REPORT TO: Planning Committee

MEETING DATE: Tuesday 17 August 2021

BY: Executive Director for Place

SUBJECT: Application for Planning Permission for Consideration

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Application No. **21/00290/PPM**

Proposal Planning permission in principle for onshore substation, underground electricity cables and associated temporary and permanent infrastructure to export electricity from the Seagreen Offshore Wind Farm into the national electricity transmission network

Location **Edinburgh Road**
Cockenzie
East Lothian

Applicant Seagreen 1A Limited

Per Ramboll UK Limited

RECOMMENDATION Consent Granted

REPORT OF HANDLING

BACKGROUND

The development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a national development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

As a statutory requirement for national development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 20/00010/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with this application. The report informs that the consultation comprised of a virtual public exhibition from Monday 11 January to Monday 1 February 2021, with the project team available to answer questions on the proposed development via a live chat facility on 18 January 2021 from 12.00pm to 2.30pm and 6.00pm to 8.30pm. The PAC report informs that ten people engaged with the

virtual exhibition and three participated in live chat with some questionnaires returned. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

APPLICATION SITE

The application site lies to the west and south of the former Cockenzie Power Station site. It comprises of an area of land measuring some 22.9 hectares and extends from Prestonpans Beach, south over the B1348 Edinburgh Road which bisects the site, then eastwards to the B6371 public road. On the north side of the B1348 Edinburgh Road the current land uses within the application site include a small car park located next to Prestonpans Beach and an amenity grassland area. On the south side of the B1348 the site is comprised of a mixture of amenity grassland areas and rough grassland with small areas of trees and vegetation, the hardstanding associated with a former gasholder which is currently occupied by a car wash business, the large existing Cockenzie substation building and a private road (formerly associated with the coal store and former power station) which connects between the B1348 and the B6371. The private road is gated at each end and there is no public access.

The area of land comprising the northernmost part of the application site where it meets the coast is within the Firth of Forth Special Protection Area and within the Firth of Forth Site of Special Scientific Interest. This area of the application site is also within the Prestonpans Coast Special Landscape Area.

The part of the application site located to the south of the B1348 road is within the boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields. The battlefield site includes the 1722 Tranent to Cockenzie Wagonway.

The coastal path, which incorporates part of the John Muir Way, crosses the northernmost part of the application site. Also within the site is a core path which runs from Whin Park around the south side of the existing Cockenzie substation building connecting to the core path which runs along the outside of the acoustic screening bund on the southwest side to the site.

The nearest residential properties to the site are located at Whin Park to the northeast and along Atholl View to the southwest, albeit the properties on Atholl View have little interaction with the site due to the intervening bund. Also the residential properties of The Antiquaries are located to the southwest of the site. In addition to residential properties, the Whin Park industrial estate is located immediately northeast of the site.

RELEVANT PLANNING HISTORY

In September 2014 planning permission in principle (ref: 14/00456/PPM) was granted to Inch Cape Offshore Limited (ICOL) for the onshore electrical transmission infrastructure (on-shore cables and substation) associated with the Inch Cape Offshore Wind Farm on land to the immediate east of Prestonpans and to the south of the former Cockenzie Power Station Coal Store. That approved infrastructure would have facilitated the transmission of power from the proposed Inch Cape off shore wind farm to the national electricity grid. That approved onshore electrical transmission infrastructure consisted of up to four export cables from the off shore wind farm that would be brought ashore at the beach adjacent to Preston Links to underground structures, known as transition pits. The on-shore cables would run underground from the proposed transition pits to a proposed electrical sub-station positioned on land to the south of the Cockenzie Coal Store. ICOL subsequently chose not to submit details for approval of matters specified in conditions, and planning permission in principle 14/00456/PPM expired in September 2017.

