

PLANNING APPLICATION: 09/01471/OUT

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

The Proposal

- SHETL (Scottish Hydro Electric Transmission Ltd) is proposing to install a High Voltage Direct Current (HVDC) transmission link from the Shetland Isles to mainland Scotland to accommodate proposed renewable energy developments on Shetland totalling 550MW.
- The HVDC transmission link project consists of various infrastructure elements, including a converter station, windfarm and local AC substations on Shetland, underground and subsea HVDC circuits to the Scottish mainland, and a converter station and AC connections to the existing grid network on the mainland.
- The proposed HVDC connection will be subsea over a distance of approx. 320km from a converter station at upper Kergord in Shetland to Portgordon then via an underground connection to a high capacity transmission node at Blackhillock, near Keith.
- Converter stations are required to convert between DC current in the subsea cable and AC current in the onshore distribution systems.
- This is an outline application and is only for the converter station at Blackhillock. An Environmental Assessment has been submitted with the application providing further details on the predicted environmental effects of the proposal. However, the detailed design and layout of the proposal is not available at this stage and the applicant proposes to prepare a Project Environmental Management Plan (PEMP) to set out the proposals to protect the environment. The PEMP will also address the detailed design, pre construction, construction and commissioning, operation and monitoring phases of the project.

This outline application consists of the following; -

- A total site construction area of 22 hectares which will contain a level development platform of up to 12.5 hectares.
- Transformers and related electrical plant enclosed in 2 large metal-clad buildings each up to 150 metres long by 40m wide and 22m high. The buildings will be orientated east / west to minimise visual/ landscape impact.
- A 2.5 m high storage building for a spare converter transformer
- The buildings of the converter station will be finished in metal cladding in an olive colour
- The sloping ground around the development platform will be restored and planted.
- Existing woodland screening will be strengthened with further tree and shrub planting.
- A new vehicular access into the site will be built prior to construction.
- Security/ safety fencing around the site.
- The application does **not include** undergrounding of the connecting cable from the landfall at Portgordon, pylon diversions, or changes to the substation at Westerton Road, Keith.

The Site

- The site is located approximately 2km to the south of Keith and extends to 22 hectares.
- The site is currently used for an existing electricity substation, forestry and agriculture.
- The surrounding landscape is a mixture of agriculture and forestry. To the west and south the site is bounded by pine forestry.
- Within 1km of the site there are 5 residential properties, the Blackhillock and Cairdhill Quarries, and the Council's Blackhillock roads depot.
- The site is located between two areas of woodland, Cairds Wood and the woodland surrounding the existing substation.
- The local landscape is one of forestry/ farmland which has been considerably compromised by the man made features of the existing sub-station, electricity pylons and quarry, as well as farms and residential properties.
- Generally the land slopes to the east/north east, and the landform is such that the site is visible only from short stretches of the A96 and from higher ground to the east of Keith.

Policy / Objections-Representations / Consultations - See Appendix

History

A Screening opinion ref. 08/02695/SCN for the development of an electricity converter station at Blackhillock, Keith was received on 10th December 2008. The Council and Scottish Natural Heritage provided pre application advice to the applicant and agreed the viewpoints to be used in the landscape and visual analysis. At this stage options for the location of the new facility were discussed in detail, and it was agreed that an extended scheme based on the site of the current substation was the most suitable option in terms of landscape fit, being the least intrusive of the locations considered.

Advertisement

The application was advertised as a departure from Policies 1e) and 2l) of the Moray Structure Plan 2007 and Policies ED8, ER1 and IMP1 of the Moray Local Plan 2008, in view of the scale and possible impact of the development in a rural setting.

In view of the sheer extent of the proposed converter station (22ha) the "departure" element is considered significant in terms of the Regulations, whereby objectors are accorded a pre-determination Hearing. No objections have however, been submitted.

Observations

The main planning considerations are.

National Planning Framework 2

National Planning Framework 2 (NPF2) designates 14 national developments of strategic importance to Scotland, focussing on priorities for the improvement of infrastructure to support long term development. One of the designations, "Electricity Grid Reinforcements", identifies key projects to improve Scotland's grid network connections. This includes the proposed new subsea cable links for the Outer Hebrides and Shetland Islands. The NPF2 recognises that these projects will comprise a number of elements including overhead transmission lines, underground and sub-sea cable routes and associated converter stations and sub-stations. Planning authorities

are required to take the NPF2 into account as a material consideration in the determination of planning applications.

