

Planning Applications Committee Report

**PHASE 1 CONSULTATION ON PREFERRED CORRIDORS AND SITING OPTIONS -
SPEN STRATEGIC REINFORCEMENT PROJECT**

Application Type: N/A

Ref. No.: N/A

Recommendation – Submit comments to SPEN

Ward - Multiple

Hierarchy Type (if applicable) - National

Case Officer – David Suttie

1 BACKGROUND

1.1 At the Economy, Environment & Infrastructure Committee meeting on 10 November 2015, the Committee considered a report regarding the proposed Council response programme to the SPEN Strategic Reinforcement Project (see details below). The Committee agreed that a) the Planning Applications Committee should consider and provide comments to SPEN on the second and third rounds of the public consultation, with a Members' Seminar being held prior to each report being presented to the Planning Applications Committee; b) the response to any formal consultation on a Section 37 application submitted to the Scottish Ministers should be first considered by the Planning Applications Committee with the final decision on the consultation being determined by Full Council; and c) in addition, a report on the initial corridor route proposals should be submitted to the 9 December 2015 Planning Applications Committee, with a Members' seminar being held in advance, and the comments of the Committee should be forwarded onto SPEN for their consideration.

1.2 Scottish Power Energy Networks (SPEN) is proposing what is called a Strategic Reinforcement Project. In essence, their proposals involve the provision of a new overhead line of up to 400kV through Dumfries & Galloway, running from Auchencrosh (South Ayrshire) to Harker near Carlisle (Cumbria), via substations at Newton Stewart, Glenlee and Dumfries. In addition, the project would involve a new 132kV overhead line connection from Kendoon to Glenlee and from Glenlee to Tongland. This project would also allow the removal of approximately 130km of existing tower lines in the region.

1.3 SPEN states the project is required in order to replace aging infrastructure (70+ years old in some places) and also to increase capacity in the transmission system. It is still at an early stage, with no defined route having been established.

1.4 Further information on the project can be found on the SPEN website:-
http://www.spenergynetworks.co.uk/pages/dumfries_galloway_strategic_reinforcement.asp

In particular, Members are advised to refer to the document entitled “Routeing and Consultation Document – May 2015” which is available on the Project Documents page of the above website.

[NB – For information, a group opposed to the proposals has been established and is known as dumgalagainstpylons. Its website is <http://dumgalagainstpylons.org/>]

1.5 The current timetable published by SPEN for the project is as follows:-

2015 - First round of public consultation on the preferred corridor and preferred substation siting areas (took place between 8 June until 31 August). Publish a consultation feedback report detailing the views and representations received.

2016 - Second round of consultation on the preferred route and preferred substation sites. Commence work on Environmental Impact Assessment (EIA).

2017 - Third round of public consultation regarding the detailed design of the new overhead line and substations.

2018 - Formal statutory pre-consent application consultation on proposed route and the locations for the substations.

2019 – Application under Section 37 of the Electricity Act 1989 for the project submitted to the Scottish Ministers and the Secretary of State for Energy and Climate Change (for the section of the project located within England).

2023 – Project completed and operational (*assuming approval has been given by both the Scottish Ministers and the Secretary of State for Energy and Climate Change*).

[NB – it should be noted that there is no statutory requirement for SPEN to undertake the initial 3 phases of public consultation.]

1.6 SPEN’s website state that *“The proposed overhead line between Auchencrosh and Harker would operate at a voltage of up to 400kV and would be supported on lattice steel towers of up to 50m high. However, from Glenlee, two sections of new 132kV double circuit line on lattice steel towers up to about 30m high will also run north to Kendoon and south to Tongland, near Kirkcudbright. ... Four new substations at Auchencrosh, Newton Stewart, Glenlee and Dumfries are needed to convert the high voltage to lower voltages.”*

1.7 In terms of procedure, the Council is not the determining body for consent applications submitted under Section 37 of the Electricity Act and instead it is only a statutory

consultee. However, as with electricity generation developments (such as large windfarms) which fall within Section 36 of the Act, if a planning authority objects to a Section 37 application, it automatically triggers a public inquiry. Under the Council's Scheme of Delegation, Section 36 and 37 applications are normally considered and determined by the Planning Applications Committee alone. However, this project is identified as a National development in the Scottish Government's National Planning Framework (NPF) 3. Accordingly, the Planning Applications Committee would consider any consultation and make a recommendation to the Full Council. The Full Council would then decide whether it wished to object or not to the proposal.

