

## **EAST AYRSHIRE COUNCIL**

### **SPECIAL COUNCIL - 16 JUNE 2011**

**09/0131/EB: PROPOSED PLACING OF A 400KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE EXISTING COYLTON SUBSTATION AND THE PROPOSED MEIKLEHILL SUBSTATION ON B741 NEW CUMNOCK TO DALMELLINGTON ROAD WITHIN EAST AYRSHIRE (PART A);**

**09/0132/EB: PROPOSED PLACING OF A 132KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED BLACK HILL SUBSTATION SOUTH OF NEW CUMNOCK WITHIN EAST AYRSHIRE AND DUMFRIES AND GALLOWAY (PART B);**

**09/0133/EB: PROPOSED PLACING OF A 132KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE PROPOSED BLACK HILL SUBSTATION AND THE PROPOSED GLENGLASS SUBSTATION SOUTH OF NEW CUMNOCK WITHIN EAST AYRSHIRE AND DUMFRIES AND GALLOWAY (PART C);**

**09/0134/EB: PROPOSED PLACING OF A 132KV SINGLE CIRCUIT TRANSMISSION LINE CARRIED BY WOODEN POLES BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED KYLE NORTH WIND FARM SUBSTATION IN THE KYLE FOREST WITHIN EAST AYRSHIRE (PART D1); AND**

**09/0135/EB: PROPOSED PLACING OF A 132KV SINGLE CIRCUIT TRANSMISSION LINE CARRIED BY WOODEN POLES BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED DERSALLOCH WIND FARM SUBSTATION TO THE NORTH OF DALMELLINGTON WITHIN EAST AYRSHIRE AND SOUTH AYRSHIRE (PART D2)**

#### **Report by Depute Chief Executive/ Executive Director of Neighbourhood Services**

### **1. PURPOSE OF REPORT**

1.1 The purpose of this report is to update Council in respect of 5 notifications 09/0131/EB, 09/0132/EB, 09/0133/EB, 09/0134/EB, and 09/0135/EB received in terms of Section 37 of the Electricity Act 1989 and to thereafter invite Council to review its previous decision to object to these applications.

### **2. BACKGROUND INFORMATION**

2.1 The Council, at its meeting on 4 November 2010 considered the report dated 18 October 2010 by the Executive Director of Finance and Corporate Support (the Report together with its Appendix are attached as Appendices I and II respectively) in relation to Planning Application 09/0130/FL.

2.2 Having heard the Principal Planning Officer's presentation of the report, discussion then took place regarding the impact on the local communities and the road network during the construction period for the project as the development would generate a significant number of traffic movements along the routes being used for the removal of felled timber from the development area and the delivery onto the construction site of materials and project components. Concerns were raised regarding public safety due to the large increase in traffic movement during the construction phase.

2.3 Further concern was expressed regarding whether the local Community Councils and the communities in general were fully aware of the impact the development would have within their local communities during the construction phase.

2.4 A further suggestion was made that other methods of timber transport should be investigated, perhaps through the rail network, which could ease the traffic impact on the roads.

2.5 Members required confirmation of whether this application could be continued and that Scottish Ministers be asked to hold a Public Inquiry into the matter.

2.6 Following an adjournment, the Head of Legal, Procurement and Regulatory Services referred to an enlarged plan circulated to Members on the proposed windfarm sub-station location and surrounding area and then explained the detail of the planning application before Council for determination which formed a wider project which collectively was a national development identified in the National Planning Framework for Scotland; explained that the vehicle movements over the construction phase related to the wider project and not purely the application before the Council meeting for determination and provided advice on the options for consideration of the matter which would perhaps allay Members' concerns.

2.7 Following further discussion on the application, Council agreed to continue consideration of the matter and meantime to:

- (i) write to the Scottish Ministers to request that a Public Local Inquiry be held into the overall project in order that full public consultation could be carried out on the overall project due to the very significant concerns which the Council had in respect of the possible effect of the heavy volume of construction and timber traffic involved in the project on the surrounding public road network; that the Council had continued the application meantime; and to also indicate that whilst the Council Members were not opposed in principle to the application they were hopeful that their very significant concerns regarding traffic impact could be considered and mitigated against; and
- (ii) request officers to carry out an investigation into the use of alternative methods for transportation.

2.8 Consequently direct contact was made with the Energy Consents Unit, part of the Scottish Governments Energy Division. They advised that they would be unable to confirm whether or not a Public Local Inquiry would be convened until they had sight of the 5 Electricity Act applications and relevant responses, including those of the Council.

2.9 The possibility of using alternative methods of transportation of felled timber and construction components and materials was also explored by the Applicant, particularly by utilising existing railheads and overland haul routes related to opencast mining activities in the locality of the proposed development sites. It was noted that these facilities were generally in private ownership and not within the control of the Applicant. Whilst not entirely ruled out, the use of such facilities could be problematic for the operators of these facilities if where such additional use would be detrimental to, or be in conflict with, their own business operations.

2.10 A further report, dated 9 December 2010 by the Depute Chief Executive/Executive Director of Neighbourhood Services, updating the Council on these matters was considered by Council on 16 December 2011 (the Report attached as Appendix III). In accordance with Standing Order 40, Council then agreed to reconsider the decision taken by the Southern Local Planning Committee on 15 October 2010. Having considered the terms of the report and on a division by a show of hands by 14 votes to 12, the Council agreed:

- (i) to formally object to the five Electricity Act applications on the grounds that Members were not satisfied that there would be sufficient mitigation measures and/or alternative methods of transport available to the applicant to adequately address the significant adverse impact the high level of traffic movements arising from the proposed development, particularly during the 34 month construction phase, would have upon the existing roads infrastructure and the communities and settlements situated within the affected area; and
- (ii) to refuse planning application 09/0130/FL for the same reason as set out at (i) above.

### **3. UPDATED POSITION**

3.1 Following the decisions made by the Council the applicant, Scottish Power Transmission Limited (SPT) corresponded with the Chief Executive and the Leader of the Council expressing its significant concerns regarding the objections to the 5 Electricity Act applications and the refusal of the aforementioned planning application, given the importance of the South West Scotland Renewables Connection Project to renewables targets and its inclusion within the National Planning Framework 2 document.

3.2 The correspondence intimated an offer on the part of SPT to meet with the Chief Executive and the Leader of the Council and other Members to discuss overcoming the concerns raised by Council. The correspondence explored the scope for convening a formal hearing at which representatives from SPT and its transportation consultants would make a presentation regarding the traffic impacts and how they were to be managed and safeguards put in place to mitigate traffic impacts.

3.3 In response to this correspondence a meeting took place on 07 April 2011 between SPT representatives and senior officers of the Council to discuss the offer of a presentation to members of the Council. This meeting was chaired by the Chief Executive and a representative of the Scottish Government Energy Consents and Deployment Directorate was also in attendance. The outcome of this meeting was that the offer made would be put to the Group Leaders in the Council for consideration.

3.4 A subsequent meeting between the Chief Executive and senior officers with the 3 Group Leaders took place on 21 April 2011. At that meeting, the Group Leaders agreed, without committing to any particular outcome on the above applications, to accede to the request for the presentation. The Group Leaders were also advised that following the presentation, a further update report would be presented to the Council for consideration.

### **4. SPT PRESENTATION: SWS RENEWABLES CONNECTION PROJECT**

4.1 The presentation by SPT took place on 03 June 2011; however on the day prior to that, a site inspection was undertaken at the request of members at which time members had the opportunity of viewing parts of the development site and, in particular, the traffic routes that would be used during the construction period of the project and how these routes related to local communities (the presentation and the accompanying Information Pack are attached as Appendices IV and V). The presentation set out the potential for:

- a reduction in HGV movements through the opportunity to use local sources of stone from local quarries, from Forestry Commission interests and from opencast mines;
- the reduction in traffic movements by personnel by shared travel arrangements; and
- the redistribution of HGV movements through the use of existing overland haul routes.

4.2 The presentation further clarifies the proposed management measures in order to address the effects of HGV traffic engaged in the felling and construction phases of the SWS Project. These measures would be secured through the preparation and implementation of a Traffic Management Plan (TMP) which would be developed in liaison with a number of stakeholders including East Ayrshire Council and would be the subject of approval by the Council.

4.3 The presentation and Information Pack also promoted a set of proposed transportation and roads conditions which would sit beside the proposed Traffic Management Plan and in this regard, each of the proposed conditions requires the approval of East Ayrshire Council.

4.4 In summary, the presentation and Information Pack presents what SPT considers to be a more realistic appraisal of traffic impacts associated with the SWS Project rather than the “worst case scenario” considered by Council at its meetings on 04 November and 16 December, 2010.

4.5 Since the presentation, SPT has, in a letter dated 09 June 2011, set out its response to a number of issues raised in relation to the SWS Project (attached as Appendix VI). This provides definition and clarity in relation to a number of matters. In summary, the letter promotes:

- enhanced conditions that offers the Council control over the acceptability or otherwise of the TMP, road infrastructure improvements and road repairs both during and after construction of the SWS Project;
- additional conditions that would see the establishment of a Transportation Mitigation Forum (TMF) and a Community Liaison Scheme; and
- a condition to secure the agreement of SPT to make an annual financial contribution to East Ayrshire Council in order to fund part of the costs of a Compliance Officer in order to monitor the implementation of the SWS Project.

4.6 The proposed conditions are intended to give the Council confidence that there are sufficient mitigation measures available to address the traffic movements and that the Council will play a full part in the development and approval of them. In respect of the offer to part fund the Compliance Officer post, this offer is made by SPT in recognition that enforcement of any breaches of the TMP was a matter of some importance to elected members and that as the Council would be responsible for the detection and pursuit of any breach of the condition, this would have resource implications given the scale of the SWS Project.

4.7 The response referred to in paragraph 4.5 above, dated 09 June 2011, also makes reference to planning application 09/0130/FL. However, for the avoidance of doubt, this planning application was determined and refused on 16 December 2010 and is not before Council for a review of that previous decision.

## **5. FINANCIAL AND LEGAL IMPLICATIONS**

5.1 In relation to the 5 Electricity Act applications, financial and legal implications may arise in the event that the notifications continue to be opposed because they may, in the event that the Scottish Ministers are not satisfied that the applications can be approved subject to such modifications or conditions which give effect to the Council's objections, trigger a Public Local Inquiry in terms of Section 62 and Schedule 8 of the Electricity Act 1989. Furthermore, in the event that a Public Local Inquiry is triggered and the Council is considered to have acted unreasonably in objecting to the notifications, an award of expenses could be sought by the Applicant.

## **6. CONCLUSION**

6.1 The proposals by SPT for a TMP and a suite of roads and transportation conditions that would all require to be the subject of approval by East Ayrshire Council is considered to present a significant way forward in addressing and mitigating the traffic impacts, particularly on local communities, of this nationally important major infrastructure project. While the more realistic traffic impact scenario is in some respects dependent on the outcome of further discussion and negotiation with third parties, particularly in relation to overland haul routes and the use of local sources of stone, SPT is committed to taking these matters forward and working with the Council to reduce and manage traffic impacts. This is clearly set out in the SPT letter of 09 June 2011.

6.2 It is considered that the proposals contained in Appendices IV, V and VI do not represent any significant or material change to the proposed development that would impact on the ability of the Council to give further consideration to the 5 Electricity Act applications in terms of statutory planning and Environmental Impact Assessment processes.

6.3 The reports to Council on 04 November and 16 December, 2010 contained the recommendation by the Head of Planning and Economic Development, in consultation with the Head of Roads and Transportation, of not objecting to the 5 Electricity Act applications subject to conditions. This recommendation, insofar as traffic impacts are concerned, took into account the "worst case scenario". Given the more realistic scenario presented by SPT, and the enhanced and additional conditions proposed (subject to further minor amendments), this recommendation remains valid.

## **7. RECOMMENDATIONS**

**7.1 It is recommended that in light of the further information contained within Appendices IV, V and VI of this report the Council review its previous decision, of 16 December 2010, to formally object to:**

- (i) the 5 Electricity Act applications 09/0131/EB, 09/0132/EB, 09/0133/EB, 09/0134/EB, and 09/0135/EB; and**
- (ii) otherwise to note the contents of this report.**

**Elizabeth Morton**  
**Depute Chief Executive/Executive Director of Neighbourhood Services**

**09 June 2011**  
**HM/HM**

**LIST OF BACKGROUND PAPERS**

Nil

Any person wishing further information on this report should telephone Hugh Melvin, Acting Development Management Manager on telephone number 01563 576753 or e-mail [hugh.melvin@east-ayrshire.gov.uk](mailto:hugh.melvin@east-ayrshire.gov.uk)

**Implementation Officer: Hugh Melvin, Acting Development Management Manager**

**EAST AYRSHIRE COUNCIL**

**COUNCIL MEETING - 4 NOVEMBER 2010**

**RECOMMENDATION OF SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE  
HELD ON 15 OCTOBER 2010 RELATING TO PLANNING APPLICATION NO  
09/0130/FL: PROPOSED INSTALLATION OF 33 KV UNDERGROUND  
CONNECTION FROM PROPOSED 132 KV SUBSTATION AT BLACK HILL TO  
PROPOSED WINDFARM SUBSTATION (PENCLOE), SOUTH OF NEW  
CUMNOCK (PART D4) PART OF THE SOUTHWEST SCOTLAND RENEWABLES  
PROJECT BY SCOTTISH POWER (SCOTTISH POWER TRANSMISSION LTD)**

**Report by the Executive Director of Finance and Corporate Support**

**1. PURPOSE OF REPORT**

- 1.1** The purpose of this report is to inform Council of the recommendation of the Special Southern Local Planning Committee held on 15 October 2010 regarding the above planning application 09/0130/FL and for Council to determine the application for planning permission in terms of the Scheme of Delegation on the grounds that the application under consideration represents part of a national development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.
- 1.2** It should be noted that in presenting planning application 09/0130/FL to the Special Southern Local Planning Committee meeting, the Committee also considered five notifications made under the Electricity Act, 1989 as follows: 09/0131/EB; 09/0132/EB; 09/0133/EB; 09/0134/EB; and 09/0135/EB, as those proposals also related to this national development and raised significant issues. These notifications were therefore referred to the Special Southern Local Planning Committee meeting on 15 October 2010 to allow the Committee to take a view on the proposals which will subsequently be put before Scottish Ministers as the decision making body on Section 37 applications. As a consequence, those notifications do not require to be considered by Council.

**2. BACKGROUND**

- 2.1** East Ayrshire Council at its meeting held on 25 June 2009, agreed amendments to the Scheme of Delegation and Administration to meet the requirements associated with the Government's proposals to modernise the planning system in Scotland.
- 2.2** Key changes, effective from 3 August 2009, included:-
- Local Planning Committees would determine all applications for major developments with the exception of (i) national developments as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; and (ii) major developments that are

considered significantly contrary to the Local Development Plan. However, where required to do so, Local Planning Committees will hold Hearings on these applications and make recommendations to the Council, but only the Council can make the decisions.

**3. APPLICATION NO 09/0130/FL: PROPOSED INSTALLATION OF 33 KV UNDERGROUND CONNECTION FROM PROPOSED 132 KV SUBSTATION AT BLACKHILL TO PROPOSED WINDFARM SUBSTATION (PENCLOE), SOUTH OF NEW CUMNOCK (PART D4) PART OF THE SOUTH WEST SCOTLAND RENEWABLES PROJECT BY SCOTTISH POWER (SP TRANSMISSION LTD)**

**3.1** Planning application No 09/0130/FL is for planning permission for the proposed installation of a 33 KV underground connection from a proposed new 132 kV substation at Blackhill to a proposed new windfarm substation (Pencloe), south of New Cumnock (Part D4). It is deemed that under the Scheme of Delegation, the proposed development represents part of a national designated development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and as such it is for the Council to determine.

**3.2 Pre-Determination Hearing**

**3.2.1** A special meeting of the Southern Local Planning Committee was arranged to hold a Pre-Determination Hearing on 15 October 2010 to consider the report dated 27 September 2010 by the Head of Planning and Economic Development (the report is attached as Appendix I). However, the meeting was advised that no Pre-Determination Hearing would take place since the applicant's representative, although present, did not wish to address the Committee, and neither the consultees or objectors were present or represented.

**3.2.2** The Committee were then further advised it would be for them to proceed to determine the matters before them on this basis, having heard from the Principal Planning Officer in explanation of the report submitted by the Head of Planning and Economic Development.

**3.2.3** Members of the Southern Local Planning Committee were advised:

- (i) that the Council had been copied into one letter of objection sent to the Scottish Government, Energy Directorate (Renewable Energy Division) which related solely to formal notification 09/0133/EB relating to the proposed placing of a 132 KV double circuit transmission line carried by lattice steel towers between the proposed Black Hill substation and the proposed Glenglass Substation south of New Cumnock within East Ayrshire and Dumfries and Galloway; and
- (ii) of the recommendation of the Head of Planning and Economic Development as follows:- (i) that the Local Planning Committee approves the recommendation of the Head of Planning and Economic

Development that planning application 09/0130/FL should be approved subject to the conditions indicated in the attached report at Appendix I; (ii) that the recommendation of the Local Planning Committee should be notified to the Council for consideration in their determination of planning application 09/0130/FL.

### **3.3 Recommendation by Special Southern Local Planning Committee**

**3.3.1** Having been advised that no Pre-Determination Hearing would take place since the applicant's representative, although present, did not wish to address the Committee, and neither the consultees or objectors were present or represented, and all that would be required would be for the Committee to proceed to determine the matters before them, having heard from the Principal Planning Officer in explanation of the report submitted by the Head of Planning and Economic Development (attached as Appendix I), the Local Planning Committee were concerned about the large number of heavy vehicles movements which would be experienced by certain local communities during the construction phase and the classification of some of the routes which would be utilised and agreed:

- (i) to endorse the view of the Head of Planning and Economic Development with regard to planning application 09/0130/FL by referring the application to Council for determination with a recommendation for approval, subject (a) to the conditions, and for the reasons, detailed in the report; and (b) to approval by Council that a written application to discharge proposed planning condition 23 requiring the preparation and approval of a Traffic Management Plan/Transportation Protocol prior to the commencement of construction works and allied activities be remitted direct to that committee for determination given the large number of heavy vehicle movements which would be experienced by certain local communities during the construction phase and the classification of some of the routes which would be utilised; and
- (ii) that this recommendation of the Local Planning Committee be notified to the Council for its consideration in the determination of the application.

**4. FINANCIAL/POLICY/COMMUNITY PLANNING IMPLICATIONS - Nil.**

### **5. LEGAL IMPLICATIONS**

**5.1** Prior to the Council determining the application, a Pre-Determination Hearing in respect of planning application 09/0130/FL required to be heard by a Committee of the Authority, in this case the special meeting of the Southern Local Planning Committee. However, on this occasion no Pre-Determination Hearing took place since the applicant's representative, although present, did not wish to address the Committee and neither the consultees or objectors were present or represented.

**5.2** As a consequence, planning application 09/0130/FL now requires to be determined by Council in terms of Section 56 of the Local Government (Scotland) Act 1973, as amended, and in terms of the Council's Scheme of Delegation, given that it represents part of a national development.

## **6. RECOMMENDATIONS**

**6.1** It is recommended:-

(i) that Council determines planning application 09/0130/FL, giving consideration not only to the terms of the report by the Head of Planning and Economic Development referred to in Appendix 1; but also the recommendation by the Special Southern Local Planning Committee as detailed in paragraph 3.3.1 above; and

(ii) to otherwise note the contents of the report.

Alex McPhee  
Executive Director of Finance and Corporate Support

18 October 2010

JM/FM

### **LIST OF BACKGROUND PAPERS - NIL**

Any person wishing further information on this report should contact Jennifer Morrison, Administrative Officer, on Tel No (01563) 576139.

**Implementation Officer: Jennifer Morrison, Administrative Officer.**

EAST AYRSHIRE COUNCIL

SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE: 15 OCTOBER 2010

09/0130/FL: PROPOSED INSTALLATION OF 33KV UNDERGROUND CONNECTION FROM PROPOSED 132 KV SUBSTATION AT BLACK HILL TO PROPOSED WINDFARM SUBSTATION (PENCLOE), SOUTH OF NEW CUMNOCK (PART D4)

09/0131/EB: PROPOSED PLACING OF A 400KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE EXISTING COYLTON SUBSTATION AND THE PROPOSED MEIKLEHILL SUBSTATION ON B741 NEW CUMNOCK TO DALMELLINGTON ROAD WITHIN IN EAST AYRSHIRE (PART A)

09/0132/EB: PROPOSED PLACING OF A 132KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED BLACK HILL SUBSTATION SOUTH OF NEW CUMNOCK WITHIN EAST AYRSHIRE AND DUMFRIES AND GALLOWAY (PART B)

09/0133/EB: PROPOSED PLACING OF A 132KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE PROPOSED BLACK HILL SUBSTATION AND THE PROPOSED GLENGLOSS SUBSTATION SOUTH OF NEW CUMNOCK WITHIN EAST AYRSHIRE AND DUMFRIES AND GALLOWAY (PART C)

09/0134/EB: PROPOSED PLACING OF A 132KV SINGLE CIRCUIT TRANSMISSION LINE CARRIED BY WOODEN POLES BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED KYLE NORTH WIND FARM SUBSTATION IN THE KYLE FOREST WITHIN EAST AYRSHIRE (PART D1)

09/0135/EB: PROPOSED PLACING OF A 132KV SINGLE CIRCUIT TRANSMISSION LINE CARRIED BY WOODEN POLES BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED DERSALLOCH WIND FARM SUBSTATION TO THE NORTH OD DALMELLINGTON WITHIN EAST AYRSHIRE AND SOUTH AYRSHIRE (PART D2)

**“THE SOUTH WEST SCOTLAND RENEWABLES PROJECT”**

**DEVELOPMENT BY SCOTTISH POWER (SP TRANSMISSION LTD)**

**Report by Head of Planning and Economic Development**

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is to present for consideration five notifications made under Section 37 of Electricity Act 1989 and one application for planning permission which are to be considered firstly by the Local Planning Committee. Under the scheme of delegation the planning application represents part of a National Development in terms of

the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 and therefore determination of the application rests with the Council. The Local Planning Committee is required to consider all representations made on the application for planning permission as part of a pre-determination hearing procedure, if required, prior to making a formal recommendation on the application to a subsequent meeting of the Council. In relation to the five notifications, as the proposals also relate to this National Development and raise significant issues, these are referred to the Local Planning Committee to allow a view to be taken on the proposals that will subsequently be put before the Scottish Ministers as the decision making body on Section 37 Applications.

## **2. BACKGROUND INFORMATION**

2.1 The project under consideration is a national development identified in the National Planning Framework for Scotland 2 document (NPF2), published by the Scottish Government in July 2009. NPF2 articulates the spatial consequences of policies for economic development, climate change, transport, energy, housing and regeneration, waste management, water and drainage, catchment management and the protection of the environment. It identifies key strategic infrastructure projects as national developments and reflects the ambitious emissions targets which will see Scotland move to a low carbon economy. Planning authorities are required to take this framework into account when preparing development plans and it is a material consideration in determining planning applications.

2.2 Under the category of Electricity Grid Reinforcements, a new 275 kV South-West Scotland transmission line and associated infrastructure has been designated as a national development. The proposed development under consideration, which the developer has termed the South-West Scotland Renewables Project (SWS Project) seeks to fulfil this strategic infrastructure requirement and is presented as seven separate components to the overall project. Five of these components are promoted under Section 37 of the Electricity Act 1989, and all five are either wholly within or partly within East Ayrshire. Two of the key components are the subject of formal applications for planning permission under the Town and Country Planning (Scotland) Act 1997, primarily as these relate to proposals for underground electricity transmission lines. One of these applications relates to land wholly within East Ayrshire, the second application site being located entirely within Dumfries and Galloway and is a matter for that authority to determine.

2.3 The Scottish Ministers are responsible, under Section 37 of the Electricity Act 1989, for the authorisation of any new overhead electric line with a nominal voltage exceeding 20 kilovolts (kV). In this case the developer has served notice on the Council that consent will be sought for those five components requiring the consent of the Scottish Ministers. In procedural terms the Council, as Planning Authority, requires to respond to the formal notices and can either:

- (i) approve the development as described; or
- (ii) approve the development subject to modifications and/or the imposition of appropriate conditions which are acceptable to the applicant; or
- (iii) formally object to the application, stating the grounds on which objection is made.

2.4 Should the Scottish Ministers be disposed to grant Section 37 consents for the SWS Renewables Project, the applicant has also applied for a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission for the Section 37 developments and their associated works be deemed to be granted. Separate applications for planning permission would not therefore be required for the proposed development. In the event that the Council objects to the Section 37 proposals in whole or in part, the Scottish Ministers would cause a Public Local Inquiry to be held.

2.5 The SWS Project comprises a number of new overhead transmission lines and underground cables, together associated new substation works. This is required to connect 7 proposed wind farms to the electricity grid network. The proposed wind farms are:

(i) **Kyle** (East Ayrshire, part Dumfries and Galloway): It should be noted that although the Section 36 Application under the Electricity Acts for the Kyle wind farm development has been refused by Scottish Ministers (October 2008), it is the view of that developer that there remains the potential for a wind farm in the Kyle Forest area, although it is appreciated that any development, depending on its size, would require the approval of either the Scottish Ministers or East Ayrshire Council following the submission of a new application. The applicant, in the absence of any instruction from that developer to terminate the connection agreement, has retained the Kyle connection as part of the SWS Project.

(ii) **Afton** (East Ayrshire): This is a Section 36 Application under the Electricity Acts to the Scottish Ministers. No decision has yet been issued by the Scottish Ministers on this application primarily due to outstanding aviation issues, although it is understood that progress is being made in this regard. East Ayrshire Council, as a consultee on this application, agreed not to object to the Afton development subject to suggested planning conditions and legal obligations.

(iii) **Pencloe** (East Ayrshire): This proposed wind farm development has only reached the EIA Scoping Stage. Depending on the scale and generating capacity of the proposed development, this will either be a Section 36 Application under the Electricity Acts to the Scottish Ministers or a planning application to East Ayrshire Council.

(iv) **Dersalloch** (South Ayrshire): This is a Section 36 Application under the Electricity Acts to the Scottish Ministers. No decision has yet been issued by the Scottish Ministers on this application primarily due to outstanding aviation issues, although it is understood that progress is being made in this regard. South Ayrshire Council, as a consultee on this application, has agreed not to object to the Dersalloch development subject to suggested planning conditions and legal obligations.

(v) **Brockloch Rig** (Dumfries and Galloway): This is the proposed extension to Windy Standard wind farm and was a Section 36 Application under the Electricity Acts to the Scottish Ministers and was approved in March 2007.

(vi) **Whiteside Hill** (Dumfries and Galloway): This development was the subject of a planning application and was approved by Dumfries and Galloway Council in 2007.

(vii) **Ulzieside** (Dumfries and Galloway): This development is the subject of a formal planning application to Dumfries and Galloway Council, yet to be determined.

2.6 The applicant has advised that each wind farm developer has a contract for connection and use of the electricity transmission system and must therefore progress on the current contracted positions. On that basis the applicant has assumed, for the purposes of the SWS Project, that all these wind farms will proceed and therefore require the associated connections to the electricity network.

### **3. DEVELOPMENT DETAILS**

3.1 As indicated above, there are six component parts of the project which are located entirely or partly within East Ayrshire and can be described as follows:

#### **Part A: Coylton Substation Extension and 400 kV Overhead line and Meikle Hill Substation) – Section 37 Application.**

3.2 This part of the project comprises an extension to the existing electrical Coylton substation located off the south side of the A70 Cumnock – Ayr road, approximately 1.5 km east of Coalhall. The existing substation, covering approximately 2 hectare, will be extended by 0.5 hectare to accommodate the operational equipment required to facilitate the connection of a new 400kv overhead line. An existing steel terminal tower of the Scotland – Northern Ireland interconnector will require to be moved approximately 50 metres to accommodate the installation of the new overhead line.

