
NORTH AYRSHIRE COUNCIL

23rd February 2022

Planning Committee

Locality	North Coast and Cumbraes
Reference	21/01135/PPM
Application Registered	1st December 2021
Decision Due	1st April 2022
Ward	Dalry And West Kilbride

Recommendation	Approved subject to Conditions
-----------------------	--------------------------------

Location	Site To Southeast Of Hunterston B Power Station West Kilbride Ayrshire
-----------------	---

Applicant	TINZ Programme 1 ProjectCo 2 Ltd
------------------	----------------------------------

Proposal	Installation of Synchronous Compensator and cable route with associated infrastructure
-----------------	--

1. Description

Planning permission is sought for the installation of a synchronous compensator, a cable route and associated infrastructure. The synchronous compensator would be sited on a portion of land some 5850sqm in area in the south-west corner of the former Hunterston Coal Yard. The cable route would travel approximately south-west from this site, a distance of some 1.9km, to a sub-station to the south-east of Hunterston B Power Station. The total development area is some 8.8ha.

A synchronous compensator is plant that can facilitate efficient and stable operation of electricity in a network. Given the total area of the development, it is classed as a 'major' under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations.

The synchronous compensator plant would comprise a generator and flywheel building, a transformer with associate fire walls, circuit breakers, electrical containers, cooler banks and switchgear. The plant would be surrounded by a 3m high palisade fence. The building would be some 693sqm in area and be 13m in height. The exact details of the external finishes have not been confirmed but they would likely be metal cladding. The fire walls would be some 9m in height and the rest of the plant would be between approximately 2m and 10m in height.

In support of the application the following documents have been submitted:

Planning Statement

This statement summarises all the submitted documents received with the application. Those documents are summarised below.

Pre-Application Consultation (PAC) Report

This report sets out the details and findings of the pre-application consultation carried out with the local community. There was an online event, as permitted by current regulations, and a website, which was visited by 17 people. Issues discussed included construction traffic, drainage, trees and noise.

Design Statement

This report sets out the need for synchronous compensators in the wider electricity grid network. It appraises the specific site features and details of the proposal and summarises the other information submitted.

Landscape and Visual Impact Assessment

This assessment identifies the designated landscapes and character of the landscapes in the area. It appraises the potential views towards the proposed site and how prominent, or otherwise, the development would be. It concludes that the development would be viewed in the context of the industrial area and that it would be screened by existing woodland.

The proposal was subject to EIA Screening under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, on the 1st June 2021 and found not to require an EIA. However, any application was to be accompanied by; a Noise Report, Tree Report, Traffic Management Plan, Surface Water Management Details and a Phase 1 Habitat Survey. These have been submitted and are summarised as follows:

Noise Impact Assessment

The assessment concludes that predicted noise ratings are below background at all noise sensitive receptors assessed.

Flood Risk/Drainage Assessment

The site is assessed to be at low risk of coastal flooding, including coastal. The site is above the current and future 1 in 200 and 1 in 1000 year predicted sea levels. There are no significant surface water pathways crossing the site. There could be some run-on from adjacent land which would be accounted for in site drainage.

Preliminary Ecological Appraisal

The habitats on the site include semi-natural broadleaved woodland, semi-natural mixed woodland, scattered trees, standing water, running water and ephemeral/short perennial vegetation. Protected species were not identified within the site. However, there is some potential for roosting bats in trees on site. Two badger sets were identified in woodland to the east. There is not a requirement for any protected species license at the time of the survey.

Within the site and wider area are suitable habitats for foraging bats, transient otter and other mammals, birds, invertebrates and fish. There are invasive species, including rhododendron, Himalayan balsam and Japanese rose. The appraisal suggests actions which could be carried out to protect/enhance habitats. These measures include a plan to manage surface water, tree protection areas, where necessary, and production of a plan to manage invasive species.

Tree Survey

This survey identifies trees which will either have to be removed or have tree protection measures installed during construction.

