

**ANGUS COUNCIL**

**24 FEBRUARY 2015**

**PLANNING APPLICATION - FIELD 500M WEST OF WOODHILL COTTAGE,  
WEST COTSIDE, BARRY**

**GRID REF: 351872 : 733784**

**REPORT BY HEAD OF PLANNING AND PLACE**

**Abstract:**

This report deals with planning application No 14/00918/PPPN which seeks planning permission in principle for Onshore Electrical Transmission Infrastructure to Service the Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms, Comprising of Underground Electricity Transmission Cables and Ancillary Works on Land Between the A930 and Balhungie Farm, Angus for Seagreen Alpha Wind Energy Ltd (SAWEL) and Seagreen Bravo Wind Energy Ltd (SBWEL) at Field 500M West of Woodhill Cottage, West Cotside, Barry. This application is recommended for conditional approval.

**1. RECOMMENDATION**

It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/  
CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed

**3. INTRODUCTION**

3.1 The applicants seek planning permission in principle for onshore electrical transmission infrastructure to service the Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms, comprising of underground electricity transmission cables and ancillary works on land between the A930 and Balhungie Farm, Monifieth.

3.2 Members will be aware that at its meeting of 26 November 2013, the Development Standards Committee agreed Report No 643/13 (ref: 13/00496/PPPM) and resolved to grant planning permission in principle (PPP) for a development including amongst other things the formation of Onshore Electrical Transmission Infrastructure between Carnoustie and Tealing to service the proposed Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms. That permission included provision of some 19km of underground electricity transmission cables.

3.3 This application seeks planning permission in principle for an alternative cable route to that previously approved in the vicinity of Balhungie Farm. The revised route would avoid an area of poly-tunnels and associated irrigation infrastructure. The previously approved route is shown cross-hatched on the plan at Appendix 1. The proposed route is shown in outline on that plan and is located to the south of the approved route.

- 3.4 The application site measures approximately 1.5km in length and varies between approximately 75 and 110 metres in width. It extends from a point to the south of Cotside Quarry in a westerly direction crossing the U510 (Woodhill Road) at a location to the north of Woodhill Cottage. It extends in a westerly direction from Woodhill Road for a distance of approximately 1km, parallel to but at a distance between 50 and 135 metres north of the A930. The route crosses the Buddon Burn and then turns at 90 degrees, heading in a northerly direction for a distance of 465 metres. It links to the previously approved underground cable route (ref: 13/00496/PPPM) at a point to the south-west of Balhungie Farm. The site comprises an area of relatively flat, predominantly agricultural land.
- 3.5 The nature of the development which is proposed (underground export cables, cable joint bays and ancillary works including horizontal directional drilling (HDD) working areas and temporary access tracks etc) is identical to that forming part of the extant PPP. As this is an application for planning permission in principle the precise cable route is not known and will be affected by the transmission technology (HVDC or HVAC) that is eventually used. It is indicated that the cable trench would typically be in the region of 30 metres wide. The applicant has indicated that the cables and jointing bays would be buried to a depth of 1.1 metres and that following installation the land would be reinstated to its previous condition and would be available to revert to its original use.
- 3.6 The application has not been subject of variation.
- 3.7 The proposal has been advertised in the press as required by legislation.
- 3.8 This application requires to be determined by Angus Council because it is a 'National' development.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 At its meeting of 26 November 2013 the Development Standards Committee agreed Report No 643/13 (ref: 13/00496/PPPM) and resolved to grant Planning Permission in Principle (PPP) for a development including amongst other things the formation of Onshore Electrical Transmission Infrastructure between Carnoustie and Tealing to service the proposed Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms. This transmission infrastructure included provision of some 19km of underground electricity transmission cables.
- 4.2 At its meeting of 5 August 2014 the Development Standards Committee were advised in Report 313/14 that a Proposal of Application Notice (ref: 14/00607/PAN) had been submitted in respect of the Installation of Electrical Infrastructure at a Field 400M South Of Balhungie Farm Balhungie Monifieth. Committee noted the key issues likely to be relevant to the determination of a potential planning application as being amenity impacts; landscape and visual impact; impact on natural and built heritage; transport and access; socio-economic impacts, including impacts on other land uses; and flood risk. These were considered to be similar to those that were relevant to the determination of the application for the originally approved route.
- 4.3 Scottish Ministers (Marine Scotland) on 10 October 2014 approved an application by Seagreen Wind Energy Limited for consent under the Electricity Act 1989 and applications for licenses under the Marine and Coastal Access Act 2009 and Marine (Scotland) Licensing Act 2010 in respect of the proposed Seagreen Alpha and Bravo offshore wind farms to construct and operate a total of 150 turbines (75 in each wind farm) in the Firth of Forth to generate 1050MW of renewable energy.

#### **5. APPLICANT'S CASE**

- 5.1 The applicant has submitted a Planning and Environmental Report which covers the following matters:
- Need for the Development
  - Ecology and Nature Conservation
  - Geology and Soils

- Hydrology and Hydrogeology
- Cultural Heritage
- Noise and Vibration
- Air Quality
- Other Constraints

Subject to appropriate planning conditions the Planning and Environmental Report concludes there would be no unacceptable impacts arising from the proposed development.

- 5.2 A Pre-Application Consultation Report has been provided as part of the applicant's submission. This report documents the consultation undertaken with the public prior to the submission of the planning application.