In February 2018 ICOL instead submitted a new application for planning permission in principle (ref: 18/00189/PPM) for the onshore electrical transmission infrastructure (on-shore cables and substation) associated with the Inch Cape Offshore Wind Farm on the site of the former Cockenzie Power Station. This comprised of the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the Inch Cape Offshore Wind Farm to the National Electricity Transmission System. The proposal submissions indicated a sub-station which could be approximately 185 metres by 185 metres, resulting in a footprint of approximately 3.5 hectares (excluding the embankment and landscaping) enclosed by security fencing and two gates, access road, car park, electricity transformation equipment, a switchgear building and a control building. It was indicated that the largest building would be the enclosure for the two harmonic filters, which would be combined with the switchgear and control building. This was proposed to be approximately 100 metres long by 60 metres wide, with an approximate height of 14 metres high. Typically, the control building would have approximate dimensions of 30 metres long by 7.5 metres wide, with an approximate height of 7 metres. Two offshore export cables from the Inch Cape offshore wind farm would be brought ashore on the northwest boundary of the application site, under the existing sea wall, to the immediate east of Preston Links where they would run underground to underground structures, known as transition pits. Each transition pit would typically be 13 metres by 3 metres in size per cable and up to 1.5 metres deep.

On the 9 April 2018 a Direction under the terms of the Town and Country Planning (Scotland) Act 1997 was issued by the Scottish Ministers. This directed East Lothian Council to refer to them for determination the application for planning permission in principle (ref: 18/00189/PPM). In February 2019, Scottish Ministers granted planning permission in principle for the development. Further details of this development, including details of the layout, siting, design and external appearance of the onshore substation approved as part of that permission will be the subject of future approval of matters specified in conditions applications. To date no approval of matters specified in conditions applications have been submitted.

The Seagreen Offshore Wind Farm was consented in 2014 and is located in the outer Firth of Forth and Firth of Tay. That consent covers 150 wind turbines and the associated offshore infrastructure to export the energy generated by 114 of the turbines to landfall at Carnoustie in Angus. Separate planning permission has been secured for the onshore works to connect these 114 wind turbines to the national electricity transmission network at Tealing in Angus and construction of this onshore infrastructure is now underway.

The proposed Seagreen 1A project seeks consent for the onshore and offshore infrastructure required to connect the remaining 36 turbines to the national electricity transmission system. An application was made to the National Grid in October 2019 and the project was offered a grid connection at Cockenzie.

The offshore infrastructure will comprise one export cable, approximately 110km in length, from the Seagreen Offshore Wind Farm to the landfall at Cockenzie. The offshore export cable is the subject of a separate application for a marine licence to Scottish Ministers via the Marine Scotland Licensing and Operations Team (MS-LOT).

PROPOSAL

Planning permission is sought through this application for the onshore infrastructure associated with Seagreen 1A project, comprising of the construction and operation of an onshore substation, underground electricity cables and associated development. At this stage the precise detail of development are not fixed given the difficulties in defining the required infrastructure. Together, the proposed offshore and onshore infrastructure will

facilitate full export capacity from the Seagreen Offshore Wind Farm, thereby maximising its contribution towards renewable energy generation and reducing greenhouse gas emissions.

The application drawings show the application site broken up into zones, consisting of the landfall development zone, onshore export cable development zone, substation development zone, grid connection zone, access development zone and construction compound development zone.

It is indicated that a substation platform could have a maximum footprint of approximately 22,000 m2 and would be located within the onshore substation development zone within the application site. A substation housing the electrical infrastructure would be located on the substation platform and the electrical infrastructure could have a maximum height of some 18 metres. The application submissions inform that the substation is likely to comprise:

• Outdoor electrical equipment including shunt reactors and transformers;
• A building housing dynamic reactive compensation (DRC) equipment;
• A building housing gas insulated switchgear and a control room;
• A building housing harmonic filter (HF) equipment;
• Earthing equipment;
• Operational circulation roads; and
• Operational phase car parking for servicing vehicles.

