

Dumgal Against Pylons

Notes of meeting with D&G Planning Officers - 6 November 2015

Attendees

D&G Council

Steve Rogers (SR)

David Suttie (DS)

Elected representatives

David Mundell MP (DM) and Helen Gardner (HG)

Joan McAlpine MSP (JMCA) and Lucy Brown (LB)

Alex Fergusson MSP (AF)

Elaine Murray MSP (EM)

Dumgal against pylons (DGAP)

Alan Jones, Chair (AJ)

Penny Coles (PC)

William Crawford (WC)

William Morgan (WM)

John Thomson (JT)

After everyone introduced themselves AJ gave a brief input to explain who DGAP are, why they oppose SPENs current proposals and what they hoped to achieve from the meeting. He went on to say that 48 Community Councils jointly backed their call to reject SPENs proposal. DS asked to see a copy of the objection (**Action**). Before concluding AJ added that DGAP look on D&G Council as the first line of defence in protecting the area and its residents from the negative impact of this proposal.

1 Section 37 Application and D&G's role in the Strategic Reinforcement Project process

SR and DS outlined the Section 37 application process. Normally this sort of energy consent consultation from the Scottish Ministers is progressed by officers with landscape architect, archaeologist, environmental health and roads, contributing as appropriate during the course of the application. However such is the scale of this proposal covering the whole of the region that it is being recommended by the Economy, Environment and Infrastructure Committee that the Planning Applications Committee comment on the second and third consultations. This will give Councillors an opportunity to be involved in the process and provide feedback, albeit non-binding feedback, to SPEN.

As statutory consultees, PC said she would prefer D&G Council to make a late response to the first round of consultation when all options are still open and before a corridor is selected. WM added that the lack of response would mean SPEN pushing ahead and becoming even further entrenched in their view that a solution based on pylons and an overhead line through their preferred corridor was acceptable thus making it more difficult to draw back from this frame of reference at some later date.

SR felt that it may be impossible to organise this before the next Planning Applications Committee and their preferred option was to make their first comment during the second consultation period although there had been a report submitted during the first consultation prepared by the Council Landscape Architect. PC expressed disappointment that residential amenity was not included in the corridor selection process and believed a different route would have been selected if homes were considered initially. DGAP members also raised concerns over omission and errors in SPENs corridor appraisals.

SR went on to say that when the consultation on the application to Scottish Ministers for consent under the Electricity Act is received in 2019 the Planning Applications Committee will consider the energy consent application consultation and make a recommendation to Full Council. If D&G make an objection then the case will go to a public inquiry. The Reporter(s) allocated to the case may decide on a public inquiry anyway given the scale of the project. Reporters make a recommendation to the Scottish Minister for determination.

PC/WM/WC raised the issue of councillors being able to voice their opinion on SPENs proposal at this stage given that no energy consent application consultation is expected to come before Council for some years. SR introduced a report being presented to EEI Committee on 10 November 2015 in this regard. This suggests the proposal to make comments during the second and third consultation periods will be taken through Planning Applications Committee. This should help councillors and the Council as a body express a public view on the proposal.

EM said there had been confusion amongst councillors about how much they are allowed to say about this matter prior to any formal planning application. DS said councillors could express views during the consultations but once a planning application is received they should have regard to their Code of Conduct and not express views until PAC or Full Council meetings when they will have all the documents, and facts before them. AF said that councillor Gill Dykes had taken Governance advice and checked with them her comments would not disbar her from future voting on the matter.

DS added that he anticipated guidance would be needed beyond that contained in the report provided to members of the EEI Committee and that this would be presented to the Committee meeting.

Discussions took place around the stakeholder meetings chaired by the Scottish Government. DS had attended three of these meetings, but missed the most recent one. These meetings have informed the Council of the application and SR said he was keen to learn the extent to which SPEN has taken feedback into account from the first round of public consultation. AF added that he felt any changes would only be minor changes to the present proposal.

