

## **EAST AYRSHIRE COUNCIL**

**SOUTHERN LOCAL PLANNING COMMITTEE: 05 JANUARY 2001**

**00/0472/FL: PROPOSED TEMPORARY USE OF AGRICULTURAL LAND FOR SITE OFFICES AND STORAGE OF OVERHEAD LINE ELECTRICAL EQUIPMENT FOR USE ON THE SCOTLAND TO NORTHERN IRELAND INTERCONNECTOR AT SHIELD MAINS FARM, COALHALL.**

**APPLICATION BY BALFOUR KILPATRICK LTD.**

### **EXECUTIVE SUMMARY SHEET**

#### **1. DEVELOPMENT DESCRIPTION**

1.1 This retrospective application for full planning permission seeks to legitimise the temporary use of the site for the storage of materials and the siting of temporary office accommodation. The materials and office accommodation are required in connection with the construction of the Scotland to Northern Ireland Interconnector, an overhead power line which will run from Coylton to Northern Ireland and which is presently under construction. The applicant has indicated that the hours of operations on the site are from 7am to 7pm, seven days per week. The applicant has also stated that the operations on site will last for around 12 months.

#### **2. RECOMMENDATION**

**2.1 It is recommended that the application be granted subject to the conditions listed on the attached sheet.**

#### **3. SUMMARY OF ANALYSIS**

3.1 The temporary storage of materials and the siting of temporary office accommodation, which is the subject of this application, is required in connection with the construction of the Scotland to Northern Ireland Interconnector (overhead electrical power line).

3.2 The proposal is not considered to conflict with Policy ENV10(iii) of the East Ayrshire Local Plan Finalised Version as the Listed Wildlife Site would not be adversely affected by the proposal. The proposal is of a temporary nature and the integrity of the Listed Wildlife Site can be safeguarded by imposing appropriate conditions on the development.

3.3 The points of objection relating to the timescale, hours of operation and noise can also be addressed by condition should the application be granted. The objection relating to the loss of visual amenity is not considered to justify a refusal of the application in this instance given the temporary nature of the proposal.

**Alan Neish**  
**Head of Planning & Building Control**

**NOTE:** This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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#### APPLICATION BY BALFOUR KILPATRICK LTD.

#### Report by Head of Planning & Building Control

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Southern Local Planning Committee under the Scheme of Delegation, as the proposal is subject to an objection.

### 2. APPLICATION DETAILS

2.1 **Site Description** : The application site lies approximately 200 metres to the west of Shield Mains Farm, Coalhall and forms part of a larger site identified as a category WD Listed Wildlife Site (Water of Coyle/Drongan Wood). The site is accessed via a single width access road from the A70, measures some 0.2 ha in area and is generally level. There are a number of mature trees adjacent to and within the site. Whilst the site was previously under agricultural use, it is presently being used for the storage of materials in respect of works on the Scotland to Northern Ireland Interconnector. A temporary site office and other temporary works accommodation, consisting of five portacabins, are also located within the site. The materials stored on the site include insulators, track plates, cranes, storage containers and mechanical plant. The site is screened from public view by a belt of trees adjacent to the A70.

2.2 **Proposed Development** : This retrospective application for full planning permission seeks to legitimise the temporary use of the site for the storage of materials and the siting of temporary office accommodation. The materials and office accommodation are required in connection with the construction of the Scotland to Northern Ireland Interconnector, an overhead power line which will run from Coylton to Northern Ireland and which is presently under construction. The applicant has indicated that the hours of operations on the site are from 7am to 7pm, seven days per week. The applicant has also stated that the operations on site will last for around 12 months.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 Drongan Community Council has not responded to the consultation letter.

***Noted.***

3.2 The Roads and Transportation Division has no objection to the proposal.

***Noted.***

3.3 The Outdoor Amenities Manager has no objection to the proposal. He does, however, state that any maintained or Community Services Account held land which may be damaged by the storage of the materials should be reinstated to the satisfaction of the Outdoor Amenities Manager or his nominee.

***The Outdoor Amenities Manager has since confirmed that there is no maintained or Community Services Account held land within the site.***

3.4 The West of Scotland Water Authority has no objection to the proposal, subject to operational requirements being met.

***An appropriate note can be attached to any planning permission granted for the development requiring the applicant to make early contact with the West of Scotland Water Authority.***

3.5 The Scottish Environment Protection Agency has no objection to the proposal and states that it has outlined its requirements in respect of surface water drainage and spillages, to the applicant at an earlier site meeting.