Although the outline application comprises only the converter station at Blackhillock, it is clearly a key part of a national project supported by NPF2.

Moray Structure Plan 2007

The relevant strategic policies are (1e) (which aims to encourage low impact well designed development in the countryside, supporting local communities and rural businesses); and (21) which aims to promote opportunities for sensitive development of renewable energy. Compliance with these strategic aims is assessed primarily through the Local Plan policies ED8, IMP1, and ER1 all of which seek to establish the criteria by which a large industrial complex (in this case related to Renewable Energy) can be acceptably accommodated into a rural setting.

ED8 Rural Business Proposals

(This policy aims to set out clear criteria for considering new business developments or extensions to existing industrial/ economic activities in the countryside.)

The proposal will introduce large industrial type buildings into the rural landscape, although it must be stressed that this application is for an extension to an existing substation site.

The tests for compliance with Policy ED8 are

(a) *careful control over siting, design and impact, and avoidance of urban-type industrial building.* The criteria considered under Policy IMP1 demonstrate that, with suitable screening, and conditions governing the buildings, fencing, lighting etc, this proposal can be acceptably modified to a low level of impact.

(b) *a locational justification.*

Essentially this is established by the NPF2 criteria and the Screening Options carried out before submission of the application, which accepted the selection of the Blackhillock site.

(c) *capacity of local infrastructure to accommodate* Road Improvement Conditions are the principal requirement, and can be imposed.

(d) *environmental consideration*

These have been extensively addressed in the EA submitted with the application and (subject to a PEMP at detailed stage) satisfy the requirements of the main consultees, SNH.

(e) *proximity to populated areas*

The site is close to Keith, but sufficiently separate; more importantly it is located within an environment already intruded upon with man made features, and used by heavy goods vehicles.

Conditions of Consent can secure compliance with the criteria of Policy ED8, as above, and therefore the proposal is an acceptable departure from the provisions of the policy.

IMP1 Development Requirements

(This policy and the associated Guidance requires that new developments can be adequately serviced and that the design and nature of the proposals are compatible with the adjoining land uses.)

Landscape/ Visual Impact

There are no landscape designations affected by this proposal. The Environmental Assessment submitted by the applicant provides a detailed landscape and visual assessment of the likely impacts arising during the construction and operational phases of the converter building and concludes that there will be no significant landscape or visual impact. There are already a number of intrusive features within the immediate environs including the electricity sub-station itself and pylons, farms, buildings and the Blackhillock Quarry which is more noticeable than the substation. The scale and nature of the new buildings will introduce change into the immediate landscape, however, with the existing landform and tree screening, and the proposed mitigation which can be introduced by a Condition of Consent, there will be little in the way of landscape quality lost due to the development, and the impact is not considered to be significant.

There are 5 residential properties within 1 km of the converter station. The applicant's Environmental Assessment concludes that the proposal will have moderate effects on the key views from three of these properties. The colour scheme proposed for the buildings and fencing, and the suggested siting of the screening provided by strengthened and new planting are to be designed to mitigate the effects of the proposal, and no objections have been lodged by any of the residents. Views from Keith and the local road network will be screened by planting.

The sheer scale of the converter station will require the mitigation measures to be carefully designed and implemented. The mitigation measures proposed are; -

- An architectural strategy to ensure the impact of the buildings, fencing, lighting and access roads is minimised.
- Native and semi-native species of tree planting to supplement and strengthen the existing woodland.
- Temporary materials and plant storage sensitively located during construction and all construction ground areas reinstated with minimal impact on the landscape and visual amenity.

With appropriate mitigation works, the immediate landscape has the capacity to integrate this development due to the natural screening provided by both the woodland and landform. In addition the existence of some quite intrusive features in the locality lessens the impact of an enlarged substation. The finish of the buildings should be designed to be more agricultural in appearance than industrial with changes to the roof and exterior cladding.

The detailed design, siting and finish of the buildings, fences, lighting and access tracks will have to be agreed with the Council and Scottish Natural Heritage at the detailed application and design stage. Full details of the mitigation measures including landscaping plans, earthworks and ground contouring will also have to be agreed with the Council and SNH. The applicant will require to provide all this information in the PEMP, which is suggested as a condition of outline planning permission.