WM advised the meeting that DM and RS (Rory Stewart, MP) had recently met Frank Mitchell, CEO of Scottish Power UK PLC, and he had told them that SPEN had adopted the corridor route proposed by D&G Council. DM reiterated this claim on joining the meeting. SR and DS denied that any such advice had been given, stating that minutes of the stakeholder meetings do not record any such discussion. DM said he would contact Frank Mitchell to seek further clarification (**Action**). WM added that it may be the case that SPEN have taken D&G's lack of a response to the first round of public consultation as assent and drawn inferences from this.

2 Local Development Plan

The Local Development Plan will start to be reviewed at the end of the month and should be completed by September 2019 but D&G local policies can be overturned by the National Development.

Issues around the creation of a National park in D&G were discussed with two areas having been suggested in the past; Galloway and the National Scenic Areas (NSAs) along the coast. SR said it was for the Scottish Government and SNH to create new National Parks but that the process was a long one. There was agreement that a National Park would enhance the regions tourism economy but JT said that state ownership of the Galloway Forest Park had been thought enough to protect it from blight and the creation of the Biosphere was seen as a step in the right direction but much more could be achieved for the region. AF said that if SPENs plan goes ahead as proposed, with 50m high pylons, he believed it would reduce the chance of a National Park being designated even allowing for the fact that the current NSAs had been designated in 1978 with power lines already lines on them. JMCA wondered whether it may be faster and equally as effective to designate areas as NSAs but this is a matter for SNH.

3 Role of Ofgem

JMCA outlined her exchanges with Ofgem. She advised that this project could go out to tender. Just what the impact of this might be, if it goes ahead, is uncertain but WM suggested it might drive down prices until the lowest-cost tender is selected thus almost certainly guaranteeing a pylon and overhead line option. While Ofgem see their role as protecting the consumers - purely in terms of their electricity bill they are ultimately responsible to Westminster and to this end JMCA agreed to share her correspondence with DM (**Action**).

DM will take this issue away to talk to his colleagues about making more capital available as an alternative to the low-cost option (**Action**).

AJ felt there was a lack of procedural justice in the way Ofgem sees its role in this project. Furthermore, it appears the wider protection of consumers from environmental damage to areas they live in and visit are not taken into account. AF added his comments here, suggesting there needed to be a future proofing of the environments as much as a future proofing of the power supply.

AJ introduced the importance of the early availability of SPENs Needs Case in defining the technical, economic and environmental factors that should form the basis of SPENs detailed proposal. All these factors need careful scrutiny before the proposal progresses in any detail, and before the second consultation. WM said that in the case of the Beaulieu-Denny overhead pylon line the Needs Case had been made available too late in the process leaving objectors with insufficient time to formulate objections at the public inquiry.

All participants agreed the Needs Case should be made available at the earliest opportunity and would do all they could to influence SPEN to make this happen (**Action**). JMCA has arranged a meeting with SPEN's director, Piers Murray, to allow DGAP to put their case for an alternative solution and it is possible the issue of the Needs Case can be pursued further at this meeting.

4 Banners

DS outlined the planning acts concerning advertising banners. DGAP and other groups such as Kirkmahoe Residents will display the banners during the second consultation period and remove them at the end of the period if there are no complaints. DGAP to inform D&G Council of the dates for display for their information (**Action**).

AJ thanked D&G Planning department for agreeing to meet and discuss the project. All participants found it useful and informative. It is hoped there can be further meetings as the energy consent consultation progresses. Both SR and DS welcomed the offer of assistance in the form of the additional technical knowledge and experience which exists within DGAP as this would enable Council officers to better challenge some of the assertions and assumptions made by SPEN.

AJ remarked that this was one of the reasons DGAP had given presentations to community groups in various regions throughout Dumfries & Galloway and DGAP would be prepared to offer to talk to staff in the Planning Department about SPEN's transmission project so they are better informed about the background and problems associated with electricity transmission and distribution, and the alternative options. He also thanked all the elected representatives for their involvement and continued support.