



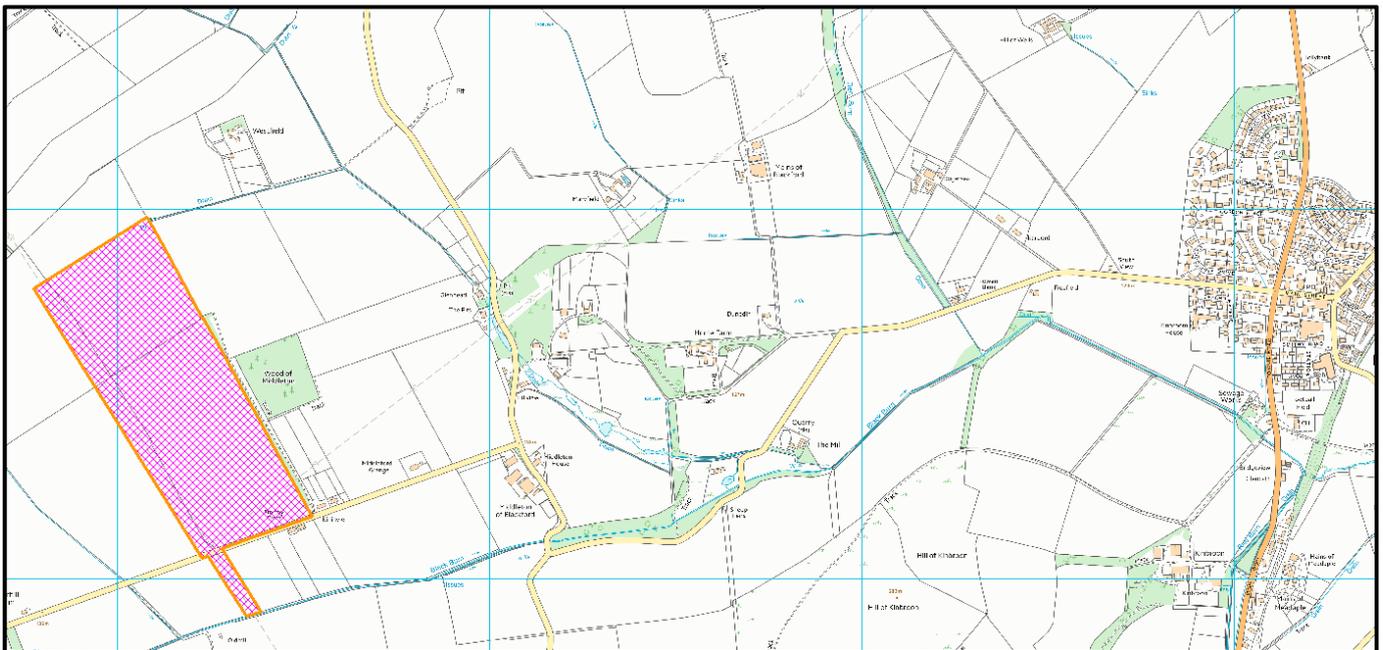
Garioch Area Committee Report – 13 November 2018

Reference No: APP/2018/2175

Full Planning Permission For Erection of Electricity Substation Comprising Platform Area, Control Building, Associated Plant and Infrastructure, Ancillary Facilities, Access Track and Landscape Works at Land To The West Of Wood Of Middleton, Rothienorman, Inverurie, Aberdeenshire

Applicant: Scottish Hydro Electric Transmission Plc
Agent: None

Grid Ref:	E:369147 N:835440
Ward No. and Name:	Turriff and District
Application Type:	Full Planning Permission
Representations:	5
Consultations:	7
Relevant Proposals Map	
Designations:	RHMA
Complies with Development Plans:	Yes
Main Recommendation:	Comments to Formartine Area Committee prior to referral 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.8.1 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 the Garioch Area Committee and Formartine Area Committee. While the development site lies within Formartine, due to the proximity of the site to the administrative boundary with Garioch, this application is required to be reported to both Area Committees.
- 1.2 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and their comments have been incorporated and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 Full Planning Permission is sought for the erection of an electricity substation comprising a platform area, control building, associated plant and infrastructure, ancillary facilities, an access track and landscape works on land to the west of Wood of Middleton, Rothienorman.
- 2.2 This proposal is categorised as a National Development, as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, and as identified in the National Planning Framework 3 (NPF3). NPF3 advises that the erection of any new substations directly linked to cabling of 132 kilovolts or higher forms part of the high voltage electricity network upgrade and is therefore a National Development. This development forms part of a wider scheme, which shall see the North East transmission network upgraded to operate at 400kV, as opposed to the existing operation at 275kV.
- 2.3 With regard to site history, the principle of a substation in this location has been established since 2012, with Full Planning Permission granted under APP/2011/2038. A subsequent application was submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 in 2014 (APP/2014/3443) which sought to vary a condition relating to the time period for the implementation of the development – this was approved in 2015. A further S42 application was approved in May 2018 (APP/2017/3238), this application sought to vary a landscaping condition and this permission is set to expire on 1 May 2021. The application currently under consideration is for Full Planning Permission and has been submitted in order to address changes to the substation layout required in order to meet the applicant's requirements. The most significant alterations from the previously approved schemes would see the substation area rotated by 90 degrees and an increase to the amount of landscaping.
- 2.4 The site lies approximately 2.5km due west of Rothienorman and is currently in use for agricultural purposes. The topography of the site rises from approximately 140m above ordinance datum (AOD) in the south to 165m

AOD in the north. The site is relatively isolated with two residential properties to the south of the development area. The Wood of Middleton lies adjacent to the site and is contained within the Scottish Natural Heritage Ancient Woodland Inventory. The site does not contain or border any watercourses, with Black Burn located some 200m south of the site.

