

REPORT TO: Planning Committee

MEETING DATE: Tuesday 3 December 2013

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **13/00756/PM**

Proposal Extension to the existing 400kV Substation and associated works

Location **Crystal Rig Substation
Dunbar
East Lothian**

Applicant Scottish Power Transmission Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development type proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 13/00002/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that a total of 6 people attended the two day pre-application public exhibition held at Spott village hall, and that those attendees raised no specific comments or queries regarding the proposals. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

This application relates to land to the north, south and west of the exiting electricity substation that serves the Crystal Rig wind farm, and which substation was granted planning permission (07/00660/FUL) in September 2007. The electrical substation is located on the lower north-eastern slopes of Friardykes Dod, adjacent to an existing line

of pylons that passes through the Crystal Rig site. The substation has a rectangular footprint and contains an access road, two buildings and electricity transformation equipment.

The application site is within the Lammermuir Hills Area of Great Landscape Value, as defined by Policy NH4 of the adopted East Lothian Local Plan 2008.

A section of a right of way, which runs on a north to south alignment, is located some 15 metres to the west of the application site.

In June 2012 planning permission (Ref: 12/00347/P) was granted for a southern extension to the existing electricity substation. The extension to the electricity substation was promoted to enable the proposed Aikengall II wind farm to connect into the national electricity grid. Development of the proposed extension has not yet commenced.

In June 2013 planning permission (Ref: 12/00922/PM) was granted for the formation of onshore electrical transmission infrastructure between Thorntonloch beach and the existing electrical sub-station located within the Crystal Rig wind farm, over a distance of some 12.3km. The approved development includes a new electricity substation that would be located some 10 metres to the north of the existing sub-station located within the Crystal Rig wind farm. Development of the onshore electrical transmission infrastructure has not yet commenced.

The onshore electrical transmission infrastructure approved by planning permission 12/00922/PM are an important component to enable the proposed Nearth Na Goithe off-shore wind farm to connect into the national electricity grid.

An application has been separately submitted by Mainstream Renewable Power Limited under Section 36 of the Electricity Act 1989 to the Scottish Ministers for the erection of the Nearth Na Goithe off- shore wind farm. It would be located some 28km northeast of Dunbar and some 32km northeast of North Berwick. The application for the proposed Nearth Na Goithe wind farm is currently pending consideration.

Planning permission is now sought through this application for an extension to the existing electricity substation approved through the grant of planning permission 07/00660/FUL and for associated works including the formation of an earth bund.

The proposed extension to the existing electricity substation is promoted in order to connect the proposed Nearth Na Goithe off-shore wind farm and its substation to the National Grid.

The application site has an area of some 9.0 hectares and consists of open rough grassland. Of this, some 1.3 hectares of the site would comprise the extended substation compound. The site slopes down from southwest to northeast.

The proposed extension to the substation would be on land to the west of the existing substation. The proposed substation extension would have a rectangular footprint, measuring some 95 metres long by 65 metres wide and would be enclosed by a 2.7 metres high fence. The finished level of the substation would be some 5 metres higher than the level of the existing substation. It would contain general switchgear equipment, the maximum height of which would be 12.5 metres. A 3.0 metres wide road would be formed around the inside of the perimeter of the compound. A 3.0 metres wide walkway would also be formed around the exterior of the perimeter of the compound.

Substantial cut and fill works would be required to achieve the finished ground level for the proposed sub-station extension. Some of the excavated material would be used to form an earth bund, with a maximum height of 20 metres, to the north, south and west of the proposed substation extension. The earth bund would be graded into the existing ground surrounding the site.

The application site straddles the East Lothian/Scottish Borders Councils border. The southern part of the proposed extension to the existing electricity substation is located within the authority area of Scottish Borders Council.

Through separate planning application, which was submitted to Scottish Borders Council in September 2013, planning permission (Ref: 13/01084/FUL) is sought for the part of the proposed substation extension located within the authority area of Scottish Borders Council. No decision has yet been taken on that planning application.

An Environmental Report has been submitted with the planning application. It contains chapters on legislative and policy context, landscape and visual, ecology, archaeology and cultural heritage, catchment hydrology, flood risk, site drainage, and traffic and transport.

A Design and Access Statement has been submitted with the planning application. The Statement provides information on the principles and approach that have guided the design process.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Relevant to the determination of the application are Policies 1B (The Spatial Strategy: Development Principles) and 10 (Sustainable Energy Technologies) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), NH4 (Areas of Great Landscape Value), C6 (Rights of Way), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character) and DP2 (Design) of the adopted East Lothian Local Plan 2008.