1.8 Whilst the public consultation for the preferred corridor and preferred substation siting areas closed on 31 August 2015, as a statutory consultee, it is open to the Council to submit comments outwith these dates.

2 CONSULTATIONS

2.1 The Council's formal opinion was not sought during the first round public consultation exercise. A Stakeholder Liaison Group, chaired by Scottish Government Energy Consent Unit, was established and this group has now met on 4 occasions. It is attended by representatives of all the relevant statutory consultees from both Scotland and England. Technical officer level advice was however sought and provided through the Stakeholder Liaison Group in respect of the proposed landscape methodology and the mechanisms of the public consultation.

2.2 All Members were invited to a seminar from SPEN before the first round consultation commenced and this took place on 5 June 2015.

3 REPRESENTATIONS

3.1 Not applicable - any representations to the first round of public consultation had to be made directly to SPEN.

[NB – Any representations from members of the public for or against any future Section 37 application must be made directly to the Scottish Government and not the Council. Furthermore, the Planning Applications Committee does not allow public speaking for applications for which it is not the determining body.]

4 REPORT

4.1 It is important to note a number of points. Firstly, any application which is submitted will not be a planning application. SPEN would be applying to the Scottish Ministers for consent under Section 37 of the Electricity Act 1989. The Scottish Ministers (through the Scottish Government Energy Consents Unit) will consult the Council as a statutory consultee. When and if the Scottish Ministers grant SPEN consent under the Electricity Act, that decision also grants deemed planning permission for the development.

4.2 Secondly, there is currently no application for the proposals with the Scottish Ministers and so the Council has no formal consultation before it to consider. Accordingly, the Planning Applications Committee is not being asked at this stage to make any formal

decision on the proposals for a new overhead line, in principle or otherwise. Indeed, it is considered that there is inadequate detail in the first round proposals to justify taking a stance one way or the other at the moment. Instead, the Committee is being asked to consider providing comments to SPEN on its initial ideas. The views of the Planning Applications Committee on this and the next 2 rounds of public consultations will not be binding on SPEN, nor will they trigger a public inquiry. However, the process agreed by the Economy, Environment & Infrastructure Committee provides Members with a mechanism for identifying any significant issues or areas of concern requiring amendment and providing SPEN with valuable input in the development of their ideas.

4.3 The first round of public consultation, which took place during the summer, was at quite a high level, with SPEN seeking the views on the various routeing corridor and substation location options (see Figure 6.1 in SPEN's "Routeing and Consultation Document – May 2015"). The methodology used for identifying these options is accepted as being in accordance with best practice (i.e. using a 'sieving' process through identifying various constraints / sensitivities and applying the Holford and Horlock Rules to identify areas of highest environmental value). However, the consultation starts with the basic assumptions that a) there is a need for the development and b) this need can be best met by the formation of a new overhead line through Dumfries & Galloway. It is understood that SPEN would be keen to receive the Council's comments on the various routing and substation options, but it is suggested that more fundamental issues need to be examined first.

4.4 Taking the need assumption first, the Scottish Government's identification of the development in National Planning Framework 3 means that the project has been recognised as a National project and, to a degree, the need for the development has been established. However, NPF3 does not dictate the exact route or form of the development. It is therefore legitimate for the Council to seek clarification (and an independent assessment) of the needs case for the current proposals. Whilst there is a document entitled "Background to Need Case - May 2015", it is understood that no detailed financial need case has been produced as yet, which tends to indicate that SPEN may be favouring one specific solution (i.e. a new overhead line through Dumfries & Galloway) too early.