- 2.5 It should be noted that this application relates solely to the development of the substation site. Any changes to pylon routes or erection of new pylons would be considered by the Scottish Government Energy Consents Unit (ECU) under Section 37 of the Electricity Act 1989 – a separate process from Planning Permission.
- 2.6 The application has been subject to a period of pre application consultation (PAC) as outlined in Part 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. A PAC report has been submitted in support of the application, which details the consultation which was undertaken.
- 2.7 This report refers to a National Planning Application for which, under Paragraph 27 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, a pre-determination hearing (PDH) was required to be held. The PDH was held on the 31 October 2018 and details of matter raised are contained within the discussion section of this report.
- 2.8 The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It was determined that the development was not likely to have such a significant impact on the environment as to warrant the submission of an Environmental Impact Assessment Report (EIAR), however a number of areas of likely impact were identified. The application is supported by a voluntary Environmental Appraisal which considers these impacts.
- 2.9 The applicant has requested that a direction be given under Section 59(5) of the Town and Country Planning (Scotland) Act 1997 in order to provide a longer period for the implementation of the permission. The requested period would allow for a period of 5 years for implementation as opposed to the normal 3 year period. This request has been made due to the scale and nature of the proposed development.

3. Representations

- 3.1 A total of 5 valid representations (0 support/5 objection) have been received as defined in the Scheme of Governance. All issues raised have been considered. The letters raise the following material issues:

- Road Safety / Traffic
- Amenity
- Private Water Supplies
- Drainage (SUDS)
- Ecology (Protected Species)
- Landscaping
- Visual Impact
- Electromagnetic Fields (EMF)

4. Consultations

- 4.1 **Infrastructure Services (Archaeology)** has advised that in this instance no archaeological mitigation is required, as archaeological works have previously been undertaken on this site.
- 4.2 **Infrastructure Services (Contaminated Land)** has advised that the relevant sections of the environmental appraisal have been reviewed, and the conclusions are accepted. No further information in respect of contaminated land is required.
- 4.3 **Infrastructure Services (Environmental Health)** has advised that the service holds no objection to the proposal. A condition requiring the submission of a pre-construction noise survey has been requested.
- 4.4 **Infrastructure Services (Environment Team – Natural)** has raised no concerns with the proposal in terms of terrestrial ecology and ornithology, subject to the mitigation measures detailed with the Environmental Appraisal. These would be secured via planning conditions. It is noted that the site contains no core paths, and access rights (granted under the Land Reform (Scotland) Act 2003) would cease upon the commencement of works, owing to the nature of the development.
- 4.5 **Infrastructure Services (Flood Prevention and Coastal Protection)** has advised that it has no objection to the proposal and is satisfied with the level of flood risk associated with the development.
- 4.6 **Infrastructure Services (Roads Development)** has no objection to the proposal, subject to the inclusion of conditions which seek to secure the delivery of an appropriate means of access.
- 4.7 **Infrastructure Services (Transportation)** has no comment to make on the application.

5. Relevant Planning Policies

5.1 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

5.2 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.

5.3 Aberdeen City and Shire Strategic Development Plan 2014

The shift to a low carbon economy has also been identified in the Aberdeen City and Shire Strategic Development Plan. One of the key objectives is to put infrastructure in place in order to achieve Scotland's low carbon targets.

5.4 Aberdeenshire Local Development Plan 2017

Policy P4 Hazardous and potentially polluting developments
Policy E1 Natural heritage
Policy E2 Landscape
Policy HE1 Protecting historic buildings, sites and monuments
Policy PR1 Protecting important resources
Policy C2 Renewable Energy
Policy C4 Flooding
Policy RD1 Providing suitable services

6. **Discussion**

6.1 Overview

6.1.1 The main planning considerations with this application relate in the first instance to the establishment of the principle of development, and secondly to the likely environmental impacts on the landscape/visual impact, natural heritage, the water environment, built heritage, access, amenity and land use. This report does not aim to discuss these matters, but rather seeks to outline and highlight the main issues to be considered in the determination of the application.

6.2 Principle of Development

6.2.1 Scotland's third National Planning Framework (NPF 3), in determining the strategic economic requirements in Scotland, promotes the aim that there should be an 80% reduction in greenhouse gas emissions by 2050 and a reduction in energy use of 12% by 2020. It is considered that in order to increase the security of Scotland's power supply, further diversification into different sources of energy will be required such as wind, wave and tidal energy. Inclusion in NPF 3 effectively means that the need for the development has been established provided the proposal complies with national and local planning policies.

6.2.2 Scottish Planning Policy (SPP) advises that Strategic Development Plans should support national priorities for the construction of strategic energy

infrastructure, including generation, transmission and distribution networks. In light of this, the Aberdeen City and Shire Strategic Development Plan (SDP) provides a framework which aims to promote the economic growth and diversity of the north east in an efficient and sustainable manner. One target is that the region's electricity needs should be met by renewable sources by 2050. While this proposal would not generate electricity, it would contribute towards this goal through enabling the safe transmission of electricity from renewable sources across the North East, through the wider reinforcement of the National Grid. NPF 3 acknowledges that the exact location of high voltage infrastructure is best considered at the application stage.

- 6.2.3 The site is not allocated within the Aberdeenshire Local Development Plan (ALDP), however the aims of the Plan are consistent with that of the SDP where the aim is to tackle the challenges of sustainable economic development and climate change.
- 6.2.4 The principle of development can be established under the provisions of NPF 3, provided the application complies with the policies contained within the Local Development Plan, an assessment of which are set out below.

6.3 Environmental Appraisal

- 6.3.1 The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It was determined that the development was not likely to have such a significant impact on the environment as to warrant the submission of an Environmental Impact Assessment Report, however the applicant has undertaken a voluntary Environmental Appraisal (EA) in support of the application. The format of the EA is orthodox, with specific chapters for each environmental category. Each chapter identifies potential receptors and the likelihood of significant adverse impacts arising due to the development are considered. Mitigation forms a key aspect of managing the likely environmental impacts, both through good practice and design.