## 6. CONSULTATIONS

- 6.1 The **Roads Service** has considered the proposals in relation to road traffic safety and flood risk. In relation to access the Service has offered no objections. The Roads Service has considered the submitted information on flood risk and has confirmed no objection to subject to a number of planning conditions.

- 6.2 The **Environmental Health Service** has considered the proposals in relation to noise and air quality impacts. Potential impacts have been considered and addressed in the supporting information and the Service is satisfied that potential adverse impacts can be suitably mitigated by appropriate planning conditions and by the mitigation measures identified in the supporting information.

- 6.3 **SEPA** has considered the application and accompanying ES in relation to matters that fall within its remit, including flood risk and ground water impacts, and has offered no objection subject to a number of conditions.

- 6.4 **Aberdeenshire Council Archaeological Service** provides advice to Angus Council on archaeology as part of a Service Level Agreement. The Archaeological Service has been consulted and indicated that a condition requiring a programme of archaeological works should be attached to any permission.

- 6.5 **National Grid** has offered no objections subject to the applicant entering into a deed of consent with National Grid due to the application site crossing a high pressure gas pipeline.

- 6.6 **The Community Council** has been consulted on the proposal but has offered no comments.

## 7. REPRESENTATIONS

No representations have been received.

## 8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

- 8.2 In this case the development plan comprises:-

- TAYplan (Approved 2012)
- Angus Local Plan Review (Adopted 2009)

- 8.3 The following development plan policies are relevant to the determination of the application and are reproduced at Appendix 2: -

TAYplan: Policies 2, 3 and 6

- 8.4 Angus Council is progressing with preparation of a Local Development Plan to provide up to date Development Plan coverage for Angus. When adopted, the Angus Local Development Plan (ALDP) will replace the current adopted Angus Local Plan Review (ALPR). The Draft Proposed Angus Local Development Plan was considered by Angus Council at its meeting on 11 December with a view to it being approved and published as the Proposed ALDP for a statutory period for representations. The Draft Proposed ALDP sets out policies and proposals for the 2016-2026 period consistent with the strategic framework provided by the approved TAYplan SDP (June 2012) and Scottish Planning Policy (SPP) published in June 2014. The Proposed ALDP, as approved by Angus Council, will be subject to a 9 week period for representation commencing in February 2015. Any unresolved representations received during this statutory consultation period are likely to be considered at an Examination by an independent Reporter appointed by Scottish Ministers. The Council must accept the conclusions and recommendations of the Reporter before proceeding to adopt the plan. Only in exceptional circumstances can the Council choose not to do this. The Proposed ALDP represents Angus Council's settled view in relation to the appropriate use of land within the Council area. As such, it will be a material consideration in the determination of planning applications. The Proposed ALDP is, however, at a stage in the statutory process of preparation where it may be subject to further modification. Limited weight can therefore currently be attached to its contents. This may change following the period of representation when the level and significance of any objection to policies and proposals of the plan will be known.
- 8.5 NPF3 has identified 14 national developments that are needed to help deliver the Scottish Government's spatial strategy. Whilst national development status establishes the need for a project, it does not grant development consent. Planning permission and any other necessary assessments and consents will still be required at the consenting stage. One of these projects is the provision of an Enhanced High Voltage Energy Transmission Network to facilitate renewable electricity development and its export. The NPF3 indicates Government support for the provision of new infrastructure, whilst acknowledging that full consideration of routes and development components will be required at the consenting stage. As part of NPF3, the Government wants to see planning enabling development of onshore links to support offshore renewable energy development. A strategy for the marine grid, connecting with the onshore network, will help to provide greater clarity on the offshore projects required.
- 8.6 The publication of NPF3 confirms that the onshore grid connection works associated with the Seagreen Alpha and Seagreen Bravo offshore wind farms constitute national development. Accordingly, this application, which provides for a section of the onshore grid connection associated with the offshore wind farms, constitutes a national development. The need for the development is therefore established and the relevant considerations associated with the determination of this application relate to the acceptability of the proposal having regard to amenity impacts, including landscape and visual impact; impact on natural and built heritage; transport and access; socio-economic impacts, including impacts on other land uses; and flood risk.

#### Amenity Impacts

- 8.7 Development plan policy requires consideration of the impact of development on residential amenity and seeks to prevent unacceptable impacts that would adversely affect the occupants of residential property.
- 8.8 In this case the main amenity impacts associated with the development relate to noise, air quality, vibration and disturbance from traffic and construction activity. The proposal would give rise to some significant landscape and visual impacts during the construction phase as the earthworks and activity associated with this phase would be obvious. However, such impacts would be for a temporary period during the laying of the cables and the site would be restored to its previous condition post construction. Whilst there would be additional activity in the landscape, as noted that would be temporary during the construction phase and would occur predominantly on agricultural land where periods of intense activity associated with agricultural practices are not an uncommon feature.