4.5 There are other statements which have been made without detailed substantiation, namely that the existing infrastructure is "*nearing the end of its useful life*" and that the existing 132kV network is "*at full capacity*" and a 400kV 'supergrid' is the only viable alternative. These may be valid claims but the Council would expect SPEN to be able to substantiate them, ideally by way of an independent assessment. However, SPEN's statutory obligations set out in the Electricity Act 1989 and the requirements of their transmission licence (and in particular the fact that they "*must offer to connect new power generators to the system and, make sure any work we do keeps disturbance to the natural and built environment and the people who live in it, work in it or enjoy it to a minimum*") are recognised.

4.6 The Council would expect that SPEN would actively consider other options than an overhead line. In this regard, the following comments in the Routeing and Consultation Document are noted:- "*Wherever practical, we take an overhead line approach when planning and designing new or replacement major infrastructure projects, such as the Dumfries and Galloway Strategic Reinforcement Project. However, there are specific*

circumstances in which undergrounding would be considered. These would be identified through the next stage of the routeing process, once a corridor has been finalised.” If, ultimately, SPEN conclude that they wish to pursue an overground line option, the Council would wish to see details of the mitigation measures proposed.

4.7 The Council would be interested to hear SPEN’s comments on other alternative schemes, such as those put forward by dumgalagainstpylons for an undersea connection from Auchencrosh to the NW of England. It would also expect SPEN to take account of the view of local communities and, in particular, the potential effect on residential as well as visual amenity, as this appears to have been omitted in the documents so far.

4.8 The effect of the proposals on economic development needs to be more fully addressed, with particular reference to the Council’s adopted Regional Economic Strategy. Although difficult to quantify, the potential effect on tourism, which is vital to the economy of the region, needs to be considered along with the details of any claimed economic benefits.

4.9 Greater recognition of the importance of the region’s landscape quality needs to be made, with cognisance being given to the Council’s Landscape Character Assessment (plus associated guidance within the Dumfries and Galloway Wind Farm Landscape Capacity Study). Both documents are vital tools in assessing wind turbine proposals, these being the only other comparable manmade structure in the region’s landscape. Greater recognition of the potential cumulative effects of proposals in association with clusters of existing and consented wind energy developments within the region is also required.

4.10 It is therefore recommended that the comments below be forwarded to SPEN as the formal comments of Dumfries & Galloway Council in respect of the first round of consultation for their Strategic Reinforcement Project.

5 RECOMMENDATION

5.1 Submit the following comments to SPEN:-

1. The present statement of why the project is needed is inadequate and relies too heavily on the fact that it is included in NPF3.

2. The Council would expect SPEN to take into account the views of local communities likely to be impacted by the route / options and to include residential amenity in their assessment.

3. The Council would expect SPEN to more fully detail the economic impact, both positive and negative, of their proposals, with reference to the Council’s Regional Economic Strategy.

4. The Council would expect SPEN to take full account of the importance of the regional landscape quality of Dumfries & Galloway, and to give cognisance to the Council’s Landscape Character Assessment (plus associated guidance within the Dumfries and Galloway Wind Farm Landscape Capacity Study) as the Council considers that it is

insufficient to refer only to national and European designated areas as key landscape constraints.

5. With regard to the above, the Council expect SPEN to adopt all possible mitigation to avoid any adverse impact on the region's sensitive landscape areas, including undergrounding and other routeing options.

6. At this stage, the Council expects SPEN to have an open mind on alternatives other than just the route corridor options shown in their consultation, and to fully assess and appraise options at this early stage rather than ruling them out. There is insufficient justification at this early stage for SPEN's preferred corridor and the Council would urge them at this stage to undertake a fully open and transparent options appraisal.

7. The Council requests that SPEN allow sufficient periods of time for the submission of comments during the second and third phases of public consultation.