6.4 Landscape and Visual

- 6.4.1 The Landscape and Visual impacts of the development have been considered in chapter 4 of the EA. With regard to landscape impact the EA considers the introduction of a new substation in this location and the subsequent impact on the established landscape character. Mitigation measures including planting and bunding are embedded within the design of the scheme.
- 6.4.2 The Planning Statement outlines the nature of the proposed Rothienorman scheme which includes both the substation and alterations to the transmission infrastructure – for the avoidance of doubt this report relates solely to the substation element. The proposed development would see the installation of a new substation on a platform measuring approximately 230m by 330m on the northern portion of the site. It is noted that the maximum height of external infrastructure would be approximately 12.7m. A landscaping scheme, including boundary treatments, mixed native woodland planting and low landform bunding are proposed. In total the application area covers approximately 39.85ha, with the development area comprising approximately 7.5ha.

- 6.4.3 With regard to visual impact, the EA has identified potential receptors which are intervisible with the development – these are primarily dwellinghouses to the west and southwest of the scheme, however views from the nearby settlements of Rothienorman and Fisherford are also considered, as are those from public roads. The assessment considers and categorises the impacts during construction, post construction (year 0) and post construction (year 10).
- 6.4.4 The issues of landscaping and visual impact are linked, as the final form and nature of the landscaping proposals will impact upon the likely visual impact. The precise mechanism, timing and nature of the landscaping is a key consideration in the determination of this application.
- 6.4.5 ALDP Policy E2 requires that new development does not erode the quality of the landscape through inappropriate scale or design. It is acknowledged that the development is likely to have a significant, albeit localised impact on the landscape. The proposal contains a significant degree of landscaping, which could be secured via planning condition. This condition would require the submission and implementation of a detailed landscaping plan, to include details of species to be planted and timescales for the implementation. The provision of appropriate landscaping would mean that the wider landscape character would not be significantly impacted and the proposal would therefore comply with Policy E2.

6.5 Natural Heritage

- 6.5.1 Chapters 5 and 7 of the EA consider terrestrial ecology and ornithology respectively.
- 6.5.2 Investigative work in the form of desk and field surveys have been undertaken with regard to terrestrial ecology. This has been done for identified receptors including sites designated for nature conservation interest, habitat and vegetation and protected species. It has been found that no designated sites would be affected by the proposal as the development site does not encompass any natural heritage sites, with the nearest of these designations being the Wood of Middleton (SNH Ancient Woodland Inventory) some 60m from the development area and Wartle Moss (SSSI) some 4km from the site. A Phase One habitat survey has been undertaken, with all habitats noted to be of very low sensitivity (species poor, botanically not significant and typical of habitat types in the wider area), therefore the development is stated to be unlikely to have a significant impact on habitats. With regard to protected species the EA highlights evidence of badgers in the vicinity and bat roost potential in nearby trees, however based upon survey work neither species was evident within the development site. Mitigation measures have been outlined within the EA to minimise any impact on said species, which includes the development of a Construction Environmental Management Plan (CEMP), use of SHE Transmissions General Environmental Management Plan (GEMP) and the employment of an Ecological Clerk of Works. It should be noted that this proposal does not include transmission towers or redirected transmission lines (which would be considered under a separate process), and therefore the scope for this development to result in disturbance to bat roosts is minimal.
- 6.5.3 Investigative work in the form of desk and field surveys have been undertaken with regard to ornithology. This has been done for identified receptors

including sites designated for nature conservation and ornithological interest. It has been found that no designated sites would be affected by the proposal as the development site does not encompass any such designations, and none have been identified in the vicinity of the development site. The main impacts which have been identified are the potential loss of habitats due to construction (including existing nests and foraging ground) and risk of injury or mortality to individual birds due to construction. Mitigation measures for ornithological receptors, largely based upon best practice have been put forward. These include the development of a Construction Environmental Management Plan (CEMP), use of SHE Transmissions General Environmental Management Plan (GEMP) and the employment of an Ecological Clerk of Works.

- 6.5.4 ALDP Policy E1 requires designated sites, features, species, biodiversity and geodiversity to be protected with surveys required to inform appropriate mitigation. Infrastructure Services (Environment Team – Natural) have been consulted on the proposal and are satisfied with the quality of the survey work submitted in support of the application. It is accepted that the development is unlikely to have a significant impact upon designated sites, features, species or biodiversity, provided the proposed mitigation measures are secured via planning condition. The proposal therefore complies with Policy E1.

6.6 Hydrology, Hydrogeology and Geology

- 6.6.1 The EA has considered the impact of the development on the water environment during construction and operation, as contained within chapter 6. This assessment is based upon a desk study, existing investigation information and was verified through field work. Mitigation embedded through design was considered as part of this process.
- 6.6.2 With regard to Private Water Supplies (PWS), the EA has identified all PWS known to be located within 1km of the site, and considered the impact of the development on all PWS sources located within 250m of the development. Mitigation through the use of standoff zones (areas with no landscaping or construction) and monitoring are proposed within the EA as a form of mitigation. A condition would be attached in order to secure the submission of a detailed monitoring scheme, which would require monitoring to be undertaken prior to development, during construction and post construction to a standard to be agreed with the Planning Authority. The developer has undertaken to liaise with residents directly and mitigate any water quality or quantity issues arising. This is considered to be appropriate in the circumstances.
- 6.6.3 The development site does not lie within 1km of any water dependent designated sites. The closest designated site is Wartle Moss Site of Special Scientific Interest (SSSI), which lies some 4km from the development and within a different hydrological catchment.
- 6.6.4 The EA considers potential sources of Flood Risk, with small areas of surface water flooding identified within the development site. Black Burn runs eastwards, some 200m to the south of the site and the development area does not fall within the river extent. The EA highlights that the construction phase of the development may pose a risk to the watercourse through pollution, however mitigation is proposed in the form of best working practice

and would be managed through the SHE Transmission General Environmental Management Plan (GEMP).

