



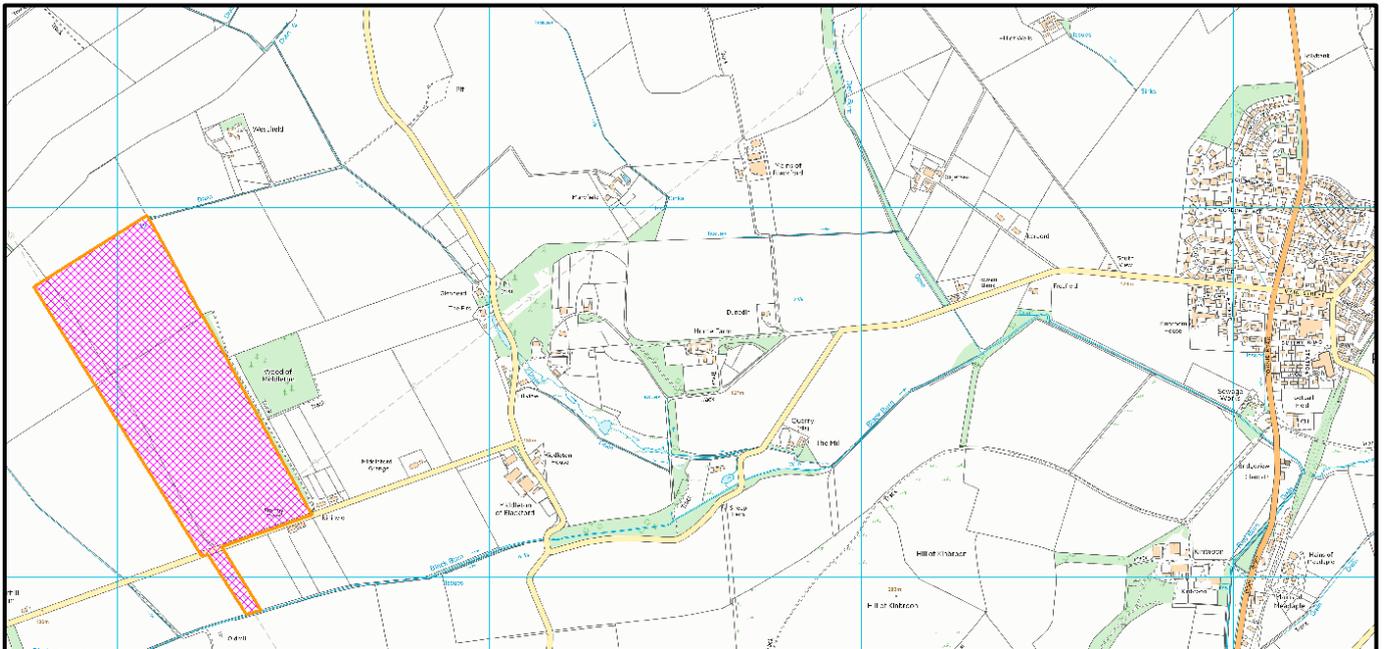
## Formartine Area Committee Report – 27 February 2018

Reference No: APP/2017/3238

**Full Planning Permission for Construction of 400/275KV Electricity Substation & Switchgear Building Surrounded by Palisade Security Fence and Formation of Landscaping and Access Tracks Without Compliance with Condition 1 (Landscaping) of Planning Permission Reference APP/2014/3443 at Land to the West of , Wood of Middleton, Rothienorman, Inverurie, Aberdeenshire**

**Applicant: Scottish Hydro Electric**  
**Agent: JLL**

Grid Ref:	E:369147 N:835440
Ward No. and Name:	Turriff and District
Application Type:	Full Planning Permission
Representations:	0
Consultations:	0
Relevant Proposals Map:	Aberdeenshire Local Development Plan
Designations:	RHMA
Complies with Development Plans:	Yes
Main Recommendation:	Comments to Full Council



**NOT TO SCALE**

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## 1. Reason for Report

- 1.1 The Committee is able to consider this item in terms of Section B.9.1 of Part 2A List of Committee Powers and Section C.1.1 of Part 2C Planning Delegations of the Scheme of Governance as the application is for national development which will be determined by Full Council following consultation with Garioch Area Committee and Formartine Area Committee. While the development site lies within Formartine, due to the proximity of the site to the boundary with Garioch, this application is required to be reported to both the Garioch Area Committee and Formartine Area Committee.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