Nature Conservation

There are no designated nature conservation sites affected by the proposal. The consultation response received from SNH confirms that they have no objection to the proposal, although advice is offered on suggested conditions to reduce the potential impacts of this development. In particular it is suggested that the Project Environmental Management Plan (PEMP) should address the following;

- That all phases of the project are carried out in accordance with the mitigation proposed,
- The more detailed measures as set out in Volume 3 of the EA are implemented in full and the preconstruction survey carried out no more than 2 months before the start of construction (with regard to protected species, including badgers, red squirrels and pine martens);
- Other areas highlighted in the SNH response include the following;
- The need for landscape planting to be agreed prior to the commencement of development;
- Preparation of earth slope ‘test areas’ for inspection and approval prior to other slopes being formed;
- The form of building should be agreed;
- Lighting should be designed to minimise ‘spill’, and
- Details for maintenance, management and reinstatement should be agreed.

Built Heritage

No impact. There are no recorded or visible archaeological remains or listed buildings in the vicinity.

Summary

It is therefore concluded that the development, with suitable conditions to minimise potential impacts, would not be in conflict with the criteria of IMP1 and justify an acceptable policy departure. The strategic role of this converter station in the National Planning Framework 2 objective to provide new sub-sea grid connections between the Scottish mainland and the Shetland Islands, is a material consideration, which outweighs the limited landscape and visual impacts of the substation expansion.

Policy ER1 Renewable Energy Developments

(This policy supports proposals for renewable energy provision where they do not result in unacceptable environmental impacts when assessed against a range of environmental criteria.)

As discussed under Policy IMP1 above, the scale and nature of the proposal can be mitigated to have an acceptable environmental impact, and therefore not compromise the objectives of this Policy.

T2 Provision of Road Access

(This policy aims to ensure that a safe road access is provided to all new developments.)

The proposal will result in an increase of vehicle movements during the construction period. This is estimated to be 4 daily HGV movements and 150 light vehicle movements. The route recommended for the proposed abnormal loads is via the following roads

- A96
- U43H Blackhillock Road- from the A96/U43H Junction to the proposed new site access at Blackhillock.

The increased traffic flows arising from the proposed converter station construction phase is shown in the EA as not being significant. However, the EA does not assess the impact of construction and delivery traffic using the U43H Blackhillock Road and this will need to be addressed as part of the detailed planning application. Mitigation measures to alleviate the environmental impact of construction traffic have been proposed by the applicant, and these will be implemented via a Traffic Management Plan.

The Transportation Manager recommends imposing planning conditions with regard to access to the site and construction traffic to ensure these measures are implemented.

EP5 Surface Water Drainage and EP6 Watercourses

(These policies require that all new development be provided with Sustainable Urban Drainage Systems (SUDS) for the dispersal of surface water and to ensure there are no adverse impacts upon waterbodies.)

SUDS are proposed to deal with surface water run off. The proposal will result in some modifications to a watercourse running through the site. It is proposed to create temporary interception ditches and attenuation ponds at spoil storage areas. A surface water management plan will be contained within the PEMP and will need to be agreed with SEPA.

SEPA has also requested conditions be attached to any planning permission requiring the applicant to provide detailed drainage plans, details of all works affecting watercourses, details of temporary soil storage during construction and to ensure the removal of interceptor and attenuation ponds on completion of construction.

EP8 Pollution

(This policy aims to ensure that any pollution resulting from proposals will be mitigated.)

The Environmental Assessment recognises that there is potential for noise pollution to arise during the construction and operational phases of the proposal. A detailed Noise Impact Assessment will be required by planning condition to be submitted with the detailed planning application.

ER3 Development in Woodlands

(This policy states that proposals will be refused where the development would adversely affect the biodiversity or recreational value of a woodland or prejudice its management.)

The proposal involves only minor works to trees on site and therefore does not affect the overall use and management of the woodland.

EP7 Control of Development in Flood Risk Areas

(This policy aims to direct development away from areas at risk of flooding.)

A Flood Risk Assessment has been submitted with the application. The Assessment concludes that the proposal will not be at risk of flooding from surface water runoff from the relatively higher ground to the south west. However, the Assessment recommends that, in addition to surface water drainage, an interceptor ditch is added as a precaution during the construction phase.

