

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

29 JUNE 2015

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 15/00458/FUL
OFFICER:	Barry Fotheringham
WARD:	Mid Berwickshire
PROPOSAL:	Variation to condition 15 of planning consent 13/00247/FUL to allow additional working hours to completion of development (Monday to Friday, 5pm - 8pm)
SITE:	Eccles Substation, Eccles
APPLICANT:	Scottish Power Transmission PLC
AGENT:	Scottish Power Energy Networks

SITE DESCRIPTION

The existing Scottish Power substation is situated on the northern side of the A697 to the north west of Coldstream and to the east of the village of Eccles. The application site is an area of low lying land located immediately to the east of the existing substation compound. To the south of the application site and on the opposite side of the A697 Coldstream to Greenlaw road are several small woodland plantations, a commercial sawmill and 2 residential properties known as Woodside and Rossander.

Planning consent 13/00247/FUL was granted on 1st July 2013 for the erection of Series Capacitor Bank Compounds (SCBCs) immediately to the east of the existing substation. This consent has been implemented and the approved compounds are currently under construction.

PROPOSED DEVELOPMENT

This application seeks planning consent to vary Condition 15 of planning consent 13/00247/FUL to allow additional working hours over and above those previously agreed. Condition 15 of planning consent 13/00247/FUL states:

Operational hours and vehicle movements for construction works shall be limited between 8.00am and 5.00pm, Monday to Friday, with no construction or vehicle movements at the weekend or on public holidays.

Reason: To retain effective control of the development and protect the residential amenity of nearby dwellinghouses.

It is proposed to vary this condition to allow extended working hours from 5pm – 8pm Monday to Friday. The proposed hours of operation would be from 8am – 8pm, Monday to Friday.

PLANNING HISTORY

The original 132kV substation was constructed in 1959 and as part of the Anglo-Scottish upgrade in the mid 1990's, the 400kV substation was constructed and more recently in 2005, the 132kV substation was rebuilt. The following planning history is relevant:

B274/95: Erection of 400kV substation and ancillary equipment. Approved 14 February 1996

03/02254/FUL: Installation of 132kV Electricity Substation. Approved 19 March 2004

04/02103/FUL: Installation of 132kV Electricity Substation. Approved 21 January 2005

12/00697/SCR: Request for Screening Opinion. Opinion issued 3 July 2012.

12/01332/PAN: Proposal of application notice for an extension to the existing substation was submitted on 25 October 2012. Closed 6 November 2012

13/00247/FUL: Construction of 400kV Series Capacitor Bank Compound, associated access road, drainage and landscaping works. Approved 1 July 2013

REPRESENTATION SUMMARY

Two letters of objection have been received from the same household and are available for Members to view in full on Public Access. The principle grounds of objection can however be summarised as follows:

- Impact on fragile health of existing occupants
- Noise will disturb dogs
- Noise of generator causes a constant drone
- Lack of communication from applicant

APPLICANTS' SUPPORTING INFORMATION

The applicant has submitted a supporting statement and is available for Members to view in full on Public Access. The supporting statement can be summarised as follows:

- Extended working hours will allow the completion of works in line with current transmission outages, allowing compounds to be connected to the transmission network
- Additional hours (5pm – 8pm, Monday to Friday until the end of August) are requested
- General site activities will continue until 7pm with general end of day activities (making site safe and secure, removal of tools, plant and equipment from work areas) taking place between 7pm and 8pm
- Development is highly time sensitive. If works are not complete by the end of the planned outage in August then works will be suspended until another outage is available. There are no more planned outages until mid – late 2016 at the earliest.
- Proposed working activities during extended hours would consist of a range of construction activities including pulling cables, bolting together pieces of

equipment, terminating cable and installation of cable trays. These are non-noise provoking activities.

- Noise inducing activities will be largely completed before 5pm. Additional hours activities will primarily use hand tools.
- Proposed extended working hours do not require additional HGV movements beyond those permitted within the approved traffic management plan
- Essential personnel only will remain on site during extended hours amounting to an estimated 10-12 personal vehicles leaving the site at the end of each day.
- The following mitigation measures are proposed:
 - Hand tools to be used wherever possible
 - No deliveries of goods or skips
 - Use electric plant wherever possible
 - Use 'sound reduced' generators and compressors
 - Keep plant well maintained and keep maintenance records up to date for inspection
 - Turn off engines when not working, do not leave engines idling
 - No radios on site
 - No shouting or making unnecessary noise
 - Choose appropriate plant to take in to consideration the close proximity of works to residences
- No additional site lighting is proposed as works will progress within daylight hours.