It is proposed that one onshore export cable would be brought ashore on the northwest boundary of the application site, which would also include two fibre optic cables, and would run to the onshore substation, and also between the onshore substation and the grid connection point at the existing Cockenzie substation. The cable would be located within the onshore export cable and the grid connection development zones of the application site. The exact location and alignment of the onshore export cable would be established following the detailed investigation of environmental and technical factors. The onshore export cable would be buried using open cut trenching over unobstructed ground, or trenchless technology where necessary. Where open cut trenching is used, the typical cable trench dimensions would be some 1.5 metres wide by 2 metres deep. It is anticipated one joint bay may be required to join together the lengths of cable along the onshore export cable route. If required, this joint bay may be located anywhere within the onshore export cable development zone area, with the exact location of the joint bay being defined following the detailed cable route alignment design. A typical joint bay would have a concrete base, with a manhole for access to an earth link box. The maximum joint bay dimensions would be some 10 metres in length, 4 metres in width and 3 metres in depth.

It is proposed that motion activated lighting would be installed sufficient to facilitate safe, normal access/ egress of the onshore substation, and that the substation platform would be surrounded by a 2.5 metre high palisade security fence.

The surface water runoff within the substation platform area would be managed using a sustainable drainage system (SuDS), providing suitable levels of filtration and attenuation, prior to discharge, potentially to existing surface water drains located adjacent to the site. The surface water runoff would be attenuated to equivalent greenfield runoff rates, which would ensure that the runoff from the proposed development would not result in any increase in flood risk within the wider surface water catchment.

During construction of the proposed development, the principal access would be from the B6371 road on the eastern boundary of the site via the former Coal Store service road, with additional access points to the working areas from the B1348 Edinburgh Road. The applicant advises that the details of the operational access point would be confirmed through the submission of future detailed applications, but is likely that there would be an operational

access from the B1348 Edinburgh Road, and that operational traffic movements would be nominal, with monthly inspection visits, periodic maintenance, with small numbers of light vehicles accessing the site.

THE DEVELOPMENT PLAN AND NATIONAL PLANNING FRAMEWORK

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

Policies 1B (The Spatial Strategy: Development Principles), 9 (Infrastructure), and 10 (Sustainable Energy Technologies) of the approved South East Scotland Strategic Development Plan (SESplan) are relevant to the determination of the application.

Proposals EGT1 (Land at Former Cockenzie Power Station) and EGT3 (Forth Coast Area of Co-ordinated Action), and Policies DC6 (Development in the Coastal Area), DC9 (Special Landscape Areas), OS1 (Protection of Open Space), NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH11 (Flood Risk), CH5 (Battlefields), T2 (General Transport Impact), T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy), DP1 (Landscape Character) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is the Scottish Government's National Planning Framework 3 and Scottish Planning Policy: 2014.

National Planning Framework 3 (NPF3) refers to the Cockenzie area with regard two national developments. These are National Development 3 (Carbon Capture and Storage Network and Thermal generation) and National Development 4 (High Voltage Electricity Transmission Network). NPGF3 recognises Cockenzie, and the Forth coast extending to Torness, as a potentially important energy hub. There are significant plans for offshore wind to the east of the Firths of Forth and Tay. Proposals for grid connections for these projects are now emerging, requiring undersea cabling connecting with converter stations and substations. The Scottish Government want developers to work together to minimise the number and impacts of these developments by combining infrastructure where possible. Whilst Cockenzie is safeguarded as a site for future thermal generation, it may present significant opportunities for renewable energy-related investment. Developers, East Lothian Council and the key agencies, including Scottish Enterprise should work together to ensure that best use is made of the existing land and infrastructure in this area. Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, priority should be given to those which make best use of this location’s assets and which will bring the greatest economic benefits. Whilst National Developments references a Scotland wide rather than a specific location, Cockenzie is nonetheless referenced as within an area of co-ordinated action for energy related development. This ties into the reference in paragraph 3.41 of NPF3 to renewable energy related investment on the site. The need for such development is established through the statement of need and description which states that this infrastructure is vital in meeting national targets for electricity generation, statutory climate change targets and the security of energy supplies.