- 8.9 In terms of noise, the potential impacts are associated with the construction of the cable route. There are a number of residential properties and other noise sensitive receptors that would be affected by the construction works associated with the development. The Environmental Health Service has reviewed the submitted supporting information and has indicated that appropriate planning conditions in line with those attached to ref: 13/00496/PPPM can be used to control predicted construction levels in line with guidance in BS5228. Conditions are proposed to safeguard amenity during the construction phase of the development and proposed working hours would also be controlled by condition.
- 8.10 Air quality impacts have been assessed in the supporting information and emissions from vehicles as well as emissions associated with construction and earthworks are considered. The Environmental Health Service has confirmed that impacts can be mitigated by appropriate planning conditions and a condition requiring a Construction Environment Management & Monitoring Plan (CEMP) is proposed. That condition requires amongst other things a dust and air quality management plan including detailed measures for the mitigation of dust arising from construction activities and a complaint investigation and resolution procedure. The CEMP would also require the submission of a vibration management plan and conditions set vibration limits at sensitive properties.
- 8.11 The proposal would result in additional vehicle movements across the public road network within proximity of the application site but the Roads Service has reviewed the proposals and confirmed that the development can be accommodated within the existing network. The Environmental Health Service has confirmed that offsite construction traffic noise has been assessed using an appropriate methodology and has offered no objection in this respect. Movement and activity associated with the development would have some impact on the amenity of the occupants of property in the vicinity of the development site during the construction phase. However, the appropriate control of the finalised cable route, the setting of noise and vibration limits, and the controls that would be provided by the CEMP should minimise impacts on amenity.
- 8.12 Overall whilst the proposal will give rise to some impacts on amenity during the construction phase, this section of realigned route would be a similar distance to nearby sensitive properties and would give rise to similar impacts that have previously been determined to be acceptable along the remainder of the previously approved route. I consider that, subject to the proposed conditions, those impacts can be mitigated to ensure that any impacts are not unacceptable.

#### Impact on Natural and Built Heritage

- 8.13 Policy 3: Managing TAYplans Assets provides policy guidance on understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding various assets, including habitats, forestry, landscapes, watercourses, species and wildlife corridors and to allow development where it does not adversely impact upon these assets. The Angus Local Plan Review contains a number of policies that seek to protect important species and sites designated for their natural heritage interest and to ensure that proposals that may affect them are properly assessed.
- 8.14 It is relevant to note that the site holds no statutory or non-statutory nature conservation designations. The Firth of Tay & Eden Estuary Special Protection Area (SPA), SAC and Ramsar Site is located 520 metres to the south of the application site. This area is a complex of estuarine and coastal habitats with the SAC designated for its marine habitats and mammals. The SPA supports populations of European important species and internationally important wintering migratory species. The supporting information does not identify potential for any significant impacts on this site. In respect of impacts on other ecological interests across the remainder of the application site an Extended Phase 1 Habitat Survey was conducted along with protected species surveys. These surveys indicate that the proposal could have impacts on habitat and species however the supporting information proposes specific mitigation measures as detailed in the Environmental Statement submitted in support of application ref: 13/00496/PPPM to ensure there are no significant impacts as a result of the development. On this basis I am satisfied that the development will not result in any significant adverse impact on ecology, natural heritage or biodiversity.

- 8.15 The proposal will give rise to some impacts on natural heritage interests. However, having regard to the information contained within the supporting information I consider that these impacts can be suitably mitigated subject to conditions as detailed below. In reaching this conclusion I have had regard to the public interest associated with the proposed development.
- 8.16 Development plan policy seeks to safeguard built heritage interests including listed buildings conservation areas and sites of archaeological interest. These matters are addressed in the submitted supporting information which considers potential impacts of the development on a range of built heritage interests.
- 8.17 There are no Scheduled Ancient Monuments or listed buildings within the application site and I am satisfied that the setting of no such interest would be significantly affected by the proposal. There are a number of sites of archaeological interest located within and in the proximity of the application site. The applicants supporting information indicates that through a programme of mitigation all potential impacts on sites of archaeological interest will be reduced to minor significance. The Council's Archaeological Advisor has reviewed the supporting information and has indicated no objection to the application subject to a programme of archaeological works in accordance with a written scheme of investigation and a condition to this effect is proposed. On this basis I am satisfied that the proposal will not give rise to any unacceptable impacts on built heritage interests.

#### Transport and access

- 8.18 No specific information has been submitted in relation to transport movements associated with this section of the grid connection route. However, the Environmental Statement (ES) submitted with the previous application for the original route indicated that the main impacts would arise from traffic during the construction phase of the proposals and include construction vehicle movements and vehicle movements associated with the importation of sand to bed the cables. The ES indicates that, for the overall project, it is expected that there would be 170 two-way vehicular movements daily (24hrs period) at the busiest times during the development, which includes 85HGV and 85 general traffic movements. This equates to approximately 7 vehicles per hour if spread evenly across a 24 hour period. The Roads Service confirmed that those vehicle movements could be accommodated on the existing road network. Similarly the Roads Service has raised no concern regarding vehicle movements associated with this proposal for the realignment of a section of the larger route.
- 8.19 As with the previously approved route, this proposal would require the cables to cross the public road that runs between the A930 and the A92 north of Woodhill Cottage. The Roads Service has offered no objection to the revised location for this proposed crossing and a condition is proposed that requires details of the road crossing.
- 8.20 On the basis of consultation responses I am satisfied that the proposal does not give rise to any unacceptable impacts in terms of road traffic safety subject to the proposed conditions.