CONSULTATION RESPONSES

Scottish Borders Council Consultees

Roads Planning Service: No response

Environmental Health: The supporting information sets out the works that will be carried out between 1700 and 2000. Construction works are generally permitted between the hours of 0700 and 1900 for noisy works. As the request is for non-noisy works there will be little intrusion on nearby properties. The applicant has not mentioned how these extended works will be communicated to neighbouring properties. A letter drop should be done before the extended hours commence. The letter should include a contact number for residents to call should they have any questions or wish to make a complaint.

Statutory Consultees

Leitholm, Eccles & Birgham Community Council: No response

Other Consultees

None

DEVELOPMENT PLAN POLICIES

SES Plan 2013

Policy 9 – Infrastructure

Consolidated Scottish Borders Local Plan 2011

Policy G1 – Quality Standards for New Development

Policy G3 – Hazardous Developments

Policy H2 – Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS

Proposed Local Development Plan 2013

Policy PMD2 – Quality Standards

Policy HD3 – Protection of Residential Amenity

Policy IS11 – Hazardous Developments

KEY PLANNING ISSUES:

The key planning issue with this application are whether the proposed extension of working hours would have an unacceptable adverse impact on the residential amenity of nearby residential properties.

ASSESSMENT OF APPLICATION:

Background

Planning consent 13/00247/FUL was granted on the 1st of July 2013, subject to conditions, for the construction of a 400kV Series Capacitor Bank Compound, associated access road, drainage and landscaping works. During the assessment of this application it was acknowledged that the proposed development, particularly during the construction phase, would affect a limited number of local receptors in terms of impact on the landscape and residential amenity. However, it was argued that the anticipated impacts would not be significant and would not outweigh the national benefits that this major infrastructure project will deliver.

As mentioned earlier in this report, Condition 15 states:

Operational hours and vehicle movements for construction works shall be limited between 8.00am and 5.00pm, Monday to Friday, with no construction or vehicle movements at the weekend or on public holidays.

Reason: To retain effective control of the development and protect the residential amenity of nearby dwellinghouses.

The applicant now seeks planning consent to modify this condition to allow additional working hours over and above the approved hours from 5pm to 8pm Monday to Friday until the end of August. The applicant states in the supporting information that the proposed additional hours will allow completion of works in line with current transmission system outages (08/07/15 – 30/08/15). The additional hours would allow a number of critical tasks to be completed prior to the end of the outage period, allowing the new compounds to be connected to the transmission network. The proposed additional hours will allow general site activities to continue until 7pm with general end of day activities such as making the site safe, secure and tidy, including the removal of tools, plant and equipment from work areas between 7pm and 8pm. This would increase productivity of the site.

The applicant states that the development is highly time sensitive and without the additional working hours sought, the development may not be completed by the end

of the allocated network outages to allow connection to the transmission network. Should work not be completed by the end of the scheduled outage between July and August then work may be suspended until another outage is available. This may be mid-late 2016 at the earliest.

Residential Amenity

Condition 15 of 13/00247/FUL was added to ensure effective control of the development and to protect the residential amenity of nearby dwellings. These times were initially proposed by the applicant in their design and access statement supporting the original application. During the consideration of the original application it was accepted by Members that there would be increased noise levels during the construction phase of the development but restrictions would be placed on noise levels emitted by plant and machinery to ensure that development would not give rise to any noise complaints from nearby dwellings. Adhering to these conditions would ensure compliance with Policy H2 of the Local Plan which aims to protect the residential amenity of proposed and existing residential areas. Development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

It is considered that the proposed increase in hours of operation is not an unreasonable request, especially as it seeks additional hours until the end of August 2015 only (2 months from the date of the July Planning and Building Standards Committee). It is noted there are two letters of objection in connection with this application; both letters originate from the same household. The principle grounds of objection relate primarily to the health of the occupants and their sleeping patterns associated with shift work. The objectors argue that the proposed increase in hours of working will disrupt the rest periods and the health of the occupiers of nearby dwellings. Whilst it is acknowledged that there may be some disruption felt by the occupants of neighbouring dwellings during the construction period, it is considered that the noise levels (which are controlled by condition) from the site during current working hours are not significant. It is worth noting that the planning authority has not received complaints from neighbouring dwellings on the grounds of noise nuisance or the hours of operation in connection with the original planning permission.