The application site is identified by the Local Development Plan adopted 2019 ("the LDP") as part of the Hunterston Peninsula Business and Industry Location. Part of the cable route would pass through an area between the Industry Location and the Hunterston power plants which is identified as countryside. It is also part of the wider Hunterston Development Area. It is largely within the Hunterston House Tree Preservation Order. Given that the cable would be underground and connect existing electricity plant with the allocated Industry Location, it is not considered that the Countryside Objective of Strategic Policy 1 is relevant.

It is considered that the relevant policies of the LDP are Strategic Policy 2: Placemaking, Strategic Policy 3: Hunterston Strategic Development Area, Policy 18: Forestry, Woodland, Trees and Hedgerows and Policy 29: Energy Infrastructure Development.

The Council approved a development framework for Hunterston PARC, which includes the location of the proposed synchronous compensator. The development framework is considered to be a material consideration for this application.

Relevant Development Plan Policies

Strategic Policy 2

Placemaking

Our Placemaking policy will ensure we are meeting LOIP priorities to make North Ayrshire safer and healthier by ensuring that all development contributes to making quality places. The policy also safeguards, and where possible enhances environmental quality through the avoidance of unacceptable adverse environmental or amenity impacts. We expect that all applications for planning permission meet the six qualities of successful places, contained in this policy. This is in addition to establishing the principle of development in accordance with Strategic Policy 1: Spatial Strategy. These detailed criteria are generally not repeated in the detailed policies section of the LDP. They will apply, as appropriate, to all developments.

Six qualities of a successful place

Distinctive

The proposal draws upon the positive characteristics of the surrounding area including landscapes, topography, ecology, skylines, spaces and scales, street and building forms, and materials to create places with a sense of identity.

Welcoming

The proposal considers the future users of the site and helps people to find their way around, for example, by accentuating existing landmarks to create or improve views (including sea views), locating a distinctive work of art in a notable place or making the most of gateway features to and from the development. It should also ensure that appropriate signage and lighting is used to improve safety and illuminate attractive buildings.

Safe and Pleasant

The proposal creates attractive places by providing a sense of security, including by encouraging activity, considering crime rates, providing a clear distinction between private and public space, creating active frontages and considering the benefits of natural surveillance for streets, paths and open spaces.

The proposal creates a pleasant, positive sense of place by promoting visual quality, encouraging social and economic interaction and activity, and by considering the place before vehicle movement.

The proposal respects the amenity of existing and future users in terms of noise, privacy, sunlight/daylight, smells, vibrations, glare, traffic generation, and parking. The proposal sufficiently investigates and responds to any issues of ground instability.

Adaptable

The proposal considers future users of the site and ensures that the design is adaptable to their needs. This includes consideration of future changes of use that may involve a mix of densities, tenures, and typologies to ensure that future diverse but compatible uses can be integrated including the provision of versatile multi-functional greenspace.

Resource Efficient

The proposal maximises the efficient use of resources. This can be achieved by re-using or sharing existing resources and by minimising their future depletion. This includes consideration of technological and natural means such as flood drainage systems, heat networks, solar gain, renewable energy and waste recycling as well as use of green and blue networks.

Easy to Move Around and Beyond

The proposal considers the connectedness of the site for people before the movement of motor vehicles, by prioritising sustainable and active travel choices, such as walking, cycling and public transport and ensuring layouts reflect likely desire lines, through routes and future expansions.

Strategic Policy 3:

Strategic Development Areas

We will support the development of the Strategic Development Areas identified in this section, in line

with the guidance set out in the following pages.

Proposals must demonstrate they do not adversely impact on the environmental quality of North Ayrshire by way of adverse impact on soils, water, air, population, human health, cultural heritage, material assets, climatic factors, landscape and biodiversity (flora and fauna).

Proposals may require to be the subject of an environmental impact assessment.

Where masterplans have been approved by us we would expect subsequent detailed proposals to align with them.