- 6.6.5 ALDP Policy PR1 requires that hydrological receptors and watercourses are protected and any adverse impacts are mitigated against or avoided. Policy E1 seeks to protect designated sites such as SSSI's and looks to ensure that development does not impact upon the integrity of the site or diminish the qualities leading to the original designation. Policy C4 requires flood risk to be considered and mitigated.
- 6.6.6 With regard to Flood Risk Infrastructure Services (Flood Risk and Coastal Protection) has been consulted on the proposal and has indicated that the Service is satisfied with the submitted Flood Risk Assessment. The development would include a SUDS pond, which would be located on the southern edge of the development site. This would be an attenuation pond and therefore would only contain water after a storm event. The pond is designed to manage a 1 in 1000 year event which represents a conservative solution, beyond what would normally be required, to account for extreme weather events. A condition would be required to secure the implementation of the drainage scheme, subject to which the development would comply with Policy C4. It is noted that the development lies within a separate catchment area to Wartle Moss SSSI and would therefore not have a direct impact upon the designation, therefore the proposal would comply with this element of Policy E1. With regard to hydrological receptors, the applicant has undertaken a Private Water Supply Risk Assessment which considers the likely impact of the development on private water supplies within the vicinity of the development site and outlines mitigation measures, including ongoing monitoring of nearby supplies. It is considered that appropriate measures have been outlined to ensure that the proposal can comply with Policy PR1.

6.7 Cultural Heritage

- 6.7.1 An assessment of the impact of the development on cultural heritage assets has been carried out and is contained within chapter 8 of the EA. The appraisal is based upon previous engagement with consultees, a baseline survey, desk-based study and field work carried out in 2010 and a review of the desk based assessment carried out in 2018.
- 6.7.2 As with all development, there is the potential to destroy or disturb unrecorded, buried archaeological remains – this risk is primarily restricted to the development site, where previous archaeological evaluation would suggest a low probability of such remains. The survey work has identified 19 undesignated archaeological features within 1km of the site. Three designated assets lie within 3km of the site, which have the potential to experience indirect effects due to changes to their settings.
- 6.7.3 ALDP Policy HE1 requires that heritage assets are protected and that any new development should avoid adverse impacts on these or their settings, with mitigation required to address any issues. Infrastructure Services (Archaeology) has been consulted, and has advised that further investigations are not required. It is considered that while the development would impact upon the setting of designated assets, the severity of the impact would likely be limited due to the intervening topography and proposed landscaping works, the proposal would therefore comply with Policy HE1.

6.8 Access

- 6.8.1 The development would be accessed via a new track from the C46 to the south. It should be noted that separate applications have been submitted for public road improvements along the B992 and C46 in order to provide access to the development site. It is anticipated that any impact on traffic is likely to be limited to the construction period, as the day to day operation of the substation would not require on site staff, therefore a Traffic Management Plan would be required prior to the commencement of development, which would identify construction routes.
- 6.8.2 ALDP Policy RD1 seeks to ensure that the new development does not lead to adverse impacts upon existing road infrastructure through traffic generation or new access requirements. Infrastructure Services (Roads Development) has been consulted on the proposal, and has no objection subject to conditions which require the delivery of an appropriate access. A condition would also be required in order to secure the submission of a Traffic Management Plan as outlined in the above paragraph. Subject to the proposed mitigation measures and conditions, the proposal can therefore be considered to comply with Policy RD1.

6.9 Amenity

- 6.9.1 A Noise Impact Assessment has been submitted as Appendix 3.2 of the EA. The assessment has identified nearby sensitive receptors, established a baseline noise profile and considered various operational scenarios – notably the substation operating at both 275kv and 400kv. It is noted within the appendix that the assessment is based upon a worst case scenario, and the impact of the development is likely to be less significant than suggested by the assessment. Mitigation would be informed by pre-construction survey work. It is noted that construction noise was scoped out of the Noise Impact Assessment, however this matter would be covered by a Construction Noise and Vibration Management Plan (CNVP).
- 6.9.2 ALDP Policy P4 seeks to ensure that nuisances and impacts upon the amenity of the areas are avoided or mitigated. Infrastructure Services (Environmental Health) has been consulted on the proposal and has raised no objections, however it has been requested that a pre-construction noise survey be submitted, which could be secured via planning condition. The proposal is considered to comply with Policy P4.

6.10 Land Use

- 6.10.1 A portion of the development site encompasses an area of class 3.1 Prime Agricultural Land. ALDP Policy PR1 seeks to protect environmental resources, including prime agricultural land – noting that development will only be acceptable where there is an overriding social or economic justification, and there is no alternative site available.
- 6.10.2 The principle of development has been considered within section 6.2 of this report, where it is noted that the need for this development has been established by virtue of inclusion within NPF 3. Chapter 2 of the Environmental Statement details the consideration of alternative sites and the sequential site selection criteria. While a number of sites were identified, the proposed site was chosen, as it would limit the need the need for new

transmission infrastructure within the landscape and largely fit in with the wider North Eastern transmission network. Given the inclusion of this project within NPF3 and the site selection criteria, it is accepted that there is overriding economic case for the loss of prime agricultural land. The proposal would comply with Policy PR1.

