

STIRLING BEFORE PYLONS

– opposing the Beauly to Denny power line in the Stirling area



Briefing no. 4 Programming and Planning Issues

PROGRAMMING ISSUES

1. Scottish & Southern Energy (SSE) have now submitted their proposals for the Beauly to Denny power line to the Scottish Executive. The application will eventually be determined by Scottish Ministers. Objections should be sent to Mr David Ray, the Energy Consents Unit, Meridian Court, 5 Cadogan Street, Glasgow G2 6AT by the 12th December 2005.
2. The application is made under the Electricity Act 1989 (as amended). It is, therefore, not a planning application and will not be determined by the local authority. However, if the local authority objects to the proposals, that automatically triggers a public inquiry, which will ensure a full public debate of the issues. It is therefore essential that all objections are made known to Stirling Council. If a public inquiry is not held the application could be approved as submitted.
3. Stirling Council are meeting to decide their position with a free vote on the 15th December 2005. Stirling Before Pylons (SBP) are urging people to send copies of their letters of objection to Keith Yates, Chief Executive, Stirling Council, Viewforth, Stirling FK8 2ET. These letters should preferably arrive by the end of November so that they can be included in reports to the Councillors.
4. Statutory Consultees, such as Scottish Natural Heritage, Royal Society for the Protection of Birds and Historic Scotland, have applied for extensions to the consultation period until the end of February or March 2006. Stirling Before Pylons and local charity Friends of the Ochils have made similar requests, and other organisations who want to make a detailed response can apply to do the same.
5. The grounds for objecting to SSE's proposals are defined by Section 37, Schedule 9 of the Electricity Act 1989. **These are very wide ranging criteria, and much less restrictive than under a normal planning application.** This means that health and other issues that may be of concern can be considered relevant.
6. The Energy Minister, Malcolm Wicks, MP, has said¹ 'It is now for the planning process to probe whether there are viable alternatives available, including if necessary through holding a public inquiry into the route' and that 'it is the role of the planning authorities to ensure that the local environmental effects of any proposed upgrades are minimised'.

¹ Letter dated 31 October 2005

PLANNING ISSUES

Strategic Environmental Assessment

7. Under European law, Strategic Environmental Assessments (SEA) are now required for all public sector strategies, plans and programmes likely to have a significant environmental effect. An SEA has not been prepared for this power line, and we have QC's opinion that one is undoubtedly required. It is our opinion that the Executive should not consider the application until a full SEA has been carried out.
8. The document recently submitted by SSE is an Environmental Statement (ES) – something quite different. The ES runs to five volumes. It is not broken down into geographical sections and therefore is very difficult to apply to the Stirling Council area. Analysis of some of the contents appears in other Briefing Notes, but this note deals with some of the principles. It should be noted that SSE state their prime concerns to be safety and cost-effectiveness; quality is not at the top of their agenda.

Route choice: east or west of Stirling

9. Prior to producing the ES a Consultation Document was produced by SSE in January 2004. That identified alternative options to route the overhead power line to the east or to the west of Stirling, and concluded only 'on balance' that the eastern route was preferable. But that document was flawed: for instance, it omitted to take account of Stirling's new growth area, which the line as then proposed went straight through. At a public meeting in Fallin in summer 2004, George Reid, MSP, called for both alternatives to be fully explored in the next stage.

However, SSE's analysis of this issue runs to just one page of bullet points in their 'Final Report on Consultations and Selection of the Proposed Route' (paras 3.4.4.7 -3.4.4.11). This does not suggest a full analysis of all the issues! SSE's initial Consultation Document acknowledged that this section of the route would be very problematic due to the greater density of population than anywhere else along its length, and surely this merits greater investigation. In our view, a full environmental assessment of the options through the Stirling Council area is required.

We believe that an independent environmental assessment would conclude that neither the eastern nor the western overhead route would be suitable, because of the negative impacts each would have. In which case, SBP believe an *underground* route to the west of Stirling, perhaps following the existing gas pipeline corridor, may be the only acceptable option.