3.3 The new overhead line, although designed and built to accommodate a future operating voltage of 400kv, it will operate initially at a voltage of 275 kV. The overhead line will be supported on 46 steel lattice towers and whilst these towers have a standard height of 46 metres, a number of towers have been extended or reduced in height as required, mainly due to meet statutory ground clearance requirements or to address topographical factors. The highest tower on this route will be 57 metres in height and will be the second tower out from the Coylton substation, again this height being necessary due to statutory ground safety clearances.

3.4 The new overhead line will carry two twin 3-phase circuits, one each side of the tower giving rise to the requirement for the tower to support six twin conductors and an earth wire designed to provide lightning protection. The basic design span between towers is approximately 360 metres but this will vary between 213 metres to 386 metres to accommodate environmental constraints, topographical variations and ground clearance requirements.

3.5 The new overhead line will leave the Coylton substation and travel in a generally southerly direction for a distance of approximately 14.3 km where it will connect to a new substation at Meikle Hill. This will be located within the Kyle Forest off the south side of the B741 New Cumnock – Dalmellington road some 3 km north-east of Dalmellington. The substation will have a footprint of approximately 200 metres by 200 metres, and will contain a custom built single storey control building approximately 9 metres in height. The compound will be surrounded by a 2.7 metres high standard steel palisade security fencing with permanent screening landscaping works provided outside the fence.

3.6 This proposed new 400kV substation at Meikle Hill will act as a node point to collect electricity from proposed wind farms and then transform it into a suitable voltage to transmit along the new overhead line and into the existing electricity network at Coylton.

**Part B: Black Hill Substation and 132 kV Overhead Line to Meikle Hill Substation – Section 37 Application.**

3.7 A new 132 kV substation is proposed near Black Hill within the Carsphairn Forest, within East Ayrshire, approximately 8.6 km south of New Cumnock. This substation will collect the electricity to be generated from the proposed Pencloe and Afton wind farms and from the proposed Glenglass collector substation (within Dumfries and Galloway), and to transmit this electricity along a new 132 kV line to the new 400kV Meikle Hill substation.

3.8 The Black Hill substation compound will have an approximate footprint of 155 metres by 30 metres and will contain a custom built steel clad two storey gas insulated substation control building approximately 11 metres in height. The compound will contain three grid transformers and three small earthing transformers. This substation will also be surrounded by a 2.7 metres high standard palisade fence.

3.9 The new 132 kV overhead line linking the Black Hill and Meikle Hill substations will be supported on 65 steel lattice towers and whilst these towers have a standard height of 27 metres, a number of towers have been extended or reduced in height as required, mainly due to meet statutory ground clearance requirements or to address topographical factors. Consequently the towers will range from 23 metres to 33 metres in height. The basic design span between towers is approximately 250 metres but this will vary between 146 metres to 304 metres to accommodate environmental constraints, topographical variations and ground clearance requirements.

3.10 The new overhead line will carry two twin 3-phase circuits, one each side of the tower giving rise to the requirement for the tower to support six twin conductors and an earth wire designed to provide lightning protection. The overhead line will travel in a general westerly direction for approximately 14.8 km to the proposed Meikle Hill substation. This route lies in close proximity to the administrative boundary between East Ayrshire and Dumfries and Galloway and traverses this boundary at various points along the proposed route. As a result of this some 55% of the line lies in East Ayrshire and 45% lies in Dumfries and Galloway. It should be noted that Dumfries and Galloway Council has already agreed not to object to the proposal subject to conditions.

**Part C: Glenglass Substation and 132 kV Overhead Line to Black Hill Substation – Section 37 Application.**

3.11 A new 132 kV substation is proposed near Glenglass in Dumfries and Galloway which is designed to collect the electricity generated by the Whiteside Hill and Ulzieside wind farms, both located in Dumfries and Galloway. This part of the proposal is clearly a matter for Dumfries and Galloway Council to consider. However, a new 132 kV overhead line will require to be installed to connect the Glenglass substation with the proposed Black Hill substation located in East Ayrshire.

3.12 The new 132 kV overhead line linking the Black Hill and Glenglass substations will be supported on 70 steel lattice towers and whilst these towers have a standard height of 27 metres, a number of towers have been extended or reduced in height as required, mainly due to meet statutory ground clearance requirements or to address topographical factors. Consequently the towers will range from 23 metres to 39 metres in height. The basic design span between towers is approximately 200 metres but this will vary between 135 metres to 229 metres to accommodate environmental constraints, topographical variations and ground clearance requirements.

3.13 The new overhead line will carry two twin 3-phase circuits, one each side of the tower giving rise to the requirement for the tower to support six twin conductors and an earth wire designed to provide lightning protection. The overhead line will travel in a general south westerly direction for approximately 13.6 km to the proposed Black Hill substation. This route crosses the administrative boundary between East Ayrshire and Dumfries and Galloway and as a result of this some 40% of the line lies in East Ayrshire and 60% lies in Dumfries and Galloway. A similar notification has therefore been served on that Council as part of the SWS Project. It should be noted that Dumfries and Galloway Council has already agreed not to object to the proposal subject to conditions.

3.14 Parts A, B and C of the SWS Project promote the installation of common or collector infrastructure works. The following components of the SWS Project collectively form Part D and relates to the individual connections to the proposed wind farm as described in paragraph 2.5 above.

#### **Part D1: 132 kV Overhead Line from Kyle North Wind Farm to Meikle Hill Substation – Section 37 Application.**

3.15 The overhead line will be supported on 72 newly designed “flat formation” wood poles, designed to reflect the site specific requirements associated with connections located at higher than normal altitudes. While the wood poles have a standard height of 10 metres (12.5 m pole with 2.5 m in the ground), these have been extended or reduced in height as required to meet statutory ground clearance requirements or to address topographical factors (ranging from 9.5 metres to 12.5 metres in height). Basic spacing between poles generally accommodates a span length of 80 metres. Spans will however range from 61 metres to 80 metres to accommodate environmental and technical constraints and variations in topography.

3.16 The line will carry one, three-phase circuit which means that the poles will carry three conductors and an earth wire designed for earth continuity and telecommunications purposes. The overhead line route travels from a substation in Kyle North wind farm travelling in a broadly south-eastwards direction for approximately 5.3 km to the proposed Meikle Hill Substation. The route falls entirely within East Ayrshire.

#### **Part D2: 132 kV Overhead Line from Dersalloch Wind Farm to Meikle Hill Substation – Section 37 Application.**

3.17 The overhead line will be supported on 138 newly designed “flat formation” wood poles, designed to reflect the site specific requirements associated with connections located at higher than normal altitudes. While the wood poles have a standard height of 10 metres (12.5 m pole with 2.5 m in the ground), these have been extended or reduced

in height as required to meet statutory ground clearance requirements or to address topographical factors (ranging from 9.5 metres to 12.5 metres in height). Basic spacing between poles generally accommodates a span length of 80 metres. Spans will however range from 60 metres to 80 metres to accommodate environmental and technical constraints and variations in topography.

3.18 The line will carry one, three-phase circuit which means that the poles will carry three conductors and an earth wire designed for earth continuity and telecommunications purposes. The overhead line route travels from a substation in the proposed Dersalloch wind farm travelling in a broadly eastwards direction for approximately 10.6 km to the proposed Meikle Hill Substation. The route falls mainly within East Ayrshire (97%) although the initial part of the line falls within South Ayrshire (3%). A similar notification has therefore been served on that Council as part of the SWS Project. At this time South Ayrshire Council has not formally responded to this notification.

#### **Part D4: 33 kV Underground Cable from Pencloe Wind farm to Black Hill Substation – Planning Application**

3.19 This part of the SWS Project is promoted as a formal application for planning permission under the Town and Country planning (Scotland) Act 1997 as amended. Underground cables are normally considered as being “permitted development”; however as there are likely to be significant effects arising from the proposal, formal planning permission is being sought.

3.20 It should be noted that the proposed under grounding of this wind farm connection was a specific requirement made by this wind farm developer as part of the connection contract. The applicant has advised that the main environmental advantage of an underground cable when compared to an overhead line is often the reduction in effects on landscape character and visual amenity. The main environmental disadvantages relate to greater impacts on habitats and natural heritage interests, unknown archaeology, drainage and land use for construction. The disadvantages often arise from the invasive nature of excavation trenches to lay the cable, the extent of the area disturbed, the equipment required and the volume of materials involved.

3.21 The relative cost for an underground circuit at higher transmission voltages would be typically 5 to 20 times that of a similarly rated overhead option. The applicant has stated that the costs associated with the design manufacture and construction of long lengths of underground cable for use at transmission voltages are not considered an efficient and economic development of the transmission system and would not allow the applicant to fulfill its statutory duties under the 1989 Act.

3.22 As this proposed underground line lies entirely within East Ayrshire, it is for this Council to determine this planning application. The 33 kV cable circuits will comprise three cables in tre-foil arrangement with a multi-celled duct laid alongside to allow for telecommunications control and monitoring cables. The cables will be sheathed, for insulation and protection, and will be surrounded in compacted, thermally selected sand and back-filled with suitably screened excavated materials. Concrete cable markers will be deployed every 25 to 50 metres along the route as a warning and indication that high voltage exists in the vicinity.

3.23 The underground cable is 1.4 km in length and will travel in a generally southwards direction, primarily within commercial forestry to the proposed Black Hill Substation.

3.24 The final component of the SWS Project, Part D3 (Dunhill Substation and 132 kV Underground Cable) falls entirely within Dumfries and Galloway and the associated planning application is a matter for that Council to determine. It should be noted that Dumfries and Galloway Council has not yet determined this application.

### **Ancillary Works and Operations**

3.25 As a consequence of the development of the SWS Project, the felling of commercial forestry will be required to physically construct the overhead lines, underground cables and substations, and also to maintain the required clearances for safe construction and maintenance of the overhead lines. The following minimum clearance corridors are required for operational reasons:

- (i) 80 metres for the overhead lines (Parts A, B, C, D1 and D2) i.e. 40 metres either side of the centre of the line);
- (ii) 10 metres for the underground cabled connections (Parts D3 and D4) i.e. 5 metres either side of the centre line; and
- (iii) 40 metres around all proposed substations.

3.26 As a consequence of this, approximately 273 hectares of forestry is required for the wayleave of the entire SWS Project. In addition, the felling of forestry for the overhead and cabled connection corridors will expose previously sheltered trees to the wind. This will render any unstable exposed forest edges facing the prevailing wind susceptible to 'wind throw effects', with these trees either falling or failing to reach full crop potential. The total area of forestry considered likely to be subject to wind throw is 576 hectares.

3.27 The felled timber will be transported from the areas of felling to a range of end users including sawmills, chipboard and pulp mills, and also wood fuel processing depots. The extraction routes in East Ayrshire will be primarily the B741 (New Cumnock – Dalmellington Road), the A713 (Dalmellington – Ayr Road) and the C90 Afton Road. The overall harvested yield is approximately 59,000 tonnes of timber. This will result in significant numbers of vehicle movements along the routes described during the felling operations and subsequent construction of the SWS project.

3.28 The construction of the overhead lines will follow a well established sequence of activities as follows:

- (i) felling of trees (where required);
- (ii) construction of temporary compounds;
- (iii) preparation of accesses;
- (iv) provision of bridges over watercourses;
- (v) preparation of temporary working areas including excavation of tower / pole foundations;
- (vi) delivery, assembly and erection of towers / poles;
- (vii) tower / pole conductor 'stringing' and commissioning of the overhead line; and
- (viii) removal of temporary infrastructure and re-instatement.

3.29 For undergrounding of cables, a 1 to 1.5 metre trench will be excavated, either 0.5 metre or 1 metre wide, depending on the capacity of the cable. The cables will then be laid on a bed of thermally selected sand and backfilled with previously excavated material.

3.30 Temporary construction compounds will require to be formed for the storage of materials and the siting of staff offices and other facilities including staff parking. For the construction of Parts A, B, and C of the SWS project, a primary substation construction compound and a primary overhead line construction compound will be required. The applicant estimates that the primary compounds will be approximately 10,000 m<sup>2</sup> (1 hectare) in size. On the basis of previous experience the applicant states that it is likely that the temporary compounds will be located in proximity to the existing road network, where water, sewage and electricity supplies can be accommodated readily. However, sites for the temporary compounds will be selected by the appointed contractor within the contractual agreement with the applicant and cannot be identified at this stage.

3.31 Each temporary construction compound will be fenced off during construction and will be lit during normal working hours. Each site will be fully restored once the corresponding phase of construction is complete and the connection commissioned.

3.32 To facilitate the construction of each connection concurrently, and reduce effects on the local transport network, access to the overhead line corridors and underground cable routes will be via a number of different access points. The access points will be confirmed by the contractor following appointment by the applicant, although in light of previous experience constructing similar connections, a series of access points has been identified. Based on the submitted indicative construction programme, each tower / pole / underground cable has been allocated one of these access points. All access tracks will have a width of 5 metres to allow access by the largest construction vehicles including a 100 tonnes crane.

3.33 Stone will be imported into the site where existing forest and farm tracks require to be upgraded and the type of temporary track required will depend on a variety of factors including the sensitivity of location, the type of land use and ground conditions. The stone required for the construction or upgrading of these access tracks is estimated to be approximately 235,000 m<sup>3</sup> of stone. For the purposes of the Environmental Impact Assessment process, it has been assumed that the stone will be sourced from off-site quarries and transported to the site and this is considered to be the 'worst case scenario' in relation to environmental effects, particularly in relation to traffic and transport. The applicant does however recognise that should borrow pits be considered to be required, likely environmental impacts will be assessed accordingly and details of these provided to accompany the required applications for consent which will be submitted for each borrow pit by the appointed contractor.

3.34 Steel work for each tower will be delivered to site and will be assembled using a derrick crane. Once a sufficient number of sequential sections of towers / poles have been erected, stringing of the conductors will take place. The applicant has indicated that helicopters may be used during construction for conductor stringing and before any such use, appropriate risk assessments will be undertaken with all affected landowners being contacted in advance and notified of flying dates and times. General notices will also be displayed in local newspapers.

3.35 Construction of the proposed new substations will involve the preparation of the site including installation of appropriate foundations, which will then be fenced off. Substation buildings containing electrical and control plant will then be constructed within the fenced compound. Equipment forming the electrical network within the compound will be brought into site by road, most arriving in component form to be assembled on the prepared foundations. Transformers for the new Meikle Hill and Dun Hill substations will be transported by sea to Ayr harbour and the transformers for the new Black Hill and Glenglass substations will arrive locally via the motorway network. All transformers will then be taken to site along agreed transportation routes.

3.36 On completion of the electrical plant installation, the substations will be connected to the overhead line / underground cable and a period of equipment testing undertaken prior to the equipment becoming operationally live. Following commissioning, re-instatement works will be undertaken and all temporary infrastructure removed from site. Landscaping works in the form of bunding and screen planting will be undertaken at each of the substation locations, including Coylton.

3.37 The applicant has indicated that at any one time during the construction period of the SWS Project between 120 and 160 personnel will be employed on sites along the routes and substations. At the height of construction, when foundation works, tower / pole erection and stringing could all be occurring concurrently with substation construction, the number of personnel employed on site could rise to between 180 and 220.

3.38 In terms of construction hours of working, a 48 week working year and construction over a five day working week has been assumed for assessment purposes. However, it is likely that a seven day working week will be required during periods of the construction programme. Construction will take place during daytime periods only, between approximately 07:00 to 19:00 in summer (April to September) and 07:30 to 17:00 (or as daylight allows) in winter (October to March).

3.39 The construction period for the entire SWS Project is anticipated to be up to 34 months from start to commissioning and subsequent removal of remaining temporary access tracks. Each connection will be constructed on a rolling programme, construction works on each of the component parts of the project being undertaken concurrently.

3.40 With the proposed tree felling, the importation of stone into the site and the delivery of all construction materials and project components, total traffic generated by the SWS Project during the period of construction is estimated to be 191,880 movements (delivery and return) of which 88,360 will be HGV movements. It is further estimated that felling and construction traffic will average 282 vehicle movements per day over the 34 month construction period. The highest levels of traffic are anticipated to occur over a 9 month period (months 8 -16 inclusive with a maximum of 620 movements occurring per day during month 12. Movement of abnormal load vehicles with substation components will be scheduled to avoid busiest daytime period on the agreed transportation routes.

3.41 The component parts of the SWS Project as described above are the subject of a comprehensive and detailed Environmental Statement that has been prepared following an extensive consultation process including public exhibitions / meetings held in local communities (February to April 2007) and subsequent meetings held with Community

Councils throughout East Ayrshire (January to November 2008) and in other local authority areas.

#### **4. CONSULTATIONS AND ISSUES RAISED**

4.1 A wide range of consultations have been undertaken in respect of the proposed project including statutory and non-statutory consultees, with some of the responses being copied to this Council as part of responses to the Scottish Government Energy Directorate. A summary of the responses and observations received are set out below.

4.2 Glasgow Prestwick Airport (Infratil) states that SPT has certain statutory considerations when designing grid lines, unfortunately none of which refer to considerations of aviation safety. Similarly GPA has its licence obligations to satisfy the Civil Aviation Authority (CAA) that the aerodrome and its surrounding airspace is safe at all times for use by aircraft. GPA has reviewed the report prepared for SPT. While it has assisted in certain aspects (notably the treatment of the Type A surface), it is unfortunate that it was not prepared in consultation with GPA as it omits consideration of a number of key aspects required under its safety management system and misinterprets other relevant considerations.

The situation is as follows:

- Pylons 1-3 and 5-13 infringe GPA's Runway 31 Approach Surface;
- Pylons 1-8 infringe GPA's Outer Horizontal Surface;
- GPA does not believe any of the pylons 1-13 enjoy shielding; and
- GPA agrees that none of the pylons infringe the Type A surface.

Therefore, as pylons 1-13 continue to infringe either GPA's Approach or Outer Horizontal Surface, its objection to their construction stands unless it can satisfy itself that these infringements will not affect the safety of aircraft operations. As part of a safety assessment, GPA has now established that:

- The pylons do not impact GPA's currently published instrument approach procedures;
- Having reviewed traffic patterns in the vicinity of the proposed pylons, the vast bulk of our traffic in this area is taking a radar service and therefore remains at heights in excess of 1600ft amsl;
- Only VFR traffic in this area is at altitudes of less than 1600ft amsl, and these pilots are responsible for their separation from the ground.

In light of GPA's safety and risk assessment, it has concluded that the Approach and Outer Horizontal Surface infringements posed by pylons 1-13 of Part A of the SWS grid upgrade would not adversely affect the safety of aircraft operations at GPA and can therefore be built as set out in the ES, provided that low intensity (200 candela) omnidirectional steady red aviation obstacle lights are attached to the top of each of pylons 1-13 and four existing pylons (which themselves infringe the Approach Surface by between 5-22m). These lights should be illuminated for the periods set out in CAP168 Chapter 4 paragraph 12.13.2, namely from 30 minutes before sunset to 30 minutes after sunrise.

Therefore, in conclusion, Glasgow Prestwick Airport:

- (i) removes its current objection to the construction of pylons 1-13 of Part A of the SWS grid upgrade as set out in SPT's section 37 Electricity Act application of February 2009 on condition that these 13 pylons and the four existing pylons, all of whose details are set out in the Annex, have low intensity (200 candela) omni directional steady red aviation obstacle lights attached to the top of each of pylons and that these are lit in accordance with CAP168 Chapter 4 paragraph 12.13.2.
- (ii) withdraws its objection to the construction of pylon 14 of Part A of the SWS grid upgrade; and
- (iii) will ensure that appropriate information is promulgated in the UK AIP in respect of these obstacles.

In reaching this position, GPA states that it has endeavoured to take a pragmatic approach, cognisant of its licence obligations, SPT's objectives and the Scottish Government's support for renewable energy deployment and this grid upgrade in particular, as reflected in NPF2. GPA trusts that the Scottish Government will see fit to impose the mitigation condition we have sought on any consent for the SWS grid upgrade as we have designed this mitigation to minimise the impact on the local environment as best we can while still protecting the safety of our aircraft operations.

***It is considered that while GPA's representations relate solely to Part A of the SWS Project, and it will therefore be ultimately for the Scottish Ministers to consider the proposed mitigation condition, appropriate support should be afforded to the GPA position in the interests of aviation safety.***

4.3 The Crown Estate states that its interests may be affected by the proposed connection route and the main concern is in relation to the mineral potential of the solid geology traversed by the route and where the overhead line might adversely affect or sterilise potentially economic deposits, in particular gold and silver deposits.

***Noted.***

4.4 Historic Scotland states that it has checked the ES for its statutory historic environment interests and notes that it identifies sites of regional and local importance and recommends advice from the Council's archaeological and conservation advisors be sought. HS states that the proposed development may have an impact on the setting of the scheduled ancient monument known as Auchencloigh Castle. HS confirms that the information provided in the ES amounts to a fair assessment of the likely impacts of the proposed development. HS is also content with and welcomes the level of information provided in the ES.

HS further states that it was provided with information on the project in an ongoing consultation with the developer during the design of the project. In light of this, and the ES, HS confirms that the impact of the development will be moderate, as described in the ES, and therefore does not object to the proposed development as it stands.

***Noted.***

4.5 NATS (NERL Safeguarding) states that it has no safeguarding objections to the proposal.

4.6 The Forestry Commission Scotland states that the loss of woodland cover is not insignificant (273 hectares as a direct result of the proposed works, with the potential that an additional 576 hectares is exposed to a significant risk of wind throw. The proposal therefore has the potential to result in a significant loss of woodland cover. This is at odds with the recently published Scottish Government policy in this regard. The policy identifies that in circumstances such as this, FCS would normally have expected compensatory planting to off-set such losses. FCS does recognise in this instance that the ES may pre-date the issue of this policy. Notwithstanding this, it would be the view of FCS that this approach should be considered with regard to this proposal.

***The ES indicates that a Forest Design Concept (FDC) will be prepared to address issues of integrating the wayleave corridors within forestry created by the SWS Project. This will influence the shape and scale of the corridors together with consideration of areas of replanting with trees and shrubs which will not result in any infringement of safety clearances. It is noted that FCS would be consulted on the FDC.***

***The applicant has indicated however, that it would be difficult to secure additional compensatory planting outwith the extent of the wayleave as this would be on land outwith the control or ownership of the applicant and as such would require the consent of land owners.***

4.7 Transport Scotland (Trunk Road Network Management Division) indicates that the proposed development represents an intensification of the use of this site. However the percentage increase in traffic on the trunk road is such that the development is likely to have minimal impact on the trunk road network. On that basis TRNMD has no comments to make.

4.8 The Ministry of Defence (Air Defence and Air Traffic Systems) has no observations to make on the proposal.

4.9 RSPB Scotland does not believe the proposed development will have a significant impact on birds of conservation importance subject to the implementation of certain mitigation measures and therefore does not object to the application subject to mitigation measures being secured through appropriate condition of consent or legal agreement for the following issues:

- (i) Production of a blanket bog restoration plan before operations commence, in agreement with SNH and landowners and implementation of the plan during the construction period.
- (ii) Employment of a suitably qualified Ecological Clerk of Works by the developer for the duration of the felling and construction phases. The duties of the ECW should include overseeing of felling, construction and implementation of mitigation measures.
- (iii) Surveys of breeding birds, with particular reference to Schedule 1 and Annex 1 species, if any works are planned during the bird breeding season.

- (iv) Production and implementation of an Environmental Management Plan that will identify constraints required on timing of operations to avoid disturbing breeding birds, to be agreed with SNH, with advice from RSPB.
- (v) Felling operations to be carried out outwith the bird breeding season between towers 7 to 21, 21 to 41, 60 to 65 to minimise impacts on black grouse, as proposed in the ES.
- (vi) Design modifications to be included, as specified in 13.20 of the ES.
- (vii) Survey of the distribution and abundance of black grouse throughout the year within 2km of the connection parts A, B, C, D1 and D2 during construction and in year 1 and year 2 of operation.
- (viii) Survey of the distribution and abundance of merlin throughout the year within 2km of the connection part C.
- (ix) Searches of the connection route, parts A, B, D1 and D2 with a trained dog to detect evidence of bird collisions, focussing on areas of particular concern for black grouse and whooper swan.
- (x) Reporting of survey results to SNH and RSPB after year 2 and review the need for future monitoring, to be implemented as agreed with advice from RSPB.
- (xi) Agreement of an appropriate programme of black grouse habitat improvement with SNH and RSPB as mitigation for the impacts of the connection before operations commence and funding of the managing and implementation of this work.

RSPB welcomes the production of Forest Design Concepts as part of the development and recognises that these will provide a good opportunity to deliver biodiversity benefits in addition to landscape benefits. In particular there will be opportunities to create habitat suitable for black grouse and foraging raptors in areas that are currently commercial conifer plantation. RSPB would therefore welcome the opportunity to input to this process to ensure habitat enhancement opportunities are maximised during this development.

***In response to the proposed conditions by RSPB, the applicant has agreed points (i) to (vi) but has questioned the usefulness of the approach in relation to the remaining items and has requested RSPB to consider removing the proposed conditions. The main reason for this is that the studies carried out to inform the assessment in the ES indicated that the population of bird species as described above is of such low numbers that the usefulness of the additional surveys is questionable.***

***The applicant has suggested that instead of these surveys, resources be channelled to the contribution to the Black Grouse Recovery Project where a commitment has been given to SNH to discuss the potential to contribute to this project and it is considered that this approach should be endorsed.***

4.10 Fisheries Research Services indicates that the ES is a complex and lengthy document which covers construction of tracks, substations, associated high voltage cabling, towers and poles. There is also significant comment and analysis of the great deal of forestry removal to accommodate the wayleave. With respect to fish and fisheries, the correct local organisations have been consulted and their scoping concerns met. The ES generally identifies fish and fisheries as of significance and generally identifies possible impacts and mitigation strategies through design and good work practice. Section 11 of the ES is particularly detailed on the impacts at each of the component parts

of the proposed development on the hydrology and hydrogeology of the associated water bodies. To summarise, FRS has no objections to raise on the assumption that the mitigation strategies as documented are implemented.

4.11 The Nith District Salmon Fishery Board appreciates the requirement to pursue the SWS Renewables Project and the benefits that may be achieved by conveying green energy into the National Grid and the Board has been involved with many of the wind farm sites and proposals which could ultimately benefit from the project. Having been consulted by the proposers of these wind farms, the NDSFB has conducted fishery surveys in the vicinity of each wind farm and the surrounding water catchments. These surveys provide baseline statistics for fish populations and indicate the level of mitigation required when performing potentially detrimental engineering operations associated with construction activities in sensitive environments. Repeat surveys, post construction can be used for comparison purposes and enable an overall assessment of the construction project on fish populations.

It is of concern to the NDSFB that this approach has not been taken with the SWS Project. Many of the procedures proposed and outlined in the ES have the potential to impact on sensitive fish habitats in the upper catchment of the River Nith system. Procedures such as the creation of temporary new tracks and the upgrading of the existing road infrastructure can create detrimental sediment transfer into nearby water courses. The placing of temporary bridges for watercourse crossings can create problems if not properly sited taking cognisance of fishery interests. Many of the land preparation works such as pole / tower foundations and construction of temporary compound areas can produce undesirable run-off into the water catchment of spawning tributaries.

The potential for this project to produce detrimental impacts in watercourses has been recognised in the ES and this potential is also recognised by the NDSFB. In the absence of fishery surveys, the NDSFB is not in a position to determine what, if any, impacts will be created and ultimately impact on the species that they are statutorily responsible for managing. The NDSFB therefore objects to the proposed development through part of its jurisdiction on the grounds that it is unable to determine its impact on fish.