## 2. Background and Proposal

- 2.1 This development forms part of a National Development which requires to be determined by Full Council following consultation with Garioch Area Committee and Formartine Area Committee.
- 2.2 National Planning Framework 3 (NPF) is the spatial expression of the Government Economic Strategy, and plans for development and investment in infrastructure. NPF identifies national developments and other strategically important development opportunities in Scotland. This development is related to the 'High Voltage Electricity Transmission Network' as a new or upgraded onshore substation directly linked to electricity transmission cabling of or in excess of 132 kV.
- 2.3 This application has been submitted under Section 42 (S42) of the Town and Country Planning (Scotland) Act 1997. An application made under S42 of the Act is one which seeks a new permission with different conditions from those previously attached. In assessing a S42 application, the Planning Authority may only consider changes to the **conditions** on the previous application rather than revisiting the principle of development. It must be noted that as this application has been made under S42 of the Act, there is no requirement for a period of Pre-Application Consultation.
- 2.4 This application seeks to vary condition 1 of Planning Permission APP/2014/3443, through amending the point at which landscape planting must occur. The existing condition requires a landscaping scheme be submitted to and agreed by the Planning Service and works carried out during the first planting season after development begins. The proposed revision would require a landscaping scheme be submitted to and agreed by the Planning Service, to include a phasing plan for the delivery of the scheme, effectively removing the stipulation that planting must occur within a set time frame.
- 2.5 Regulation 11 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 advises that where development has been granted planning permission, has not expired and work has not started, an application for the same development does not need to include all of the

information previously supplied. At the time of the submission of this application, APP/2014/3443 was extant, therefore Regulation 11 applies.

2.6 Regulation 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 advises that applicants and objectors should be given the opportunity to attend, and be heard at a Pre-Determination Hearing for a National Application. As there were no valid letters of representation and the offer of attending was declined by the applicant, it was considered that a hearing was not required.

2.7 History

APP/2011/2038 - Construction of 400/275KV Electricity Substation & Switchgear Building Surrounded by Palisade Security Fence and Formation of Landscaping and Access Tracks, Approved.

APP/2014/3443 - Vary Condition 1 to Extend the Period of Consent (APP/2011/2038), Approved.

### **3. Representations**

3.1 No valid letters of representation have been received. While 3 letters of representation were submitted, these have not been accepted as valid representations as they did not specifically relate to the proposal under assessment – namely the variation of condition 1 of APP/2014/3443, but rather matters relating to the erection of a substation as a whole and therefore fall out with the scope of a S42 application.

### **4. Consultations**

4.1 No consultations have been undertaken

### **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 The National Planning Framework for Scotland 3

National Planning Framework 3 (NPF) is the spatial expression of the Government Economic Strategy, and plans for development and investment in infrastructure. NPF identifies national developments and other strategically important development opportunities in Scotland.

Annex 1: Project 4 – High Voltage Electricity Transmission Network

## 5.3 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.

## 5.4 Aberdeenshire Local Development Plan 2017

Policy E2: Landscape

## 6. Discussion

- 6.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to vary condition 1 of Planning Permission APP/2014/3443, through amending the point at which planting must occur. The primary consideration is whether the proposal would be consistent with the Aberdeenshire Local Development Plan 2017 without compliance with the original condition.
- 6.2 The previous application was determined in 2015 under the Aberdeenshire Local Development Plan 2012 (LDP 2012), which has since been superseded by the Aberdeenshire Local Development Plan 2017 (LDP 2017). The extant Aberdeen City and Shire Strategic Development Plan 2014 was also in force at the time of the previous application, alongside National Planning Framework 3 (NPF 3)
- 6.3 While the Local Development Plan has changed, the relevant policies have not materially changed from LDP 2012 to LDP 2017. Given the nature of the proposal, the amendment to condition 1 is likely to have a limited impact largely confined to the landscape character of the area – therefore Policy E2 is the most significant policy in relation to this proposal.
- 6.4 Policy E2 seeks to prevent developments which would have an unacceptable impact through scale, location or design on key landscape elements – these aims are in line with the equivalent policy of LDP 2012 (Landscape1: Landscape Character). In terms of this proposal the change to condition 1 would not impact upon the final design of the development, but rather the

timeframe under which landscaping would be carried out. The existing condition is specific in that it clearly sets out the point in time that landscape planting must occur. This condition is commonly attached to a variety of successful applications, however on this occasion the precise wording acts as a restriction on a development of this scale and nature. The revised wording adds a degree of flexibility for the developer and recognises the challenges of developing such a proposal. The flexibility can be seen as an opportunity in that it would allow planting to occur earlier where it shall not be disturbed by construction works, and permits the rest to follow when the conditions on site are suitable, minimising the risk of damaging landscape planting. This flexibility must not be read as ceding control of the landscaped element, as under both the existing and proposed conditions, the Planning Service must agree to any proposed landscaping scheme – therefore the very inclusion of landscaping is not under question. Given that the aims of the landscape policy have not materially changed and final form of the scheme would remain unchanged, the proposal would be acceptable in terms of Policy E2.