6.11 Representations

- 6.11.1 A total of 5 valid representations (0 support/5 objection) have been received as defined in the Scheme of Governance and outlined in section 3 of this report. The matters raised are discussed below.
- 6.11.2 Road safety and traffic generation have been considered within section 6.8 of this report. Representations have focused on the traffic routes associated with the development. The supporting information has identified that construction traffic would approach from the west, and therefore it would not be reasonable to require the developer to undertake upgrade works to the east of the site. The details of the construction traffic routes would be secured via a Traffic Management Plan.
- 6.11.3 Amenity has been considered within section 6.9 of this report, which focuses primarily upon noise. Amenity has been raised in a more general sense. Mitigation measures have been identified to manage the likely amenity impacts which may arise during construction (construction hours and practices), and landscaping has been proposed to screen the development. It is accepted that the development would, by virtue of its scale, impact upon the established character of the area, which may lead to a sense of loss of amenity, however given the proposed mitigation works, it is considered that the development would not impact the amenity to such a degree as to make the proposal unacceptable.
- 6.11.4 Private Water Supplies have been considered in detail under section 6.6. Representations have raised concerns over the impact of the proposed SUDS pond on private water supplies, which the developer has acknowledged within the Private Water Supply Risk Assessment, which identifies the supply at risk for further monitoring. Mitigation is in place to address any issues which may arise.
- 6.11.5 Electromagnetic fields have been raised through representations and clarification has been sought from the applicant. SSE has noted that an EMF assessment was previously carried out in support of APP/2011/2038, which concluded that the EMF levels were within public exposure limits, therefore there was no significant adverse environmental impact – this led to the decision to scope this element out of the environmental appraisal. Further to this it is noted that EMF exposure is generally highest under transmission lines, as opposed to emanating from a substation – therefore this proposal, which relates solely to a substation (transmission lines would be considered under a separate consent) would be unlikely to have a significant impact upon EMFs.
- 6.11.6 Representations have also raised the issues of landscaping, visual impact and ecology. It is considered that these matters have been addressed within sections 6.4 and 6.5 of this report.
- 6.11.7 As covered in the above discussion, it is considered that the matters raised can be appropriately addressed as required by ALDP Policy.

6.12 Pre-determination Hearing

6.12.1 A pre-determination hearing (PDH) was held for the application on the 31 October 2018. The following matters were raised during the PDH:

- SUDS (maintenance, design and location)
- Consultee Objections
- Lighting
- Noise
- Private Water Supplies
- Frequency of Site Maintenance
- Construction Traffic Routes
- Timescale for Construction
- Comparison of the scale of the development to Kintore and Blackhillock Substations
- The likelihood of bird strikes
- Landscape and Visual Impact
- Welfare arrangements during construction (water supply and drainage)
- Restoration of the temporary compound area

6.12.2 The above issues, where appropriate, have been discussed within the discussion section of this report. A full account of the PDH, including responses to the above queries can be found within the minute of the meeting. The minute of the PDH has been appended to this report as Appendix 1.

6.13 Direction

6.13.1 The applicant has requested that a direction be given under Section 59(5) of the Town and Country Planning (Scotland) Act 1997 in order to provide a longer period for the implementation of the permission. The requested period would allow for a period of 5 years for implementation as opposed to the normal 3 year period. It is considered that the requested timescale is reasonable and proportionate to the scale and complexity of the proposed development.

6.14 Conclusion

6.14.1 It is considered that the proposal is in keeping with the relevant policies of the Aberdeenshire Local Development Plan 2017. The principle of development has been established under National Planning Framework 3, as the development is considered to comply with ALDP 2017.

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.
- 10.5 The application would not have to be referred to Infrastructure Services as this is a National Development and is being determined by Full Council.

11. Recommendation

- 11.1 **That Members of Garioch Area Committee provide preliminary views to Formartine Area Committee for its consideration when providing 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.**

1) 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.

2) Access

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 constructed in accordance with the following specification:

- (i) The maximum gradient of the first 10m of the new access (as measured from the edge of the public road) shall not exceed 1 in 20.
- (ii) The first 10m of the new access (as measured from the edge of the public road) shall be fully paved.
- (iii) Visibility Splays measuring 2.4m by 90.0m shall be formed on either side of the junction of the vehicular access with the public road.

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.

3) Parking

Prior to the occupancy or operation of the development, off-street parking for 6 cars, surfaced in hard standing materials shall be provided within the site.

Reason: In the interests of road safety, through ensuring the development provides adequate off-street parking.

4) CEMP

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a construction environmental management plan (CEMP) has been submitted to and approved in writing by the planning authority. The CEMP shall include the following:

- (i) Risk assessment of potentially damaging construction activities;
- (ii) Identification of biodiversity protection zones;
- (iii) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- (iv) The location and timing of sensitive works to avoid harm to biodiversity features;
- (v) The times during construction when specialist ecologists need to be present on site to oversee works;
- (vi) Responsible persons and lines of communication;
- (vii) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- (viii) Use of protective fences, exclusion barriers and warning signs.
- (ix) A Construction Noise and Vibration Management Plan

The CEMP must address the mitigation details contained within Appendix 3.1 'Schedule of Mitigation' of the Environmental Appraisal, dated September 2018.

In the event that the CEMP references other SHE Transmission documents, including (but not limited to) General Environmental Management Plans (GEMPs) or Species Protection Plans (SPPs), these plans must be also be submitted to Aberdeenshire Council for agreement as part of the wider CEMP.

All works carried out during the construction period shall be undertaken strictly in accordance with the approved CEMP.

Reason: In the interests of protecting the biodiversity of the environment.

5) Private Water Supply Monitoring

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a scheme detailing Private Water Supply Protection has been submitted to and approved in writing by the Planning Authority.

The scheme must contain details of monitoring works to be undertaken for the private water supplies identified within Appendix 6.1 'Private Water Supply Risk Assessment' of the Environmental Appraisal, dated September 2018 as requiring ongoing monitoring.

For the avoidance of doubt the identified Private Water Supplies are:

PW1: 'Smithy Croft'

PW2: 'Kinnivie'

PW3: 'Westfield'

The monitoring works must include:

- a) A timescale for pre-construction monitoring
- b) A timescale for post-construction monitoring
- c) Details of the scope of monitoring (frequency, quantity, quality)

These references relate to the following drawing: 'Site Investigation and Cross Section Locations', Drawing No:PWS.1, Dated August 2018, which is

contained within Appendix 6.1 'Private Water Supply Risk Assessment' of the Environmental Appraisal, dated September 2018

Thereafter, the development shall be carried out in accordance with the agreed monitoring scheme.