***In response to the objection by the NDSFB, the applicant has indicated that it has taken an alternative approach to safeguarding waterways within the area by seeking to scope out the potential impacts from the works by setting in place procedures, working practices and safeguards to prevent ground water contamination from impacting the waterways. The applicant has taken a precautionary approach in considering all waterways as sensitive and that in mitigating the works by controlled construction methods and site supervision, it will be more able to protect the river system and the fisheries.***

***The applicant has set out proposals in the ES to control the run-off from ground water adjacent to the proposed works and will require appointed contractors to come forward with control procedures to safeguard the waterways. In addition, the ES promotes the requirement for the production of an Environmental Management Plan (EMP) to set out controls and responsibilities for carrying out the works in a responsible and environmentally sensitive manner. The EMP will note where detailed working practices are required to be put in place prior to work being undertaken and a***

***commitment to appoint an Ecological Clerk of Works and environmental specialists to report on and monitor the works should ensure a high degree of site control.***

***It is also noted that SEPA, SNH and the Fisheries Research Services have not objected to the proposed development, subject to implementation of the stated mitigation in the ES.***

4.12 The Scottish Environment Protection Agency states that from the information provided, it considers that the applicant has established the need for the project and has addressed the environmental issues of significance to its remit. SEPA therefore has no objection to this proposal in principle but would offer the following comments:

(i) Environmental Management Plan (EMP): The preparation of this plan prior to work commencing is welcomed as are the proposed Pollution Prevention Plan (PPP) and Construction Method Statements (CMS). SEPA considers these plans essential to ensure the environmental impacts and appropriate mitigation identified in the ES are implemented in the construction phase of this development. It ensures that any appointed contractors are aware of their environmental responsibilities. SEPA would be pleased to assist in the preparation of these plans. While the applicant has generally identified the issues and potential mitigation SEPA would expect to be addressed in the plan, it should be noted that the use of straw bales, silt fences etc for sediment control are unlikely to provide the level of treatment required to protect the watercourses in the area. The EMP should therefore provide further consideration of more appropriate alternatives. SEPA notes that concrete delivery vehicles will be directed to washing areas where excess concrete and washings will be contained within identified bunded settling areas to allow solids to settle and liquids to filter through a straw bale wall. The fate of the liquid and solids has not been established and again SEPA would expect this issue to be resolved in the EMP and the subsequent PPP and CMS. While SEPA has not found any reference to the need for wheel washing facilities in the ES, it should be noted that if required SEPA would expect them to operate on a closed cycle basis.

***The applicant is currently drafting the project EMP with a view to it forming a contract tender document. It is envisaged that this document will be built upon by the successful contractor and that the PPP and the CMS will evolve through the planning process prior to the project start on site.***

***In terms of the proposals for the use of straw bales, silt fences etc. as potential mitigation for silt control, the applicant has stated that there is uncertainty regarding which method of mitigation will be most appropriate for silt control and it is likely that a variety of differing site specific methods may require to be put in place. The applicant has indicated that it has in the past utilised straw bales and silt fences when working at short term duration sites and has found these to be successful. The applicant assures SEPA that the planning of the mitigation will be done on the basis of site need and a number of alternative processes will be assessed and utilised on site as appropriate.***

***The applicant will require to prepare Construction Method Statements for a number of the activities associated with the construction of the SWS Project***

***and it is considered that the issues raised by SEPA can be addressed in the preparation of such statements.***

(ii) Waste Management: The ES has identified that a waste management plan will be prepared for the site and has also identified issues to be addressed and the appropriate legislation to be followed. SEPA considers that this issue should be given early consideration in the preparation of the EMP to ensure any appointed contractors are clearly aware of their responsibilities for the site.

***The applicant concurs with the comments of SEPA.***

(iii) Transformers: The description of the project in the ES identifies a number of transformers within the proposed substations. SEPA understands that these transformers may be oil filled and if this is the case the EMP should detail the mitigation measures to be employed should this oil escape. Mitigation may involve appropriate bunding or the use of full retention oil interceptors.

***This matter is addressed within the appendices to the ES and will further be addressed in the EMP.***

(iv) Flood Risk: With reference to the Indicative River & Coastal Flood Map (Scotland) the majority of the proposed development is outwith the 1 in 200-year flood envelope. The area of proposed development has a number of watercourses running through it. SEPA has no flood risk information for many of these watercourses but this is attributed to the catchment areas being less than the 3km<sup>2</sup> threshold used for inclusion with the Flood Map. SEPA acknowledges that the proposed new substations and the proposed extension to an existing substation are outwith the flood map and not adjacent to small watercourses, and therefore are likely to be at a low risk of fluvial flooding. However, it is recommended that overland flow generated by pluvial flood events be considered and that the detailed design of substation sites allow no opportunity for ponding of water on-site to depths which may affect the operation of the facility. The locations of some of proposed towers/poles appear to be adjacent to the 1 in 200 year flood envelope as indicated on the Flood Map or adjacent to smaller watercourses and may be within the functional floodplains of these watercourses. SEPA would comment that, in order to comply with the requirements of Scottish Planning Policy 7 Planning and Flooding and the relevant Policies within the Ayrshire Joint Structure Plan, development should take place outwith the functional floodplain. SEPA would request confirmation regarding the locations of proposed towers/poles in relation to the functional floodplain. The ES indicates that deforestation and increased temporary and permanent hard standing as a result of the development is likely to increase runoff. Although possible, no evidence is given to confirm that flows will be attenuated. To ensure no adverse effect on flood risk and given the potential cumulative development pressures within these catchments, SEPA would recommend that there is no increase in flow to watercourses as a result of the development and that this is suitably demonstrated. It is acknowledged that surface water drainage will be designed taking into account measures included in the SUDS manual. SEPA would concur with such an approach and would recommend that there should be no increase in runoff as a result of development construction or compaction of areas of the existing site.

***The applicant has confirmed that the site design for substations has been based on the premise that ponding of water will not occur.***

(v) Proposed River Crossings: There are a number of watercourse crossings proposed for this scheme and SEPA has noted the preference for bridging wherever possible which should reduce the impact on the water environment. The applicant has recognised that these activities fall within the remit of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) and the implications in terms of authorisation should culverts or more intrusive bridging be required. At this stage, SEPA would note that the proposed bridges appear to constitute a lower risk to the water environment and therefore the proposal is capable of being authorised. This advice is provided without prejudice to any CAR authorisation required at this site. SEPA would expect a Construction Method Statements (CMS) to be produced for bridging proposals. SEPA also notes that proposed underground cable routes will cross watercourses and due to the potential environmental impacts would again expect a CMS to be produced for such proposals.

***The comments of SEPA have been noted and the applicant is aware of the CAR authorisation requirements.***

4.13 Scottish Natural Heritage indicates that the potential impacts to birds, European protected species, Schedule 5 species, badgers and peatlands are likely to be common to all the proposals and therefore has produced one response for these interests that can be applied to all the proposals. For landscape and visual interests SNH has considered the impacts separately for each proposal. SNH further notes the further survey work and mitigation/management plans for species and habitats in the ES and believes it would be helpful if the information for each species was collated and developed in a single plan. In addition SNH is involved with discussions with the applicants over other transmission lines and believe that much of that work for the mitigation and management plans for species and habitats can be transferred for this proposal. SNH supports the use of an ecological clerk of works, or similar, to oversee the whole process from pre-construction activities, e.g. tree felling, through construction to restoration.

SNH has no objection to the proposed developments but recommends conditions to ensure a reduction in adverse impacts to natural heritage interests as detailed below;

(i) An otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction. This survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

(ii) An otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, will be produced prior to any construction and allied activities commencing and will be for the approval of Scottish Ministers in consultation with SNH.

- (iii) A management plan for red squirrel detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.
- (iv) A freshwater pearl mussel mitigation plan detailing all mitigation measures, will be produced prior to any construction and allied activities commencing and will be for the approval of Scottish Ministers in consultation with SNH.
- (v) A survey of route and access corridors for water vole will be carried out as part of the micro-siting process prior to construction. This survey will form the basis for detailed mitigation plans for each tower location.
- (vi) A management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.
- (vii) A reptile management plan detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.
- (viii) The conductors on the 132 kV and 33 kV wood pole lines are strung in such a configuration that electrocution of birds will not occur.
- (ix) Working distances for sensitive bird species follow the recommendations in the SNH Report, Ruddock, M & Whitfield, D.P. (2007) A Review of Disturbance Distances in Selected Bird Species.
- (x) To mitigate collision of birds with the conductors, deflectors should be fitted to the earth wire along sensitive stretches of the line. The Swan Flight Diverter should be used and spaced at 5m or 10m as appropriate. If further post construction monitoring identifies further sensitive sections of line then these should also be marked.
- (xi) Timing of works should avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas should be inspected for the presence of breeding birds and work progressed in accordance with legislation.
- (xii) A black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.
- (xiii) A management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

(xiv) A badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers.

(xv) An ecological clerk of works or similar should be appointed prior to the commencement of construction to oversee the production and implementation of all the necessary mitigation/management plans and to oversee the whole process from pre-construction activities, e.g. tree felling, through construction to restoration.

***In response to the proposed conditions by SNH, the applicant has accepted the position of SNH with the exception of (viii) above. The applicant has indicated that it cannot give a categorical assurance that electrocution of birds will not occur on the new transmission lines. However, due to the gap between the live and earth wires, the only species considered to be at risk of electrocution are swans and geese. Whilst electrocution is considered as secondary to collision risk, no significant electrocution effects are considered likely.***

In relation to the landscape and visual impacts of the proposed overhead transmission lines SNH make the following comments:

(i) Part A Coylton Substation extension and 400 kV overhead line (towers) and Meikle Hill substation: SNH considers the landscape impacts will be medium (significant) and adverse, but this landscape unit of the Ayrshire Lowlands is extensive, so these significant impacts will be relatively localised. SNH agrees that the visual impacts on a section of the A70, local minor roads and the settlement of Drongan will be significant and adverse. The substation may also adversely affect local recreational use of the area. Given the end points are fixed, and the tower is essential, there is little scope for further mitigation in addition to the line routeing. However, there may be scope for off-site planting to provide local screening, using species and patterns typical of the local area.

(ii) Part B Black Hill substation and 132 kV overhead line (towers) to Meikle Hill substation: SNH agrees that the adverse impacts on landscape character will not be significant overall. SNH agrees that the adverse impacts on visual amenity will be significant and adverse due to the magnitude of change to the views. However, the views within the commercial forestry are not well visited and are therefore of low sensitivity.

(iii) Part C Glenglass substation and 132 kV overhead line (towers) to Black Hill substation: SNH agrees that the impacts on the glens (Glenglass along the Euchar Water and upper Glen Afton) and locally in the Southern Uplands will be significant, and we consider that it will be adverse. SNH agrees that the visual impact will be significant and adverse but many of these are in forestry that is little visited by walkers, and the hill tops are not well known destinations. SNH considers that the adverse impacts on views from the minor road and the properties along the floor of Glenglass along the Euchar Water, and the adverse impacts on views from the walks in the vicinity of Afton Reservoir, would be noticeably reduced if double timber poles were used rather than steel towers.

(iii) Part D1 132 kV overhead line (wooden poles) from proposed Kyle wind farm to Meikle Hill substation: SNH agrees that the adverse impacts on landscape character and visual amenity will not be significant.

(iv) Part D2 132 kV overhead line (wooden poles) from proposed Dersalloch wind farm to Meikle Hill substation: SNH considers that the impacts on landscape character are significant due to the Doon valley's medium to high sensitivity and the medium magnitude of change to the Upper Doon unit of this landscape type. SNH notes the extensive visibility of the timber poles, but agrees timber poles will be less noticeable in the view that steel towers. SNH agrees there will be significant – and adverse – impacts on the views from the main road along the Upper Doon valley (A713) caused by the Part D2 Connection crossing, and from local footpaths. The footpaths include those at the north of Craigengillan estate, which are part of the Doon Valley Path Network. SNH also notes that the route breaks the skyline on the slopes of Benbeoch in views from the valley floor in the north area of Craigengillan Estate (listed in the Inventory of Gardens and Designed Landscapes) and the B741. It is, at that point, much more prominent and noticeable. There will also be cumulative visual impact on people using the B741 west of Dalmellington resulting from their crossing below the SWS Connection shortly before / after crossing under the cables of the Scotland to Northern Ireland Interconnector with its distinctive tower design. There will also be cumulative visual impact on people using the B741 due west of Dalmellington, and the A713 north of Dalmellington, resulting from their seeing Part D2 of the SWS Connection in combination with the Galloway Hydro 132kV line of towers, together with the 'wirescape' of several minor overhead lines in the valley floor. Part D2 will therefore add to the visual clutter.

Of all the proposals this is the one with the greatest landscape and visual impacts. SNH notes from the ES that there was a strategic routing process which led to a 'preferred route' for each connection. However it is only now with the detailed route for D2 that we can fully assess impacts. There may be scope to re-consider alternative routes in this very sensitive area and consideration could be given to the following alternative approaches:

- Undergrounding;
- Connection of the Dersalloch wind farm into the Scotland to Northern Ireland Interconnector;
- If overhead crossing is unavoidable then consideration of:
  - (i) Crossing further north
  - (ii) Use of valley of the Cumnock Burn
  - (iii) Crossing further south

In conclusion, SNH states that the proposed developments as currently submitted are likely to have adverse impacts on a range of natural heritage interests. These impacts could be reduced by the use of the conditions recommended above. However given the nature of the proposed developments it is not possible to mitigate the impacts to landscape and visual interests.

***It is considered that the expectation on the applicant to minimise adverse impacts on natural heritage resources and landscape character and visual amenity has been met through sensitive routing and the EIA process. In this regard, the least sensitive route in terms of landscape and visual***

***considerations has been selected. Furthermore it is relevant to note that the proposed development is not permanent in that it has a finite lifespan and any damage would not be irreparable.***

4.14 East Ayrshire Roads and Transportation Service states that it has no objections in principle to the project but does have major concerns regarding the effect of the heavy volume of construction and timber traffic involved in the project on the surrounding public road network, indeed the Council has previously indicated that the C90 road in its current condition was unsuitable for use by heavy vehicles for the Afton wind farm proposal. The effect of the timber and construction traffic generated by the proposal on, particularly, the B741, B730, B7046 and C90 road surfaces to and from the site during the construction phase of the project, makes it very difficult to be prescriptive as to the exact mitigating measures required to ensure the future structural integrity of the affected minor public roads.

The bulk of the timber/construction traffic and abnormal load movements affecting East Ayrshire roads would appear to be generated to and from the site via the A76 Kilmarnock to Dumfries Trunk Road, the A713 Ayr to Castle Douglas Road, the A70 Ayr to Douglas Road, the B741 New Cumnock to Dalmellington Road, the B730 Polnessan to Drongan Road, the B7046 and the C90 Afton Road, which is a single track undulating rural road with narrow verges and ditches close to the carriageway. The C90, B741 and B730 have minimal construction depth and are therefore of limited structural strength and unable to withstand repeated excessive loading without incurring major deterioration.

The A76, A713 and A70 routes should be structurally capable of accommodating the generated construction traffic but due to the significant increase in HGV movements on the A76 Trunk road network, Transport Scotland would require to be consulted on the proposal. Works may be required on the A76 at the B741 junction to the geometry of the road for the delivery of the abnormal loads and also to the B741/C90 junction. Similarly works may also be required at other junctions on the public road network to accommodate these movements. All A76 work would require the approval of Amey Highways.

Work at other locations within East Ayrshire will require the approval of East Ayrshire Council with detailed drawings submitted by the applicant for approval under section 56 of the Roads (Scotland) Act 1984. All work deemed necessary would require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site.

The Gateside Road / Broomeknowe (between B741 and A713) has alignment issues and a low volume of HGV traffic, therefore any HGV timber and construction traffic on the C90 will be a significant increase and as such, viewed as extraordinary traffic for this road which was never structurally designed to accommodate this volume or type of traffic.

Likewise the C90 has a very low volume of HGV traffic, therefore any HGV timber and construction traffic on the C90 will be a significant increase and as such, viewed as extraordinary traffic for this road which was never structurally designed to accommodate this volume or type of traffic.

A full structural assessment of the Gateside Road / Broomeknowe and the public section of the C90 route from the B741 to Craigdarroch (6.99km) will be required to be undertaken by the applicant and agreed with East Ayrshire Council prior to commencing any construction work on site. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) will require to be carried out and completed prior to commencement of any works on-site by the applicant under section 56 of the Roads (Scotland) Act 1984.

As it is difficult to accurately assess how an existing minor road will perform under such concentrated HGV loading conditions, even when strengthened, and to allow for localised deterioration, a regime of ongoing maintenance at the applicant's expense, to ensure safe passage on the road by the public during the construction period must be agreed between the applicant and the Roads Authority prior to commencement of any work on site.

There would also be an obligation on the developer to ensure that once their operations are complete, the B730, B741 and C90 routes affected are reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

Structures associated with the A713, B741 and C90 – Advice has previously been given by EAC on the suitability of structures on these routes to sustain the abnormal and construction loads associated with the proposed sub-stations. Preliminary approval for the A713 and B741 routes was given subject to certain loading conditions being met, the favourable outcome of load assessments still to be concluded and the ongoing condition of the structures. These comments are still relevant and there may be a requirement for remedial/strengthening measures to be carried out at the applicant's expense prior to any works commencing.

Previous advice regarding the C90 bridges advised that they had still to be load assessed and were suffering from various defects. Conclusion of recent load assessments indicates that they have 40T capacity and varying degrees of abnormal load capacity. However, owing to their general poor condition they are not considered suitable to carry any abnormal load traffic or significant increase in normal HGV traffic from the works proposed without remedial/strengthening measures being carried out at the applicant's expense.

In general, Inspection and assessments will require to be undertaken by the applicant of all known structures, pipes and culverts below the affected public road to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads will require to be repaired at the applicant's expense.

Contact must be made with East Ayrshire Council Design Section regarding the suitability of all existing structures for abnormal loads and to agree the work necessary on the existing C90 structures which would require to be carried out at the applicant's expense. All routing of timber and construction traffic has to be agreed in advance with the Roads and Transportation Service prior to felling/construction work commencing on-site. Any re-

location of existing street furniture (street lighting columns, road signs, bollards etc) required as a result of the proposal would be at the applicant's expense.

A Transportation Protocol for timber/construction traffic must be signed between the applicant and the Council which would include agreements on routing, timing of deliveries and extraction, driver behaviour, wheel washes at site accesses etc. with the applicant being required to record any breaches of the Protocol and notifying the Council of all breaches. No development should take place until a Traffic Management Plan for each element of the work has been submitted and agreed in writing with East Ayrshire Council.

Further discussions would require to take place for each stage between the applicant and the Council as Roads Authority to finalise and agree the details of the road and structural works required on the routes to/from each site.

***It is agreed that the development will generate a significant number of traffic movements along routes being used for the removal of felled timber from the development area and the delivery on to the site of construction materials and project components. While it is considered that this will be temporary for the duration of the construction of the project, the estimated 191,880 vehicle movements is the issue that is likely to impact greatly on local communities, particularly New Cumnock and Dalmellington.***

***Nonetheless it is considered that the requirements of the Roads and Transportation Service can be secured through appropriate conditions attached to any consents granted for the proposed development.***

4.15 Dalmellington Community Council, Drongan, Rankinston and Stair Community Council and New Cumnock Community Council have not responded to the consultation letter.

4.16 The West of Scotland Archaeology Service has not responded to the consultation letter.

## 5. REPRESENTATIONS

5.1 In terms of third party representations, this Council has been copied into one letter of objection sent to the Scottish Government, Energy Directorate (Renewable Energy Division). This objection relates solely to Part C (Glenglass Substation and 132 kV Overhead Line to Black Hill Substation) of the SWS Project. This objection has been received from the developer of the proposed Afton Wind Farm.

5.2 The objector is developing the proposed Afton wind farm project which was submitted to the Energy Consent Unit in 2004. The proposed 132kV double circuit transmission line will run through the wind farm site between a number of the proposed turbine locations. Although the objector is considering whether the construction and operational risks can be mitigated, it is presently its opinion that SP Transmission Ltd's proposed route for the 132kV double circuit transmission line does not satisfy the requirements of the Electricity Safety, Quality and Continuity Regulations 2002 and the Construction (Design and Management) Regulations 2007 (CDM).

5.3 The objector states that it is a fundamental requirement of the CDM Regulations 2007 to remove or mitigate any identified risks at the design phase. The proposed transmission line contravenes a number of the minimum topple distances for the wind turbines, i.e. 180m (1.5 x turbine tip height). SP Transmission Ltd has been aware of the Afton wind farm project since 2004. The objector was made aware of SP Transmission Ltd's proposed route in April 2008 and has subsequently been in discussion with SP Transmission Ltd about the implications of the proposed route. Despite the objector's stated risks, SP Transmission Ltd has not revised the proposed route for the transmission line.

5.4 Alternative options open to SP Transmission Ltd to address the objector's fundamental safety concerns are to either re-route the transmission line around the Afton wind farm site or to underground the section of the transmission line running through the wind farm site. SP Transmission Ltd has advised the objector that re-routing the line would cause a considerable delay to the overall S37 Applications for the South West Scotland Renewables Connection project and that there was insufficient time to undertake the environmental impact assessment work for any new route. SP Transmission Ltd has not been open to underground the transmission line as this is not the minimum economic and efficient scheme.

5.5 Consequently the objector feels that they have been presented with a fait accompli that has regrettably left them with no alternative at this stage but to raise objection to this S37 application for the placing of a 132kV lattice steel tower, double circuit transmission line between the proposed Black Hill Substation and the proposed Glenglass Substation.

5.6 The objector states that they will continue to work with SP Transmission Ltd on solutions to the objection but unless they can be satisfied that the wind farm can be constructed and operated safely in conjunction with the proposed transmission line they cannot support the application for this section of transmission line.

***The objection to the Renewable Energy Division (formerly the Energy Consents Unit) is noted. However, it is respectfully suggested that the resolution of this essentially locational conflict between the developer of the proposed Afton wind farm and the developer of the SWS Project is a matter ultimately for the Scottish Ministers, who are the determining body in respect of both the Section 36 Application for the wind farm and also the Section 37 Applications for the SWS Project.***

## **6. ASSESSMENT AGAINST DEVELOPMENT PLAN**

6.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (2007), the adopted East Ayrshire Local Plan and the Adopted East Ayrshire Opencast Coal Subject Plan (2003).

## Ayrshire Joint Structure Plan

6.2 Policy ECON6 'Renewable Energy' states that Proposals for the generation and utilisation of renewable energy should be promoted and will conform to the plan both in stand alone locations and as integral parts of new and existing developments where it can be demonstrated there will be no significant adverse impact, including adverse cumulative impact or infrastructure constraints, and where the design of the development is sensitive to landscape character, biodiversity and cultural heritage.

***While the proposed SWS Project is not a renewable energy project in itself, it is required to transmit the energy generated by renewable energy developments thereby utilising renewable energy. By the very nature of overhead electricity transmission lines, they are likely to result in significant effects on the environment over the project route. However, the routeing process, as described in the ES, has sought to balance a number of environmental, technical and economic matters. The approach to the routeing of the project was to "identify a technically feasible and economically viable route for the overhead transmission line that meets the requirements of the electricity network and causes, on balance, the least disturbance to the environment and the people who live, work and recreate within it."***

***Given that the SWS Project is of national significance, recognised as a National Development within the National Planning Framework, and that significant environmental effects have been reduced and mitigated to within acceptable environmental standards, it is considered that the objectives of Policy ECON6 have been met.***

6.3 Policy ECON7 'Wind Farms' states:

A) In the Areas of Search proposals for large and small scale wind farm development will be supported subject to specific proposals satisfactorily addressing all other material considerations.

***It is noted that although the SWS Project is not a wind farm development, it is not located within the Areas of Search. The project is however required to serve such renewable energy developments.***

B) Areas designated for their national or international natural heritage value, and green belts, will be afforded significant protection from large scale wind farms.

C) The integrity of national and international designations should not be compromised.

***The SWS Project has been routed, and substations sited, so as to avoid areas designated for their national or international heritage value, as well as seeking to avoid significant adverse effects on sensitive receptors not protected by such designations. It is not considered that the proposed development will compromise the integrity of any national or international designations.***

D) Cumulative impact will be assessed in all relevant cases, taking into account existing wind farms, those which have permission and those that are the subject of valid but undetermined applications. The weight to be accorded to undetermined applications will reflect their position in the application process. Where the limit of acceptable cumulative impact has been reached the area will be afforded significant protection.

***It is considered that the proposed SWS Project, in conjunction with existing and proposed wind farms i.e. Afton, Hare Hill (existing and proposed extension), Windy Standard (existing and approved extension) could cause significant cumulative landscape and visual impacts on the wider landscape within which the development is located.***

E) Outside the Areas of Search, all wind farm proposals will be assessed against the following constraints, any positive or adverse impact on them and how the latter can be overcome or minimised:

(i) Historic Environment

***The ES details two significant effects on the built heritage resource within East Ayrshire being the scheduled ancient monument at Auchencloigh Castle and the Red Burn Bridge cairn. Both of these effects are indirect on the setting of these features with no direct significant effects identified on the built heritage resource. In this regard it is noted that Historic Scotland concurs with the ES in terms of the significance of the impact on the Auchencloigh Castle SAM and has not objected to the proposed development.***

(ii) Areas designated for their Regional and Local Natural Heritage Value

***It is considered that the SWS Project will not significantly adversely affect the Afton Uplands PWS. It is noted that, subject to appropriate conditions, both SNH and RSPB do not object to the proposed development.***

(iii) Tourism and Recreational Interests

***The Environmental Statement concludes that the proposed SWS Project is not likely to have a detrimental effect on tourism within East Ayrshire. There are no current tourism or recreation schemes or projects in the locality that could be affected by the proposed wind farm development.***

(iv) Communities

***As indicated above the approach to the routeing of the project was 'to identify a technically feasible and economically viable route for the overhead transmission line that meets the requirements of the electricity network and causes, on balance, the least disturbance to the environment and the people who live, work and recreate within it.' In this regard it is considered that the proposed SWS Project will not result in any significant adverse impact on local communities, with the exception of traffic impacts that will result during the 34 month construction phase of the development.***

- (v) Buffer Zones

***This criterion is not relevant to the proposed development.***

- (vi) Aviation and Defence Interests

***Although Glasgow Prestwick Airport originally objected to part of the SWS Project, this objection to the construction of pylons 1-13 of Part A of the SWS grid upgrade has now been removed on condition that these 13 pylons and the four existing pylons have low intensity (200 candela) omni directional steady red aviation obstacle lights attached to the top of each of pylons. The Ministry of Defence has not objected to the proposed development.***

- (vii) Broadcasting Installations

***The proposed development will not impact on any broadcasting installations.***

F) Proposals affecting Sensitive Landscape Character Areas shall satisfactorily address any impacts on the particular interest that the designation is intended to protect but the designation shall not unreasonably restrict the overall ability of the plan area to contribute to national targets.

***Sections of the proposed project are located within SCLAs including all of Part C, a section of part B, the west section of Part D2 and Part D4. It is considered however that the expectation on the applicant to conserve landscape features has been met through sensitive routing and the EIA process. In this regard, the least sensitive route in terms of landscape and visual considerations has been selected. Furthermore it is relevant to note that the proposed development is not permanent in that it has a finite lifespan and any damage would not be irreparable.***

G) In all cases applications for wind farms should be assessed in relation to criteria including, as appropriate, grid capacity, impacts on the landscape and historic environment, ecology (including birds), biodiversity, and nature conservation, the water environment, communities, aviation, telecommunications, noise and shadow flicker.

***Comments generally as described above. However, it should be noted that the project is intended to provide required grid capacity for consented and proposed wind farm developments. While the direct relevance of Policy ECON7 to the SWS Project can be questioned, the principles of the policy are considered relevant to the assessment of the development.***

***As indicated in Section 7.5 below, none of the existing or emerging development plans make provision for or take specific account of the SWS Project as a designated national development as set out in the document. Paragraph 242 of NPF2 states that where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence.***

6.4 Policy ENV2 'Landscape Protection' states that in.....Sensitive Landscape Character Areas, the protection and enhancement of the landscape shall be given prime consideration in the preparation of local plans and the determination of development proposals.