IMP3 Developer Contributions

(Developer contributions are sought where new development will impact on the provision and/or delivery of services and community facilities.)

A requirement for developer contributions has not been assessed at this stage in view of the fact that this is an outline application only. While the development will result in improvements to the surrounding roads, and will result in both of the Westerton Road substation and the number of pylons being reduced, downsizing negotiations with the applicant have included potential re-routing, or undergrounding of overhead cables in the vicinity of the town, and this will be pursued at detail planning application stage.

ER2 Energy Reduction Requirements in New Development

(This policy requires that all new development with a cumulative floorspace of 500m² or more can demonstrate an additional 15% reduction in CO₂ emissions beyond the 2007 Building Regulations carbon dioxide emissions.)

A statement of the buildings' compliance with the requirements of Policy ER2 will require to be submitted with the detailed planning application.

Note: The applicant is currently investigating the feasibility of a potential waste heat scheme where cooling water from the converter station could be pumped to Moray Council buildings to the north of Keith to provide space heating.

Summary

This is a major application which covers a large overall site of around 22 hectares in area, comparable with development sites such as the Roseisle Maltings and Distillery (8.7 hectares), and the Malcolmburn bonded warehouses to the north of Mulben (over 40 hectares). The two quarries of Blackhillock and Cairdshill have a combined area of around 17 hectares. Although large, the converter complex will be well integrated into the landscape, and due to the topography of the area, the impact of the expanded substation on the landscape will be relatively contained. Appropriate landscaping and planting will further help to mitigate against visual impact.

Importantly/

Importantly, however, this project is part of a national strategic network for grid upgrades, and there would need to be over-riding adverse environmental impact to justify rejection of the proposal. The expansion of the substation, it is concluded, can be satisfactorily accommodated with adequate safeguards imposed through conditions of consent.

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APPENDIX

POLICY

Moray Structure Plan 2007 and/or Moray Local Plan 2008

Policy 1: Development and Community

The policy set out below identifies the strategic community development requirements for the delivery of the structure plan strategy-

The Moray Structure Plan Strategy will be supported by:

- e) the encouragement of low impact, well-designed development in the countryside to support local communities and rural businesses.

Policy 2: Environment and Resources

The Moray Structure Plan Strategy will be supported by: -

- l) promoting opportunities for the sensitive development of renewable energy and promoting renewable energy in new development.

ED8: Rural Business Proposals

New business developments, or extensions to existing industrial/economic activities in the countryside will be permitted if they meet the following criteria:

- a. careful control over siting, design, landscape and visual impact, and emissions. In view of the rural location, industrial estate/urban designs may not be appropriate,
- b. a locational justification for the site concerned if serviced industrial land is available nearby,
- c. the capacity of the local infrastructure to accommodate the proposals,
- d. environmental considerations, including the impact upon natural and built heritage designations, with appropriate protection for the natural environment; the use of enhanced opportunities for natural heritage integration into adjoining land, and
- e. the location of the development close to populated rural areas where appropriate.

Proposals involving the rehabilitation of existing properties (e.g. farm steadings) to provide business-premises will be encouraged, provided access and parking arrangements are acceptable. Where noise emission or any other aspect is considered to be incompatible with surrounding uses, there will be a presumption to refuse.

T1: Transport Infrastructure Improvements

The Council will promote the improvement of road, rail, air and sea routes in Moray and priority will be given to:

- a. dualling the A96 Aberdeen to Inverness route, including bypasses at Elgin, Fochabers/Mosstodloch and Keith.
- b. improving the A95 (Keith to Aberlour), A941 (Lossiemouth to Elgin to Craigellachie) and A98 (Fochabers to Cullen) routes.
- c. improving the Aberdeen to Inverness railway for passengers and freight by providing additional passing opportunities.
- d. improving harbour facilities for freight and leisure.
- e. improving access to air facilities, in particular through public transport

Proposals that compromise the implementation of these priorities will not be acceptable.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or where regeneration benefits can be demonstrated.

Policy T2: Provision of Road Access

The Council will require that a suitable and safe road access from the public highway is provided to serve new development and where appropriate any necessary modifications to the existing road network to mitigate the impact of development traffic, and the provision of appropriate facilities for public transport, cycling, and pedestrians. Access proposals that have a significant adverse impact on the surrounding landscape and environment that cannot be mitigated will be refused.