#### Socio-economic Impacts, Including Impacts on Other Land Uses

- 8.21 The proposed development forms a small but integral part of the onshore infrastructure necessary to deliver the offshore wind turbine developments at Seagreen Alpha and Bravo. These would accommodate up to 75 wind turbines each and the applicant indicates that annual production would be sufficient to meet the electricity demand of 670,000 average homes. It is indicated that these would contribute towards the development of the renewable energy industry and that the cost of construction for the offshore element is likely to be in the region of £3.15 Billion with over £75 million per year operational expenditure over the 25 year life of the offshore developments, providing up to 200 jobs. This represents significant socio-economic benefits.
- 8.22 SPP recognises that prime quality agricultural land is a finite national resource and as such it confirms that development on prime agricultural land should not be permitted unless it is an essential component of the settlement strategy or is necessary to meet an established need, for example for major infrastructure development. It indicates that renewable energy generation development may be acceptable where restoration proposals will return the land to its former status. Development plan policy seeks to provide similar safeguards to agricultural resources.

- 8.23 The application site comprises prime quality agricultural land. However, the proposed realigned route would not require the use of any more prime quality land than the route previously approved by application reference 13/00496/PPPM. The applicant has indicated that there would not be any permanent loss of agricultural land as the land affected by the cable installation would be reinstated and returned to its previous use following installation of the cable. The supporting information indicates that a Soil Management Plan would be provided in order to ensure there is no loss of agricultural land or loss of productivity across the cable corridor. It is indicated that the Soil Management Plan would include provision for topsoil within the working corridor to be stripped and stored within the working corridor and pre and post soil condition surveys to be undertaken to identify appropriate forms of management, monitoring and reinstatement following recommended practices.
- 8.24 Overall the current proposal would give rise to similar socio-economic impacts as the previously approved cable route. Subject to the planning conditions detailed below I consider those impacts acceptable. The applicant has indicated that the alternative cable route is proposed in order to minimise the impacts on the farm operations at Balhungie Farm as the approved cable route at this location would have affected number of poly-tunnels. The revised route would avoid impact on the existing poly-tunnels and I attach some weight to the benefit of such realignment and note that no objection has been submitted by the landowner.

#### Flood Risk and associated impacts

- 8.25 The alternative cable route would require to cross the Buddon Burn. The submitted supporting information indicates the crossing would be achieved by Horizontal Directional Drilling which would avoid any in-channel works. SEPA and the Roads Service (in its capacity as Flood Prevention Authority) have reviewed the supporting information and have offered no objection to the application subject to appropriate mitigation as detailed in the supporting information and as required by proposed planning conditions. Advice provided by SEPA suggests that the proposal is unlikely to give rise to any other significant impacts on the water environment subject to appropriate conditions.
- 8.26 The applicant has indicated that should permission be granted for the alternative route subject of this application, it would be implemented alongside the extant permission for the larger route following approval of all matters specified in conditions. It is confirmed that only one of the approved routes would be utilised for installation of the cables at Balhungie. Whilst the proposed realigned route is acceptable, I do not consider that it would be desirable to have a situation whereby the work and environmental impacts associated with both routes could occur in the vicinity of Balhungie. A condition is proposed to ensure that only one of the approved routes is utilised.

#### Conclusion

- 8.27 Angus Council has granted planning permission for a cable route extending from the foreshore at Carnoustie to a proposed substation site at Tealing and that permission remains extant. In granting that permission it was accepted that the wider development proposal, including the offshore element, has potential to deliver significant economic and environmental benefits of national importance. This application seeks permission for a realignment of a small section of that overall route. Whilst the development would give rise to a number of environmental and amenity impacts, I do not consider that the impacts associated with the realigned route would be any greater than those associated with the approved route. Consultees have advised that potential adverse impacts can be mitigated and that amenity impacts can be controlled by condition and I accept that the proposed realigned cable route may reduce impacts on the farming operations at Balhungie Farm. I find that the proposal accords with the development plan subject to appropriate planning conditions and there are no material considerations that justify refusal of the application.
- 8.28 The applicant has requested that, if planning permission is granted, consideration be given to allowing a period in excess of the normal 3-year period. In that regard reference is made to the likely timescale for implementation of the project and also to Circular 3/2013 which amongst other things states that 'Authorities should be mindful that some major developments, particularly those

involving multiple interests, will benefit from longer timescales than the statutory 3 year period for applying for certain approvals.' Whilst I recognise the benefits associated with granting a planning permission with a longer timescale, the current proposal is inextricably linked with the planning permission for the larger grid connection route; the rerouted section is only necessary if the larger grid connection goes ahead. It is possible that further applications may be submitted for rerouting of other sections of the route. If different planning permissions for sections of the larger route were subject of different timescales it would make it difficult for the Council to review the appropriateness of the overall route in the future as the existence of an extant planning permission for one section would be a material consideration in the determination of an application to renew a planning permission for another section. I do not consider that such a situation would be conducive to the proper planning of the area. Accordingly, it is proposed to issue a direction limiting the timescale of this planning permission to the timescale associated with the planning permission for the larger grid connection route.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The decision to grant permission/consent, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this decision in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

### **EQUALITIES IMPLICATIONS**

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

## **10. CONCLUSION**

It is recommended that the application be approved for the following reason(s) and subject to the following condition(s).

### **Reason(s) for Approval:**

The proposal provides a small but integral element of a national development in a manner that is consistent with the development plan. There are no material considerations that justify refusal of the application.

### **Direction under Section 59(5):**

That notwithstanding the terms of Section 59(2)(a)(i) of the Town and Country Planning (Scotland) Act 1997 (as amended) application for approval of matters specified in condition 1 of this planning permission in principle shall be made on or before 4 December 2016.