We will give consideration to masterplans submitted in support of development proposals where they have not been formally approved by the Council as planning authority, however the information attached to any such masterplan will generally be considered for information only. Masterplans prepared by, or on behalf of North Ayrshire Council, may be subject to strategic environmental assessment.

Where alternative uses are proposed, we will determine the acceptability of the proposals on the basis of whether they can positively contribute towards delivering strategic objectives namely the social, economic and environmental implications of alternative uses in helping us achieve the vision for a healthier, working, safer and thriving North Ayrshire.

Our Capital Investment Strategy (see schedule 8) and Action Programme will be critical to delivering the strategic development areas, and we will work with partners to demonstrate how and when development will take place.

Detailed Policy 18 - Forestry, Woodland

Policy 18:

Forestry, Woodland, Trees and Hedgerows

Development proposals will only be supported when it would not result in the loss or deterioration of an ancient or long-established plantation or semi-natural woodland unless there are overriding public benefits from the development that outweigh the loss of the woodland habitat.

Where development includes the removal of woodland, the Scottish Government's Control of Woodland Policy and the current Ayrshire and Arran Woodland Strategy including relevant compensatory planting requirements will be taken into account.

Where the loss of trees, hedgerows or woodlands of merit is unavoidable and compensatory planting is required, replacement trees should be of a similar scale and massing to the loss or if smaller there should be additional tree planting committed to ensure a net gain is achieved. We will also expect developers to engage with Forestry Commission Scotland.

We recognise that trees and woodlands are an important yet dynamic part of our landscape. In recognition of this where a tree (or group of trees) is of significant value to public amenity or where they strongly contribute to the character of a Conservation Area we may consider promoting a formal Tree Preservation Order (TPO). We will normally only do this when there is a clear, pressing and immediate threat to a valuable tree (or group of trees) - not as a matter of course and not in conflict with good arboricultural practice and management. In the case of works to trees covered by a tree preservation order we will support management schemes and maintenance works that adhere to good arboricultural practice.

Generally, we will support proposals for dedicated timber export facilities as well as timber export developments that are combined with other marine based activities on Arran where

there are no unacceptable adverse environmental impacts and align with our Placemaking policy. Proposals should also align with Policy 28: Transport as an Economic Driver.

Supplementary Guidance: Trees and Development provides guidance on information required to be submitted as part of planning applications involving tree works as well as matters to consider when designing and constructing development to minimise impacts on trees.

Detailed Policy 29 - Energy Infrastructure Policy 29:

Energy Infrastructure Development

We will support development proposals for energy infrastructure development, including wind, solar, tidal, cropping and other renewable sources, where they will contribute positively to our transition to a low carbon economy and have no unacceptable adverse environmental impacts, taking into consideration (including cumulatively) the following:

Environmental

- o Communities and individual dwellings - including visual impact, residential amenity, noise and shadow flicker;
- o Water quality;
- o Landscape - including avoiding unacceptable adverse impacts on our landscape designations;
- o Effects on the natural heritage - including birds;
- o Carbon rich soils including peat;
- o Impacts on the historic environment - including scheduled monuments, listed buildings and their settings.

Community

- o Establishing the use of the site for energy infrastructure development;
- o providing a net economic impact - including socio-economic benefits such as employment, associated business and supply chain opportunities;
- o Scale of contribution to renewable energy generation targets;
- o Public access - including impact on long distance walking and cycling routes and scenic routes identified in the National Planning Framework;
- o Impacts on tourism and recreation;
- o Specific locational opportunities for energy storage/generation.

Public Safety

- o Greenhouse gas emissions;
- o Aviation and defence interests and seismological recording;
- o Telecommunications and broadcasting installations - particularly ensuring that transmission links are not compromised; radio telemetry interference and below ground assets;
- o Road traffic and adjacent trunk roads;
- o Effects on hydrology, the water environment and flood risk including drinking water quality and quantity (to both the public and private water supplies);
- o Decommissioning of developments - including ancillary infrastructure, and site restoration and aftercare.