The development approved under the 2013 consent represents a major piece of infrastructure investment in the Borders. It is critical that this investment is delivered on time in order to meet national objectives set out in National Planning Framework and SESplan. The proposed increase in working hours would represent a modest adjustment to the consented hours and would not result in an unacceptable adverse effect on the residential amenity of neighbouring dwellings over and above existing levels. The increase in hours would be over a limited period and would allow the development to be completed on time, preventing the construction period from being extended into 2016. Whilst there may be limited additional disruption to neighbouring dwellings it is felt that this would be better managed over a shorter period of time.

It is therefore considered appropriate to extend the working hours as proposed. This would be reflected in a modified condition based on the consultation response received from Environmental Health. All other relevant conditions attached to the original grant of consent will be transferred over to the new decision so that it runs alongside the original permission. This ensures that all relevant conditions remain in place and the development continues to be carried out in accordance with the earlier approval. This can be explained in an applicant informative.

CONCLUSION

The proposals are considered to be acceptable and in accordance with development plan policy H2 covering the protection of residential amenity in that the proposed increase in working hours would not result in an unacceptable adverse impact on the residential amenity of neighbouring properties. The extended working hours would allow the development to be completed by the end of the scheduled transmission outage between July and August 2015 and allow re-connection to the transmission network.

RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

I recommend the application is approved subject to the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. Operational hours and vehicle movements for construction works shall be limited between 8.00am and 8.00pm, Monday to Friday, with no construction or vehicle movements at the weekend or on public holidays and all works shall be carried out in accordance with the supporting statement (received 24 April 2015) hereby approved unless otherwise agreed in writing by the planning authority. Prior to the commencement of extended working hours, the applicant shall inform local residents of the revised hours by way of a letter drop, a copy of which shall be sent to the planning authority for retention.
Reason: To retain effective control of the development and protect the residential amenity of nearby dwellinghouses.
3. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within any noise sensitive dwelling (windows can be open for ventilation).
Reason: In order to protect the residential amenity of nearby properties.
4. Any lighting installation installed in connection with the Development should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.
Reason: In order to protect the residential amenity of neighbouring properties.
5. The development hereby approved shall be carried out in complete accordance with the Species and Habitat Mitigation referred to in the Landscape and Visual Assessment dated 20 February 2013 and cross referenced with the Screening Document dated 4 May 2012.
Reason: In order to protect and enhance protected species and habitats.
6. All vehicular access to the development hereby approved, including during construction phases, shall be limited to the existing substation access from the A697 and from no other location on the public road, including any existing field access.
Reason: To limit vehicle movements to a single location from the public road and to minimise the potential for disturbance caused by vehicle movements upon nearby residents.

7. Discharge rates from the surface water drainage system (as shown on drawing number 185F-2-5200-DA-IECEC-005 Rev C dated 30 Nov 2012) to the Todrig Burn shall be limited to the existing Greenfield Run-off Rate or 5 litres/second/hectare, whichever is lower.

Reason: To ensure that surface water drainage from the site does not lead to flooding of the Todrig Burn.

Informatives

The applicant is reminded that this decision notice pertains to the variation of Condition 15 of planning consent 13/00247/FUL, and that the development is also subject to the schedule of conditions and requirements of the earlier consent.