**Comments as per Section 6.3 F above.**

East Ayrshire Local Plan (EALP)

6.5 The EALP in general terms recognises the need to reduce dependence on fossil fuels and nuclear power for energy production requires that an ever increasing proportion of electricity be produced from renewable sources. The renewable energy source most relevant to East Ayrshire is wind power, and the upland areas which catch the prevailing westerly winds are under significant pressure for wind energy related developments. While supportive of renewable energy projects, it is considered imperative that the more sensitive parts of the rural area in terms of landscape quality, nature conservation and heritage interest are adequately protected. The potential impact of wind farm development on the environment and visual amenity of the area is of particular concern to the Council. The more pertinent policies relevant to the proposed development are as follows:

6.6 Policy ENV10 (iii) states that development likely to adversely affect Provisional Wildlife Sites will be resisted and all sites of recognised conservation value will be safeguarded wherever possible. Where development is approved for such sites, appropriate measures should be taken to conserve, manage, as far as possible, the site's biological or geological interest and to provide for replacement habitats or features where damage is unavoidable.

***The proposed development impinges upon the Afton Uplands Provisional Wildlife Site (PWS). SNH has not objected to the proposed development subject to appropriate agreement on habitat management measures to protect habitats. In this regard, the proposal would not present significant conflict with the provisions of Policy ENV10(iii).***

6.7 Policy ENV11 states that within Sensitive Landscape Character Areas (SCLA) the Council will, in considering rural development proposals, give prime consideration to the protection and enhancement of the landscape. Development which would create unacceptable intrusion or irreparable damage in such areas would not be supported. Only proposals which positively enhance or protect the natural landscape, wildlife and cultural heritage of the area or promote the social well-being of communities would be supported.

***It is considered that the proposed SWS Project, in association with existing wind farm and the proposed wind farms which it is expected to serve could cause significant cumulative landscape and visual impacts on the wider landscape within which the development is located. Sections of the proposed project are located within SCLAs including all of Part C, a section of part B, the west section of Part D2 and Part D4. It is considered however that the expectation on the applicant to conserve landscape features has been met through sensitive routeing and the EIA process. In this regard, the least sensitive route in terms of landscape and visual considerations has been selected. Furthermore it is relevant to note that the proposed development is***

***not permanent in that it has a finite lifespan and any damage would not be irreparable.***

***It is accepted that the consultation process has identified that, while there will be other impacts on the environment of varying significance, the mitigation proposals by the applicant together with the imposition of appropriate conditions and use of legal agreements would address the main concerns raised by statutory and non-statutory consultees.***

6.8 Policy ENV12(vi) states that throughout the rural area, and especially in the Sensitive Landscape Character Areas identified on the Local Plan maps, the Council will ensure that all development proposals respect, in terms of their design, the local landscape characteristics of the particular area in which they are proposed. Developers will be expected to conserve and enhance, and re-instate or replace where appropriate, those features which contribute to the intrinsic landscape value and quality of the area concerned including....existing skylines, landform and contours.

***Comments as per 6.7 above.***

6.9 Policy ENV13 under criteria (ii) and (iii) states that within the rural area, and especially within the Sensitive Landscape Character Areas identified in the Local Plan maps, the Council will ensure, through the development process, that...any authorised development is sensitively sited, landscaped and screened so as to blend into, respect and complement the landscape characteristics of the particular area in which it is located and...that the landscape setting of a particular area affected by a proposed development is safeguarded from adverse or irreversible change by the use of planning conditions, management agreements, preparation and promotion of environmental improvement schemes, development and design briefs etc.

***The EIA and routeing processes have resulted in the siting of substations and locations of overhead transmission lines proposed in appropriate locations, taking into account and balancing other environmental factors. It is accepted that significant adverse landscape effects are predicted within the ES, but the applicant's approach to routeing has sought to minimise environmental impact.***

6.10 Policy CS9 states that the Council will require all applications for renewable energy developments which fall within the scope of the Environmental Impact Assessment Regulations to be accompanied by an environmental assessment. All wind farm, wind turbine and other renewable energy developments will be rigorously assessed against the following criteria:

- (i) the extent to which the development may adversely affect sites of nature conservation interest and, in particular, the natural habitat, territory and breeding areas of upland birds;

***It is considered that the SWS Project will not significantly adversely affect the Afton Uplands PWS. It is noted that, subject to appropriate conditions, both SNH and RSPB do not object to the proposed development.***

- (ii) the extent to which the amenity of residents nearby towns, villages and other residential properties may be adversely affected by reason of noise emission, visual dominance and other nuisance;

***It is considered that with the mitigation measures proposed within the ES that there will not be any significant adverse impact on residential properties through noise and other potential nuisance, as these will be temporary in nature, as part of the construction element of the development. With regard to visual dominance in relation to proximity to local communities, the ES identifies both moderate and major significant effects on views from both individual properties and property groups. However, again the routeing process has sought to minimise such effects on residential properties. It should be noted that Parts D1 and D4 are predicted to have no significant adverse visual effects on residential receptors.***

- (iii) the extent to which the development may adversely affect any recognised heritage resources;

***Subject to appropriate conditions being attached to any consent granted Historic Scotland and SNH do not object to the proposed development.***

- (iv) the visual impact of the proposal and its setting within the immediate and wider natural landscape;

***Visual impact will occur as a result of the SWS Project and, while significant impacts may in the greater part be confined locally, the impact on the wider natural landscape has to be taken into account. See comments at (vii) below.***

- (v) the extent to which the proposal may conflict with the Council's strategy to promote tourism developments in the Doon Valley...Glen Afton...;

***The Environmental Statement concludes that the proposed SWS Project is not likely to have a detrimental effect on tourism within East Ayrshire. There are no current tourism or recreation schemes or projects in the locality that could be affected by the proposed wind farm development.***

- (vi) the extent to which the proposal may adversely affect or irreversibly damage prime quality agricultural land;

***No prime quality land is affected by the proposed development.***

- (vii) the cumulative impact of the proposal with other existing or authorised renewable energy developments within the vicinity of the development site;

***It is considered that the proposed SWS Project, in conjunction with existing and proposed wind farms i.e. Afton, Hare Hill (existing and proposed extension), Windy Standard (existing and approved extension) could cause significant cumulative landscape and visual impacts on the wider landscape within which the development is located.***

- (viii) the environmental impact of the connections linking the development site with the national grid and the provision of adequate access arrangements from the surrounding road network; and

***Subject to the imposition of appropriate conditions, the Roads and Transportation Service does not object to the proposed development.***

- (ix) the impact of the turbines on radar performance and other air safety considerations.

***While the SWS Project is not a wind farm development, the policy objective in this case seeks to ensure that air safety is not compromised by renewable energy developments. Although Glasgow Prestwick Airport originally objected to part of the SWS Project, this objection to the construction of pylons 1-13 of Part A of the SWS grid upgrade has now been removed on condition that these 13 pylons and the four existing pylons have low intensity (200 candela) omni directional steady red aviation obstacle lights attached to the top of each of pylons.***

***As indicated in Section 7.5 below, none of the existing or emerging development plans make provision for or take specific account of the SWS Project as a designated national development as set out in the document. Paragraph 242 of NPF2 states that where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence.***

#### East Ayrshire Opencast Coal Subject Plan

6.11 The main policy assessment in relation to the opencast coal subject plan relates to Policy MIN9 – Sterilisation of Coal Resources which states that when approving major development proposals, the Council will consider whether it would be of benefit and desirable to plan for the removal of any underlying coal and related minerals in advance of, or in tandem with, the development proceeding. Any such mineral extraction operation would need to be acceptable in planning terms, with particular regards to the local community.

***In accordance with the applicant's duties under Section 38 and Schedule 9 of the Electricity Act 1989, the Routeing Process for the SWS Project considered current and possible future opencast coal activities in terms of potential economic constraints and in this regard areas of potential constraint were avoided where possible in the route. Parts A, D1 and D2 route through areas of current opencast coal extraction sites. However, the timing of these operations is such that opencast activity is likely to have finished at these sites prior to the proposed commencement of construction on these connections. In this regard it is considered that potential sterilisation of coal reserves will be avoided.***

## 7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

7.1 The principal material considerations relevant to the determination of the application are the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications 2009), the consultation responses, the National Planning Framework 2 (NPF2), Scottish Planning Policy (SPP), the representations received, relevant planning history and the Conservation (Natural Habitats, &c.) Regulations 1994.

### Alteration to the East Ayrshire Local Plan (AEALP)

7.2 Policy CS12 states that the Council will positively support and promote the development of sympathetic renewable energy proposals both in stand alone locations and as integral parts of new and existing developments where it can be demonstrated that there will be no significant, unacceptable adverse impact, including adverse cumulative impact with other existing renewable energy developments or other renewable energy developments which are consented or under construction;

- (i) on any recognised statutory or non statutory sites of nature conservation interest;

***The ES does not identify any significant adverse effects on statutory or non-statutory nature conservation designations.***

- (ii) on the amenity of nearby communities or sensitive establishments, including individual or small groups of houses in the countryside that may be adversely affected by reason of noise emission, visual dominance and other nuisance;

***It is considered that with the mitigation measures proposed within the ES that there will not be any significant adverse impact on residential properties through noise and other potential nuisance, as these will be temporary in nature, as part of the construction element of the development. With regard to visual dominance in relation to proximity to local communities, the ES identifies both moderate and major significant effects on views from both individual properties and property groups. However, again the routeing process has sought to minimise such effects on residential properties. It should be noted that Parts D1 and D4 are predicted to have no significant adverse visual effects on residential receptors.***

- (iii) on any recognised built heritage resources, including Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, archaeological sites and landscapes and Historic Gardens and Designed Landscapes

***The ES details two significant effects on the built heritage resource within East Ayrshire being the scheduled ancient monument at Auchencloigh Castle and the Red Burn Bridge cairn. Both of these effects are indirect on the setting of these features with no direct significant effects identified on the built heritage resource. In this regard it is noted that Historic Scotland concurs with the ES in terms of the significance of the impact on the Auchencloigh Castle SAM and has not objected to the proposed development.***

- (iv) on the visual amenity of the area and the natural landscape setting for the development, particularly within the Sensitive Landscape Character areas as identified on the local plan rural area map; and

***It is considered that the proposed SWS Project, in association with existing wind farm and the proposed wind farms which it is expected to serve could cause significant cumulative landscape and visual impacts on the wider landscape within which the development is located. Sections of the proposed project are located within SCLAs including all of Part C, a section of part B, the west section of Part D2 and Part D4. It is considered however that the expectation on the applicant to conserve landscape features has been met through sensitive routeing and the EIA process. In this regard, the least sensitive route in terms of landscape and visual considerations has been selected. Furthermore it is relevant to note that the proposed development is not permanent in that it has a finite lifespan and any damage would not be irreparable.***

- (v) on existing infrastructure.

***In general there will be no significant impacts on existing infrastructure in the vicinity of the proposed development with the exception of impact on the local road networks. As indicated within the consultation response from the Roads and Transportation Service, the development will generate a significant number of traffic movements along route being used for the removal of felled timber from the development area and the delivery on to the site of construction materials and project components. While it is considered that this will be temporary for the duration of the construction of the project, the estimated 191,880 vehicle movements is the issue that is likely to impact greatly on local communities, particularly New Cumnock and Dalmellington.***

***In particular, the C90 Afton Road has a very low volume of HGV traffic and therefore any HGV timber and construction traffic on the C90 will be a significant increase and as such, viewed as extraordinary traffic for this road which was never structurally designed to accommodate this volume or type of traffic. A full structural assessment of the public section of the C90 route from the B741 to Craigdarroch (6.99km) will required to be undertaken by the applicant and agreed with East Ayrshire Council prior to commencing any construction work on site.***

Developers will also be required to demonstrate to the satisfaction of the Council that all energy production will be generated either at, or in close proximity to, the source of materials used in the generation process and that there will be no unacceptable adverse environmental impact caused by any proposed connections linking the proposed development with the national grid and the surrounding road network.

***See above comments.***

7.3 Policy CS14, in relation to wind farm developments, states Policy CS14 that the Council will assess all applications for wind farm developments, including extensions to

existing, consented and / or operational wind farms, against the provisions of Policy ECON 7 of the approved Ayrshire Joint Structure Plan: Growing a Sustainable Ayrshire and any future supplementary planning guidance to be prepared relating to cumulative impact.

**Comments generally as per Section 6.3 above.**

**As indicated in Section 7.5 below, none of the existing or emerging development plans make provision for or take specific account of the SWS Project as a designated national development as set out in the document. Paragraph 242 of NPF2 states that where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence.**

### Consultation Responses

7.4 While a number of the consultation responses raise varying concerns about the proposed development, it is considered that in general, with the use of appropriate conditions, some of these concerns can be addressed. However, some impacts, particularly in relation to the longer term landscape character and visual amenity associated with the overhead lines, cannot be mitigated. Nonetheless, there are no consultation responses that would suggest that the development should not be granted consent.

### National Planning Framework 2

7.5 The National Planning Framework (NPF) is a strategy for the long-term development of Scotland's towns, cities and countryside. The NPF is about shaping Scotland's future and is concerned with how Scotland develops over the next 20 years and how to make that possible. The NPF identifies key strategic infrastructure needs to ensure that each part of the country can develop to its full potential. National Planning Framework 2 (NPF2) was published on June 25 2009 and replaces the first NPF, which was published in 2004. It sets the spatial strategy for Scotland's development to 2030, and designates 14 national developments of strategic importance to Scotland. The Planning etc. (Scotland) Act 2006 requires Scottish Ministers to prepare a national planning framework. It also requires planning authorities to take NPF2 into account in development plans and development management decisions.

***It should be noted that the publication of NPF2 post dates the adoption and approval of the current development plan (Ayrshire Joint Structure Plan 2007, and the East Ayrshire Local Plan 2003). NPF2 also post dates the emerging development plan, the Alteration to the East Ayrshire Local Plan which is in the process of formal adoption. In this regard, none of the existing or emerging development plans make provision for or take specific account of the SWS Project as a designated national development as set out in the document. Paragraph 242 of NPF2 states that where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence. Thus NPF2 is a significant material consideration in respect of the proposed development.***

7.6 Paragraph 104 indicates that legislation provides for the National Planning Framework to be used to designate certain projects as national developments. Designation in the Framework is the mechanism for establishing the need for these developments in Scotland's national interest. The Government has indicated that major transport, energy and environmental infrastructure projects may fall within this category of development. In a statement to Parliament in September 2007, the Cabinet Secretary for Finance and Sustainable Growth announced that projects which may be identified as national developments are those which:

- make a significant contribution to Scotland's sustainable economic development;
- strengthen Scotland's links with the rest of the world;
- deliver strategic improvements in internal connectivity;
- make a significant contribution to the achievement of climate change, renewable energy or waste management targets;
- are essential elements of a programme of investment in national infrastructure; or
- raise strategic issues of more than regional importance (projects with impacts on more than one city region, for example).

7.7 Paragraph 105 goes on to state that on the basis of an assessment against these criteria, the Scottish Government has identified, amongst other developments, that electricity grid reinforcements are required and as part of this there is a need for a new 275kV South-West Scotland transmission line and associated infrastructure. These strategic grid reinforcements are essential to provide the transmission capacity necessary to realise the potential of Scotland's renewable energy resources, maintain long-term security of electricity supply and support sustainable economic development.

***The SWS Project is the delivery mechanism for this particular nationally designated development. Indeed the Action Programme that accompanies NPF2 identifies the applicant (Scottish Power Transmission Network) and the Scottish Government (Energy Directorate) as the lead partners with East Ayrshire Council, SEPA, and SNH (amongst others) as being the delivery bodies in terms of appropriate consents and permissions.***

***The proposed development of the SWS Project is therefore consistent with the aims and objectives of NPF2.***

#### Scottish Planning Policy

7.8 Guidance on renewable energy development has been given in the "Scottish Planning Policy" document (SPP) issued in February 2010 which is the statement of the Scottish Government's policy on nationally important land use planning matters. Paragraph 182 states that:

*"The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth. The current target is for 50% of Scotland's electricity to be generated from renewable sources by 2020 and 11% of heat demand to be met from renewable sources."*

7.9 Paragraph 184 further states that:

*“Planning authorities should support the development of a diverse range of renewable energy technologies, guide development to appropriate locations and provide clarity on the issues that will be taken into account when specific proposals are assessed. Development plans should support all scales of development associated with the generation of energy and heat from renewable sources, ensuring that an area's renewable energy potential is realised and optimised in a way that takes account of relevant economic, social, environmental and transport issues and maximises benefits.”*

***While the proposed SWS Project is not a renewable energy project in itself, it is required to transmit the energy generated by renewable energy developments thereby utilising renewable energy. In this respect the implementation of the development will add required capacity to the grid system, thereby assisting greatly in realising the renewable energy potential of the south west of Scotland. It is considered therefore that the proposed development is consistent with the aims of SPP.***

### Planning History

7.10 There is no planning history of direct significance to the proposed development but the following matters are of relevance to the SWS Project in so far as East Ayrshire Council's interests are concerned:

(i) A Section 36 Application under the Electricity Act, 1989 for the proposed erection of 95 wind turbines and associated works comprising permanent monitoring masts, borrow pits, temporary site compounds, concrete batching plant, electrical substations, formation of internal access roads and new site access, upgrading of existing roads and construction of control building at the Kyle Forest near Dalmellington was considered by the Council's Development Services Committee on 08 March 2006. As a formal consultee on this application, the DSC agreed to formally object to the Kyle Wind farm development. This caused a Public Local Inquiry to be held which took place between January and June 2007. In October 2008, the Scottish Ministers refused to grant consent for a revised development of 85 turbines at the Kyle Forest.

(ii) A Section 36 Application under the Electricity Act, 1989 for the proposed erection of 27 wind turbines and associated works comprising a permanent monitoring mast, temporary site compound, temporary concrete batching plant, formation of new internal access tracks and upgrading of existing tracks and construction of control building and electrical substation on land adjacent to Afton reservoir, near New Cumnock was considered by the Southern Local Planning Committee on 14 December 2007. The Committee at that time resolved not to object to the proposed development subject to resolution of aviation issues affecting the interests of Glasgow Prestwick Airport and subject to other conditions and obligations secured by means of a section 75 Agreement. The Scottish Ministers were notified accordingly, but at this time a formal decision has not yet been made on the proposal.

### Representations

7.11 As indicated earlier in this report, the developer of the Afton Wind farm project has objected to the S37 application for the placing of a 132kV lattice steel tower, double circuit

transmission line between the proposed Black Hill Substation and the proposed Glenglass Substation (Part C of the SWS Project as this runs through the proposed Afton development site in a manner that impacts on some proposed turbine locations.

***The resolution of this essentially locational conflict between the developer of the proposed Afton wind farm and the developer of the SWS Project is a matter ultimately for the Scottish Ministers, who are the determining body in respect of both the Section 36 Application for the wind farm and also the Section 37 Applications for the SWS Project.***

***For the purposes of clarity, this objection has no impact on the planning application for the underground transmission line that forms Part D4 of the SWS Project, the determination of which rests with this Council.***

7.12 The Nith District Salmon Fishery Board has also objected to the proposed development but in this regard it is noted that SEPA, SNH and the Fisheries Research Services have not objected to the proposed development, subject to implementation of the stated mitigation in the ES. Consequently it is not considered that the objection is of sufficient weight to justify rejection of the proposed development.

#### The Conservation (Natural Habitats, &c.) Regulations 1994

7.13 As indicated in the consultation response from SNH, the proposal will result in the potential disturbance of protected species including otters, red squirrel and badgers, despite the mitigation measures proposed by the applicant. As indicated by SNH, appropriate licences may require to be obtained in this regard.

7.14 Scottish Government interim guidance to planning authorities states that no planning decision may be made until the planning authority can assure itself that a licence may be forthcoming. An application for a licence will fail unless all of 3 tests on acceptability for a licence are satisfied. In summary these tests are:

*Test 1: The licence application must demonstrably relate to ... the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.*

***It is considered that the licence (and the disturbance of the protected species that it would authorise) is necessary in order to allow work to proceed that is of overriding public interest of a social and economic nature. This is of particular relevance in respect of the fact that the development is a nationally designated development in terms of the NPF2 document.***

*Test 2: "that there is no satisfactory alternative"*

***With regard to Test 2, it is considered that there is no satisfactory alternative to the granting of a licence and to the potential consequent disturbance to protected species. The need for the SWS Project has already been established through its designation as a national Development in terms of NPF2 and given the locational requirement, scale and nature of the project it***

***is considered that the routeing process has identified the optimum route for the project.***

Test 3: A licence cannot be issued unless Scottish Government is satisfied that the action proposed “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range” (Scottish Government will, however, seek the expert advice of Scottish Natural Heritage on this matter).

***The interim guidance issued to planning authorities indicates that SNH is the main body to advise on whether the granting of a licence would be “detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range” and so be capable of meeting Test 3. In its consultation response SNH has not formally objected to the proposed development***

***In this regard it is considered that for the reasons and justifications set out above it is a reasonable expectation that a licence would be granted and that in arriving at this conclusion the Council, as Planning Authority, has fulfilled the general requirement established under Regulation 3(4) to have regard to the provisions of the Habitats Directive, and in particular to the provisions of Articles 12 and 13 of the Directive and Regulations 39 and 43 of the 1994 Regulations.***

***This is in respect of the planning application for Part D4 of the SWS Project, where this Council is the determining body for this application.***

## **8. FINANCIAL AND LEGAL IMPLICATIONS**

8.1 There are no direct financial or legal implications for the Council in the determination of the planning application or in terms of the responses to the notifications under Section 37 of Electricity Act, 1989.

8.2 However, in relation to the Section 37 Applications, should the Committee be minded to formally object to the proposals, this will trigger a Public Local Inquiry in terms of Section 62 and Schedule 8 of the Electricity Act 1989. Furthermore, if the Council is considered to have acted unreasonably in its objection to the proposed development, a claim for an award of expenses could be made by the applicant.

8.3 In terms of the Electricity Act 1989, Schedule 9 (3) states:

### **‘PRESERVATION OF AMENITY AND FISHERIES: SCOTLAND**

(1) In formulating any relevant proposals, a licence holder or a person authorised by an exemption to generate or supply electricity –

- (a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special

interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

- (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

(2) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to—

- (a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and
- (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph.

***It is considered that the proposed SWS Project will result in significant adverse visual and landscape impact both on its own and in conjunction with existing, consented and proposed win farms it is expected to service. Nonetheless, the proposal is a designated national development and the need for, and importance of this strategic infrastructure project has to be balanced against environmental considerations.***

## **9. CONCLUSIONS**

9.1 As is indicated in Section 6 of the report, overall the SWS Project is considered to be generally in accordance with the development plan and therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the development should be approved unless material considerations indicate otherwise. However, given the very nature of the development and its geographical scale spanning three Council areas, it is hardly then surprising that there are elements of non-conformity with certain development plan policies. Indeed, consideration of the project as a whole requires assessment against the development plans of these other Councils.

9.2 The ES for the project clearly identifies the significant impacts associated with the development proposals and recognises that impacts relating to landscape and visual amenity simply cannot be mitigated given the nature of introducing tall vertical features into the landscape over significant distances. Nonetheless, the routeing process, as described in the ES has promoted a route that seeks to minimise environmental impacts, including landscape character and visual amenity. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 7 above, there are material considerations relevant to this application. However, these material considerations are also generally supportive of the proposed development as it is considered that the objections raised are not of sufficient weight to justify refusal of the application.

9.3 As noted in this report, the most significant material consideration is the NPF 2 document which is about shaping Scotland's future and is concerned with how Scotland

develops over the next 20 years and how to make that possible. The NPF identifies key strategic infrastructure needs to ensure that each part of the country can develop to its full potential. It should be noted that the publication of NPF2 post dates the adoption and approval of the current development plan (Ayrshire Joint Structure Plan 2007, and the East Ayrshire Local Plan 2003). NPF2 also post dates the emerging development plan, the Alteration to the East Ayrshire Local Plan which is in the process of formal adoption. In this regard, none of the existing or emerging development plans make provision for or take specific account of the SWS Project as a designated national development as set out in the document. Paragraph 242 of NPF2 states that where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence.

9.4 The main impact on local communities will occur during the 34 month construction period of the project as the development will generate a significant number of traffic movements along routes being used for the removal of felled timber from the development area and the delivery on to the site of construction materials and project components. While it is considered that this will be temporary for the duration of the construction of the project, the estimated 191,880 vehicle movements is an issue that is likely to impact greatly on local communities, particularly New Cumnock and Dalmellington.

9.5 The consultation responses, while generally indicating some concerns to varying degrees, do not now raise any significant objections to the proposed development subject to appropriate conditions and the proposals in this respect should generally be endorsed.

9.6 However, while some of the proposed wind farm developments which will be served by the SWS Project are already consented, other developments await approval from the Scottish Ministers. Indeed one element has been refused (Kyle) and another (Pencloe) has not yet progressed to the application stage. While it is recognised that the core elements of this significant infrastructure could proceed once formal consent has been granted (Parts A, B and C, conditions should be attached to the proposed wind farm connections Part D1, D2 and D4 to ensure that no works commence on these elements of the project until such time as the approval of the Scottish Ministers has been obtained or, in the case of the proposed Pencloe wind farm, the consent of either the Scottish Ministers or East Ayrshire Council has been obtained, depending on the scale and generating capacity of that development.

9.7 Given the importance of this project in terms of its designation as a National Development within the National Planning Framework 2, and taking into account relevant planning policy and other material considerations, it is recommended that the planning application should be approved subject to conditions and that the five formal notifications under the Electricity Act 1989 be recommended for approval subject to conditions.

## **10. RECOMMENDATIONS**

### **(A) PLANNING APPLICATION 09/0130/FL**

**10.1 It is recommended Local Planning Committee endorses the view of the Head of Planning and Economic Development that planning application 09/0130/FL be approved subject to the conditions indicated on the attached sheet.**

**10.2 It is recommended that the recommendation of the Local Planning Committee be subsequently referred to the Council for consideration in the determination of this planning application..**

### **(B) FORMAL NOTICATIONS 09/0131/EB, 09/0132/EB, 09/0133/EB, 9/0134/EB AND 09/0135/EB**

**10.3 It is recommended that the Committee agrees not to object to the five formal notifications under Section 37 of the Electricity Act, 1989, subject to the conditions as set out in the respective attached sheets and that the applicant and the Scottish Ministers be notified accordingly.**

**Alan Neish  
Head of Planning and Economic Development**

27 September 2010  
HM/HM  
FV/DVM

### **LIST OF BACKGROUND PAPERS**

1. Application Form, Plans and Environmental Statement.
2. Formal Notices under Section 37 of the Electricity Act 1989
3. Statutory Notices and Certificates.
4. Consultation Responses.
5. Letter of representation
6. Adopted East Ayrshire Local Plan (2003)
7. Adopted East Ayrshire Opencast Subject Plan (2003)
8. Approved Ayrshire Joint Structure Plan (2007)
9. Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications (2009)
10. National Planning Framework 2 (2009)
11. Scottish Planning Policy

Any person wishing to inspect the background papers listed above should contact Mr Hugh Melvin on 01563 555481.

**Implementation Officer: Dave Morris**

**East Ayrshire Council**

TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 09/0130/FL**

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Location	Between Black Hill Substation (OS Ref NS612047) And Pencloe Wind Farm (OS Ref NS609059)
Nature of Proposal:	Proposed Installation of 33 KV Underground Cable Connection from Proposed 132 KV Substation at Black Hill NS612047 to Proposed Windfarm Substation NS 609059
Name and Address of Applicant:	Ross Baxter Scottish Power Transmission Ltd New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

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Officer's Ref: Hugh Melvin  
01563 555481

The above application for Planning Permission should be APPROVED subject to the following conditions:

1. No development shall commence on site in implementation of this component of the South West Scotland Renewables Project until the proposed Pencloe Wind Farm development has either received the formal consent of the Scottish Ministers under Section 36 of the electricity Act, 1989 or the formal consent of East Ayrshire Council under the Town and Country Planning Scotland Act 1997 (as amended).

REASON: In order to ensure that infrastructure is put in place for appropriately consented wind farm developments.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

4. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

5. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

6. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

9. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting

process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

10. Prior to the commencement of construction works and allied activities, a management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

12. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

13. Prior to the commencement of construction works and allied activities, a black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

14. Prior to the commencement of construction works and allied activities, a management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

15. Prior to the commencement of construction works and allied activities, a badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

17. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:
  - (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
  - (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
  - (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs, bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

20. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

21. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

REASON: To ensure safe passage on the road by the public during the construction period

22. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

23. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

REASON: In the interests of public road safety.