Proposals should include redundancy plans which will demonstrate how apparatus will be timeously removed as reasonably soon as the approved scheme ceases operation. There may be a requirement for financial bonds to ensure that decommissioning can be achieved. Taking into consideration the above, proposals for wind turbine developments should accord with the Spatial Framework (as mapped) and consider the current Landscape Capacity Study for Wind Farm Development in North Ayrshire. This study will be used as a point of reference for assessing all wind energy proposals including definitions of what small to large scale entails.

Buildings: Low and Zero Carbon Generating Technology

Proposals for all new buildings will be required to demonstrate that at least 10% of the current carbon emissions reduction set by Scottish Building Standards will be met through the installation and operation of low and zero-carbon generating technologies. A statement will be required to be submitted demonstrating compliance with this requirement. The percentage will increase at the next review of the local development plan.

This requirement will not apply to:

1. Alterations and extensions to buildings
2. Change of use or conversion of buildings
3. Ancillary buildings that stand alone and cover an area less than 50 square metres
4. Buildings which will not be heated or cooled, other than by heating provided solely for frost protection.
5. Buildings which have an intended life of less than two years.

2. Consultations and Representations

The application was subject to statutory neighbour notification procedures. There has been one representation received from EDF which owns the land which the cable route passes through and operates the adjacent Hunterston B power station. The representation can be summarised as follows:

1. EDF does not object to the principle of the proposal, however, would wish for the cable route to be realigned to the south-east of the proposed route. Hunterston B is being decommissioned and EDF is not clear if the land for the proposed route will be required for associated operations. This matter has been communicated to the applicant. If the land is not used for works associated with decommissioning, EDF may wish to use it for other development in the future.

Response: The cable route submitted must be considered on its own merits. Whilst the potential for use of the land for works associated with decommissioning are noted, the cable route is not within the operational land of the power station. The area in question is identified by the LDP as countryside. Any future development of this land would have to be subject of planning applications and considered on its own merits. Notwithstanding, it is noted that EDF is the landowner, which the applicant has confirmed within the application form. Regardless of any planning permission, the consent of a landowner must be granted to carry out development. It is a private legal matter.

2. On a day-to-day basis, any development in the area must be mindful of the needs of the power station. It is suggested that an Abnormal Load Route Assessment for construction traffic be undertaken, which should include the safe protection of the Towns Water Mains, which serve Hunterston B.

Response: Noted. A condition requiring such an assessment could be attached to any permission, including the need to consult with EDF in the carrying out of any assessment.

3. Any developer must ensure measures are put in place to protect staff, including construction, and other visitors in terms of emergency planning; which would have to be agreed with the Council who is responsible for the Hunterston B off-Site Emergency Plan.

Response: Noted. This concern would not be a material planning matter. Any developers would need to meet the requirements of any nuclear license including emergency planning. The applicant has been advised of these comments.

4. The Scottish Nuclear Site License Provisions Agreement (SNSLPA) requires the applicant to provide further details of the proposed equipment for the connection to the transmission system.

Response: Noted. This matter would be between any developer, EDF and any other relevant body. The applicant has been made aware of this concern and the other EDF comments. The Office for Nuclear Regulation does not advise against the development.

Office for Nuclear Regulation (ONR) - no objection. The proposed site development does not present a significant external hazard to the safety of the nuclear site. ONR does not advise against this development.

Response: Noted.

NAC Environmental Health - No objections to the principle of the development. Any permission should be subject to a condition that the noise level should not exceed background noise level at the curtilage of any noise sensitive premises existing or consented at the date of any permission.

Response: Noted. Such a condition would also prevent the development from sterilising the rest of the Strategic Development Area from future development. The applicant has submitted information that the plant will be able to operate at that level.

NAC Active Travel and Transportation - Suggest that given the numerous proposals in the area, a cumulative transportation assessment should be carried out. Any construction vehicles should avoid the following routes - C26 and local unclassified roads, B780/B781, any route through Fairlie.