Material to the determination of the application is the Scottish Government's policy on renewable energy given in Scottish Planning Policy: February 2010.

Scottish Planning Policy on renewable energy states that the commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth. Planning authorities should support the development of a diverse range of renewable energy technologies. Off-shore renewable energy generation presents significant opportunities to contribute to the achievement of Government targets. Although the planning system does not regulate off-shore development, it is essential that development plans take into account the infrastructure and grid connection needs of the off-shore renewable energy generation industry. Development plans should identify appropriate locations for facilities linked to the manufacture, installation, operation and maintenance of off-shore wind farms and wave and tidal devices.

No letters of representation have been received in respect of this planning application.

East Lammermuir Community Council were consulted on this application but have not provided any comments on it.

The proposed extension to the existing substation is an essential component to enable the proposed Neart Na Goithe wind farm to connect into the national electricity grid. Therefore if approval were to be given by the Scottish Ministers for the proposed Neart Na Goithe wind farm there would be an operational justification for the onshore electrical transmission infrastructure having to be formed in this particular countryside location, consistent with the provisions of Policy DC1 of the adopted East Lothian Local Plan 2008. In order to ensure there is an operational requirement for the proposed onshore electrical transmission infrastructure, i.e. that planning permission has been approved for the proposed Neart Na Goithe wind farm, there should be imposed a condition on the grant of planning permission that no development is carried out until it can be demonstrated to the Planning Authority that planning permission has been granted for the proposed Neart Na Goithe wind farm. Such a condition was also imposed on the onshore electrical transmission infrastructure approved by planning permission 12/00922/PM.

Subject to the imposition of this condition, the principle of the proposed extension to the existing electricity substation is consistent with Policy 10 of the approved South East Scotland Strategic Development Plan (SESplan) and Policy DC1 of the adopted East Lothian Local Plan 2008.

The site proposed for the substation extension is set on the lower part of the hilly slopes on which the Crystal Rig Phase II wind farm is located. The proposed substation extension would be seen in relation to the existing electrical substation and turbines, pylons and overhead power lines that form part of the Crystal Rig Phase II wind farm. When seen in this context, the proposed substation extension would not appear as an incongruous or alien feature. Whilst the finished level of the substation compound would be some 5 metres higher than the level of the existing substation, it, together with the general switchgear equipment to be installed in it, would be lower than the existing sloping ground to the west of the application site. This, together with the earth bund that would be formed to the north, south and west of the proposed substation extension, would further help to integrate it into its landscape setting. The proposed substation extension would not harm the landscape character and visual amenity of the Lammermuir Hills Area of Great Landscape Value.

In his consultation response, the Council's Policy and Projects Manager raised some concern over the profile of the proposed earth bund and how it would relate to the other components of development at Crystal Rig, including the new electricity substation and associated works approved by planning permission 12/00199/PM. The applicant has provided a detailed response to this and argues that the proposed earth bund would marry into the existing made/ natural contours to the west of the existing substation. It also avoids significant vehicle movements on the local road network that would be required to transport material to landfill. Whilst the earth bund would change the profile of the land to the west of the substation, such change would not be so significant as to cause harm to the landscape character and visual amenity of the Lammermuir Hills Area of Great Landscape Value. The impact of the proposed earth bund and other components of development would be further reduced if appropriate planting was undertaken. On this matter, the Policy and Projects Manager recommends that a scheme of landscaping should be submitted to and approved in advance by the Planning Authority. This can be secured by a condition imposed on the grant of planning permission for the proposed substation extension.

On the consideration of landscape and visual impact, the proposed development is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies NH4, DP1, DP2 and Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The Council's Biodiversity Officer is satisfied that the proposed extension to the substation would not have any adverse biodiversity impacts. He does however state that he would prefer that the earth bund was not seeded, as the applicant proposes. In this respect, he advises that leaving the soil exposed would offer a great opportunity for natural colonisation, which he considers would be more appropriate than seeding.

Whilst this may be preferable to the Council's Biodiversity Officer, leaving the earth bund unseeded would result in it appearing as a prominent and incongruous feature until such time as it has colonised naturally. This could be a not inconsiderable period of time. Therefore in the circumstances, the earth bund should be seeded, as is proposed by the applicant.

The Council's Policy and Projects Manager advises that lighting of the substation extension for safety or security purposes may be unavoidable and may give rise to significant adverse visual effects. It would therefore be prudent to require that details of any external lighting of the substation extension be submitted to and approved by the Planning Authority prior to its installation. This can be secured through a condition attached to a grant of planning permission for the proposed development.