- 6.5 It should be noted that 3 letters of representation were received in relation to the proposal, however the Planning Service has been unable to accept these as valid representations as they failed to raise points which are material to the proposal. While the points raised may have been valid if this application were reassessing the development as a whole (as they relate to the wider development which has already been agreed), this application has been submitted under S42 of the Act and therefore only matters relating to the condition may be assessed – the salient point of this proposal being whether the variation of Condition 1 in permitting more flexibility in terms of timescales would comply with the Local Development Plan. Specific comments received with regards to landscaping covered the requirement for landscaping (i.e. whether landscaping is required, in what form?), which would not be altered through the revised condition.
- 6.6 This application was reported to Garioch Area Committee for views on the 20 February 2018. Due to the turnaround between the Garioch Area Committee and Formartine Area Committee it has not been possible to incorporate these views into this report. A verbal update shall be provided.
- 6.7 It is considered that the proposal is in keeping with the relevant policies of the Aberdeenshire Local Development Plan 2017, in that the variation of condition 1 would not alter the design or layout of the overall scheme to such an extent that the proposal falls short of the aims of Policy E2: Landscape.

## **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. Implications and Risk**

- 8.1 An equality 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 staffing and financial implications.

- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the Planning Authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

## 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 any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.

## 11. Recommendation

- 11.1 **That Members of Formartine Area Committee provide preliminary views to Full Council for its consideration when determining the application and note that the recommendation of the Planning Service is to grant Full Planning Permission subject to the conditions detailed below.**

### 01. Landscaping Scheme

That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include:

- (i) Existing and proposed finished ground levels relative to a fixed datum point;
- (ii) The location of new trees, shrubs, hedges, grassed areas and water features;
- (iii) A schedule of plants to comprise species, plant sizes and proposed numbers and density;
- (iv) A programme for the completion and subsequent maintenance of the proposed landscaping

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed in line with the phasing as

set out within the approved scheme or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

Reason: To ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

## 02. Visibility Splays

That no other development in connection with the permission hereby approved shall take place and the access hereby approved shall not be brought into use unless visibility of 160 metres in both directions along the public road has been provided from a point 2.4 metres measured at right angles from the existing carriageway surface along the centre line of the approved new access.

Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted within the visibility splays so formed.

Reason: To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.

## 03. Parking Area

That the development hereby approved shall not be occupied unless its parking area has been provided and surfaced with hard standing. Once provided, all parking and turning areas shall thereafter be permanently retained as such.

Reason: In the interests of road safety.

## 04. Water Sample

That prior to the occupation of the building hereby approved on drawing number 49336063/1502 a satisfactory water sample be taken from the supply by Environmental Health. The cost of the analysis is to be borne by the applicant.

Reason: To ensure that a satisfactory water supply is provided.

## 05. Surface Water

That no development in connection with the planning permission hereby approved shall take place unless full details of the proposed means of disposal of surface water from the development have been submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, surface water shall be disposed of via the use of Sustainable Urban Drainage Systems and the development shall not be brought into use unless the agreed drainage system has been provided in its entirety.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

06. Site Waste Management Plan

Prior to the commencement of any works a full site waste management plan shall be submitted for the written approval of the Planning Authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan.

Reason: To ensure that waste on the site is managed in a sustainable manner.

07. CEMD

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 and all work shall be carried out in accordance with the approved plan. The CEMD should include a dedicated pollution prevention section.

Reason: To control pollution of air, land and water.

11.2 **Reason for Decision**

01. The proposal is consistent with the aims of the Aberdeenshire Local Development Plan 2017 in reducing carbon emissions and adapting to climate change, and contributes towards the Scottish Governments National Planning Framework goal of achieving 100% of Scotland's gross annual electricity consumption from renewable sources by 2020. The amendment of the condition would not alter the scheme to the extent that the development would be contrary to the Aberdeenshire Local Development Plan 2017.

**Stephen Archer**  
**Director of Infrastructure Services**  
**Author: James Hewitt**  
**Date: 06/02/2018**

