advised the applicant that:

- Although the applicant has requested an 11kV connection for the above project the 'least cost engineering solution' for that area/connection was a 33kV connection.
- The legislation requires SSE to offer customers the least cost engineering solution. Had the applicant come back to still request an 11Kv connection this would have incurred further costs.

6.2.2 As such, it would appear that any assertion that the 11Kv connection is at full capacity is unfounded and the issue relates to the cost and practicality of the connection as a result of required reinforcements to the existing 11Kv line to accommodate the development. Financial implications are not a material planning consideration, however the practicality of delivery of the proposal and overall viability does carry an element of material weight.

6.2.3 Although it is alleged in letters of objection that the proposed substation is linked to a much wider proposal involving a biomass fuel production plant within a consented agricultural building, this is not a material consideration in relation to the assessment of this proposal. Should a grain dryer be located within the building it would still require an electrical connection and extending the cabling towards the building appears logical. Any development not

connected to agriculture would require full planning permission. To date, no such planning application has been submitted.

### 6.3 Site design and layout

- 6.3.1 The size of the building is dictated by the size of the switchgear plant and is dictated by SSE.
- 6.3.2 The applicant's agent has advised that the location of the proposed substation has been chosen because it achieves the optimum position in that it minimises the distance to the SSE connection cables.
- 6.3.3 The building is of a relatively small size and is located adjacent to a group of larger building including a one and a half storey dwelling house (Hillhead of Pitforthie), detached flat roof garage and an existing agricultural building. From the public road and surrounding land, the application will be experienced as part of the grouping of buildings in this location and will therefore have minimal impact on the overall landscape character in terms of its visual appearance. Furthermore, the existing access would be used thus avoiding further scarring on the landscape. The proposed materials are considered to be appropriate for this location and reflect those of the neighbouring dwellinghouse.
- 6.3.4 As such, it is considered that the application fully accords with Policy 3 and SG LSD2 of the Aberdeenshire Local Development Plan in that the proposed building is of an appropriate scale and design for the area. It is also considered that the overall visual impact of the development is compliant with Policy 12 and associated SG Landscape1 in terms of impact upon the landscape character of the area.

### 6.4 Impact on residential amenity

- 6.4.1 It is acknowledged that substations can emit noise thus affecting the amenity of nearby residential properties. The applicant was asked to address this issue and advised that the intention was to locate the transformer (main source of noise associated with substations) within the turbine itself and therefore no overly adverse noise impacts are expected. Infrastructure Services (Environmental Health) has recommended conditions to control noise levels indefinitely. It should be noted that the occupants of Hillhead of Pitforthie that most likely be most impacted upon in the event of any noise emanating from the building have written in support of the application. However this only carries limited materiality as the proposal must be considered in terms of long term impacts upon the amenity of this dwelling and future occupants.

### 6.5 Impact on the local road network

- 6.5.1 It is acknowledged that the substation will require to be maintained at regular intervals. However, it is not expected that the traffic generated by this requirement would be significant. In terms of traffic generation, the amount of additional traffic increase generated by the operation of the substation would be marginal and certainly not to an extent that would put pressure on the local road network in the long term or in terms of significant increase upon road and public safety.

## 6.6 Conclusion

- 6.6.1 Although the applicant has failed to demonstrate that the relocation of the substation is the only available option on the premise that there is no available capacity in the 11kv substation, the proposed building will have no significant adverse impacts on the character of the landscape in accordance with LDP Policy 12: Landscape Conservation and SG Landscape1: Landscape character. Indeed, the building would be located within close proximity of other buildings and viewed in that context. The proposal would have no adverse impacts on the amenity of the adjacent residential property (Hillhead of Pitforthie) or increase traffic onto the local road network to a significant extent. The proposal is therefore considered to be a practical alternative option to providing the necessary electricity grid connection required in relation to the previously consented wind turbine.

## 7. **Area Implications**

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

## 8. **Equalities and Financial Implications**

- 8.1 An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

- 8.2 There are no financial implications arising from this report.

## 9. **Sustainability Implications**

- 9.1 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

## 10. **Departures, Notifications and Referrals**

### 10.1 Strategic Development Plan Departures

None

### 10.2 Local Development Plan Departures

None

- 10.3 The application is not a Departure from the Local Development Plan or Strategic Development Plan and no departure procedures apply.
- 10.4 The application does not fall within one of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and therefore does not require to be notified to the Scottish Ministers prior to determination.
- 10.5 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

## 11. Recommendation

### 11.1 GRANT Full Planning Permission subject to the following conditions:-

01. Prior to the commencement of development, a sample and/or details/specification and colour of the following elements of the proposed external finish of the development shall be submitted to and approved in writing by the Planning Authority:

- Wall finish (harling sample to be provided on site).
- Roof finish (to be provided on site).

The development shall be carried out in complete accordance with the approved details.

Reason: In the interests of the appearance of the development and the visual amenities of the area, to ensure that the external finishing materials are appropriate to the character of the area.

02. All plant, machinery and equipment to be used should be so installed, maintained and operated so as to be inaudible at the site boundary. No transformers shall be housed in the building.

Reason: To retain overall control of the development to protect the residential amenity of the adjacent residential property.

### 11.2 Reason for Decision

01. The application has been assessed in terms of its impact on the surrounding area, amenity of the adjacent residential property and impact on the local road network and is considered to comply with the Aberdeenshire Local Development (2012).

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