### **Conditions:**

1. That, plans and particulars of the matters listed below, shall be submitted for consideration by the planning authority. No work shall begin until the written approval of the authority has been given for the matters listed below and the development shall be carried out in accordance with that approval. The matters are:
  - (i) Full details of the specific route, depth, ducting, jointing bays and number of cables to be installed within the cable route. This shall include confirmation of the transmission technology to be used unless otherwise agreed with the Planning Authority;
  - (ii) The siting, design and external appearance of any other permanent above ground

- features associated with the cable route;
- (iii) Details of all hard and soft landscaping works, planting and screening associated with the cable route;
- (iv) Full details of the location and construction compound associated with the cable route and the associated means of access together with a programme for its phasing, removal and restoration;
- (v) Full details of the road and waterway crossing associated with the cable route.

*Reason: To ensure that the matters referred to are given full consideration and are acceptable to the planning authority.*

2. That any application for approval of matters specified above in respect of the cable route shall be accompanied by:-

(i) A Construction Environmental Management & Monitoring Plan (CEMP) which shall be subject of consultation with SEPA and SNH. For the avoidance of doubt the CEMP shall include but not be limited to:-

- A dust and air quality management plan including detailed measures for the mitigation of dust arising from construction activities and a complaint investigation and resolution procedure;
- A construction noise and vibration management plan including the hours of operation for construction related activities, detailed measures for the mitigation of construction noise and vibration and a routine noise monitoring and complaint investigation and resolution procedure;
- A Site Waste Management Plan (SWMP) including details for the management of pollution prevention monitoring and mitigation measures for all construction activities;
- A Soil Management Plan including a map showing locations of stockpiles of excavated materials, details of use and/or disposal of unsuitable subsoil, details of the management and mitigation of soil resources in accordance with bio-security best practice;
- A scheme for the identification of drainage systems (including field drains, culverts, septic tanks and soakaways) and private water supplies, and measures for their protection during development and/or mitigation of impacts associated with the development;
- A scheme for the reinstatement following the completion of the construction of the cable route including the reinstatement of agricultural land, drainage systems and private water supplies and landscape resources.

Thereafter the development shall be undertaken in accordance with the details in the approved CEMP unless otherwise approved in writing by the Planning Authority.

(ii) A Construction Traffic Management and Routing Plan (CTMRP). For the avoidance of doubt the CTRMP shall include but not be limited to:-

- An Abnormal Loads Assessment including routing details for abnormal loads;
- The type and volume of vehicles to be utilised in the delivery of construction materials;
- Assessment of the suitability of the proposed construction vehicle routes, including assessment of bridge capacities, to accommodate the type and volume of traffic to be generated by the development. The assessment shall include details of swept path analyses and include before and after DVD video route condition surveys;
- Mitigating measures on public roads, including, carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street furniture;
- The restriction of delivery traffic to agreed routes;

- Measures to minimise traffic impacts on existing road users including timing of construction traffic to minimise impacts on local communities and a code of conduct for HGV drivers to allow for queuing traffic to pass;
- Liaison with the roads authority regarding winter maintenance;
- Contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;
- A dust and dirt management strategy, including sheeting and wheel cleaning, prior to departure from the site;
- The location, design, erection and maintenance of warning/information signs for the duration of the works, at site accesses and crossovers on private haul roads or tracks used by construction traffic and pedestrians, cyclists or equestrians;
- Contingencies for unobstructed access for emergency services;
- Traffic management in the vicinity of temporary construction compounds, including, the provision of temporary signage, maintenance of signage and removal of signage upon completion of the works;
- Arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and procedures for dealing with non-compliance with the approved plan.

Thereafter the development shall be undertaken in accordance with the details in the approved CTMRP unless otherwise approved in writing by the Planning Authority.

- (iii) Evidence to confirm that the scheme has been designed to comply with Electro Magnetic Field (EMF) emission limits set by the National Radiological Protection Board (NRPB) or such other limit as may at the time of application be set by Government.

*Reason: In order to ensure the provision of adequate information for the planning authority to consider the matters detailed in condition 1 above, in the interests of road safety, amenity, environmental quality, environmental protection, site restoration and drainage and in the interests of public health.*

3. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with the provisions of the Seagreen Phase 1 Onshore Transmission Works, Balhungle Export Cable Route, Planning and Environmental Report dated October 2014 and the Seagreen Phase 1 Onshore Transmission Works Environmental Statement dated May 2013. Specifically the development shall be undertaken in accordance with the mitigation measures identified in the Planning and Environmental Report and Environmental Statement and with the mitigation identified in Chapter 16 of the Environmental Statement.

*Reason: To ensure that the development is undertaken in a manner that mitigates impact on the environment.*

4. Prior to the commencement of the development hereby approved, an appropriately experienced and qualified Ecological Clerk of Works (ECoW) shall be appointed by the applicant/developer following consultation with the Planning Authority and SNH. An ECoW appointed in accordance with this condition shall be in post during the construction phase of the development, as agreed in writing with the Planning Authority. The ECoW's scope of work shall include monitoring compliance with the mitigation measures within the Environmental Statement and the conditions of this planning permission.

*Reason: To minimise environmental impacts during the construction phase of the development.*

5. Within 24 months of the permanent cessation of generation of electricity at the 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 have due regard to the Decommissioning Programme prepared in respect of the offshore wind farm and shall include details of:

- (i) The cable infrastructure to be removed and 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.

The development shall thereafter be decommissioned and the site restored in accordance with the approved Demolition and Restoration Scheme unless a further planning permission for retention of the development has been granted within the 24 month period identified above.