## REASON FOR DECISION

The proposed development is considered to be generally consistent with the provisions of the development plan, albeit that it represents non-conformity with some policy provisions. Notwithstanding this, there are material considerations in respect of the development that are of significance to the extent that they outweigh the minor departures from development plan policy to justify approval of the application.

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 09/0131/EB**

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Location	Between Coylton Substation (OS Ref NS463197) And Proposed Meikle Hill Substation (OS Ref NS520081)
Nature of Proposal:	To the placing of a 400kV lattice steel tower, double circuit transmission line between the existing Coylton Substation and proposed Meikle Hill substation within East Ayrshire
Name and Address of Applicant:	Ross Baxter New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

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Officer's Ref: Hugh Melvin  
01563 555481

The above development notified under Section 37 of the Electricity Act 1989 should be recommended for APPROVAL subject to the following conditions:

1. No development shall commence on site in implementation of this component of the South West Scotland Renewables Project until the applicant has secured the agreement of Glasgow Prestwick Airport and the Scottish Ministers in terms of the provision of aviation obstacle lighting to towers 1 to 13 inclusive of this component of the South West Scotland Renewables Project and the lighting of other such existing towers as may be mutually agreed between the relevant parties.

REASON: In the interests of aviation safety.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first

planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

4. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

5. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

6. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

9. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

10. Prior to the commencement of construction works and allied activities, a management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

12. Earth wire deflectors shall be fitted to the earth wire along sensitive stretches of the line as agreed in consultation with SNH.

REASON: To mitigate the risk of collision of birds with the conductors

13. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

14. Prior to the commencement of construction works and allied activities, a black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

15. Prior to the commencement of construction works and allied activities, a management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, a badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

17. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:

- (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
- (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
- (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

20. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs, bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

21. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

22. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

REASON: To ensure safe passage on the road by the public during the construction period

23. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

24. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

REASON: In the interests of public road safety.

TP24

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 09/0132/EB**

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Location	Between The Proposed Meikle Hill Substation (OS Ref NS520081) And The Proposed Black Hill Substation (OS Ref NS612048)
Nature of Proposal:	The placing of a 132kV lattice steel tower, double circuit transmission line between the proposed Meikle Hill Substation and the proposed Black Hill Substation.
Name and Address of Applicant:	Ross Baxter New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

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Officer's Ref: Hugh Melvin  
01563 555481

The above development notified under Section 37 of the Electricity Act 1989 should be recommended for APPROVAL subject to the following conditions:

1. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

4. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

5. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

6. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

9. Prior to the commencement of construction works and allied activities, a management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

10. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Earth wire deflectors shall be fitted to the earth wire along sensitive stretches of the line as agreed in consultation with SNH.

REASON: To mitigate the risk of collision of birds with the conductors

12. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

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REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

17. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:

- (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
- (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
- (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to

the site. Any re-location of existing street furniture (street lighting columns, road signs, bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

20. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

21. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

REASON: To ensure safe passage on the road by the public during the construction period

22. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

23. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

REASON: In the interests of public road safety.

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 09/0133/EB**

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Location	Between Proposed Black Hill Substation (OS Ref NS612048) And The Proposed Glenglass Substation (OS Ref NS721067)
Nature of Proposal:	The placing of a 132kV lattice steel tower, double circuit transmission line between the proposed Black Hill Substation and the proposed Glenglass Substation.
Name and Address of Applicant:	Ross Baxter New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

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Officer's Ref: Hugh Melvin  
01563 555481

The above development notified under Section 37 of the Electricity Act 1989 should be recommended for APPROVAL subject to the following conditions:

1. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon

cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

4. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

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REASON: To minimise disturbance to protected species and their habitats.

6. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

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prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

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10. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Earth wire deflectors shall be fitted to the earth wire along sensitive stretches of the line as agreed in consultation with SNH.

REASON: To mitigate the risk of collision of birds with the conductors

12. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

13. Prior to the commencement of construction works and allied activities, a black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

14. Prior to the commencement of construction works and allied activities, a management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

15. Prior to the commencement of construction works and allied activities, a badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

17. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:
  - (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
  - (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
  - (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs, bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

20. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

21. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

REASON: To ensure safe passage on the road by the public during the construction period

22. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

23. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

REASON: In the interests of public road safety.

**East Ayrshire Council**

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 09/0134/EB**

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Location	Between The Proposed Meikle Hill Substation (OS Ref NS520081) And The Proposed Kyle North Wind Farm Substation (OS Ref NS488120)
Nature of Proposal:	To the placing of a 132kV wood pole, single circuit transmission line between proposed pole No 1 (OS Ref NS515083) and proposed pole No 72 (OS Ref NS488120) forming the overhead line connection between proposed Meikle Hill substation and proposed Kyle North wind farm substation.
Name and Address of Applicant:	Ross Baxter New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

---

Officer's Ref: Hugh Melvin  
01563 555481

The above development notified under Section 37 of the Electricity Act 1989 should be recommended for APPROVAL subject to the following conditions:

1. No development shall commence on site in implementation of this component of the South West Scotland Renewables Project until any revised proposal for the Kyle Wind Farm development has either received the formal consent of the Scottish Ministers under Section 36 of the electricity Act, 1989 or the formal consent of East Ayrshire Council under the Town and Country Planning Scotland Act 1997 (as amended).

REASON: In order to ensure that infrastructure is put in place only for appropriately consented wind farm developments.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the

proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

4. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

5. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

6. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

9. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

10. Prior to the commencement of construction works and allied activities, a management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

12. Earth wire deflectors shall be fitted to the earth wire along sensitive stretches of the line as agreed in consultation with SNH.

REASON: To mitigate the risk of collision of birds with the conductors

13. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

14. Prior to the commencement of construction works and allied activities, a black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

15. Prior to the commencement of construction works and allied activities, a management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, a badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

17. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:

- (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
- (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
- (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's

construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

20. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs, bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

21. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

22. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

REASON: To ensure safe passage on the road by the public during the construction period

23. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

24. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

REASON: In the interests of public road safety.

**East Ayrshire Council**

TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

**Application No: 09/0135/EB**

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Location	Between The Proposed Meikle Hill Substation (OS Ref NS520081) And The Proposed Dersalloch Wind Farm Substation (OS Ref NS435055)
Nature of Proposal:	To the placing of a 132kV wood pole, single circuit transmission line between the proposed pole No 1 (OS Ref NS515082) and proposed pole No 138 (OS Ref NS433053) between the proposed Meikle Hill substation and the proposed Dersalloch wind farm substation.
Name and Address of Applicant:	Ross Baxter New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

---

Officer's Ref: Hugh Melvin  
01563 555481

The above development notified under Section 37 of the Electricity Act 1989 should be recommended for APPROVAL subject to the following conditions:

1. No development shall commence on site in implementation of component of the South West Scotland Renewables Project until the proposed Dersalloch Wind Farm development has received the formal consent of the Scottish Ministers under Section 36 of the Electricity Act, 1989.

REASON: In order to ensure that infrastructure is put in place for appropriately consented wind farm developments.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

4. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

5. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

6. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

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process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

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REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:

- (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
- (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
- (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

20. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish

Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs, bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

21. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

22. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

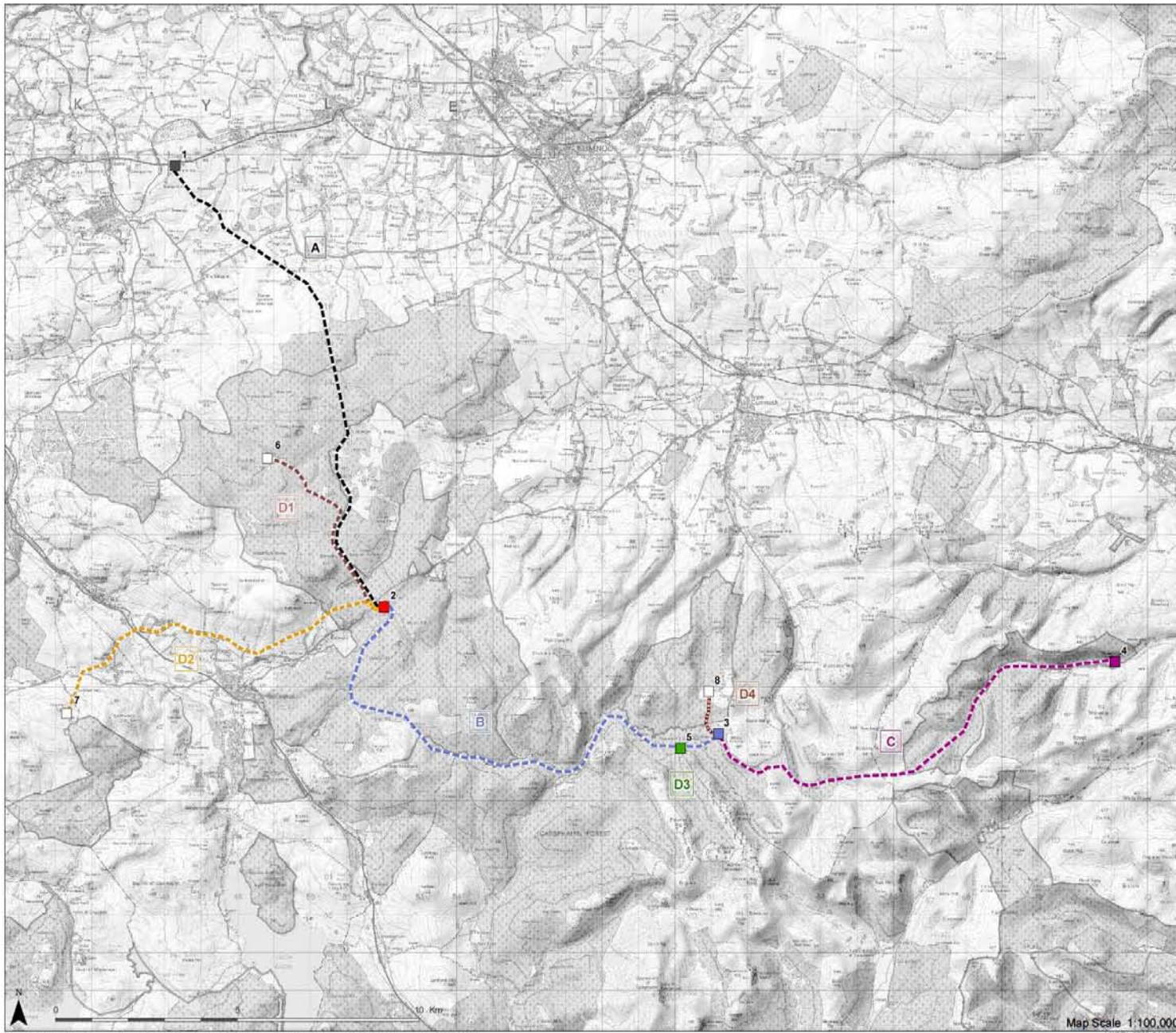
REASON: To ensure safe passage on the road by the public during the construction period

23. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

24. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

REASON: In the interests of public road safety.



**SP TRANSMISSION**  
 South West Scotland  
 Renewables Connection Project

► **South West Scotland Project: Components**

**Project Component Parts:**

- A** Part A: Coylton Substation Extension and 400kV Overhead Line and Meikle Hill Substation
- B** Part B: Black Hill Substation and 132kV Overhead Line to Meikle Hill Substation
- C** Part C: Glenglass Substation and 132 kV Overhead Line to Black Hill Substation
- D1** Part D1: 132kV Overhead Line from Kyle (North) Wind Farm to Meikle Hill Substation
- D2** Part D2: 132kV Overhead Line from Dersalloch Wind Farm to Meikle Hill Substation
- D3** Part D3: Dun Hill Substation and 132kV Underground Cabled Connection
- D4** Part D4: 33kV Underground Cabled Connection from Pencloe Wind Farm to Black Hill Substation

**Overhead Line Route**

- 1. Coylton Substation Extension
- 2. Meikle Hill Substation
- 3. Black Hill Substation
- 4. Glenglass Substation

**Underground Cable Route**

- 5. Dun Hill Substation and Underground Cable Route
- 6. Kyle North
- 7. Dersalloch
- 8. Pencloe

**Proposed Wind Farm Substation Location (NOT PART OF SWS PROJECT)**

6. Kyle North  
 7. Dersalloch  
 8. Pencloe

**Figure 1.2**

**LANDLINE CONSULTANTS**

Map Scale 1:100,000

Map reproduced from Ordnance Survey © 1:50,000 raster data. © Crown copyright. All rights reserved. 2008 License number 0110031673

LUCL 3750-94079-2

EAST AYRSHIRE COUNCIL

COUNCIL - 16 DECEMBER 2010

09/0130/FL: PROPOSED INSTALLATION OF 33KV UNDERGROUND CONNECTION FROM PROPOSED 132 KV SUBSTATION AT BLACK HILL TO PROPOSED WINDFARM SUBSTATION (PENCLOE), SOUTH OF NEW CUMNOCK (PART D4); 09/0131/EB: PROPOSED PLACING OF A 400KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE EXISTING COYLTON SUBSTATION AND THE PROPOSED MEIKLEHILL SUBSTATION ON B741 NEW CUMNOCK TO DALMELLINGTON ROAD WITHIN EAST AYRSHIRE (PART A); 09/0132/EB: PROPOSED PLACING OF A 132KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED BLACK HILL SUBSTATION SOUTH OF NEW CUMNOCK WITHIN EAST AYRSHIRE AND DUMFRIES AND GALLOWAY (PART B); 09/0133/EB: PROPOSED PLACING OF A 132KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE PROPOSED BLACK HILL SUBSTATION AND THE PROPOSED GLENGLASS SUBSTATION SOUTH OF NEW CUMNOCK WITHIN EAST AYRSHIRE AND DUMFRIES AND GALLOWAY (PART C); 09/0134/EB: PROPOSED PLACING OF A 132KV SINGLE CIRCUIT TRANSMISSION LINE CARRIED BY WOODEN POLES BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED KYLE NORTH WIND FARM SUBSTATION IN THE KYLE FOREST WITHIN EAST AYRSHIRE (PART D1); AND 09/0135/EB: PROPOSED PLACING OF A 132KV SINGLE CIRCUIT TRANSMISSION LINE CARRIED BY WOODEN POLES BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED DERSALLOCH WIND FARM SUBSTATION TO THE NORTH OF DALMELLINGTON WITHIN EAST AYRSHIRE AND SOUTH AYRSHIRE (PART D2)

Report by Depute Chief Executive/  
Executive Director of Neighbourhood Services

**1. PURPOSE OF REPORT**

1.1 The purpose of this report is

- (i) to update Council in respect of 5 notifications 09/0131/EB, 09/0132/EB, 09/0133/EB, 09/0134/EB, and 09/0135/EB received in terms of Section 37 of the Electricity Act 1989; and
- (ii) to present for further consideration and determination, planning application 09/0130/FL.

**2. BACKGROUND INFORMATION**

2.1 The Council, at its meeting on 4 November 2010 considered the report dated 18 October 2010 by the Executive Director of Finance and Corporate Support

(the Report together with its Appendix are attached as Appendices I and II respectively) in relation to Planning Application 09/0130/FL.

- 2.2 Having heard the Principal Planning Officer's presentation of the report, discussion then took place regarding the impact on the local communities and the road network during the construction period for the project as the development would generate a significant number of traffic movements along the routes being used for the removal of felled timber from the development area and the delivery onto the construction site of materials and project components. Concerns were raised regarding public safety due to the large increase in traffic movement during the construction phase.
- 2.3 Further concern was expressed regarding whether the local Community Councils and the communities in general were fully aware of the impact the development would have within their local communities during the construction phase.
- 2.4 Some Members who had attended the Hearing at the Southern Local Planning Committee on 15 October 2010 also raised concerns that they were unable to question the applicant's representatives in respect of those issues as the representatives did not avail themselves of the opportunity to address the Committee on the day and neither the consultees nor the objectors were present or represented.
- 2.5 A further suggestion was made that other methods of timber transport should be investigated, perhaps through the rail network, which could ease the traffic impact on the roads.
- 2.6 Members required confirmation of whether this application could be continued and that Scottish Ministers be asked to hold a Public Inquiry into the matter.
- 2.7 Following an adjournment, the Head of Legal, Procurement and Regulatory Services referred to an enlarged plan circulated to Members on the proposed windfarm sub-station location and surrounding area and then explained the detail of the planning application before Council for determination which formed a wider project which collectively was a national development identified in the National Planning Framework for Scotland; explained that the vehicle movements over the construction phase related to the wider project and not purely the application before the Council meeting for determination and provided advice on the options for consideration of the matter which would perhaps allay Members' concerns.
- 2.8 Following further discussion on the application, Council agreed to continue consideration of the matter and meantime to:
  - (i) write to the Scottish Ministers to request that a Public Local Inquiry be held into the overall project in order that full public consultation could be carried out on the overall project due to the very significant concerns which the Council had in respect of the possible effect of the heavy volume of construction and timber traffic involved in the project on the surrounding public road network; that the Council had continued the application meantime; and to also indicate that whilst the Council Members were not opposed in principle to the application they were hopeful that their very significant concerns regarding traffic impact could be considered and mitigated against; and

- (ii) request officers to carry out an investigation into the use of alternative methods for transportation.

### **3. UPDATED POSITION**

3.1 In order to expedite matters direct contact was made with the Energy Consents Unit, part of the Scottish Governments Energy Division. They advised that they would be unable to confirm whether or not a Public Local Inquiry would be convened until they had sight of the 5 Electricity Act applications and relevant responses, including those of the Council.

3.2 Given this position, Council effectively has 2 options before it. It can either affirm the position previously adopted by the Southern Local Planning Committee in relation to those 5 Electricity Act applications or it can re-consider the decision taken by the Southern Local Planning Committee, having due regard to the information and recommendations contained within the reports forming Appendices I and II and thereafter consider whether or not the Applicant and Energy Consents Unit should be advised that the Council formally objects to those applications.

3.3 If Council affirms the position previously adopted by the Southern Local Planning Committee then issues raised by the 5 Electricity Act applications will be left to others to resolve and there will be no guarantee that this Council will have an input in the traffic management issues that will arise in relation to the impact of the proposed development with estimated vehicle movements totalling 191,880 during the 34 month construction period; the cumulative impact of traffic movements with existing opencast and timber felling activities; the use of minor roads; and public safety issues.

3.4 If, however, Council decides that a formal objection would be appropriate then this would have 2 particular benefits.

- (1) It would give incentive to the Applicant to engage with the Council to alleviate concerns relative to the traffic issues, to a point where the objection could be later withdrawn; or
- (2) As a last resort, the submission of a formal objection by the Council as a statutory consultee would guarantee, if a solution could not be reached, that there would need to be a Public Local Inquiry at which these issues could be appropriately addressed.

3.5 If Council is minded to agree to formally object to the applications then further points to be considered include:

- (i) that there is no objection in principle to those applications;
- (ii) that the Council is looking to engage positively with the Applicant;
- (iii) that the objection is solely in relation to the traffic management issues referred to in paragraph 3.3 above; and
- (iv) the formal objections will be worded to make it clear if issues were satisfactorily addressed then the objections would be withdrawn.

- 3.6 Further, the Council should proceed to consider and determine planning application 09/0130/FL taking cognizance of the recommendation of the Southern Local Planning Committee contained in the report attached as Appendix I.

#### **4. FINANCIAL AND LEGAL IMPLICATIONS**

- 4.1 In relation to the 5 Electricity Act applications, financial and legal implications may arise in the event that the notifications are opposed because they may trigger a Public Local Inquiry in terms of Section 62 and Schedule 8 of the Electricity Act 1989. Furthermore, if the Council is considered to have acted unreasonably in objecting to the notifications, an award of expenses could be sought by the Applicant.
- 4.2 There are no direct financial and legal implications arising directly from the determination of planning application 09/0130/FL

#### **5. POLICY IMPLICATIONS**

- 5.1 The Southern Local Planning Committee took its decision in relation to the 5 Electricity Act applications on the 15<sup>th</sup> October 2010. In terms of the Council's Standing Orders for regulating meetings and proceedings of the Council, Cabinet, Committees, Forums and Panels, Standing Order 40 states:

"No decision of the ... Committee... may be reconsidered and, except where required by statute, no item of business the same or substantially the same as one previously determined by the ... Committee... may be discussed by the Council, the Cabinet, Committee, Forum or Panel within six months of the making of the previous decision or determination of the item, except when two-thirds of the Members for the time being present and voting agree otherwise."

Accordingly, two-thirds of the Members present and voting would require to agree to re-consider the decision of the Southern Local Planning Committee in relation to the 5 Electricity Act applications.

#### **5. RECOMMENDATIONS**

- 5.1 It is recommended that Council:-
- (i) determine whether in accordance with Standing Order 40 they wish to reconsider the decision taken by the Southern Local Planning Committee on 15<sup>th</sup> October 2010 not to formally object to the 5 Electricity Act applications 09/0131/EB, 09/0132/EB, 09/0133/EB, 09/0134/EB, and 09/0135/EB;
  - (ii) in the event of a decision being taken at (i) above to reconsider the matters thereafter to consider the two options set out in paragraph 3.2 of the report and then either:

- (a) affirm the decision of the Southern Local Planning Committee on 15<sup>th</sup> October 2010 not to formally object to the 5 Electricity Act applications specified in (i) above; or
- (b) agree that a formal objection should be submitted in respect of each of those 5 Electricity Act applications, due to significant concerns held in respect of the potential traffic impact of the proposed wider development subject to the points set out in paragraph 3.5 of this report;
- (iii) thereafter proceed to determine planning application 09/0130/FL taking cognizance of the recommendation of the Southern Local Planning Committee contained in the report attached as Appendix I;
- (iv) in the event that Council approves option (b) as set out in recommendation (ii) above, to remit to the Southern Local Planning Committee to receive further reports from the Head of Planning and Economic Development, as appropriate, including any further submissions or responses from the Applicant regarding the traffic impact issues and to delegate to the Southern Local Planning Committee the authority to agree that the objection to each of the 5 Electricity Act applications should be withdrawn if that Committee is satisfied that the identified concerns regarding the traffic impact issues have been appropriately addressed by the Applicant; and
- (v) otherwise to note the contents of this report.

**Elizabeth Morton**  
**Depute Chief Executive/Executive Director of Neighbourhood Services**

**9<sup>th</sup> December 2010**  
**DM/CY**

#### **LIST OF BACKGROUND PAPERS**

Nil

Any person wishing further information on this report should telephone Craig Young, Team Leader- Litigation and Advice on telephone number 01563 576220 or e-mail [craig.young@east-ayrshire.gov.uk](mailto:craig.young@east-ayrshire.gov.uk)

**Implementation Officer: Craig Young, Team Leader – Litigation and Advice**

## **Presentation Information Pack**

# **South West Scotland Connections Project Presentation**

**3<sup>rd</sup> June 2011**



## Purpose of Presentation

On 16<sup>th</sup> December 2010, East Ayrshire Council decided to formally object to the five applications submitted in terms of section 37 of the Electricity Act 1989 and forming part of the South West Scotland Renewables Connection Project (Parts A, B and C, D1 and D2). On the basis of the Minute of the meeting of the Council, members were not satisfied that there would be sufficient mitigation measures and/or alternative methods of transport available to SP Transmission Limited (“SPT”) to adequately address the significant adverse impact of the high level of traffic movements arising from the proposed development, particularly during the 35 month construction phase, on existing roads infrastructure and the communities and settlements within the affected area; and to refuse the planning application 09/0130/FL for the underground cable section (Pencloe).

Following the decision, SPT met with senior officials of the Council with a view to exploring the Council’s concerns and the most appropriate way to address them.

## Appointment of Contractors

Normally with a large infrastructure project like South West Scotland, mitigation and traffic management measures are only fully developed once contractors are appointed and in place. However, the tendering process can only be commenced once the necessary consents are in place. It is only at this point that the contractors can evaluate the conditions of the consents then consider how the project is to be undertaken and the various requirements delivered on the ground. Notwithstanding this, SPT has sought to further develop the mitigation and traffic management measures which it believes will allay the Council’s concerns. It should be stressed that although the contractors have still to be appointed, the contractors will be required to adhere to any conditions attached to the consents.

## Overview of the South West Scotland Renewables Connection Project

### Background

In response to growing international concern about climate change, the First Minister announced on 18<sup>th</sup> May 2011 that the Scottish Government’s increased national target would be for 100% of Scottish electricity consumption to come from renewable sources by 2020.

A mix of renewable energy technologies will be required to meet the challenging 100% target set by the Government. This includes proposals for the development of six onshore wind farms in the south-west of Scotland. These wind farms require connection to the electricity network to enable this generation to provide renewable energy to the transmission grid.

## Project Need

For SPT to comply with its licence obligations, it must provide windfarms with access to the electricity network. Grid connection agreements must be put in hand even where the windfarms do not yet have consent to be constructed. In the absence of transmission grid infrastructure with sufficient capacity, reinforcements to allow the connections must be made. The SWS Project includes transmission grid reinforcements as well as windfarm connections.

To determine options for connecting these wind farms to the national grid, SPT carried out a series of technical studies to review the transmission system in the south-west of Scotland. These studies confirmed that to enable this additional renewable energy to connect to the electricity network, various grid reinforcements would be required.

The National Planning Framework for Scotland 2 document (NPF2), published by the Scottish Government in July 2009 identified the need for the strategic reinforcement of the transmission network in south west Scotland. This reinforcement, known as the South West Scotland Renewables Connection Project (the "SWS Project") is identified in NPF2 as a development of national importance.

The SWS Project comprises a number of new overhead transmission lines and underground cables, together associated new substation works. Within East Ayrshire, five of the components are overhead line connections and are currently the subject of applications under Section 37 of the Electricity Act 1989. Another component, for an underground cable connection linking the proposed Blackhill Substation and the proposed windfarm substation (Pencloe) is the subject of an application for planning permission.

The six wind farms requiring connection are: Dersalloch; Brockloch Rig; Pencloe; Afton; Whiteside Hill and Ulzieside.

## Approval of applications for the 6 windfarms

Although SPT is under an obligation to provide the 6 windfarms with access to the transmission grid, it should be noted that each windfarm must obtain its own consent before it can be constructed. In other words, even if the SWS Project is approved by Scottish Ministers it does not follow that each of the windfarms will be approved. Each application for consent for a windfarm has to be considered on its own merits within the context of policy. On this basis, East Ayrshire Council is not committed to the approval of any application for a windfarm in the event that it withdraws its objections to the SWS Project.

As stated above, the SWS Project has been developed in response to national policy for renewable energy. Scottish Planning Policy was published in 2010 and sets out how the planning system should manage the process of encouraging, approving and implementing renewable energy proposals when preparing development plans and determining planning applications.

As stated above, the SWS Project comprises a number of individual connections from the wind farms and also new SPT grid infrastructure required to collect the energy generated and then transport it back to the electricity network.

## Components of the South West Scotland Renewables Connection Project

The individual connections and associated new substations are outlined below. Please note that Part D3 lies wholly within Dumfries and Galloway. The remaining parts lie partly or wholly within East Ayrshire:

**Part A:** Coylton Substation Extension and 14.3km of 400kiloVolt (kV) Overhead Line and Meikle Hill Substation

**Part B:** Black Hill Substation and 14.8km of 132kV Overhead Line to Meikle Hill Substation

**Part C:** Glenglass Substation and 12.9km of 132kV Overhead Line to Black Hill Substation

**Part D:** The Wind Farm Connections comprises:

- D2: 10.6km of 132kV overhead line from the proposed Dersalloch wind farm to the new substation at Meikle Hill;
- D3: a 132kV substation (Dun Hill substation) and two 100m underground 132kV cables connecting the Dun Hill substation directly into the overhead line between the Black Hill and Meikle Hill substations;
- D4: a 1.4km 33kV underground cabled connection from Pencloe wind farm to the new substation at Black Hill.

**Figure 1** presents an overview of the project and **Figure 2** shows the construction access points to the various parts of the proposed development.