The onshore substation extension is promoted to specifically serve the proposed Neart Na Goithe wind farm. It would be prudent to require that the extension and other associated works be decommissioned if the wind farm were to be approved, constructed, and thereafter decommissioned. This can be secured through a condition attached to a grant of planning permission for the proposed development. In this regard, and to ensure that the land is restored back to its present form, the condition should also require the applicant to submit to the Planning Authority an accurate topographical survey of the existing application site.

Scottish Borders Council were consulted on this planning application, as the application site is in close proximity to their authority area. They do not object to the proposed substation extension.

The proposed substation extension would be located at a considerable distance away from residential properties in the area. It would not give rise to a harmful loss of privacy or amenity to any residential property. The Council's Senior Environmental and Consumer Services Manager raises no objection to the proposed development.

Whilst the proposed substation extension would be located at a considerable distance away from residential properties in the area, the Council's Transportation service is concerned that construction traffic could have an adverse impact on the amenity of the area. Consequently they recommend that a construction method statement should be submitted for the prior approval of the Planning Authority in order to minimise the impact of construction activity in the interests of the amenity of the area. This can be secured through a conditional grant of planning permission for the proposed development.

The Transportation service raise no objection to the proposed substation extension, being satisfied that it would have no significant adverse risk for road safety.

A condition survey of the access route proposed for construction vehicles has been undertaken by the applicant. Whilst the Transportation service raise no objection to its findings, they note that it may be some time before development of the substation commences. They therefore recommend that it would be prudent that a further detailed condition survey of the access route be undertaken not more than one month before development commences. A further detailed condition survey of the access route should be undertaken once the development has been completed. Any damage identified during the joint inspections and agreed by the joint inspectors to be attributable to quarry vehicles using the access route shall be repaired and/or resurfaced by the quarry operator in compliance with the Council's given specifications and requirements at no cost to the Council as Roads Authority. It would be reasonable to secure this recommended transportation requirement by a condition imposed on the grant of planning permission for the proposed substation extension.

Subject to the imposition of the recommended conditions the proposed development is consistent with Policy T2 of the adopted East Lothian Local Plan 2008.

Scottish Water were consulted on this application but have not provided any comments on it.

The Scottish Environment Protection Agency (SEPA) raise no objection to the proposed substation extension, being satisfied with the proposals for site drainage.

RECOMMENDATION

That planning permission for the proposed extension to the existing substation be granted subject to the following conditions:

- 1 There shall be no commencement of the development until it can be demonstrated to the Planning Authority that consent under Section 36 of the Electricity Act 1989 has been granted by the Scottish Ministers for the Neart Na Gaoithe offshore wind farm.

Reason:

To ensure there is an operational requirement for the extension to the existing substation.

- 2 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turving comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 3 There shall be no lighting installed within the application site unless prior written approval is given for it by the Planning Authority.

Reason:

To safeguard the character and appearance of the area.

- 4 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic and shall include hours of construction work.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 5 A detailed dilapidation/ condition survey of the access route, as shown in the docketed drawing entitled 'Figure 1- Construction Access/ Egress Route', from the Thurston Mains junction of the A1 trunk road to the private access road of the Crystal Rig wind farm, and a full/ non destructive assessment of its existing pavement (including a deflectograph analysis) shall be jointly undertaken by the applicant and East Lothian Council's Transportation Division; (i) no more than one month prior to the date of commencement of the development hereby approved, and (ii) no more than one month after the completion of the development hereby approved. Any damage identified during the joint inspections and agreed by the joint inspectors to be attributable to vehicles which are associated with the construction of the development hereby approved, shall be repaired and/or resurfaced by the applicant in compliance with specifications and requirements for that approved by the Council as Roads Authority and at no cost to the Council as Roads Authority. In each case any such repair and/or resurfacing shall be completed within 3 months from the date of the Council's approval of the specifications and requirements.

Reason:

In the interests of road safety.

- 6 Prior to the commencement of development hereby approved, a topographical survey of the existing application site, showing 1 metre contours with 5 metre contour intervals highlighted, shall be submitted to and approved in advance by the Planning Authority.

Within 24 months of the permanent cessation of generation at the offshore Near Na Gaoithe offshore wind farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

- (i) Details of site restoration;
- (ii) Management and timing of works;
- (iii) Environmental management provisions; and
- (iv) A traffic management plan to address any traffic impact issues during the decommissioning period.

It shall also show the topography of the restored land being generally similar to the topography of the existing application site, as shown in the the approved topographical survey of the existing application site.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure that the application site is satisfactorily restored in the interests of the amenity of the area.