*Reason: To ensure that the land is restored to its previous condition in the event that the development is no longer required in interests of the environmental quality and amenity of the area.*

6. Unless agreed in writing in advance by the Planning Authority there shall be no piling or blasting carried out as part of the development.

*Reason: In order that any residential amenity impacts associated with piling and blasting can be considered and mitigated.*

7. Unless agreed in writing by the Planning Authority construction noise levels measured at the façade of existing nearby noise sensitive properties as detailed in the construction noise and vibration management plan required by condition 2 above shall not exceed the following limits:-

- (a) 70 dba Leq 12 hours between 0800hrs and 2000hrs
- (b) 45 dba Leq 12 hours between 2000hrs and 0800hrs

*Reason: In order to safeguard the amenity of occupants of noise sensitive property located close to the development.*

8. Unless agreed in writing by the Planning Authority vibration levels, associated with construction or maintenance activities, shall not exceed the following limits:-

- (a) At existing residential or educational properties  $1\text{mms}^{-1}$  PPV
- (b) At existing commercial or industrial properties  $3\text{mms}^{-1}$  PPV

The above vibration limits relate to maximum PPV ground borne vibration occurring in any one of three mutually perpendicular axes. Vibration is to be measured on the foundation or on an external façade no more than 1m above ground level or on solid ground as near the façade as possible.

*Reason: In order to safeguard the amenity of occupants of nearby properties which may be affected by vibration.*

9. No development shall take place until a written scheme of archaeological investigation (including a timetable) has been submitted to and approved in writing by the planning authority in consultation with Aberdeenshire Council Archaeology Service. Thereafter the development shall be undertaken in accordance with the approved scheme.

*Reason: In order to record items of archaeological interest and finds.*

10. That any storage of materials, plant or machinery within any functional flood plain identified on SEPA flood maps shall be undertaken only in accordance with details, including a flood mitigation scheme, that has been approved in writing by the Planning Authority in consultation with SEPA. There shall be no storage in association with this development within any functional flood plain other than in accordance with the aforementioned approved scheme. For the avoidance of doubt following the completion of works associated with the installation of the underground cabling within the functional floodplain the existing ground levels shall be restored.

*Reason: In order to reduce the potential of flooding within and outwith the application site.*

11. That prior to commencement of any works on the cable route a Habitat Management Plan (HMP) for the cable route shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH. Thereafter the development of the cable route shall be undertaken in accordance with the details in the approved HMP unless otherwise agreed in writing with the Planning Authority.

*Reason: In the interests of minimising adverse impacts on the biodiversity of the site and to enhance habitats.*

12. That no vehicular access or egress in association with this development shall be taken from a public road until that access/egress has been formed and constructed in accordance with the Design Manual for Roads and Bridges or Angus Council Roads Standards as appropriate and as approved in writing by the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt this will include: -

- (i) Provision of visibility splays at the junction of any works accesses with the respective public road in accordance with details approved in writing by the Planning Authority. Within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel for the duration of the works for any existing access or until that junction is closed/blocked for any new access;
- (ii) Provision of turning space within the respective works areas to allow vehicles to enter and leave in a forward gear in accordance with details approved in writing by the Planning Authority. Thereafter the approved turning space shall be maintained for the duration of use of the works area.
- (iii) Provision of access tracks leading from the public road to the construction areas that are formed and constructed in accordance with a specification that has been approved in writing by the Planning Authority. For the avoidance of doubt all accesses shall be designed so as to prevent the discharge of surface water onto the public road.

*Reason: In the interests of road safety and pedestrian safety.*

13. That no development shall take place until the applicant has agreed haul routes and provided written evidence of a maintenance agreement with the Roads Authority under Section 96 of the Roads (Scotland) Act 1984.

*Reason: To ensure the integrity of the public road network is protected.*

14. That no development shall take place until the applicant has provided confirmation, approved in writing by the planning authority, that the grid connection route approved by this permission shall be the only grid connection route formed or used between Balhugie Farm and any point to the east of the U510 (Woodhill Road) public road. Specifically, the applicant will provide written confirmation that no development associated with the formation of any other grid connection route shall take place between the aforementioned points.

*Reason: In order to avoid unnecessary environmental and/or amenity impacts associated with development that is not required to provide a grid connection.*

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

**REPORT AUTHOR: VIVIEN SMITH HEAD OF PLANNING AND PLACE**  
**E-Mail: [Planning@angus.gov.uk](mailto:Planning@angus.gov.uk)**

Date: 16 February 2015

**Appendix 1: Location plan showing existing and proposed routes**  
**Appendix 2: Relevant Development Plan Policies**



**DEVELOPMENT PLAN POLICIES AGAINST WHICH THE PROPOSAL HAS BEEN ASSESSED****TAYplan**Policy 2: Shaping Better Quality Places

Ensure that climate change resilience is built into the natural and built environments through:

- i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels; including the undeveloped coast. To ensure flood risk is not exacerbated, mitigation and management measures; such as those envisaged by Scottish Planning Policy, should be promoted;
- ii. reducing surface runoff including through use of sustainable drainage systems;
- iii. protecting and utilising the water and carbon storage capacity of soils, such as peatlands, and woodland/other vegetation; and,
- iv. Identifying, retaining and enhancing existing green infrastructure and spaces whilst making the best use of their multiple roles.