## Transport Assessment

### Methodology

The transport assessment reported in the Environmental Statement (“ES”) was undertaken by Mott MacDonald in collaboration with Arup. It was carried out as a combination of a desk-top study and field survey; statutory agencies were consulted throughout the assessment in line with current good practice and policy advice. The methodology is described in more detail below.

### Guidance

The transport assessment has been undertaken with due reference to the following documents:

- Design Manual for Roads and Bridges (Highways Agency/Scottish Government)
- Guidelines for the Environmental Assessment of Road Traffic, (IEMA Guidelines)
- Transport Assessment and Implementation: A Guide (Scottish Executive)
- Scottish Planning Policy: SPP17 – Planning for Transport (Scottish Executive)
- Planning Advice Note: PAN75 – Planning for Transport (Scottish Executive)

## Data Sources

SPT provided information in relation to traffic generation, based on their knowledge and experience of the construction and operational traffic requirements of similar developments.

Baseline traffic data was obtained from Transport Scotland, East Ayrshire Council and South Ayrshire council. Peak and off-peak sample traffic counts were undertaken by Mott MacDonald to supplement and verify traffic flow information received from Transport Scotland and local authorities.

## Consultation

Consultation was carried out with the following parties:

- Transport Scotland;
- Roads and Transportation Officers in:
- East Ayrshire Council;
- South Ayrshire Council; and
- Dumfries and Galloway Council.

## Assumptions

The following **robust** assumptions were made as part of the environmental impact assessment and as reported in the ES. That:

- All concrete would be sourced and batched off site and delivered to site in ready mix trucks;
- There would be one delivery of steel per substation/tower base;
- Stone aggregate would be sourced entirely off site;
- All site personnel during both felling/construction and operational phases would be transported to and from the site by car, mini-bus or van (LGVs); and
- Construction vehicles would follow pre-defined routes to reduce effects on existing local traffic and communities through which they might pass.

## Predicted Traffic Flows as Reported in the ES

It is worth noting that the predicted traffic flows presented in the ES were a '**worst case scenario**'. In other words, in terms of traffic movements, it considered the most severe possible outcome that could occur to allow the effects of it to be considered.

It was for example assumed that one steel delivery per sub base would be required, whereas this is unlikely to be the case for the reasons explained below. However, for robustness this assumption was made. In terms of site personnel the assumption was that they would be transported to the site by car, mini-bus or van but this ignores the bussing of workers. Similarly it was assumed that every piece of stone to be used is to be sourced off site and transported into East Ayrshire. Again, and as explained below, this is unlikely to be the case. Therefore, the traffic figures in the ES are considered to be a robust 'worst case' scenario.

## Baseline HGV Traffic

Connection Part D1 (Meikle Hill to Kyle Wind Farm) is no longer required as part of this development, therefore traffic associated with this connection has been removed from the assessment. **Figure 3** shows the number of HGV's predicted on the public road network during the construction phase of the development with connection D1 traffic removed from the network. This scenario is referred to as the **baseline** for the purposes of this review.

HGV movements have been calculated for two cases; average and worst case. The average case represents the number of HGV movements per month over the entire construction period. The worst case represents the average HGV movements per month during the construction peak i.e. between months 7 and 15.

## Construction Phasing and HGV Traffic in Terms of Baseline

Construction of the overhead lines/connections is envisaged to take 35 months. HGV movements over the construction period will not be uniform and construction activity is expected to peak between months 7 to 15. During the peak construction phase, 264 HGV movements per day (or 22 per hour) over the whole construction area are predicted. On average 115 HGV movements are expected per day (10 per hour) over the whole construction area.

In the average case this represents one HGV passing through Dalmellington approximately every 27 minutes or every 180 minutes in Ochiltree.

## Traffic Reduction and Traffic Management

Following the Council meeting on 16<sup>th</sup> December 2010, SPT has, in advance of the appointment of contractors, developed mitigation measures in response to the concerns regarding the sufficiency of the measures to address the impacts of traffic movements on communities and settlements. SPT has therefore considered opportunities for traffic reduction as well as additional mitigation/management of the residual traffic.

### Potential Reduction in HGV Movements

There are a number of opportunities to source the stone required for this development locally from local quarries such as Sorn, from the Forestry Commission and Scottish Coal. Discussions have already been held with regard to using locally sourced stone, an option which is considered realistic and achievable. Avoiding the importation of stone would significantly reduce the HGV traffic on public roads. **Figure 4** shows how many HGV movements can be expected on the public road network during the construction phase if all of the stone for the development is sourced locally.

### Potential Reduction in Traffic Movements by Personnel

Where reasonably practicable, contractors will be required to put in place arrangements for construction/site workers to be transported to the site using shared transport such as busses to reduce unnecessary traffic movements on a daily basis.

This and other measures to reduce reliance on the use of the private car would be contained within a Travel Plan which the contractors would have to develop and have approved by the Council as part of the Traffic Management Plan referred to below.

### Construction Phasing and HGV Traffic as Mitigated

If stone was sourced locally, a peak in HGV movements would still occur between months 7 to 15 however this peak would be significantly reduced. Table 1 below illustrates the frequency of HGV movements through a number of towns in the baseline and baseline with locally sourced stone scenarios. Table 1 shows that if stone was sourced locally that in the worst case a HGV would travel through Patna every 15 minutes.

**Table 1: HGV Frequency – Baseline and with Locally Sourced Stone**

Town	HGV Frequency (Every X minutes)			
	Worst Case (average during construction peak – 9 months)		Average Case (average over entire construction period – 35 months)	
	Baseline	Locally Sourced Stone	Baseline	Locally Sourced Stone
Cumnock (A70/A76 rbt)	7	10	15	19
Dalmellington (Gateside Road / Broomknowe)	13	31	27	42
Drongan	90	180	144	240
Patna	7	15	15	24
Mauchline	7	10	16	19
New Cumnock	7	10	15	19
Ochiltree	80	144	180	180

### Redistribution of HGV Movements

Rail has been considered as an alternative to road for HGV movements during construction. **Figure 5** shows the locations of existing rail heads in the vicinity of the development area.

Subject to agreement with Scottish Coal, construction traffic would be able to utilise existing haul routes within the development area. **Figure 6** shows potential access points to the haul routes. Access to the haul routes would allow some HGV construction traffic to be re-routed away from Dalmellington and Drongan. **Figure 7** shows the number of HGV's that would be on the public highway if the haul route were utilised during the construction phase.

Table 2 below illustrates the frequency of HGVs anticipated through a number of towns if the haul route was utilised.

**Table 2: HGV frequency –Locally Sourced Stone Re-routed to use Haul Route**

Town	HGV Frequency (Every X minutes)	
	Worst Case (average during construction peak – 9 months)	Average Case (average over entire construction period – 35 months)
Cumnock (A70/A76 rbt)	10	18
Dalmellington (Gateside Road / Broomknowe)	144	144
Drongan	720	720
Patna	28	55
Mauchline	8	15
New Cumnock	10	18
Ochiltree	36	48

The section of public road currently utilised as a haul road between the A70 and the B7046/B730 can be used by the project irrespective of whether the off-road haul routes are available for use. This would enable **ALL** construction HGV traffic to avoid travelling through the community of Drongan.

SPT is committed to fully exploring the potential use of haul roads as part of the development of the Traffic Management Plan, which would require to be approved by the Council.

## Traffic Management Plan

### Purpose

The measures above represent those steps which can be taken in order to reduce the numbers of HGV movements on the roads within East Ayrshire. However, in addition to seeking to reduce HGV movements, there is also a requirement to effectively manage the remaining movements to avoid unacceptable impacts on existing residents, on other road users and on roads infrastructure.

SPT and its appointed contractors will bring forward effective traffic management measures in order to address the temporary effects of HGV traffic engaged in the felling and construction phases of the SWS Project.

The proposed method of ensuring the construction traffic can be effectively managed is through the preparation and implementation of a Traffic Management Plan (TMP).

Typically TMPs include the following measures:

- Planning of vehicle routes
- Safe driving and working practices
- Public roads improvements (where necessary)
- Road condition surveys and commitments to undertake repairs caused by wear and tear
- Contingency/emergency planning
- A Travel Plan

Each of these measures is discussed in turn below and a draft TMP condition is also set out for consideration. Although some measures such as a regime for road maintenance are also the subject of separate stand alone planning conditions, the measures approved under those conditions would be incorporated into the TMP.

**Planning of vehicular routes:** Pre-defined access route(s) will be used by HGVs and abnormal loads. Routes to be signed as an additional measure to prevent vehicles using non-authorised routes and passing through those towns and villages that are to be avoided.

**Safe driving and working practices:** Competent haulage contractors will be employed which have extensive experience of driving HGVs and managing abnormal loads. Working practices will include but not limited to the following:

- Controls on time periods when HGV's can pass through towns to avoid as far as possible the rush hour periods;
- Speed restrictions through sensitive areas (if necessary);
- A log of HGV's entering and leaving the site to be maintained;
- Coordination of traffic movements with other major transport users e.g. forestry or minerals operators;
- Procedures to advise the public of traffic movement information particularly in advance of the busiest phases of activity. The appointed contractors would be required to disseminate felling and construction traffic information to the public particularly in advance of the busiest phases of activity or in advance of the movements of special loads; and
- Wheels and chassis cleaning to prevent mud being carried onto roads

**Local Community Liaison and Contractor Contact to deal with Complaints:** SPT and the appointed contractors would require to maintain close liaison with local community representatives as well as landowners and consultees throughout the felling and construction phases. This would include:

- circulation of information about ongoing activities and in particular those which have the potential to cause disturbance;
- A telephone number being made available during operational hours for residents to call with complaints; and
- Persons with appropriate authority being available to respond to calls and resolve any problems that occur.

**Public roads improvements:** Where necessary improvements will be undertaken to the public road network to accommodate abnormal loads. Any improvements will provide a long-term benefit to the public road network.

**Road condition surveys:** Road condition surveys will be carried out before, during and after the construction phase to assess any deterioration in the condition of the public highway. Periodic maintenance will be undertaken where necessary and SPT and its contractors would be responsible for reinstatement of damage caused by the HGV's engaged in the construction of the SWS Project. After the completion of construction operations, roads used by HGV's would be reinstated.

**Contingency/emergency planning:** An emergency/contingency plan will be developed detailing un-planned circumstances that may arise and how they would be dealt with e.g. in the case of mechanical breakdown.

**Travel Plan:** A Travel Plan is a site specific package of practical measures designed to improve access to a site by sustainable modes of travel. Measures may include:

- the provision of a shuttle minibus service for the workforce to transport them to/from the development site from specified pick up points;
- the promotion of car sharing;
- making deliveries outside of peak times;
- staff traffic induction; and
- providing off-road parking for the workforce where sustainable modes of travel are not available.

### Why is a TMP Required?

A TMP is necessary to ensure that construction traffic and in particular HGV's engaged in timber removal and the installation of the overhead lines can be appropriately controlled and liaison with residents assured.

### Development of the TMP and Approval by East Ayrshire Council

The TMP be developed in liaison with a number of stakeholders including:

- East Ayrshire Council
- South Ayrshire Council
- Dumfries and Galloway Council
- The Police and other Emergency Services
- Contractors

Only once the TMP has been approved by East Ayrshire Council will the plan be implemented.

The TMP will be put into operation prior to the commencement of works on site. The plan will be reviewed periodically to assess the effectiveness of the plan and additional measures included if required. A community liaison officer will be named in the TMP as a point of contact for the local community to process enquiries, complaints and convey information to the general public.

Contractors' compliance to the TMP will be monitored and any breaches of the TMP will be investigated and action will be taken.

## TMP codes of Practice

The TMP for this development will be based upon East Ayrshire Council Transportation of Minerals/Coal by Road Protocol.

## Draft TMP Condition for Consideration

It should be noted that the approval of the TMP would rest with East Ayrshire Council as Planning and Roads Authority and not with Scottish Ministers.

Prior to any commencement of construction works and allied activities within the area of East Ayrshire Council, a Traffic Management Plan / Transportation Protocol shall be submitted to and approved by the Council and shall, unless otherwise agreed in writing, include the following:

- the public roads which are to be used for felling and construction traffic;
- the public roads which are not to be used for felling and construction traffic;
- the local towns and villages to be avoided by felling and construction traffic;
- controls on time periods when HGV's can pass through local communities e.g. to avoid conflicts during school start and finish times; to avoid evening and Sunday disturbance etc;
- speed restrictions through sensitive areas if necessary;
- logs of all HGV's entering and leaving the site to be maintained and measures to identify HGV's involved in felling and construction;
- coordination of traffic movements with other major transport users e.g. open cast, forestry and wind farm developers;
- details of temporary signage to be installed at notified locations;
- specific arrangements relating to the transportation of abnormal loads and procedures to ensure pedestrian safety adjacent to work sites;
- the timing and frequency of vehicles movements associated with the transportation of abnormal loads to ensure that this is managed wherever possible to ensure disruption is minimised;
- Liaison procedures:
  - To advise the public of felling and construction traffic movement information particularly in advance of the busiest phases of activity;
  - With the Council and any affected communities to identify major events in the area and where possible, to programme construction works to ensure they do not impact upon the local road network on those days.

- Monitoring of access routes by the contractors to prevent damage to walkways, driveways, accesses, bridges, walls, verges and property do not occur. Steps to promptly make good any accidental damage also to be included;
- Detailed measures to address the repairs of the public roads damaged by heavy or extraordinary vehicles engaged in the construction phases of the development;
- Details of all road improvements required to include consultation with the Council as roads authority to agree the detailed specification of works;
- A Travel Plan for the construction phase of the development including the following:
  - measures to minimise dependency on the private car for travel to and from the site; and
  - measures to ensure that the morning and evening construction traffic peaks associated with the development do not coincide with the morning and evening network peaks unless otherwise agreed in writing with the Council
- a Transportation Protocol based on the East Ayrshire Council Transportation of Minerals Protocol;
- procedures to record any breaches of the Transportation Protocol and steps taken to secure compliance;
- the timing arrangements for the cleaning of wheels and chassis of vehicles associated with the development to prevent material being carried onto the public road; and
- provision for regular reviews of the Traffic Management Plan /Transportation Protocol with East Ayrshire Council and the Police.

The development shall thereafter be carried out in accordance with the Traffic Management Plan / Transportation Protocol as approved unless otherwise agreed in writing by the Council.

Reason: In the interests of public road safety and to mitigate the effects of construction traffic.

## Other Suggested Draft Transportation/Roads Conditions for Consideration

The TMP condition above should not be considered in isolation. It would form part of a suite of roads related conditions which would provide the Council with control not only over traffic management but also:

- **Road improvements to permit abnormal roads;**
- **Structural Assessment of the C90 (Afton Road) and necessary road improvements;**
- **Road repairs during the construction phase; and**
- **Road repairs and reinstatement following the completion of construction.**

The conditions below as suggested by SPT are based on those suggested by the Head of Planning and Development in his report dated 15<sup>th</sup> October 2010. However, the conditions differ in one significant respect. Each of the conditions requires the approval of East Ayrshire Council as Roads Authority and not the approval of Scottish Ministers. The Council would therefore be responsible for the approval of all details and would not act merely as a consultee.

### **Road Improvements to Permit Safe Passage of Abnormal Loads**

Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of East Ayrshire Council as Roads Authority. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense.

*Reason: In the interests of public road safety.*

### **Improvements to Road Infrastructure Related to Site Accesses**

Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of East Ayrshire Council as Roads Authority. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs, bollards etc) required as a result of the proposal shall be at the applicant's expense.

*Reason: In the interests of public road safety.*

## **Structural Assessment of C90 (Afton Road) and Necessary Road Improvements**

A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 (Afton Road) route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

*Reason: In the interests of public road safety.*

## **Road Repairs and Reinstatement During Construction**

A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense.

*Reason: To ensure safe passage on the road by the public during the construction period*

## **Road Repairs and Reinstatement Following Construction**

Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of any work on site. The location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with East Ayrshire Council (as Roads Authority) and constructed prior to commencement of any work on the site.

*Reason: To ensure safe passage on the road by the public after the construction period*

## **Socio Economic Benefits of the SWS Project**

At its meeting on the 16th December, the Council made it clear that it was not satisfied that sufficient mitigation measures could address the significant adverse impacts of the high level of traffic movements. Hopefully, the measures above will convince the Council that mitigation measures can and will be put in place to ensure that the effects of traffic movements are maintained at an acceptable level for communities and for roads infrastructure.

Although the focus of the presentation has been directed at traffic issues, for some of the communities within East Ayrshire, there will also be benefits which should not be overlooked.

As reported within the ES, the felling of trees and construction of the SWS Project as a whole is likely to generate local contracts for services and materials.

The ES estimates that approximately "126,086 man days" are likely to be required to

complete the felling and construction phase within the construction programme. A number of those could be taken by East Ayrshire Council based workers although SPT is prevented by procurement laws from providing any commitment to employ only residents within the defined catchment area to the exclusion of other applicants.

The issue of local jobs was one issue which emerged during the pre application consultation which was undertaken by SPT in 2008. In particular SPT were asked whether the local communities would benefit from any new jobs arising from the SWS Project.

Construction of the SWS project represents a substantial capital investment. Although it is difficult to quantify at present, a proportion of the investment will be spent locally on materials, e.g. stone required for the infrastructure works and additional expenditure by felling/construction personnel in local shops, hotels, restaurants and cafes. It is also likely to generate revenue for local businesses and further potential employment creation as a consequence of extra trade.

Based on SPT's previous experience of constructing similar overhead lines, the temporary positive economic effect on the local economy is assessed as being of moderate significance.

Based on the ES, the summary of residual effects are as follows:

1. Employment opportunities during construction – moderate (positive).
2. Indirect economic benefits during construction – moderate (positive).

**FIGURES**

**Figure 1 – Scheme Overview Plan**

**Figure 2 – Proposed Construction Access Points**

**Figure 3 – HGV Construction Traffic Forecast (Baseline)**

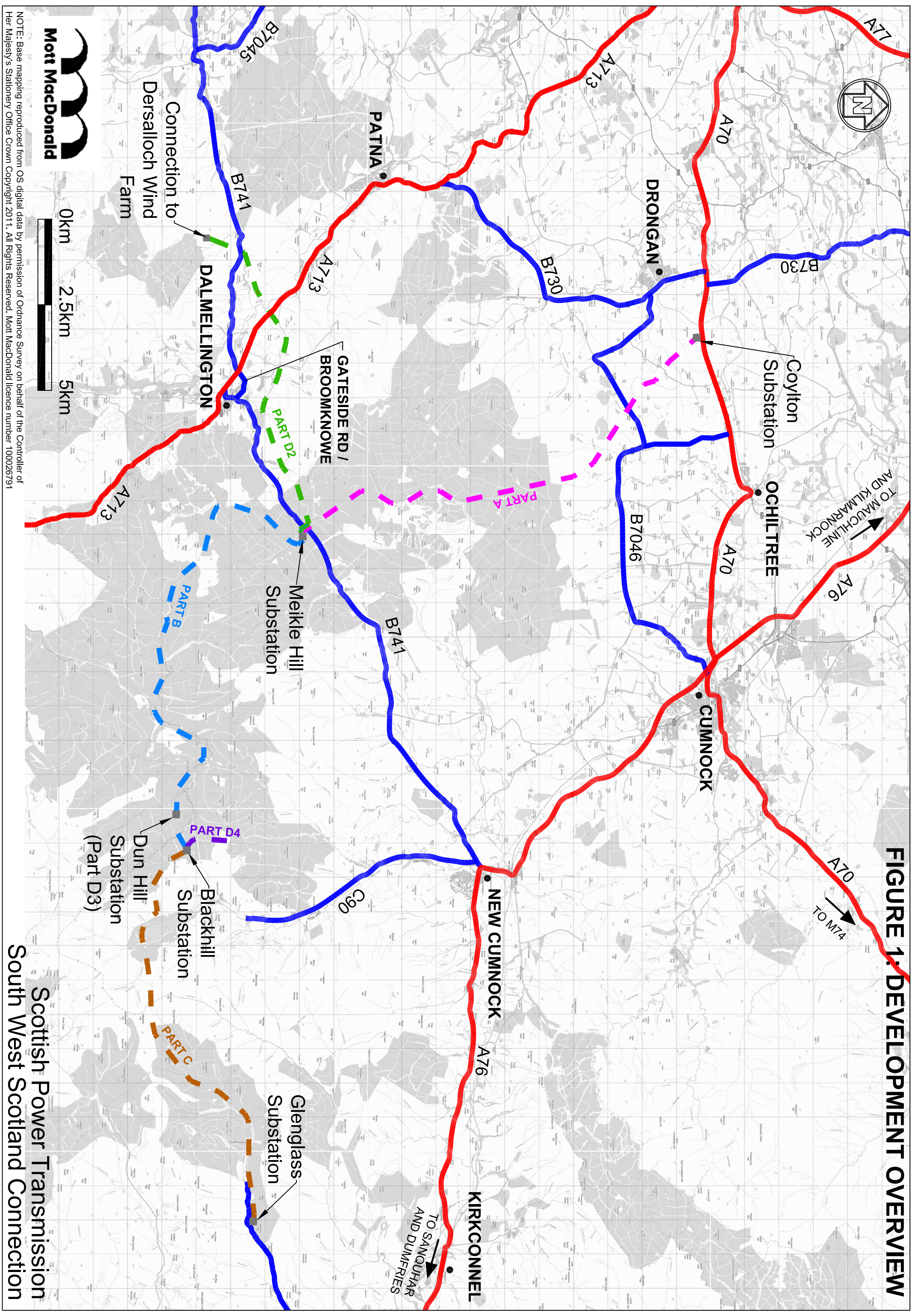
**Figure 4 – HGV Construction Traffic Forecast (Locally Sourced Stone)**

**Figure 5 – Existing Rail Head Locations**

**Figure 6 – Haul Route Access**

**Figure 7 – HGV – Construction Traffic Forecast (Traffic Re-routed on Haul Route)**

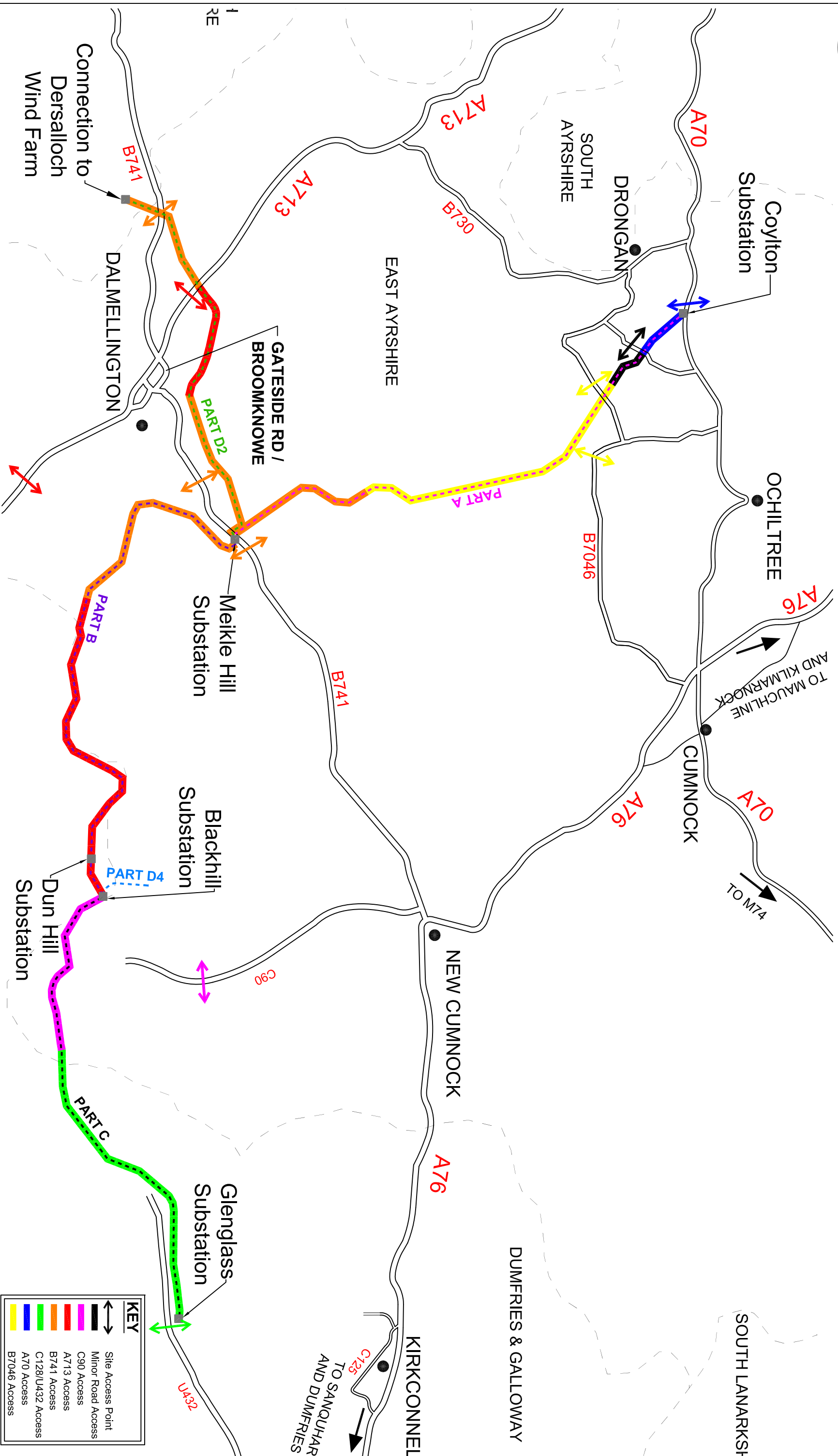
**FIGURE 1: DEVELOPMENT OVERVIEW**



**Mott MacDonald**

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Scottish Power Transmission  
South West Scotland Connection



**FIGURE 2: SITE ACCESS POINTS**





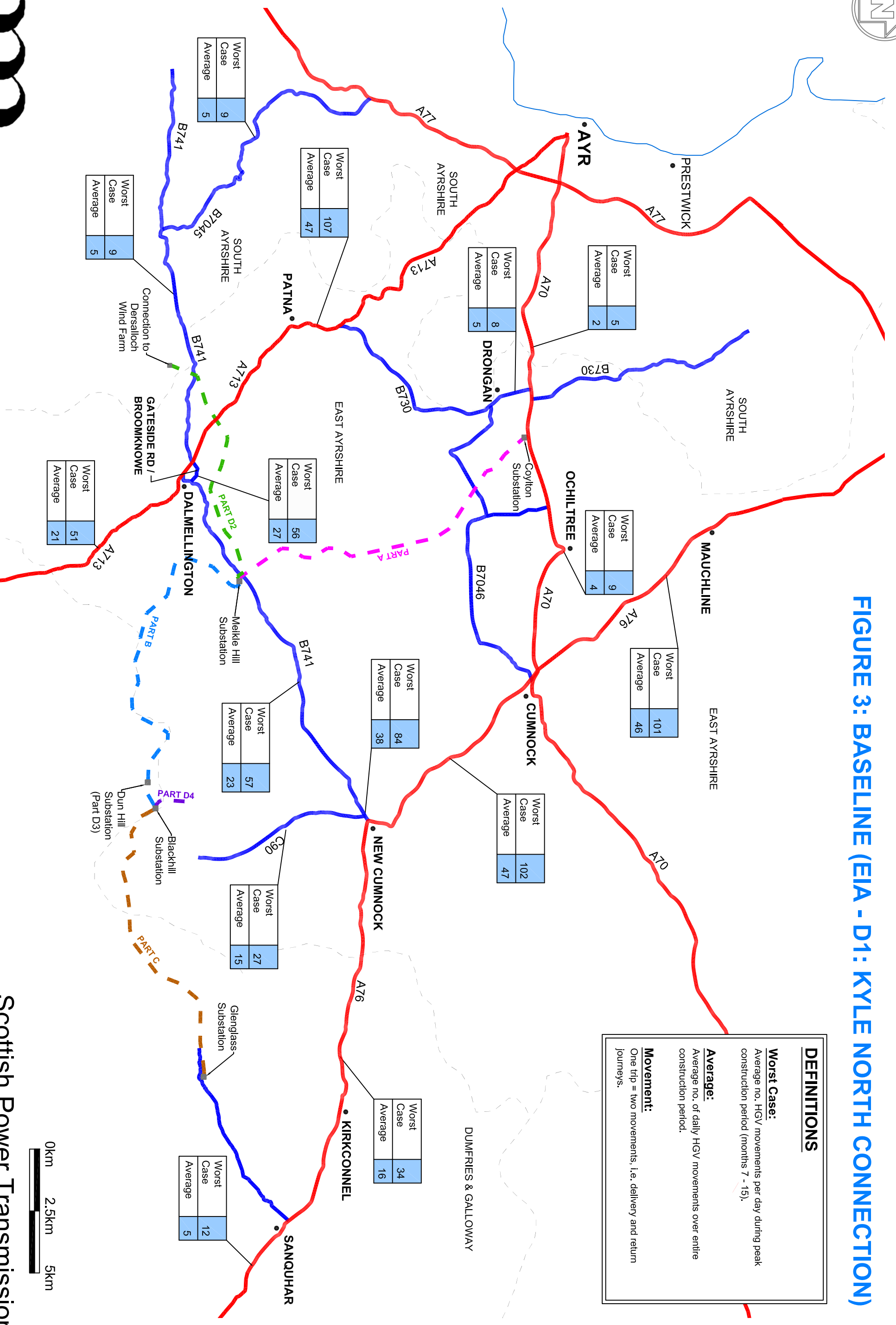
**FIGURE 3: BASELINE (EIA - D1: KYLE NORTH CONNECTION)**