DRAWING NUMBERS

SP4092253 Rev 6.0 Layout Drawing
Supporting Statement

Approved by

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

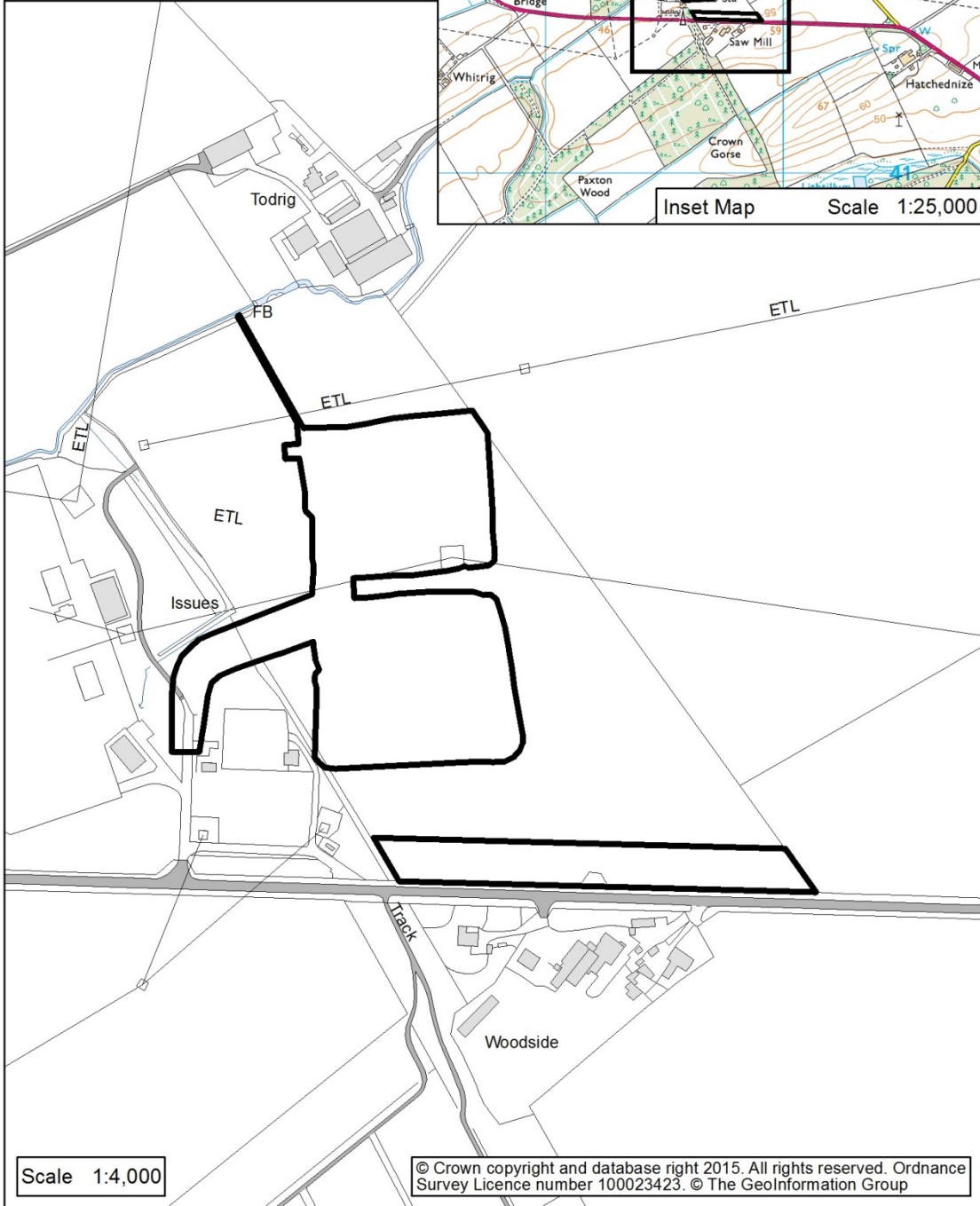
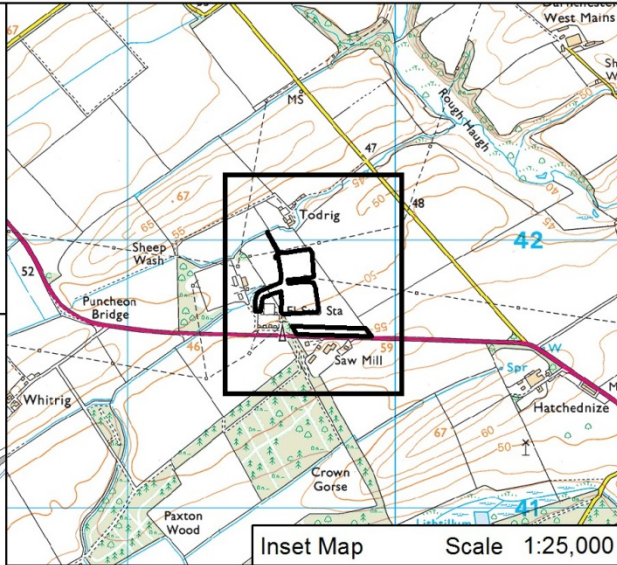
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Barry Fotheringham	Lead Planning Officer



15/00458/FUL
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