Reason: In the interests of protecting the amenity of nearby properties and in order to ensure the continuation of an appropriate water supply.

6) Noise Assessment

No works in connection with the development hereby approved (including demolition, ground works and vegetation clearance) shall commence unless a revised Noise Assessment has been carried out as outlined in section 7.2.2 of Appendix 3.2 'Noise Impact Assessment', dated August 2018 of Environmental Appraisal, dated September 2018 and submitted to and agreed by the Planning Authority.

Should the revised assessment identify an adverse impact, mitigation measures must be identified and submitted to the Planning Authority for agreement. Thereafter the development must be completed and operated in accordance with said scheme.

Reason: In the interests of the amenity of the surrounding area.

7) Drainage

Prior to the operation of the development, the drainage scheme as approved must be delivered.

The approved drainage scheme is considered to comprise:

- (i) The drainage scheme outlined within Appendix 6.2 'Flood Risk and Drainage Assessment', dated August 2018 of the Environmental Appraisal, dated September 2018; and
- (ii) 'SWMP Overview', Drawing no. FRDA-3, Rev R1, dated June 2018 – as contained within Appendix 6.2 'Flood Risk and Drainage Assessment', dated August 2018 of the Environmental Appraisal, dated September 2018;

Thereafter the drainage scheme shall be retained in perpetuity.

Reason: In the interests of ensuring the development site is adequately drained and does not have a negative impact upon water management.

11.2 Reason for Decision

The proposal and mitigation measures set out and contained therein are considered to be acceptable in terms of the relevant Policies contained within the Aberdeenshire Local Development Plan 2017. The proposal is consistent with the Development Plan's aim of reducing carbon emissions and adapting to climate change. It also

contributes to the Scottish Government's National Planning Framework's aim to move Scotland towards creating a low carbon place.

Stephen Archer
Director of Infrastructure Services
Author: James Hewitt JH/F/APP/2018/2175
Date: 31/10/2018

Note of Pre-Determination Hearing

Full Planning Permission For Erection of Electricity Substation Comprising Platform Area, Control Building, Associated Plant and Infrastructure, Ancillary Facilities, Access Track and Landscape Works at Land To The West Of Wood Of Middleton, Rothienorman, Inverurie, Aberdeenshire (APP/2018/2175)

Wednesday 31 October 2018 at 4pm in Greenview Centre (Rothienorman Community Bowling Club)

The Hearing was conducted in accordance with Appendix G of Part 2C of the Aberdeenshire Council Scheme of Governance.

Approximately 8 members of the general public were in attendance.

Present:	Councillor I Davidson (Chair)	Ellon and District
	Councillor M Ewenson	Inverurie and District
	Councillor A Forsyth	Turriff and District
	Councillor A Kloppert	Ellon and District
	Councillor S Smith	Peterhead South and Cruden
	Councillor F Hood	East Garioch
	Councillor I Taylor	Turriff and District
	Councillor V Harper	West Garioch
	Councillor R Thomson	Ellon and District

Council Officers: James Hewitt, Planner
Janelle Clark, Area Manager
Kate Bond, Head of Customer Communication & Improvement
Martin Ingram, Senior Solicitor
Stuart Murison, Senior Planner
Kasia Balina, Area Committee Officer

Applicant: Lauren Riach (SSE)
Keith Thomson (SSE)
Andy McLaren (SSE)
Andrew Curds (ASH)
Gordon Robb (SLR)

Speakers: Mr David Smith

The Chair, Councillor Davidson, introduced herself and welcomed everyone to the hearing.

1. DECLARATION OF MEMBERS' INTERESTS

Members confirmed that they had no interests to declare in terms of the Councillors' Code of Conduct.

2. RESOLUTION – STATEMENT OF EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

1. to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
2. where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching their decision.

3. PRE-DETERMINATION HEARING PROCESS

The Chair explained the hearing procedures and it was reiterated that:

- no decision would be made at this meeting,
- a report, incorporating the notes of the Hearing would be presented to the Garioch Area Committee on 13 November, 2018 and to the Formartine Area Committee on 20 November, 2018, and
- the Area Committees would forward their views on the application to the Full Council for its consideration and Full Council would then determine the application.

The Chair advised that two requests to speak had been submitted in advance of the meeting and asked whether any other consultees or members of the public, who had previously submitted a valid written representation, wished to speak. No intimations were made.

4. REFERENCE NO APP/2018/2175

FULL PLANNING PERMISSION FOR ERECTION OF ELECTRICITY SUBSTATION COMPRISING PLATFORM AREA, CONTROL BUILDING, ASSOCIATED PLANT AND INFRASTRUCTURE, ANCILLARY FACILITIES, ACCESS TRACK AND LANDSCAPE WORKS AT LAND TO THE WEST OF WOOD OF MIDDLETON, ROTHENORMAN, INVERURIE, ABERDEENSHIRE

A site visit was held prior to the hearing and a PowerPoint presentation was provided during the hearing which included plans of the site.

1. The Chair introduced the Planner, James Hewitt who provided the following information:

Mr Hewitt explained that the Pre-Determination Hearing had been called to outline and highlight the main considerations with the application under consideration. Full Planning permission was sought for the erection of a substation and associated infrastructure close to Rothienorman.

The proposal related to a wider programme of works designed to increase transmission capacity in the North East. The substation would link Blackhillock substation to the west, Peterhead Substation to the East and Kintore Substation to the south. The site lay approximately 2.5km due west of Rothienorman and was currently in use for agricultural purposes. The site sloped from north to south and was relatively isolated – with two dwellinghouses to the south. The Wood of Middleton lay adjacent to the site and was contained within the SNH Ancient Woodland Inventory. The site did not contain or border any watercourses, with Black Burn located some 200m south of the site. The site also lay around 200m from the administrative boundary between Garioch and Formartine. This site had been identified for a Substation for a number of years, through the granting of previous applications in 2012, 2014 and earlier this year.