**DEFINITIONS**

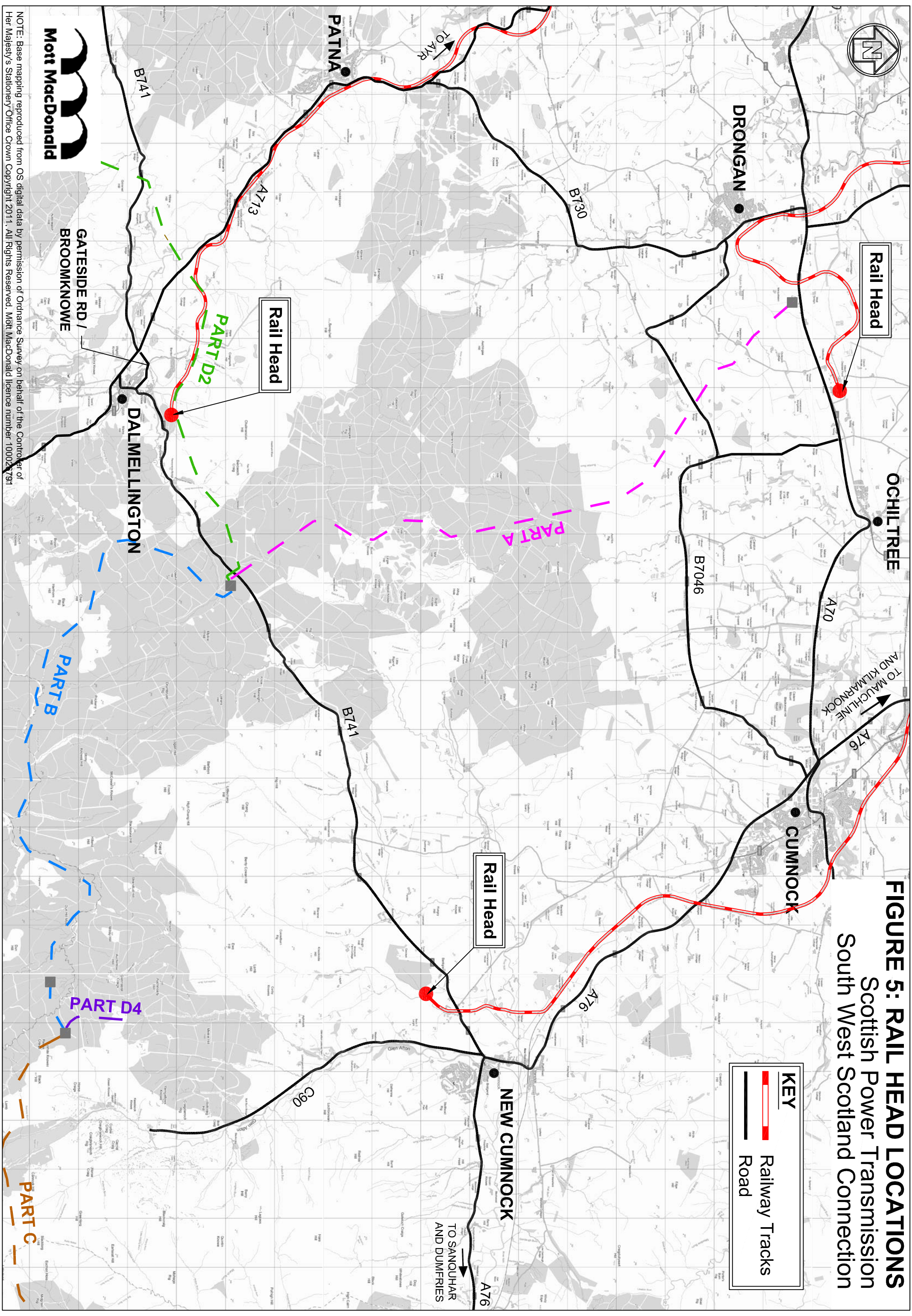
**Worst Case:**  
Average no. HGV movements per day during peak construction period (months 7 - 15).

**Average:**  
Average no. of daily HGV movements over entire construction period.

**Movement:**  
One trip = two movements, i.e. delivery and return journeys.







**FIGURE 5: RAIL HEAD LOCATIONS**  
Scottish Power Transmission  
South West Scotland Connection

KEY	
	Railway Tracks
	Road



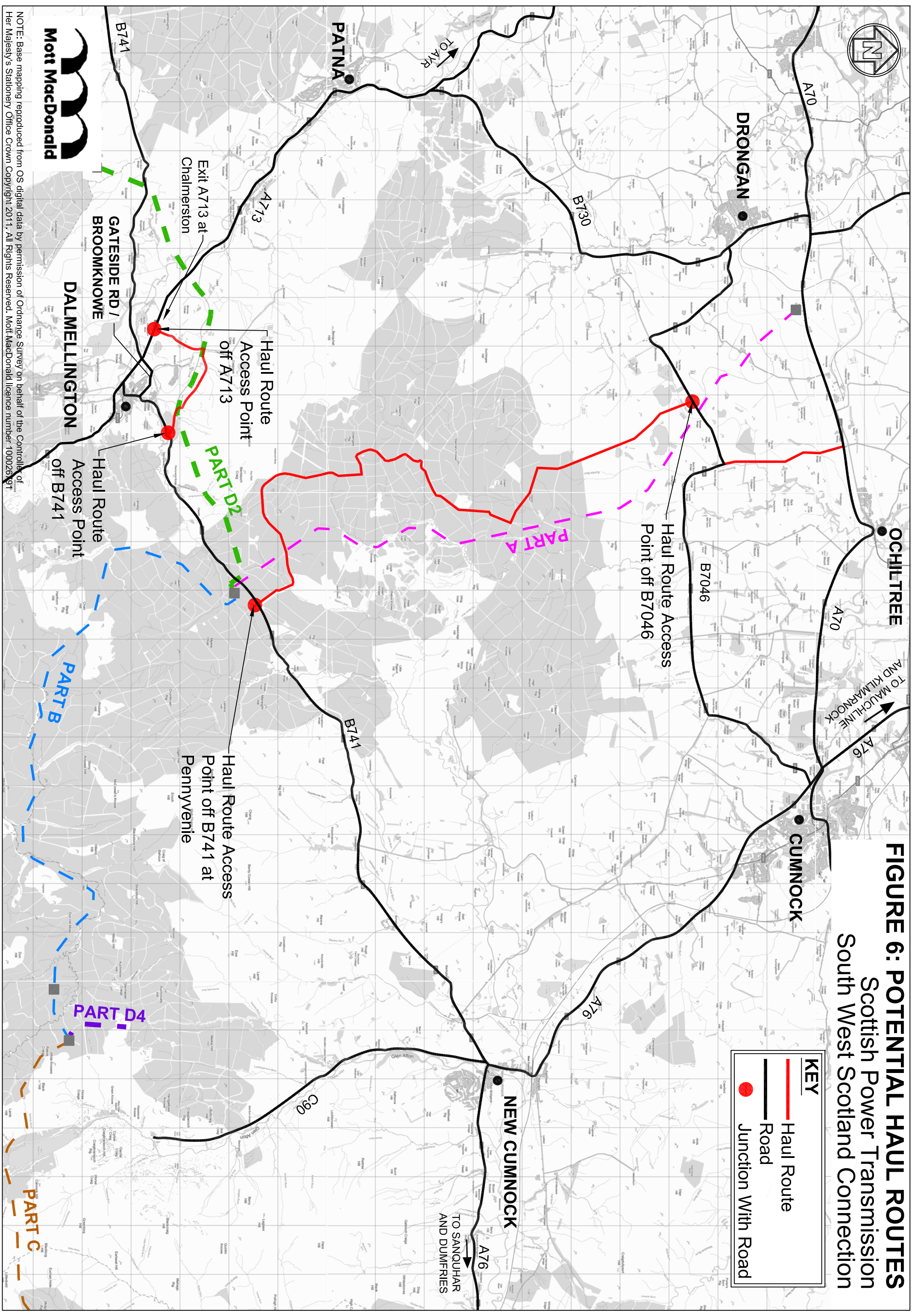
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**FIGURE 6: POTENTIAL HAUL ROUTES**  
 Scottish Power Transmission  
 South West Scotland Connection

**KEY**

- Haul Route
- Road
- Junction With Road



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**FIGURE 7: BASELINE WITH LOCALLY SOURCED STONE RE-ROUTED TO USE HAUL ROUTE**

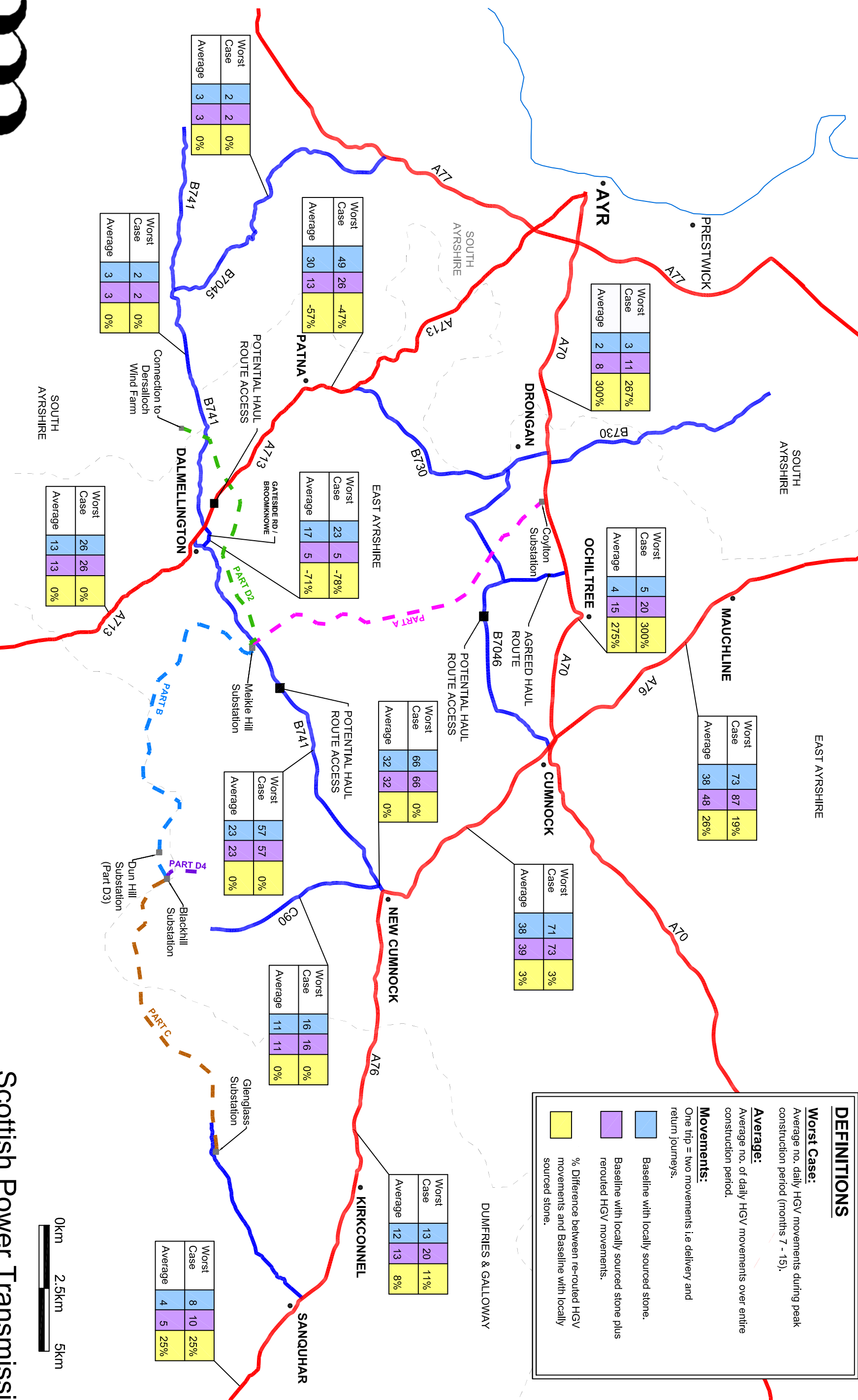
**DEFINITIONS**


**Worst Case:**  
Average no. daily HGV movements during peak construction period (months 7 - 15).

**Average:**  
Average no. of daily HGV movements over entire construction period.

**Movements:**  
One trip = two movements i.e. delivery and return journeys.

- Baseline with locally sourced stone.
- Baseline with locally sourced stone plus rerouted HGV movements.
- % Difference between re-routed HGV movements and Baseline with locally sourced stone.







**SP ENERGY NETWORKS**



# SWS Connections Project

East Ayrshire Council



## Presentation

- Introductions
- Purpose of presentation
- Development proposals
- Transport assessment
- Traffic management
- Summary points / Q & A



## Introductions

- Pearse Murray (Scottish Power Energy Networks)
- John Dooley (Mott MacDonald, Glasgow)
- Ross Baxter (Scottish Power Energy Networks)

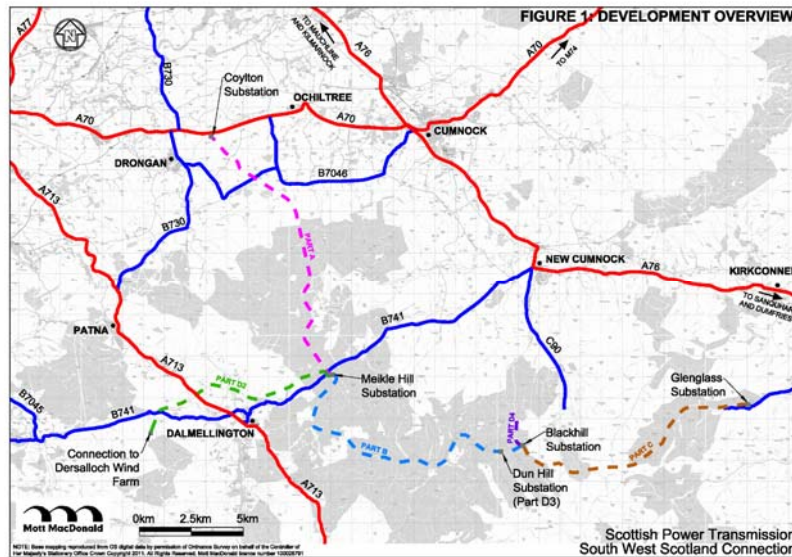


## Purpose of Presentation

- On 16th December 2010, members declared that they were not satisfied that there would be sufficient mitigation measures and/or alternative methods of transport available to adequately address the significant adverse impact that the high level of traffic movements would have upon the existing roads infrastructure, communities and settlements within the affected area during the 34 month construction phase.
- To demonstrate that sufficient mitigation measures are available



## Scheme Overview



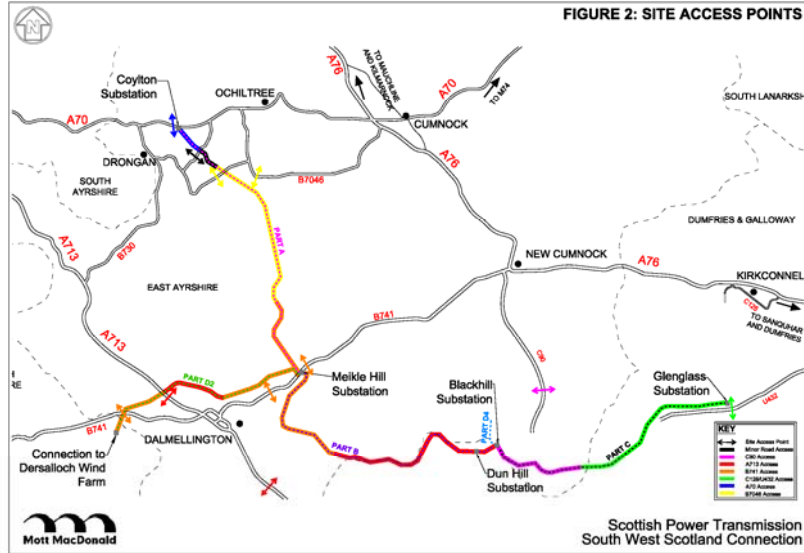
## The Transport Assessment



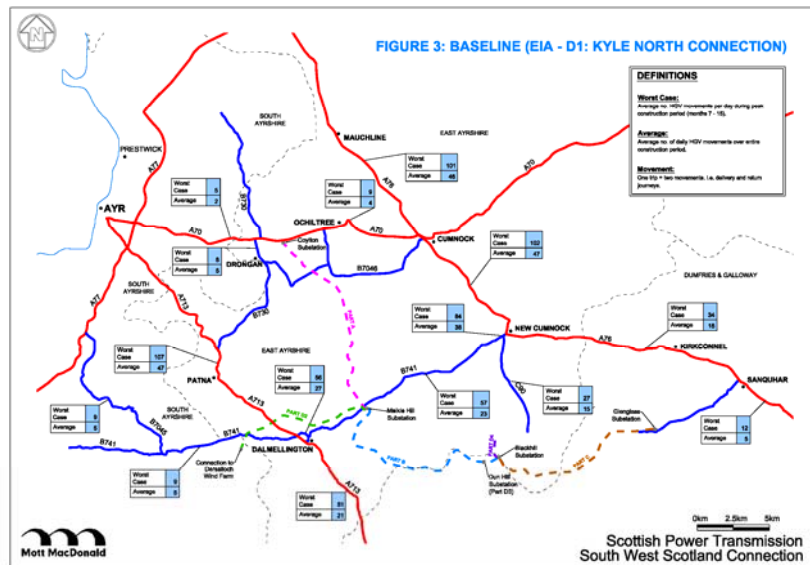
- Independent consultant employed
- Assessment based on:
  - Desktop study
  - Field work
  - Consultation
- Assessment undertaken as per best practice guidelines
- 'Worst case' scenarios assumed in EIA
- Phasing
- Development of mitigation since 16<sup>th</sup> December 2010



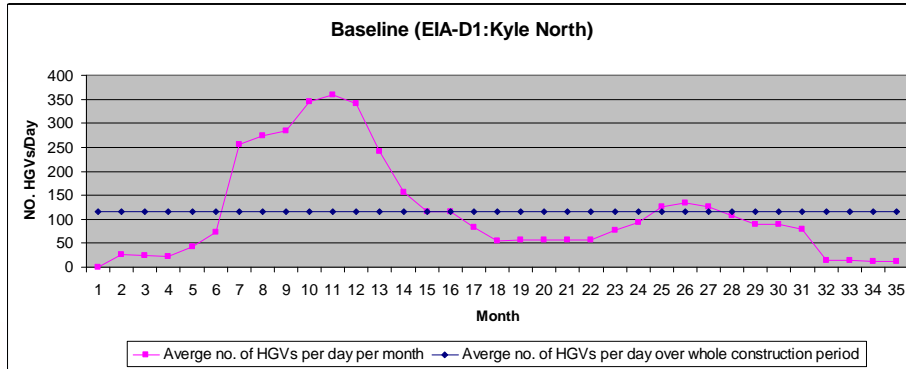
# Construction Site Access Points



# EIA Traffic Flows (less D1: Kyle North)



## Construction Phasing – Whole SWS Project



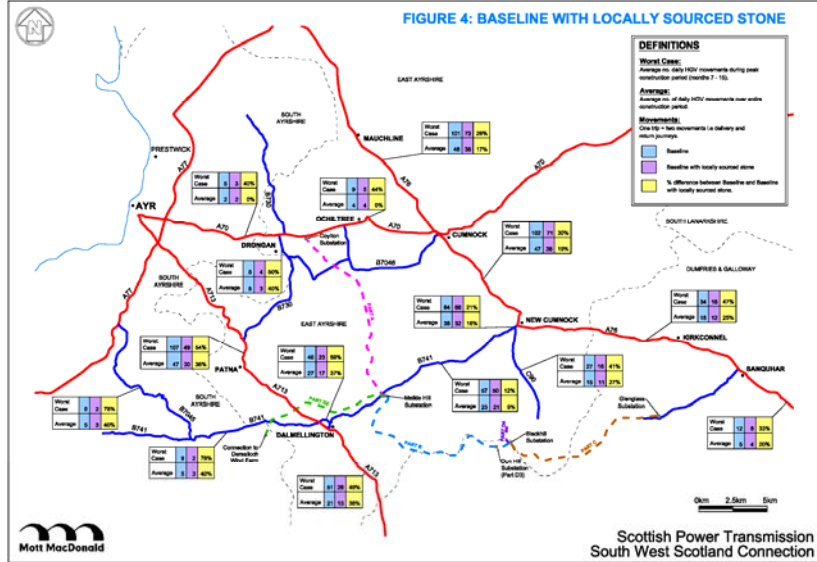
## Approach to Mitigation and Traffic Management



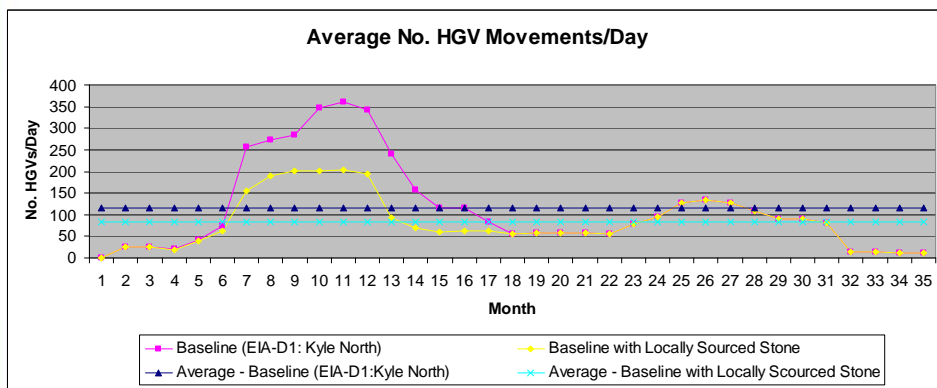
- Reduction of HGV traffic movements
- Consideration of alternative routes and modes
- Traffic Management Plan



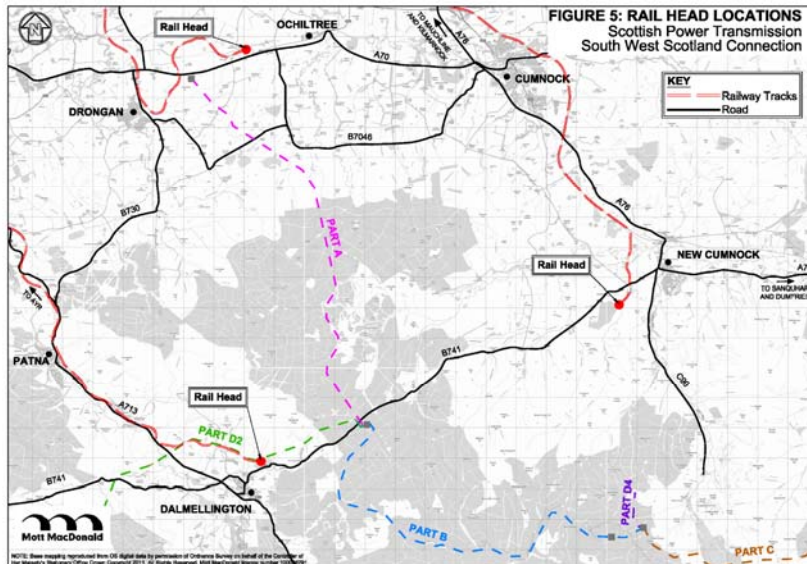
# HGV Traffic Reduction – Locally Sourced Stone



# Construction Phasing - Project



## Consideration of Alternative Routes and Modes



## Consideration of Alternatives - Rail

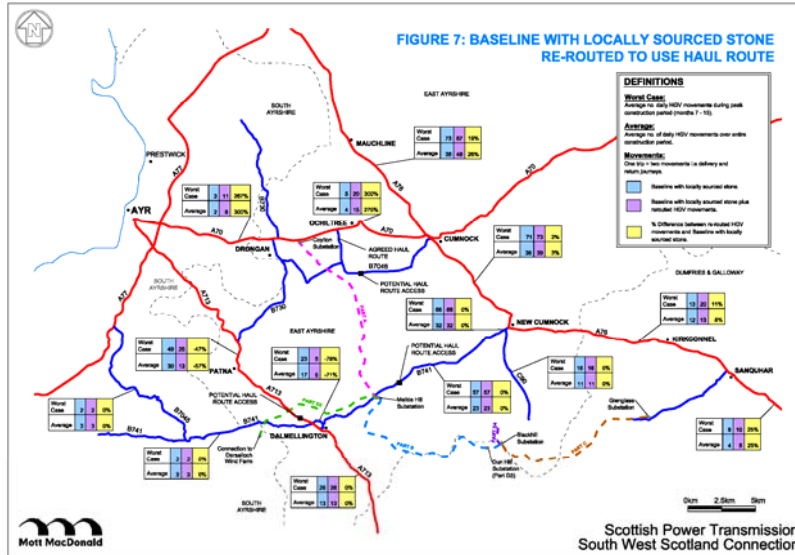


- Although large quantities of materials can be moved at one time, it is not necessarily practical for the small loads to be moved as part of the South West Scotland Project
- Although much of the infrastructure is already in place, the logistics of loading and unloading can be problematic - will lead to double handling of loads.
- HGV traffic may be re-routed away from some settlements only to be redistributed through other towns/villages.
- Potential for using rail for some elements still under consideration





# Re-Routed HGV Traffic



# HGV Frequency



Settlement	HGV Frequency (Worst Case) over peak 9 month period – One HGV every X minutes		
	Baseline	Locally Sourced Stone	Re-Routed using Haul Route
Cumnock (A70/A76 RBT)	7	10	10
Dalmellington (Gateside Rd. / Broomknowe)	13	31	144
Drongan	90	180	720
Patna	7	15	28
Mauchline	7	10	8
New Cumnock	7	10	10
Ochiltree	80	144	36

Settlement	HGV Frequency Average over entire construction phase– One HGV every X minutes		
	Baseline	Locally Sourced Stone	Re-Routed using Haul Route
Cumnock (A70/A76 RBT)	15	19	18
Dalmellington (Gateside Rd. / Broomknowe)	27	42	144
Drongan	144	240	720
Patna	15	24	55
Mauchline	16	19	15
New Cumnock	15	19	18
Ochiltree	180	180	48



## Traffic Management Plan (TMP)



- Overview of TMP
  - Purpose
  - To be developed through stakeholder consultation
  - Community liaison
  - Protocols
  - Travel Plan
  - Contingency/emergency planning
  - Road condition survey
  - Road improvements



## Traffic Management Plan (TMP)



- Implementation of TMP
  - TMP condition compliance
  - TMP Condition sign-off by EAC
  - Contractual obligations
  - Repair and renewal of roads
  - Communication of plan (including options for public feedback)
  - Community liaison officer
  - Regular reviews of plan = “live document”
  - Compliance and monitoring



## Benefits

- Employment opportunities during construction
- Indirect economic benefits during construction



## Summary Points

- Development of mitigation for grid connections since 16<sup>th</sup> December 2010
- Significant potential to reduce HGV movements
- Managed development implemented in compliance with planning conditions
- EAC approval of TMP
- Ongoing EAC/community involvement
- Questions?