An outline application

10. The ES is effectively an 'outline' not a 'detailed' planning application. For example, the exact route of the line would be left to the contractor building the line to determine, within a corridor varying between 50 and 400 metres in width. The location of each pylon, and of all the construction works, including heavy duty access tracks, quarries, compounds and helicopter landing pads, would also be determined by the contractor, within the

corridor. This is rather like applying to build a house in a field, but not saying where it will be. SBP believe it is not acceptable, and more detailed work to locate both the line and pylons should have been done. Without this information it is virtually impossible for members of the public or the local authority to identify matters of detailed concern to which 'conditions' could be applied. SBP recommend that the Council should insist on fully worked up proposals. This is essential, for instance, to carry out visual impact assessments and assess the potential impact on private water supplies.

Visual Impact Assessments

11. The ES includes Visual Impact Assessments along the route. The majority use photos taken with low cloud cover and poor visibility, which are inadequate for the process of assessment. SSE have used very wide angle lenses, which make the objects look further away and smaller than in reality. This methodology must be questioned when the impact from the Wallace Monument of the adjacent pylons is assessed as: 'Magnitude of Effect – low', 'Significance of Effect – minor adverse' and 'Cumulative Visual Impact – no significant effect'. This is not a credible analysis. SBP recommend that an independent analysis of the methodology be commissioned from the Virtual Landscape Centre at the University of Stirling, and that they be asked to analyse the visual impacts using the more sophisticated techniques they have developed in this field.

The Confidential Annex

12. Volume 6 of the ES consists of a Confidential Annex, the contents of which need to be clarified. SBP have been informed through our MSP's office that amongst other things it relates to the choice of routes round Stirling, undergrounding and the Wallace Monument. We fail to see how issues so essential to Stirling can be regarded as confidential; they are essential to any proper analysis in relation to this area and must be made public.

Health risks: numbers of properties affected

13. SSE have reported that only 10 houses will be within 100 metres of their proposed power line, along the entire length of the line (220 kms). This is the only level of proximity to the line which they acknowledge to have health implications. An initial analysis of less than a mile of the line around Logie Kirk indicates 13 houses potentially affected within 100 metres of the pylon line corridor! This analysis uses the corridor edge as the appropriate measure to use, as the power line could run along that line. It is essential that a full analysis is done to identify all of the houses, schools etc. within the potential health risk corridor of up to 600metres (see Briefing No. 2 on Health), to assess the full health implications of the line.

Who takes responsibility?

14. The ES indicates that SSE will pass as much responsibility as possible onto the contractor – for example, deciding the exact location of power line and pylons; negotiating with individuals affected by the works. Whilst this makes commercial sense for SSE, by transferring risk, it inevitably means that the contractor will themselves attempt to minimise costs on mitigation matters, due to the type of contract proposed. **If such a contract is used it is**

essential that all design work is done in advance of the contract being let, so that costs can be properly allowed for and ensure that all mitigation works are fully resourced. The arrangements currently proposed minimise design, financial risk and legal responsibility to SSE, and transfer those matters to the contractor. This will place those living near the line and the general public at risk of having their interests completely ignored.

Costs of a Public Inquiry

15. SBP are aware that local authorities have expressed concern about the potential costs of a public inquiry. Under the current arrangements for the distribution of Revenue Support Grant between local authorities in Scotland, Councils affected should be able to recoup some, most or all of the costs outlaid - though with a time delay of several years – providing they give appropriate recognition to those outlays in relevant financial returns to the Scottish Executive. This is a rather technical matter, and will be further taken up by SBP with relevant officers and members of Stirling Council.

Summary

16. In summary, SBP believes that for all its volume, the ES is a sloppy piece of work, which misses or minimises many important issues (see other Briefing Notes). Its format is unhelpful and difficult to follow. This creates great difficulties for both members of the public and statutory bodies to identify the full implications of the proposals. We would suggest that the Council commission an independent review of the ES to assess its merits, implications and deficiencies. It is, however, essential that a Public Inquiry is held so that these matters can be fully addressed.

7 November 2005

Other Stirling Before Pylons Briefing Notes:

- 1. The proposals for the power line in the Stirling area**
- 2. Health Impacts of the proposed power line**
- 3. Implications for the Ochil Hills AGLV**

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