***Noted.***

3.6 Scottish Power and Transco have no objection to the proposal.

***Noted.***

3.7 The Coal Authority has stated that the site lies within the likely zone of influence on the surface from workings in 4 seams of coal last worked in 1907. The Authority adds, however, that ground movements should, by now, have ceased. The Coal Authority also states that the site is within an area where coal is believed to exist at or near the surface, which may have been worked at some time in the past and which may be worked at some time in the future. Two mine entries lie within 20 metres of the site.

***An appropriate note could be attached to any planning permission requiring the applicant to make early contact with Coal Authority.***

3.8 Scottish Natural Heritage has stated that, as the site is located within an area of agricultural land and does not involve the removal of trees, the conservation interests of the Listed Wildlife Site would not be affected. It does, nevertheless, request that a condition, to ensure that no vehicle movements or storage of materials should be carried out within a 10 metre buffer zone around any trees, is included on the planning permission, should the application be granted.

***A condition, which would ensure that no materials are stored or vehicle movements take place within a 10 metre buffer zone around any trees, can be attached to any consent granted for the development.***

3.9 The Scottish Wildlife Trust has stated that it has concerns with regard to:

- Damage to trees caused by the close proximity of equipment, spoil heaps and container storage.

**See response to 3.8 above.**

- The lack of boundary fencing between the storage and operational areas of the site and areas of woodland to prevent intrusion and damage to the woodland

**A condition can be attached to any consent granted for the development to ensure that fences are erected in appropriate locations, separating the storage and operational areas from the areas of woodland.**

- Leakage of fuel from vehicles or of other liquids from stored materials within or close to the woodland.

**As noted above, SEPA has previously outlined its requirements to the applicant in respect of surface water drainage and spillages. A condition can be attached to any consent granted for the development to ensure that all drainage requirements are to the complete satisfaction of the West of Scotland Water Authority, SEPA and the Planning Authority.**

3.10 The Royal Society for the Protection of Birds has stated that it has no objection to the proposal as it is unlikely to affect any sites of international or national importance for birds. The Society does however state that there should be no damage to the adjacent Listed Wildlife Site during the operations, including disturbance to ground vegetation or removal of trees.

**See response to 3.8 above.**

3.11 The Health and Safety Executive has no comment to make with regard to the application as the site does not lie within the vicinity of a notifiable installation, pipeline or nuclear site.

**Noted**

## **4. REPRESENTATIONS**

4.1 One letter of objection has been received from the occupier of an adjacent property. The points of objection relate to:

- Loss of visual amenity and lack of screening

**Given that the proposal is of a temporary nature, any loss of visual amenity would also be temporary. Furthermore, the site is not readily visible from the public road. It is therefore considered that any temporary reduction in visual amenity would not justify a refusal of planning permission in this instance.**

- The view that the timescale is unclear.

**The applicant has indicated in August 2000 that the storage of materials and the requirement for the temporary office accommodation would last for around 12 months. Nevertheless, the proposal may bring about a reduction in visual amenity and for that reason it is not considered to be a suitable form of permanent development. However, 12 months is not an excessive length**

***of time and should planning permission be granted, the consent can be subject to condition limiting the duration of the development.***

- The view that the proposal would result in noise nuisance and reduce the residential amenity of the area

***A condition can be attached to any consent granted for the development to control the hours of operation on the site, in order to minimise any adverse impact on residential amenity. Furthermore, the proposal is of a temporary nature. It is therefore considered that a refusal of planning permission would not be justified in terms of noise nuisance or loss of residential amenity.***

## **5. DEVELOPMENT PLAN STATUS**

5.1 This application requires to be determined with regard to Policy ENV10(iii) of the East Ayrshire Local Plan Finalised Version which states:

*“Development likely to adversely affect local nature and listed wildlife sites will be resisted and all sites of recognised nature conservation value will be safeguarded whenever possible. Where development is approved for such sites, appropriate measures should be taken to conserve and manage, as far as possible, the sites’ biological or geological interest and to provide for replacement habitats or features where damage is unavoidable”.*

***As noted above, Scottish Natural Heritage has advised that the conservation interests of the Listed Wildlife Site are unlikely to be affected. Furthermore, the development is of a temporary nature and any impact on the Listed Wildlife Site would not therefore be permanent. Nevertheless, conditions could be included on the planning permission as discussed above to safeguard the Listed Wildlife Site should permission be granted.***

## **6. OTHER PLANNING CONSIDERATIONS**

6.1 Full planning permission (CD/93/287 and CD/93/288) has been granted by the Secretary of State for the erection of an electricity sub station at Trabboch. This sub station was also required in association with the construction of the Scotland to Northern Ireland Interconnector.