Integrate new development with existing community infrastructure and work with other delivery bodies to integrate, concentrate and co-locate additional new infrastructure to optimise its coverage and capability.

Ensure the integration of transport and land use to: reduce the need to travel and improve accessibility by foot, cycle and public transport; make the best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport development by transport assessments/appraisals and travel plans where appropriate, including necessary on and offsite infrastructure.

Ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan.

Ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low and zero carbon energy generating technologies to reduce carbon emissions and energy consumption to meet the Scottish Government's standards.

Ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets\*, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary.

Policy 3: Managing TAYplan's Assets

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:-

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in line with the water framework directive), carbon sinks, species and wildlife corridors, geo-diversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; and,
- identifying and safeguarding parts of the undeveloped coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development and set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate.

## Policy 6: Energy and Waste/Resource Management Infrastructure

Local Development Plans should identify areas that are suitable for different forms of renewable heat and electricity infrastructure and for waste/resource management infrastructure or criteria to support this; including, where appropriate, land for process industries (e.g. the co-location/proximity of surplus heat producers with heat users).

Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations:-

- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;
- Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
- Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;
- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;
- Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,
- Consistency with the National Planning Framework and its Action Programme.

## **Angus Local Plan Review**

### Policy S1: Development Boundaries

- (a) Within development boundaries proposals for new development on sites not allocated on Proposals Maps will generally be supported where they are in accordance with the relevant policies of the Local Plan.
- (b) Development proposals on sites outwith development boundaries (i.e. in the countryside) will generally be supported where they are of a scale and nature appropriate to the location and where they are in accordance with the relevant policies of the Local Plan.
- (c) Development proposals on sites contiguous with a development boundary will only be acceptable where there is a proven public interest and social, economic or environmental considerations confirm there is an overriding need for the development which cannot be met within the development boundary.

### Policy S4: Environmental Protection

Where development proposals raise issues under environmental protection regimes, developers will require to demonstrate that any environmental protection matter relating to the site or the development

has been fully evaluated. This will be considered alongside planning matters to ensure the proposal would not unacceptably affect the amenity of the neighbourhood.

#### Policy S5: Safeguard Areas

Planning permission for development within the consultation zones of notifiable installations, pipelines or hazards will only be granted where the proposal accords with the strategy and policies of this Local Plan and there is no objection by the Health & Safety Executive, Civil Aviation Authority or other relevant statutory agency.

#### Policy S6: Development Principles

Proposals for development should where appropriate have regard to the relevant principles set out in Schedule 1 which includes reference to amenity considerations; roads and parking; landscaping, open space and biodiversity; drainage and flood risk, and supporting information.

### **Schedule 1 : Development Principles**

#### **Amenity**

- (a) The amenity of proposed and existing properties should not be affected by unreasonable restriction of sunlight, daylight or privacy; by smells or fumes; noise levels and vibration; emissions including smoke, soot, ash, dust, grit, or any other environmental pollution; or disturbance by vehicular or pedestrian traffic.
- (b) Proposals should not result in unacceptable visual impact.
- (c) Proposals close to working farms should not interfere with farming operations, and will be expected to accept the nature of the existing local environment. New houses should not be sited within 400m of an existing or proposed intensive livestock building. (Policy ER31).

#### **Roads/Parking/Access**

- (d) Access arrangements, road layouts and parking should be in accordance with Angus Council's Roads Standards, and use innovative solutions where possible, including 'Home Zones'. Provision for cycle parking/storage for flatted development will also be required.
- (e) Access to housing in rural areas should not go through a farm court.
- (f) Where access is proposed by unmade/private track it will be required to be made-up to standards set out in Angus Council Advice Note 17 : Miscellaneous Planning Policies. If the track exceeds 200m in length, conditions may be imposed regarding widening or the provision of passing places where necessary.
- (g) Development should not result in the loss of public access rights. (Policy SC36)

#### **Landscaping / Open Space / Biodiversity**

- (h) Development proposals should have regard to the Landscape Character of the local area as set out in the Tayside Landscape Character Assessment (SNH 1998). (Policy ER5)
- (i) Appropriate landscaping and boundary treatment should be an integral element in the design and layout of proposals and should include the retention and enhancement of existing physical features (e.g. hedgerows, walls, trees etc) and link to the existing green space network of the local area.
- (j) Development should maintain or enhance habitats of importance set out in the Tayside Local Biodiversity Action Plan and should not involve loss of trees or other important landscape features or valuable habitats and species.
- (k) The planting of native hedgerows and tree species is encouraged.
- (l) Open space provision in developments and the maintenance of it should be in accordance with Policy SC33.

#### **Drainage and Flood Risk**

- (m) Development sites located within areas served by public sewerage systems should be connected to that system. (Policy ER22)
- (n) Surface water will not be permitted to drain to the public sewer. An appropriate system of disposal will be necessary which meets the requirements of the Scottish Environment Protection Agency (SEPA) and Angus Council and should have regard to good practice advice set out in the Sustainable Urban Drainage Systems Design Manual for Scotland and Northern Ireland 2000.
- (o) Proposals will be required to consider the potential flood risk at the location. (Policy ER28)

- (p) Outwith areas served by public sewerage systems, where a septic tank, bio-disc or similar system is proposed to treat foul effluent and /or drainage is to a controlled water or soakaway, the consent of SEPA and Angus Council will be required. (Policy ER23).
- (q) Proposals should incorporate appropriate waste recycling, segregation and collection facilities (Policy ER38)
- (r) Development should minimise waste by design and during construction.