SP ENERGY  
NETWORKS



Our Ref: MOT/JRG/MOT/SPT/1/2 4363446V4

Your Ref:

9 June 2011

Alan Neish  
 Head of Planning and Economic Development  
 East Ayrshire Council  
 6 Croft Street  
 Kilmarnock, KA1 1JB

Dear Mr Neish

**SP Transmission Limited ("SPT")**

**Southwest Scotland Renewables Connection Project ("SWS Project")**

**09/0130/FI: Proposed Installation of 33kV Underground Connection from Proposed 132 kV Substation at Black Hill to Proposed Windfarm Substation (Pencloe), South of New Cumnock (Part D4);**

**09/0131/EB: Proposed Placing of a 400kV Double Circuit Transmission Line carried by Lattice Steel Towers between The Existing Coylton Substation And The Proposed Meiklehill Substation on B741 New Cumnock to Dalmellington Road within East Ayrshire (Part A);**

**09/0132/EB: Proposed Placing of a 132kV Double Circuit Transmission Line Carried by Lattice Steel Towers between the Proposed Meiklehill Substation and the Proposed Black Hill Substation South of New Cumnock Within East Ayrshire and Dumfries and Galloway (Part B);**

**09/0133/EB: Proposed Placing of a 132kV Double Circuit Transmission Line carried by Lattice Steel Towers between the Proposed Black Hill Substation and the Proposed Glenglass Substation South of New Cumnock within East Ayrshire and Dumfries and Galloway (Part C);**

**09/0134/EB: Proposed Placing of a 132kV Single Circuit Transmission Line Carried by Wooden Poles between the Proposed Meiklehill Substation and the Proposed Kyle North Wind Farm Substation in the Kyle Forest within East Ayrshire (Part D1); and**

**09/0135/EB: Proposed Placing of a 132kV Single Circuit Transmission Line carried by Wooden Poles between the Proposed Meiklehill Substation and the Proposed Dersalloch Wind Farm Substation to the North of Dalmellington within East Ayrshire and South Ayrshire (Part D2)**

I refer to the above applications and to the presentation to members and senior officials which took place on 3 June 2011. As discussed, I have set out in this letter SPT's response to a number of the issues raised in relation to the £150 million SWS Project. For the avoidance of doubt, this letter should be read in conjunction with the Presentation Handout previously circulated.

**QUESTIONS RAISED BY MEMBERS DURING THE PRESENTATION**

**Possible Condition Requiring SPT to Use Haul Routes and Rail Heads**

During the question and answer session, Counsellor Ross asked whether SPT would be content to receive a section 37 consent/deemed planning permission containing a condition requiring the company to utilise the haul routes and rail heads to which reference was made during the presentation.

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SPT's position remains that such a condition would cause the company real difficulties. Firstly, such a requirement would be premature given that the efficacy of the use of these alternatives has not yet been fully determined. That process must involve SPT and its contractors who cannot be appointed until the consents are in place. It must also involve the owners and operators of the facilities, Scottish Coal and the Forestry Commission, both of whom have existing operations which they would wish to be protected as part of any arrangement. Secondly, the imposition of a condition as suggested would place SPT in a ransom situation, effectively having to meet any commercial terms demanded by Scottish Coal and the Forestry Commission. This is a situation which is unacceptable to SPT. Thirdly, such a condition could not be said to be either necessary or reasonable, two of the tests which require to be satisfied before a condition can be attached. I return to this point below.

The alternative approach suggested by SPT is that it undertakes a detailed and comprehensive evaluation of the suitability of the use of the haul routes and/or rail heads with its contractors, with Scottish Coal and the Forestry Commission and thereafter brings forward its Traffic Management Plan ("TMP") for the Council's approval. If the Council is dissatisfied with the content of the TMP, it can seek changes or refuse to give its approval.

In order to provide added reassurance to the Council, SPT is content to include an explicit reference within the terms of the draft TMP condition as set out in the Appendix, placing an obligation on it to evaluate the use of the haul routes and rail heads. In addition, the condition includes an obligation on SPT to use reasonable endeavours to reach an agreement with the owners of these facilities should they be considered to provide more effective mitigation than using the public road network when balanced against cost and time considerations.

Underpinning these changes, my clients also wish to promote a further condition requiring the setting up of a Transportation Mitigation Forum. The condition, which is set out in the Appendix, requires SPT to set up a Transportation Mitigation Forum ("TMF") to provide regular progress reports to the Council on its consideration of the opportunities for the use of locally sourced stone as well as haul routes and rail heads. Although the condition could only officially take effect when attached to the deemed planning permissions, SPT nonetheless proposes to initiate the Forum immediately following a decision by the Council to withdraw its objections. This would allow discussions with the Council to take place as soon as possible. Although the input of contractors would be needed during the process, early dialogue on the options would be useful for all concerned, providing transparency to the evaluation process which would then inform the content of aspects of the TMP.

SPT cannot under any circumstances accept a TMP condition which contains a best endeavours obligation, something which was mooted following the presentation to members. Such an obligation is in law equivalent to an absolute obligation and one in which the commercial interests of SPT would require to be set aside. SPT is a regulated business and all of its investments decisions are subject scrutiny by the regulator, Ofgem. A best endeavours obligation would be unacceptable.

Moreover, from a planning point of view, a condition containing such an obligation would not, in my opinion, satisfy the tests of reasonableness or necessity as required by the Scottish Government Circular 4/1998. In the first instance, such a requirement would be unreasonable in the circumstances as it would leave SPT in the position where it was forced to meet the commercial terms of the owners of the facilities irrespective of what they may be. Secondly, a best endeavours obligation would be unnecessary on the basis that the Council already has control over the acceptability or otherwise of the TMP and if it is dissatisfied with its terms, the Council would be entitled to withhold consent, thereby preventing a lawful start to development of the SWS Project.

It is respectfully suggested that taken together, the TMF and TMP conditions provide the Council with the necessary degree of comfort regarding the evaluation and the approval of the measures to mitigate HGV traffic.

### **Possible Steps in the Event of a Breach of the TMP**

Members questioned the possible steps which might be taken in the event of a breach of the TMP and the steps which might be open to a member of the public if they became aware of a breach or were adversely affected by such a breach.

Were it the case that approved details within the TMP, such as those controlling the routes to be used or the timescales within which HGVs could pass through a particular settlement were not observed, this would constitute a breach of the TMP. It would also represent a breach of the condition requiring the implementation of the TMP as approved.

Such a breach could be the subject of enforcement action by the Council as planning authority in the normal way. Any breach could also be the subject of action by SPT against any errant contractor. It would be SPT's intention to ensure compliance with the TMP by any contractor appointed and this would be underpinned by various contractual remedies including penalty payments or breach of contract or, in extreme cases termination of contract. Additional wording has been added to the TMP condition requiring that SPT ensures compliance with the TMP through appropriate contractual provisions and supervision of contractors and sub-contractors.

As Angela Reddington, SPT's Community Liaison Officer confirmed on Friday, SPT takes its obligations to communities extremely seriously and invests heavily in developing relationships with residents. It is for that reason that it would be in SPT's own interest to comply with the terms of any TMP which imposed a requirement to publicise information to residents and provide them with a contact number of an SPT employee who would act as a liaison between them and the contractor. That contact would strive to remedy any breach as quickly as possible and take appropriate action in order to prevent a recurrence. It is important to SPT that residents have confidence in such action.

### **Community Liaison Group**

Councillor McKay raised a number of questions regarding the possible composition, operation and frequency with which any Community Liaison Group would meet. As these are matters which will vary from settlement to settlement depending upon the issues involved, they are in SPT's opinion best left for discussion with local residents and business operators. Nonetheless, SPT wishes to promote a planning condition addressing a requirement to formally constitute a Community Liaison Group and to have such details as membership, frequency of meetings, the taking of minutes etc, the subject of a condition to be approved by the Council prior to work commencing on site. Please see the draft condition within the Appendix.

### **The Possible deletion of the Kyle North Transmission Line (Part D1)**

As confirmed at Friday's presentation, SPT does not at present have any live application for a connection as there is no application for a windfarm at Kyle North. It was on this basis that SPT excluded the associated traffic movements from consideration as part of the presentation. SPT hereby confirms that should the Council withdraw its objections to the applications under section 37 of the Electricity Act 1989 (excluding Kyle North) and approve the planning application for the Pencloe cable section, then it will formally write to Scottish Ministers withdrawing the application for Kyle North.

### **Suggestion that a Dedicated Haul Route could be created from the B741 South through Kyle Forest.**

Councillor Ross suggested that a new haul road could be constructed in Kyle South forest. It is understood the suggestion was for a new haul route from the B741 south, combining with the existing Kyle North haul route to assist in the extraction of timber and to remove HGVs from sections of the public road network and from Dalmellington.

There is already a network of forest tracks in the Kyle South area which link with the A713. SPT is looking at the use of these existing tracks. A further temporary haul route at Kyle South is not considered to be necessary or desirable. Its construction would not only have its own environmental impacts but its use would in conjunction with Kyle North, concentrate HGV traffic onto the already busy A70 and lead to increased traffic through Ochiltree. The construction and use of the proposed haul route would also delay the completion of the SWS Project through the time taken to construct it and the slower extraction times which would result. Significantly, the creation of such a route does not form part of the applications before Scottish Ministers.

#### **THE DISTINCTION BETWEEN CONDITIONS ATTACHED TO A SECTION 37 CONSENT AND DEEMED PLANNING PERMISSION**

During Friday's meeting, reference was made to the role of the Council as a consultee in the context of conditions attached to a section 37 consent. I would like it drawn to the attention of the Council that although SPT have lodged five applications seeking section 37 consent, each of them is also the subject of an application for deemed planning permission.

There is a significant distinction between conditions attached to a section 37 consent and those attached to a deemed planning permission. In the former case, the conditions are few in number and deal with matters to which the Electricity Act 1989 applies, such as the identity of the applicant. Scottish Ministers would approve the details of any condition attached to a section 37 consent. In contrast, a deemed planning permission will contain the conditions addressing the impacts arising from the implementation of the works. Significantly, all planning conditions attached to a deemed planning permission are subject to the approval of and enforcement by the planning authority, in this case East Ayrshire Council.

The approval of a TMP, conditions requiring road repairs and reinstatement and the formation of a Community Liaison Group would be attached to a deemed planning permission and not a section 37 consent. Issues such as traffic management fall within the area of expertise of the Council as the local roads authority and on this basis it is the Council who would be responsible for its approval and any enforcement of its terms.

As you will see from all of the conditions within the Appendix, in every case they are subject to the approval of the Council as planning authority and not Scottish Ministers.

In the event that the Council wishes to withdraw its objections to the section 37 applications, it would be entitled to advise Scottish Ministers that it is doing so subject to the imposition of amongst others those particular conditions.

#### **FINANCIAL CONTRIBUTION – PLANNING COMPLIANCE OFFICER**

It was apparent from Friday's meeting that enforcement of any breaches of the TMP is a matter of some importance to elected members. Although SPT has a Community Liaison Officer who would liaise with residents and would impose appropriate contractual obligations upon its contractors, it is acknowledged that the Council would be responsible for the detection and pursuit of any breach of the condition. This clearly has resource implications and given the scale of the SWS Project, these could be significant, particularly against the back drop of budgetary cuts. On this basis, SPT is prepared to make an annual financial contribution to East Ayrshire Council in order to fund part of the costs of a Compliance Officer in order to monitor the implementation of the SWS Project. My clients are prepared to make an annual contribution in the sum of £20,000 per annum or part thereof for the period of the 35 month construction phase. A condition preventing work commencing on site until an agreement has been entered into securing such a payment has been drafted. As you will be aware, while a planning condition cannot in itself seek payment it can be used to secure an agreement to that effect. Please see the Appendix for the detailed wording of the condition.

## MATERIALITY OF CHANGES

During Friday's meeting, you identified what you described as five changes introduced since the section 37 applications/application for planning permission for Pencloe were previously considered by the Council on 16 December 2010. You indicated to the meeting that consideration would require to be given to the implications of such changes in terms of the processing of the applications.

To assist you in your consideration, I have set out below my response to the five items which you mention which were:

1. The use of locally sourced stone;
2. The exclusion of the Kyle North application;
3. The possible use of rail heads;
4. The possible use of haul routes; and
5. Changes to the traffic management plan wording/inclusion of other conditions.

Taking each in turn, I would comment as follows:

### 1. **Locally sourced stone**

In my opinion, the commitment by SPT to consider the use of locally sourced stone be it from local quarries or borrow pits is not in any way inconsistent with the terms of the Environmental Statement ("ES") nor does not represent a change to the applications under consideration. As confirmed at paragraph 15.54 of the Annex 15 to the ES the transport assessment is based on stone being sourced entirely from off site. In other words it proceeds on a worst case scenario basis. That should not be taken as representing the intentions of SPT or the contractors. Rather it is simply an approach to assessment to enable the transport assessment to be completed prior to the contractors being appointed (paragraph 15.43 of Annex 15). The approach ensures that the environmental effects of the movement of stone could never exceed those assessed and as reported.

Despite the assumption on the importation of stone, it is acknowledged at paragraph 15.51 of Annex 15 that while there are various local options available, it is not possible to confirm source locations for the stone at this stage, i.e. in advance of the contractor being appointed. The ES does however state that even if local facilities in New Cumnock or those adjacent to the A70 were to be utilised, there would be no effect on local routes.

SPT has sought consent for the five section 37 applications from Scottish Ministers based on the worst case scenario approach set out in the ES. That remains the case as no contractors have been appointed. However, SPT is committed to working towards sourcing stone on site in order to reduce HGV traffic movements as detailed in the presentation. Reference is made again to the additional wording which has been provided to the draft Traffic Management Plan condition which obliges SPT to give detailed consideration to the use of locally sourced stone. Reference is also made to the proposed a Transportation Mitigation Forum condition as described above.

Were SPT or its contractors to acquire sources of stone from a local quarry, there would be no implications for the applications or the ES. It is acknowledged that the creation of new borrow pits would require planning permission in their own right but such applications would be made if required at the appropriate stage. At this stage no new borrow pits are proposed as no contractors are yet in place.

As you will be aware, the Scottish Ministers as decision maker cannot grant section 37 consent for EIA development unless the requirements of regulation 4 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 have been satisfied. Those requirements have been satisfied in this case. The ES contains all of the information required to assess the environmental effects of the development for which consent is being sought.

Ultimately, whether the stone is sourced locally or is imported or a combination of both, the Council has control over the traffic implications through its position as the decision maker in approving the terms of the TMP. The Council also has control over any applications for borrow pits which may be made.

## **2. The exclusion of the section 37 in respect of Kyle North (Part D1)**

As indicated above, SPT is willing to formally withdraw the application for Kyle North in the event that the Council withdraws its objections to the remaining section 37 applications and planning application for Pencloe. Again, withdrawing Kyle North does not have any implications for the applications on which the Council is being consulted or for Pencloe. As you will be aware, the environmental impact assessment for the SWS Project was undertaken on the basis that each of the separate components could be undertaken individually or all undertaken cumulatively. Again, there is no question of the withdrawal of the application for Kyle North having any bearing on the Council's role or on its ability to respond to Scottish Ministers as a consultee on the remaining applications.

## **3.4. The use of rail heads/haul routes**

On 16<sup>th</sup> December 2010 the Council took a decision to formally object to the five Electricity Act applications and to refuse the planning application for the cable connection to Pencloe (Part D4) on the grounds that members were not satisfied that there would be sufficient mitigation measures and/or alternative methods of transport available to SPT to adequately address the significant adverse impact of the high level of traffic movements.

SPT has in response to the decision of the Council sought to demonstrate through the presentation/presentation handout that sufficient mitigation measures and alternative methods of transport are available to it to adequately address the adverse impacts of the high level of traffic movements.

SPT has for example examined possible opportunities to reduce HGV movements as far as possible through the use of locally sourced stone. It has also explored measures to remove residual HGV traffic from settlements through the use of rail heads and haul routes. Figures 4 and 6 of the presentation handout show the significant reductions in HGV movements which can potentially be achieved through these steps. Initial discussions with the operators indicate that there are no objections in principle to the use of these facilities.

SPT is committed to further exploring these opportunities but as you know, the detailed evaluation process and negotiations with Scottish Coal and the Forestry Commission cannot be concluded without contractors being appointed. These appointments can only take place once consents are in place.

SPT understands the Council's concerns and the reasons for its objection. At this stage and as a reflection of its commitment, SPT is suggesting changes to the draft TMP condition requiring it to explore the use of rail heads and haul routes and to use reasonable endeavours to reach agreement for their use. SPT is also suggesting a condition requiring the setting up of a Transportation Mitigation Forum as described above to ensure that the Council is kept fully informed of the evaluation of the mitigation measures. These conditions are intended to give the Council confidence that there are sufficient mitigation measures available to address the traffic movements and that the Council will play a full part in the development and approval of them.

As with the use of locally sourced stone, the use of the rail heads and haul routes do not at this stage represent a formal proposal by SPT. SPT has sought section 37 consent/deemed planning permission from Scottish Ministers based on the worst case scenario approach set out in the ES. The applications and ES assume that all HGV movements will be on public roads although as demonstrated at the presentation, SPT is happy to accept conditions requiring it to explore the mitigation options highlighted.

Accordingly, there is no change to the applications which remain to be formally considered as relying exclusively on HGVs relying on the use of public roads. Ultimately, the Council as planning authority would have control over the use of the rail heads and haul routes should any further consents for their use be required.

#### 5. **Changes to the Traffic Management Plan Wording/Other Conditions**

SPT has, to try and overcome the concerns of the Council, suggested amended TMP wording together with changes to those conditions already suggested by you. In addition, following Friday's presentation, several new conditions addressing matters such as the Community Liaison Scheme have been developed. However, the conditions as suggested do not represent a change to the applications; merely a set of controls to be imposed regarding the implementation of the consents. None of the requirements of the conditions as proposed would result in any changes to the SWS Project which could be considered material in planning terms or which could be said to take the environmental effects outwith those already assessed and reported upon in the Environmental Statement.

#### **APPLICATION 09/0130/FI: PROPOSED INSTALLATION OF 33KV UNDERGROUND CONNECTION FROM PROPOSED 132KV SUBSTATION AT BLACKHILL TO PROPOSED WINDFARM SUBSTATION (PENCLOE), SOUTH OF NEW CUMNOCK (PART D4)**

As you know, at its meeting on 16 December 2010, the Council not only resolved to object to the five applications under section 37 of the Electricity Act 1989 but also refused the above planning application on the same basis as the formal objection to the Electricity Act applications. Should the Council be persuaded to withdraw its objections to the Electricity Act applications and object to the imposition of the conditions as recommended by the Head of Planning and Economic Development, it is respectfully requested that the Council also be invited to overturn their earlier decision to refuse the planning application.

Alan Neish

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9 June 2011

I am happy to discuss any aspect of this letter in more detail or to consider any suggested amendments to the terms of any of the draft conditions.

Regards

Yours sincerely

A handwritten signature in black ink, appearing to read 'Moray Thomson', with a long, sweeping horizontal line extending to the right.

**Moray Thomson  
Senior Associate  
MacRoberts LLP**

## **Appendix Suggested Conditions**

### **Transportation Mitigation Forum**

The applicant shall, within one month of the date of the grant of section 37 consent and deemed planning permission, invite East Ayrshire Council to participate with them in a transportation mitigation forum ("TMF").

The purpose of the TMF is for the applicant to liaise with the Council and to;

- (1) provide it with regular progress reports on its consideration of the opportunities to achieve an overall reduction in HGV movements and mitigation of residual HGV movements associated with the construction of the SWS Project as required as part of the Traffic Management Plan condition and
- (2) ensure that the applicant is fully aware of any comments which the Council wish to make.

In terms of (1) above, the applicant shall advise the Council in relation to:

- The utilisation of locally sourced stone required for the construction of the SWS Project; and
- The possible use of haul routes and rail heads referred to within the Traffic Management Plan condition.

including the progress towards agreements with the landowners/operators involved..

Those entitled to attend the TMF shall include Councillors within whose ward the application site falls; representatives of the applicant; any professional adviser to the applicant; a representative of the Council service as may be required together with a representative of the appointed contractors for the SWS Project. The applicant may, with the agreement of the Council also invite other parties to attend the TMF.

The applicant shall take minutes of the TMF meetings, issue an agenda for meetings which shall be held regularly until the Traffic Management Plan is approved and in any event not less than once every quarter.

Reason: To keep the Council informed of how the development of HGV mitigation is progressing and to ensure proper engagement takes place in a transparent way in order to inform the content of the Traffic management Plan condition.

### **Traffic Management Plan**

Prior to any commencement of construction works and allied activities within the area of East Ayrshire Council, a Traffic Management Plan / Transportation Protocol shall be submitted to and approved by the Council and shall, unless otherwise agreed in writing, include the matters below.

The applicant shall, in developing the TMP, give detailed consideration to:

- the possible use of locally sourced stone required for the construction of the SWS Project; and
- The possible use of haul routes including those linking the B7046 and the B741 and the A713 and B741 and rail heads adjacent to Dalmellington, west of New Cumnock and west of Ochiltree

as a means of seeking to achieve an overall reduction in HGV movements and mitigation of residual

HGV movements associated with the construction of the SWS Project. The applicant shall be required to use reasonable endeavours to source stone locally and to reach agreement with the owners and operators of the haul routes/rail heads where their use would represent practicable mitigation.

The TMP shall include the following:

- the public roads which are to be used for felling and construction traffic;
- the public roads which are not to be used for felling and construction traffic;
- the local towns and villages to be avoided by felling and construction traffic;
- controls on time periods when HGVs can pass through local communities e.g. to avoid conflicts during school start and finish times; to avoid evening and Sunday disturbance etc;
- speed restrictions through sensitive areas if necessary;
- logs of all HGVs entering and leaving the site to be maintained and measures to identify HGVs involved in felling and construction;
- coordination of traffic movements with other major transport users e.g. open cast, forestry and wind farm developers;
- details of temporary signage to be installed at notified locations;
- specific arrangements relating to the transportation of abnormal loads and procedures to ensure pedestrian safety adjacent to work sites;
- the timing and frequency of vehicles movements associated with the transportation of abnormal loads to ensure that this is managed wherever possible to ensure disruption is minimised;
- Liaison procedures:
  - To advise the public of felling and construction traffic movement information particularly in advance of the busiest phases of activity;
  - With the Council and any affected communities to identify major events in the area and where possible, to programme construction works to ensure they do not impact upon the local road network on those days.
- Monitoring of access routes by the contractors to prevent damage to footways, footpaths, carriageways, accesses, bridges, walls, verges and property do not occur. Steps to promptly make good any accidental damage also to be included;
- Detailed measures to address the repairs of the public roads damaged by heavy or extraordinary vehicles engaged in the construction phases of the development;
- Details of all road improvements required to include consultation with the Council as roads authority to agree the detailed specification of works;
- A Travel Plan for the construction phase of the development including the following:
  - measures to minimise, where reasonably practicable, dependency on the private car for travel to and from the site; and
  - measures to ensure that the morning and evening construction traffic peaks associated with the development do not coincide with the morning and evening network peaks unless otherwise agreed in writing with the Council
- a Transportation Protocol based on the East Ayrshire Council Transportation of Minerals Protocol;
- procedures to record any breaches of the Transportation Protocol and steps taken to secure compliance;
- the timing arrangements for the cleaning of wheels and chassis of vehicles associated with the development to prevent material being carried onto the public road; and

- provision for regular reviews of the Traffic Management Plan /Transportation Protocol with East Ayrshire Council and the Police.

The applicant shall ensure compliance with the TMP through appropriate contractual provisions and supervision of contractors and sub-contractors.

The development shall thereafter be carried out in accordance with the Traffic Management Plan / Transportation Protocol as approved unless otherwise agreed in writing by the Council.

Reason: To mitigate the effects of construction traffic in the interests of road safety and the amenity of users of the public road and rights of way.

### **Road Improvements to Permit Safe Passage of Abnormal Loads**

Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of East Ayrshire Council as Roads Authority. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense.

Reason: In the interests of public road safety.

### **Improvements to Road Infrastructure Related to Site Accesses**

Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of East Ayrshire Council as Roads Authority. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs, bollards etc) required as a result of the proposal shall be at the applicant's expense.

Reason: To mitigate the effects of construction traffic and in the interests of public road safety.

### **Structural Assessment of C90 (Afton Road) and Other Necessary Road Improvements**

A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 (Afton Road) route from the B741 to Craigdarroch (a distance of 6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. carriageway widening/strengthening, kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

Reason: In the interests of public road safety.

**Road Repairs and Reinstatement during Construction**

A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense.

Reason: To ensure safe passage on the road by the public during the construction period

**Road Repairs and Reinstatement following Construction**

Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of any work on site. The location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with East Ayrshire Council as Roads Authority and constructed prior to commencement of any work on the site.

Reason: In the interests of road safety and the amenity of users of the public road and rights of way.

**Community Liaison Scheme**

- (1) Prior to the commencement of construction works, the applicant shall submit a Community Liaison Scheme to East Ayrshire Council for its written approval.
- (2) The Community Liaison Scheme shall:
  - (a) contain measures requiring the applicant to maintain (and to take steps to ensure that their contractors maintain) close liaison with local community representatives throughout the construction period in the area to which the deemed planning permission refers including a requirement regarding the circulation of information about ongoing activities and, in particular, those activities which could have potential to cause disturbance;
  - (b) require the provision of a telephone number during operational hours and provide that person with appropriate authority acting on behalf of the applicant/contractors to respond to telephone calls made to that number and to take appropriate action to resolve any problems that occur.
- (3) Those entitled to attend the Community Liaison Group shall include local community representatives; Councillors within whose ward the application site falls; representatives of the applicant; any professional adviser to the applicant; a representative of the Council service as may be required together with a representative of the main contractors for the SWS Project, the Police and any other parties which the applicant considers could make a contribution to any meeting. The applicant shall take minutes of the Community Liaison Group meetings, issue an agenda for meetings and determine when to hold meetings. The Community Liaison Group shall meet on a regular basis during the construction phase.
- (4) The applicant shall implement the approved Community Liaison Scheme in its entirety unless

otherwise agreed in writing with East Ayrshire Council.

Reason: In order to keep local residents informed of how the development is progressing and to ensure a proper mechanism for discussion during the construction phase of the SWS Project.

#### **Planning Compliance Officer**

That no construction works associated with the SWS project shall be commenced until the applicant has concluded an agreement with East Ayrshire Council for the payment by the applicant of a financial contribution towards the costs of the appointment of a Planning Compliance Officer in order to monitor compliance with all of the conditions attached to the deemed planning permission.

The agreement shall provide for:

(a) the applicant's financial obligations to be subject to a maximum annual amount in any calendar year of **TWENTY THOUSAND POUNDS (£20,000) Sterling** and subject to an overall maximum amount of **SIXTY THOUSAND POUNDS (£60,000) Sterling** over the costs of the SWS Project as a whole;

(b) that the contribution shall be paid within twenty eight days of a written receipt of a demand for such costs and the production of invoices in respect of such costs which shall relate solely to the SWS Project;

(c) that the applicant's obligations shall cease on the payment of the **SIXTY THOUSAND POUNDS (£60,000) Sterling** or the completion of construction activities if sooner; and

(d) the applicant using reasonable endeavours to procure that the recommendations of the Planning Compliance Officer are complied with provided that such recommendations do not conflict with the terms of any other planning conditions or the terms of the Environmental Statement.

Reason: In order to ensure that the SWS Project is undertaken in accordance with the conditions attached to the deemed planning permission.