Mr Hewitt explained that the application had come about as a result of changing requirements on the part of the developer and as such the scheme was different from those which were previously approved. Notably the substation was positioned further to the north and the substation gear had been rotated by 90 degrees. Landscaping formed a significant element of the proposal.

Mr Hewitt explained that the site area covered 39.85ha of which 7.5ha would be developed. The substation would sit on a platform measuring 230m x 330m and would rise to a maximum height of 12.7m.

It was highlighted that that application related solely to the substation and associated infrastructure (access track, control building etc) and did not incorporate amendments to the existing pylons.

Mr Hewitt said that the proposal was classed as a National Development, being electrical transmission infrastructure in excess of 132kv. The proposal was therefore identified within National Planning Framework 3 (NPF3) and consequently there was an identified need for the project, being one of National interest and imperative to the aim of upgrading the electricity transmission network. That positive stance was carried through Scottish Planning Policy (SPP).

On a strategic level, the Aberdeen City and Shire Strategic Development Plan considered this type of development as a key element in delivering a key aim of sustainable development and climate change.

Local Planning Policy (ALDP) in this context offered broad support for the general principles of the project, both through the National and Strategic level support transcending through and also the positive stance on renewable and economic development contained within the LDP.

The development was screened for a an Environmental Impact Assessment, however it was determined that the likely impacts would not be so significant as to warrant the submission of a full Environmental Impact Assessment, however a number of areas of concern were raised as requiring further investigation. The applicant subsequently submitted a voluntary Environmental statement which considered Landscape and Visual Impact, Ecology, Water and Soil, and Cultural Heritage.

It was noted that the methodology of the assessment was relatively orthodox, with sensitive receptors and potential impacts identified, and mitigation proposed if necessary. Mitigation measures ranged from design solutions which had been incorporated to the scheme to management plans which could be required via planning condition. In addition, a noise assessment had been submitted, as had a risk assessment in relation to private water supplies.

A total of 5 material letters of representation had been received. The letters raised the following issues: road safety / traffic, drainage (SUDS), landscaping and electromagnetic fields (EMF).

Questions

Councillor Smith asked whether there was still an objection from Roads Development. Mr Hewitt clarified the Planning Service had received an updated response from Roads Development and the Roads Development did not object to the application.

As there were no further questions, the Chair thanked Mr Hewitt for his presentation.

2. The Chair introduced the applicant, Ms Lauren Riach, Chartered Town Planner, SSE whose statement is summarised below:

Ms Riach briefly explained the nature of the application - the Scottish Hydro Electric Transmission plc (SHE Transmission) was a wholly owned subsidiary of the SSE plc group of companies. SHE Transmission owned and maintained the electricity transmission network across the north of Scotland and held a license under the Electricity Act 1989 to develop and maintain an efficient, co-ordinated and economical system of electricity transmission. SHE Transmission was applying for consent to construct a new 400 / 275 kV substation and associated infrastructure on land the west of wood of Middleton, approximately 2.5km west of Rothienorman. The substation would initially operate at 275kV, however that would switch over to 400kV at a later point.

Ms Riach said that three separate planning applications had been submitted. They were currently under consideration which proposed public road improvements in order to enable this development. The public road improvements would have addressed some of the concerns raised in representations and would have included passing places.

It was confirmed that the permission had been previously granted for the erection of a substation on that site in 2011, and more recently in 2018. That proposal had been submitted due to changing technical requirements, however the extent and height of the development would have remained similar to the extant permission.

Ms Riach said that the noise impact assessment would be updated at a later stage. She then addressed the issues raised through representations.

- (1) With regard to private water supplies a Private Water Supply Risk Assessment had been undertaken in order to identify the vulnerability of nearby sources. While no significant impact was anticipated, a programme of monitoring (pre, during and post construction) was proposed – with exact details to be agreed with Aberdeenshire Council. In the event a water supply was impaired, SSE Transmission would have provided an alternative solution, dependant on the situation.
- (2) With regard to the Landscape and Visual Impact it was acknowledged that the development would have had a localised impact. The site area had been increased from those previously approved in order to allow for additional landscaping.
- (3) With regard to roads and for the avoidance of doubt no road closures were proposed. Construction Traffic would have accessed the site from the west and the route would have been outlined within a Construction Traffic Management Plan.
- (4) With regard to electromagnetic fields (EMF), it was confirmed that SSE fully complied with UK Government Regulations.

Questions

Ms Riach was supported by other representatives from SEE, ASH and SLR: Keith Thomson (SSE), Andy McLaren (SSE), Andrew Curds (ASH), and Gordon Robb (SLR).

Councillor Forsyth asked about the planned maintenance of the Sustainable Urban Drainage Systems (SUDS) pond. It was confirmed that the site would be a subject to maintenance and inspection and the flood risk would not increase due to the proposed development. It was noted that the SUDS pond had been engineered to account for a 1 in 1000 year event. It was clarified that the SUDS

pond was an attenuation pond and therefore would only contain water after rainfall.

Councillor Thomson asked about the mitigation measures for the quality and quantity of water but was reassured that the quality and quantity of water would be analysed and its frequency would be monitored, which would be secured via Planning Condition. The applicant advised that in the event a water supply was compromised, they would seek to provide a solution for the affected property. The intervention would depend on the nature of the problem – this may range from providing bottled water to creating a new water supply.

Councillor Hood asked about the noise impact assessment but was reassured that the operational noise levels would be within control limits set by Environmental Health. Additional noise during construction cannot be ruled out, however it was advised that construction noise would be managed through a Construction Noise and Vibration Management Plan (CNVP). It was also noted that the noise impact assessment was based on the worst case scenario and demonstrated that there would not be a significant noise impact at the site. The noise impact assessment would be updated when SEE would receive more details on transformers. The company would comply with levels set up by the Environmental Health.

Councillor Hood asked whether the site would be illuminated at night. Ms Riach explained it was a rural site and illumination would be limited to times when emergency maintenance was required. She added the site would operate as a dark site generally. It was advised that illumination may be required during the construction period, particularly in the winter months – however hours of construction would be limited.