#### **Supporting Information**

- (s) Where appropriate, planning applications should be accompanied by the necessary supporting information. Early discussion with Planning and Transport is advised to determine the level of supporting information which will be required and depending on the proposal this might include any of the following: Air Quality Assessment; Archaeological Assessment; Contaminated Land Assessment; Design Statement; Drainage Impact Assessment; Environmental Statement; Flood Risk Assessment; Landscape Assessment and/or Landscaping Scheme; Noise Impact Assessment; Retail Impact Assessment; Transport Assessment.

#### Policy ER4: Wider Natural Heritage and Biodiversity

The Council will not normally grant planning permission for development that would have a significant adverse impact on species or habitats protected under British or European Law, identified as a priority in UK or Local Biodiversity Action Plans or on other valuable habitats or species.

Development proposals that affect such species or habitats will be required to include evidence that an assessment of nature conservation interest has been taken into account. Where development is permitted, the retention and enhancement of natural heritage and biodiversity will be secured through appropriate planning conditions or the use of Section 75 Agreements as necessary.

#### Policy ER11: Noise Pollution

Development which adversely affects health, the natural or built environment or general amenity as a result of an unacceptable increase in noise levels will not be permitted unless there is an overriding need which cannot be accommodated elsewhere.

Proposals for development generating unacceptable noise levels will not generally be permitted adjacent to existing or proposed noise-sensitive land uses. Proposals for new noise-sensitive development which would be subject to unacceptable levels of noise from an existing noise source or from a proposed use will not be permitted.

#### Policy ER16: Development Affecting the Setting of a Listed Building

Development proposals will only be permitted where they do not adversely affect the setting of a listed building. New development should avoid building in front of important elevations, felling mature trees and breaching boundary walls.

#### Policy ER19: Archaeological Sites of Local Importance

Where development proposals affect unscheduled sites of known or suspected archaeological interest, Angus Council will require the prospective developer to arrange for an archaeological evaluation to determine the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording any archaeological information. The evaluation will be taken into account when determining whether planning permission should be granted with or without conditions or refused.

Where development is generally acceptable and preservation of archaeological features in situ is not feasible Angus Council will require through appropriate conditions attached to planning consents or through a Section 75 Agreement, that provision is made at the developer's expense for the excavation and recording of threatened features prior to development commencing.

#### Policy ER24: Surface Water Disposal

Sustainable Urban Drainage Systems are preferred in dealing with surface water drainage from all new development. In considering development proposals Angus Council will consult and liaise closely with SEPA, Scottish Water and developers in order to ensure that appropriate methods of surface water run-off collection, treatment, decontamination and disposal are implemented to minimise the risk of flooding and the pollution of water courses, lochs and ground water.

Proposals that adopt ecological solutions to surface water management which promote local biodiversity by the formation of ponds and/or wetlands for example, and create or improve habitats will also be encouraged.

#### Policy ER25: Water Resource Protection

Development proposals which adversely affect a water catchment area to the detriment of the potable quality of a public or private water supply will not be permitted.

#### Policy ER28: Flood Risk Assessment

Proposals for development on land at risk from flooding, including any functional flood plain, will only be permitted where the proposal is supported by a satisfactory flood risk assessment. This must demonstrate to the satisfaction of Angus Council that any risk from flooding can be mitigated in an environmentally sensitive way without increasing flood risk elsewhere. In addition, limitations will be placed on development according to the degree of risk from coastal, tidal and watercourse flooding.

The following standards of protection, taking account of climate change, will be applied:-

- In Little or No Risk Areas where the annual probability of flooding is less than 0.1% (1:1000 years) there will be no general constraint to development.
- Low to Medium Risk Areas where the annual probability of flooding is in the range 0.1% - 0.5% (1:1000 – 1:200 years) are suitable for most development. Subject to operational requirements these areas are generally not suitable for essential civil infrastructure. Where such infrastructure has to be located in these areas, it must be capable of remaining operational during extreme flood events.
- Medium to High Risk Areas (see 2 sub areas below) where the probability of flooding is greater than 0.5% (1:200 years) are generally not suitable for essential civil infrastructure, schools, ground based electrical and telecommunications equipment.
  - (a) Within areas already built up sites may be suitable for residential, institutional, commercial and industrial development where an appropriate standard of flood prevention measures exist, are under construction or are planned.
  - (b) Undeveloped or sparsely developed areas are generally not suitable for additional development.

#### Policy ER30: Agricultural Land

Proposals for development that would result in the permanent loss of prime quality agricultural land and/or have a detrimental effect on the viability of farming units will only normally be permitted where the land is allocated by this Local Plan or considered essential for implementation of the Local Plan strategy.

#### Policy ER34: Renewable Energy Developments

Proposals for all forms of renewable energy developments will be supported in principle and will be assessed against the following criteria:

- (a) the siting and appearance of apparatus have been chosen to minimise the impact on amenity, while respecting operational efficiency;
- (b) there will be no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints;
- (c) the development will have no unacceptable detrimental effect on any sites designated for natural heritage, scientific, historic or archaeological reasons;

- (d) no unacceptable environmental effects of transmission lines, within and beyond the site; and
- (e) access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable permanent change to the environment and landscape, and
- (f) that there will be no unacceptable impacts on the quantity or quality of groundwater or surface water resources during construction, operation and decommissioning of the energy plant.