Response: The suggestion of a cumulative assessment is noted. However, it is not considered necessary or proportionate in respect of this application. A development framework for the site has been approved and as plans develop, cumulative assessments may be required. The applicant has confirmed the named routes can be avoided. A Construction Management Plan could be required by condition which would reflect this.

West of Scotland Archaeology Service (WoSAS) - The site is within a rich archaeological landscape. A condition should be attached to any permission requiring a scheme of investigation to be agreed prior to commencement and then carried out.

Response: Noted. The site of the plant is within an existing former coal yard. However, the cable route would pass through an area of countryside. As such a suitable condition relating to archaeology could be attached to any permission, if granted.

West Kilbride Community Council - WKCC acknowledges that the proposal is energy related and makes representations that the disturbance to wildfowl should be kept to a minimum. Any major deliveries of structural items should be delivered by sea.

Response: As a condition of any permission, the developer could be required to adhere to the recommendations of the submitted Habitat Survey which includes provision for minimising impact on birds. A condition could be added to any permission to agree a Construction Management Plan, including Abnormal Load Route Assessment, with the Council which could address any potential abnormal loads.

Fairlie Community Council - No comments

Response: Noted.

3. Analysis

Strategic Policy 3, in respect of Hunterston, recognises the strategic national importance of Hunterston and sets out the type of development which will be supported, which includes energy sector development. The Policy states that a masterplanned approach is required.

On the 1st of December 2021, the Planning Committee approved a development framework for Hunterston PARC, which includes the location of the proposed synchronous compensator. The development framework identifies this location as suitable for development. It identifies that a wide range of industrial and associated uses would be suitable for this location. The wider area is envisaged to be a hub for energy technologies and allow various types of industry benefit from the energy linkages of the site.

The proposal is for plant which regulates the flow of electricity to the wider grid network. It would link to existing energy infrastructure. The proposed above ground site is some 0.5ha in area which equates to roughly 0.5% of the Strategic Development Area, not including the areas identified as Hunterston Nuclear or Marketable Employment Land in the LDP. The proposal is for the installation of plant, relating to the energy sector, on an existing hardstanding within a larger vacant coal yard. The cable route would be sited underground, primarily through land not identified as directly suitable for any above ground development. The proposal could be operated, and controlled by condition, at background noise level when measured at the nearest receptors. It is considered the proposal accords with the identified suitable uses for the area and would not interfere with any wider redevelopment proposals. Therefore, the proposal accords with the development framework. It is noted that permission exists for a synchronous compensator on a site immediately to the south (ref: 20/00942/PP) and an energy consent for a synchronous compensator and battery storage

has been granted by the Scottish Government, to the south-east of the cable route (ref: 21/00855/CON).

Policy 29 of the LDP states that support will be given to energy infrastructure development where it will contribute to the transition to a low carbon economy and have no unacceptable adverse environmental impacts. The relevant factors in this instance are considered to be impacts on residential amenity by way of noise, landscape and impact on trees and habitats. Policy 18 of the LDP states that development will only be supported when it would not result in the loss or deterioration of long-established plantation or semi-natural woodland. Strategic Policy 2 of the LDP sets out the qualities of a successful place including the visual and amenity considerations for a development.

The plant would be used to facilitate efficient provision of electricity to the National Grid and as such it is considered it would contribute to a low carbon economy. The development would utilise part of an existing yard. The cable route would potentially require tree works including the potential removal of some trees within the Hunterston Tree Preservation Order Area ("the TPO").

The TPO is some 68ha in area. The proposed cable route provides scope to microsite the cable within the route and as such it is not known how many trees would be affected. However, the tree survey information suggests the requirement to remove some 15 trees with another 26 or so requiring protection measures. Such measures could be required by condition as could the final confirmation of the trees to be removed. Notwithstanding, given the context of the TPO and the relatively small number of trees, it is not considered the amenity of the TPO would be significantly affected, subject to micro-management measures. The proposal would not result in any significant loss or deterioration of the woodland. The Council would retain control over the trees within the TPO.