Councillor Taylor asked about the frequency of maintenance carried at the site. It was confirmed the maintenance would be carried at least once per week during working hours. Night time maintenance would be restricted to emergency situations which necessitate a response.

Councillor Ewenson asked about the details of the traffic assessment. She wanted to get a guarantee that the construction traffic would not use the narrow road (approach the site from Rothienorman to the east). The representative of SSE noted that it would be impossible to guarantee, however it was confirmed all workers would be instructed not to use the road from Rothienorman to the east. It was also added that the traffic management plan would be submitted to the Council before the start of the construction, and any contractor would be expected to sign up to this document as a precondition of the works.

Councillor Davidson wanted to know how long would the construction take. It was explained that the construction should be finished within 2 years (24 full months of construction). She also asked about the welfare facilities and was reassured that the contractor would provide their own welfare facilities at the site. The applicant advised that it was hoped construction would commence in March 2019.

Councillor Davidson also asked for comparison with other similar substation sites. It was confirmed that the construction in Rothienorman would be smaller than Blackhillock Substation in Keith. A query was raised seeking a comparison of the scale of development to Kintore Substation, the applicant agreed to provide further information. Cllr Davidson sought information on the likelihood of Bird strikes on powerlines. It was advised that bird strikes had not been an issue associated with powerlines of this scale, and therefore the impact was not considered to be significant.

Councillor Taylor asked about the size of the platform. Mr Hewitt confirmed that the site area would cover 39.85ha of which 7.5ha would be developed.

As there were no further questions, the Chair thanked Ms Riach for her presentation.

3. The Chair introduced Mr David Smith, whose statement is summarised below:

Mr Smith said his house is on the boundary of the proposed development. His family and he had chosen to live in the countryside for the peace and quiet and they spent many hours in their garden and on their land. Mr Smith raised several concerns.

He said this was a large scale industrial development that would compromise and clutter the quiet, peaceful rural landscape. The pylons and accompanying infrastructure would be sited directly in front of his house where there was no existing natural screening. He added that even with the addition of landscaping, there would be a significant visual impact and it would be detrimental to the area.

Mr Smith's biggest concern was the possibility of the interruption of their water supply. He explained that his property was serviced by a private water supply, in the same way as in the other households in the neighbourhood. The water in his household was supplied in the form of a borehole which had successfully supplied their home for 27 years without problems. He added that even during the extremely dry summer, the quantity and quality of our water had remained constant.

The large-scale land works, pouring of concrete foundations, planting of trees and the addition of drainage would greatly reduce the surface area that contributes to the water table and it had the real possibility of even altering the water course thus causing his borehole to become contaminated or even dry up.

He mentioned he had been assured at the pre planning meeting that would be one of the key areas to investigate. He confirmed the water sample had been taken from his kitchen tap but he had not seen any results. He also added he did not know for how long SSE would continue to monitor the situation and what they would do in the event of any problems.

Another issue raised by Mr Smith related to the location of the proposed SUDS pond at the construction site. He said that the SUDS had gone from a small

pond close to the platform area and infrastructure in previous applications to an extremely large pond, at the bottom of the field, very close to his property and to the road.

Mr Smith said he was afraid that it could contaminate the water supply in his household. He wanted to know whether it could overflow, flood the road, his land and the house. He also mentioned that the proposed SUDS pond would be located less than 10 meters from his septic tank. He raised concerns that in period of heavy rainfall, his septic tank could be compromised. He also mentioned about the stagnant water smells which could affect their right to enjoy their property.

Questions

Councillor Hood asked where the borehole for Mr Smith's water supply was located and whether other properties were also on Private Water Supplies. The location of the borehole was confirmed as within Mr Smith's land, however the supply was stated to be fed from water from the development site. It was confirmed that all houses in the area were on private water supplies.

Councillor Taylor asked how deep the borehole was. Mr Smith advised 10-20m.

Councillor Forsyth asked what information would be collected as part of the proposed monitoring – would this extend beyond quality and include quantity? It was advised that details of the monitoring scheme would be agreed prior to the commencement of development.

Councillor Taylor asked the applicant how they can be certain the SUDS pond would spill westwards in the event of flooding. SSE advised the SUDS pond had been designed to be below ground level and the surrounding topography would naturally direct water westwards.

Councillor Thomson asked Mr Smith what reassurances he was seeking in relation to the continuity of his water supply. Mr Smith advised he wanted a guarantee the supply would not be interrupted and shall be protected. Councillor Thomson sought these assurances from the applicant, the applicant advised further engagement would be undertaken.

Further Questions

Councillor Davidson asked Mr Hewitt to provide clarity on what protection or guarantees could be secured through Planning. Mr Hewitt advised that the issue straddled civil and planning law and was complex. It would be possible to attach a planning condition which would secure monitoring of the water supply (with the parameters to be agreed), this would cover pre development, construction and post development monitoring in order to identify and demonstrate any impact from the development and would therefore form the basis of any discussions concerning remedial works. Ultimately any remedial works would come down to civil action.

Councillor Thomson asked Mr McLaren a question on arrangements for water supply and welfare and was reassured the answer should be ready by January. Councillor Thomson also asked about the reasons for the current SUDS pond location. He was advised that location had been chosen due to the several factors e.g. location of power transmission lines and connection to Black Burn.

Councillor Hood enquired as to the discharge location for the SUDS pond and whether the land for the temporary construction compound would be restored to agricultural land. SSE advised that the SUDS pond would discharge to the Black Burn along the southern section of the development area. The temporary compound area would be restored to agricultural use.

There were no further questions so the Chair thanked Mr Smith for his presentation.

5. The Chair asked the Councillors, speakers, and wider audience if they were satisfied with the way in which the Hearing had been conducted and all indicated that they were. The Chair thanked everyone present for their attendance and closed the Hearing.