SPP17 details that there will be a presumption against new accesses onto a trunk road, and that the Scottish Executive will consider the case for such junctions where nationally significant economic growth or regeneration benefits can be demonstrated.

T5: Parking Standards

Proposals for development must conform with the Council's policy on parking standards.

EP5: Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development should be dealt with in a sustainable manner that avoids flooding and pollution and promotes habitat enhancement and amenity. All sites should be drained by a SUDS system or equivalent. A Drainage Assessment will be required for developments of 10 houses, or greater than 100 sq. metres for non residential proposals. Applicants must agree provisions for long term maintenance to the satisfaction of the Council, SEPA and Scottish Water.

EP9: Contaminated Land

Development proposals on potentially contaminated land will be approved if:

- a. site specific risk assessments are undertaken by the applicant to identify any actual or possible significant risk to human health or safety, or to the environment and that any previous historic uses are not continuing to cause significant pollution to the water environment, and
- b. effective remediation measures are agreed to ensure the site is made suitable for any new use granted consent, and
- c. appropriate measures for the disposal of any contaminated material is agreed with the Council.

The Council will consult SEPA in respect of pollution of controlled waters and licensing issues arising from remediation works.

ER1: Renewable Energy Proposals

Renewable energy proposals will be considered favourably where they meet the following criteria:

- a. they are compatible with policies to safeguard and enhance the built and natural environment
- b. they do not lead to the permanent loss or permanent damage to, prime agricultural land,
- c. they are compatible with tourism/recreational interest and facilities, they do not interfere with aircraft activity,
- d. they do not result in an unacceptable impact in terms of visual appearance, landscape character, noise, electro-magnetic disturbance, watercourse engineering, peat land hydrological impacts, pollution, traffic generation or damage to the local ecology, and
- e. they do not result in an unacceptable cumulative impact.

Proposals are required to provide “decommissioning arrangements” to illustrate how the site will be reinstated if and when the plant ceases to operate. This may be enforced through a section 75 agreement.

Commercial wind energy developments should be located within a Preferred Search area identified in the Wind Energy Policy Guidance and meet the above criteria.

IMP1: Development Requirements

New development will require to be sensitively sited, designed and serviced appropriate to the amenity of the surrounding area. It must meet the following criteria:

- a. the scale, density and character must be appropriate to the surrounding area,

- b. the development must be integrated into the surrounding landscape,
- c. adequate roads, public transport, and cycling and footpath provision must be available, at a level appropriate to the development,
- d. adequate water, drainage and power provision must be made,
- e. sustainable urban drainage systems should be used where appropriate, in all new developments
- f. there must be adequate availability of social, educational, healthcare and community facilities,
- g. the development should, where appropriate, demonstrate how it will incorporate renewable energy systems and sustainable design and construction. Supplementary Guidance will be produced to expand upon some of these criteria,
- h. provision for the long term maintenance of public landscape and amenity areas must be made,
- i. conservation of natural and built environment resources must be demonstrated,
- j. appropriate provision to deal with flood related issues must be made, including the possibility of coastal flooding from rising sea levels and coastal erosion,
- k. pollution, including ground water must be avoided,
- l. appropriate provision to deal with contamination issues must be made, and
- m. the development must not sterilise significant workable reserves of minerals, prime quality agricultural land, or preferred areas for forestry planting.
- n. where appropriate, arrangements for waste management should be provided.

Policy IMP3: Developer Contributions

Contributions will be sought from developers in cases where, in the Council's view, a development would have a measurable adverse or negative impact on existing infrastructure, community facilities or amenity, and those contributions would have to be appropriate to reduce, eliminate or compensate for that impact.

Where the necessary contributions can be secured satisfactorily by means of planning conditions attached to a planning permission, this should be done, and only where this cannot be achieved, for whatever reason, the required contributions should be secured through a planning agreement.

OBJECTIONS-REPRESENTATIONS

None received.

CONSULTATIONS

SEPA - SEPA's objection to this application can be removed by applying conditions of consent.

SNH - SNH has no objection with proposed conditions recommended to reduce the potential impacts of this proposal.

Scottish Water - Scottish Water has no objection to this proposal

Environmental Health Manager, Development Services - No objection subject to a planning condition relating to noise emissions and an informative.

Transportation Manager, Direct Services - No objection subject to planning conditions.

Environmental Protection Manager, Direct Services - No response.