It is also not considered there would be any significant impacts on habitats. Any permission could be conditioned to ensure construction is carried out in accordance with the relevant recommendations of the submitted Habitat Survey.

In terms of residential amenity, the nearest residential property is approx. 370m to the east. The settlement of Fairlie is some 1.9km to the north-east. The applicant has submitted a Noise Report which states the development would not operate above background noise level. Environmental Health has no objection, and a condition could be added to any permission controlling the noise levels. Environmental Health also has powers to control any statutory noise nuisance. A condition could also be added to any permission to agree a Construction Management Plan to minimise potential disruption during the construction period.

The development would have a utilitarian appearance, as may be expected in an industrial area. The proposed heights of the building and fire walls are similar to surrounding trees and a similar scheme, which was permitted on an adjacent site. The development would not be prominent in an industrial area. A condition could be attached to any permission to confirm the external finish of the building. The site of the plant is screened by mature trees to the west, south and east. To the north of the site is the remainder of the former coal yard which extends for some 1.5km. The development would be largely screened from public viewpoints. Any parts which may be visible would be viewed in the context of the industrial land and as such it is not considered there would be any adverse visual impact from the developments.

The development is for energy infrastructure development. It is not considered that the development would have any unacceptable environmental impacts. The proposal therefore accords with Strategic Policy 2, Policy 18 and Policy 29 of the LDP. The proposal also accords with the aims of Strategic Policy 3 for the development of Hunterston. It is recommended that planning permission can be granted subject to conditions.

4. Full Recommendation

Approved subject to Conditions

Reasons for Decision

Condition

1. Prior to the commencement of the development a scheme of archaeological investigation shall be submitted to North Ayrshire Council, as Planning Authority, for written agreement. The development will thereafter be carried out in accordance with any scheme as may be approved by North Ayrshire Council, as Planning Authority.

Reason

In recognition of the cable route passing through an area of archaeological interest.

Condition

2. Prior to the commencement of the development a Construction Management Plan (CMP), including an Abnormal Load Route Assessment for construction traffic, shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development will thereafter be carried out in accordance with any details of the Assessment, as may be approved by North Ayrshire Council, as Planning Authority. For the avoidance of doubt construction traffic shall avoid the C26 and local unclassified roads, the B780/B781, and any route through Fairlie. The safe protection of the Towns Water Mains shall be assessed, and submitted to North Ayrshire Council, as Planning Authority, for written approval..

Reason

To ensure appropriate management and routing of construction traffic in the interest of road safety and the requirements of the Hunterston B nuclear facility.

Condition

3. Prior to commencement of the development details of the finish material of the convertor building shall be submitted to North Ayrshire Council, as Planning Authority, for written approval. The development will thereafter be undertaken in accordance with any details as may be approved by North Ayrshire Council, as Planning Authority.

Reason

To ensure an appropriate finish to the building in the interests of visual amenity.

Condition

4. Prior to the commencement of any works on the cable route, hereby approved,, details of works required to trees, including protection measures, shall be submitted to North

Ayrshire Council, as Planning Authority, for written approval. The development shall thereafter be undertaken in accordance with such details as may be approved by North Ayrshire Council, as Planning Authority.

Reason

In recognition of the Tree Preservation Order and in the interests of visual amenity.

Condition

5. The development shall be undertaken in accordance with the recommendations on Pages 27 and 28 of the Habitat survey dated October 2021 prepared by Envirocentre which was submitted as part of this application, all to the satisfaction of North Ayrshire Council, as Planning Authority.

Reason

In recognition of the habitats identified and to mitigate any impact during construction.

Condition

6. The rated noise level, as defined in BS 4142:2014+A1:2019, from the operation of the proposed plant must not exceed the background noise at the curtilage of any noise sensitive property.

Reason

To ensure appropriate noise levels in the interests of amenity.

James Miller
Chief Planning Officer

For further information please contact Mr Iain Davies on 01294 324320.

Appendix 1 – Location Plan

DO NOT SCALE Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. North Ayrshire Council Licence Number 100023393.