## **7. FINANCIAL OR LEGAL IMPLICATIONS**

7.1 There are no financial implications for the Council in determining this application. Legal implications may arise in terms of enforcement action to cease use of the site should the Committee refuse the application.

## **8. CONCLUSIONS**

8.1 The temporary storage of materials and the siting of temporary office accommodation, which is the subject of this application, is required in connection with the

construction of the Scotland to Northern Ireland Interconnector (overhead electrical power line).

8.2 The proposal is not considered to conflict with Policy ENV10(iii) of the East Ayrshire Local Plan Finalised Version as the Listed Wildlife Site would not be adversely affected by the proposal. The proposal is of a temporary nature and the integrity of the Listed Wildlife Site can be safeguarded by imposing appropriate conditions on the development.

8.3 The points of objection relating to the timescale, hours of operation and noise can also be addressed by condition should the application be granted. The objection relating to the loss of visual amenity is not considered to justify a refusal of the application in this instance given the temporary nature of the proposal.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be granted subject to the conditions listed on the attached sheet.**

Alan Neish  
Head of Planning & Building Control  
11 November, 2000  
DS/IH/SMB

### **LIST OF BACKGROUND PAPERS**

1. Application forms and plans.
2. Statutory notices and certificates.
3. Consultation responses
4. Letter of representation.
5. East Ayrshire Council Local Plan Finalised Version.
6. Previous applications: - CD/93/287 and CD/93/288.
7. Letter from R and M Veitch, Auldbyres Farm, Low Coyllton, dated 24 July 2000

Any person wishing to inspect the Background Papers listed above, should contact Mr Derek Scott on (01563) 555483.

**Implementation Officer : Dave Morris**

Application no: 00/0472/FL

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Location	Shield Mains Farm COALHALL
Nature of Proposal:	Proposed temporary use of agricultural land for site offices and storage of overhead line electrical equipment for use on the Scotland to Northern Ireland interconnector
Name and Address of Applicant:	Balfour Kilpatrick Ltd c/o Forest Enterprise, Dalmellington Road STRAITON KA19 7NG
Name and Address of Agent	

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DPO's Ref: DEREK SCOTT ]  
PPO's Ref; [ ]

The above FULL application should be granted subject to the following conditions.

(1) Permission is granted for a limited period of 1 year from the date hereof, and the use shall be discontinued and the land restored to its former condition in accordance with a scheme to be agreed by the Planning Authority, at the expiration of this period unless a further permission is granted.

REASON - The proposal is not considered to be a suitable form of permanent development.

(2) No operations are hereby authorised to take place on the site until chestnut pale fencing of a height not less than 1.2 metres has been erected in the location shown on the approved plans. The fencing shall enclose either:-

- (a) the area described by the limit of the spread of the branches of the trees;
- (b) a radius of 10 metres from the trunk of the trees, whichever is the greater.

Such fencing shall be maintained during the course of the operations on the site and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

(3) All surface water drainage and provision for the spillage of diesel fuel on site shall comply with the requirements of the Scottish Environment Protection Agency and the West of Scotland Water Authority and evidence of such compliance shall be exhibited to the Planning Authority on demand.

REASON - To ensure that adequate drainage is provided and to safeguard the nature conservation interests of the Listed Wildlife WD6, Water Of Coyle/Drongan Wood.

(4) With the exception of diesel fuel oil, no toxic materials or liquids shall be stored on the site.

REASON - In the interests of environmental amenity and to safeguard the nature conservation interests of the Listed Wildlife Site WD6, Water of Coyle/Drongan Wood.

(5) Except in the case of emergency, no construction work or operations shall take place on the site outwith the hours of 7:30am to 6:30pm, seven days a week.

REASON - To ensure that the occupants of adjacent premises are protected against excessive noise intrusion.

NOTES TO APPLICANT

1. The applicant is advised to make early contact with the West of Scotland Water Authority with regard to water supply and drainage.
2. The applicant is advised to make early contact with the Scottish Environment Protection Agency with regard to drainage.
3. The applicant is advised to make early contact with the Coal Authority with regard to past and future mining operations on the site.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT  
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN LUGAR. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 555320.**

**AGENDA**