Scottish Planning Policy on renewable energy states that planning must facilitate the transition to a low carbon economy. The planning system should support the development of a diverse range of electricity generation from renewable energy technologies - including the

expansion of renewable energy generation capacity. The consideration of applications for proposals for energy infrastructure developments will vary relative to the scale of the proposal and area characteristics but are likely to include the scale of contribution to renewable energy generation target, landscape and visual impacts, historic environment, effects on the natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

Scottish Planning Policy advises that there is a presumption in favour of development that contributes to sustainable development, the presumption in favour of sustainable development is a material consideration in favour of the proposal. Whether a proposed development is sustainable development should be assessed according to the principles set out in paragraph 29.

Scottish Planning Policy further contains policy on protection of environmental assets including cultural assets, landscape and biodiversity. Scottish Planning Policy further states that planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

Also relevant to the determination of the application is the Council's Special Landscape Areas Supplementary Planning Guidance.

REPRESENTATIONS

None.

COMMUNITY COUNCIL COMMENTS

Both Prestonpans and Cockenzie & Port Seton Community Councils have been consulted on the application but neither have provided a response.

ENVIRONMENTAL IMPACT ASSESSMENT

An Environmental Impact Assessment (EIA) Report has been submitted with the application, and has been duly advertised and consulted on.

The submitted EIA Report contains chapters on the method and approach to preparing the Report, the description of the development, site alternatives, landscape and visual impact assessment, ecology and nature conservation, ornithology, hydrology, hydrogeology and ground conditions, cultural heritage and archaeology, access, traffic and transport, noise and vibration, land use, socio-economics and tourism and schedule of mitigation.

As required by Regulation 5(5)(b) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to ensure the completeness and quality of the EIA Report, the applicant has submitted with it a table outlining the relevant expertise or qualifications of the project team that has contributed to the EIA Report. Based on this submitted information, it can be reasonably concluded that the authors are suitably qualified.

Regulation 4(2) and 4(3)(a) to (d) require that an EIA must identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development on the factors and the interaction between those factors, and the factors are – (a) population and human health; (b) biodiversity; (c) land, soil, water, air and climate; and (d) materials assets, cultural heritage and the landscape.

The EIA Report has considered the likely significant effects from noise and vibration, landscape and visual impact assessment, ecology and nature conservation, archaeology and cultural heritage and traffic and transport.

The EIA Report finds that:

* Landscape and visual - the proposed development would not result in significant cumulative effects on the landscape character or the special qualities of the Special Landscape Area.

* Ecology - With the implementation of the mitigation measures, no residual significant adverse effects on any ecological receptors are predicted as a result of the proposed development.

* Ornithology - The only predicted effects on sensitive birds relate to disturbance during construction. The effects of disturbance during construction are predicted to be of limited duration and affect low numbers of birds, representing very small proportions of the qualifying populations both from the proposed development alone and in combination with other developments. Therefore, the effects are concluded to be not significant.

* Hydrology, hydrogeology and ground conditions - Following the standard mitigation practices, no significant residual impacts resulting from the proposed development are predicted.

* Cultural heritage and archaeology - During the construction phase no likely significant effects have been identified in the absence of mitigation, therefore no mitigation is required. During the operation phase no likely significant effects have been identified.

* Access, traffic and transport - The assessment concludes that effects of increased traffic as a result of the proposed development are deemed to be Not Significant once mitigation is put in place.

* Noise and vibration - Assuming suitable mitigation measures are implemented there would be no significant residual effects as a result of noise or vibration with from the proposed development alone, or in combination with Inch Cape onshore substation.

* Land use, socio-economics and tourism - Overall, there are no significant adverse effects found, and there is a significant beneficial socio-economic cumulative effect found related to the construction of Seagreen Offshore Wind Farm.

The EIA Report concludes that subject to the relevant mitigation, that likely significant effects are limited to localised seascape, landscape and visual effects the proposed development would not have any significant effects, and that no residual significant effects are predicted for ecology, ornithology, hydrology, hydrogeology and ground conditions, cultural heritage and archaeology, access, traffic and transport, noise and vibration and land use, socio-economics and tourism.

PLANNING ASSESSMENT

PRINCIPLE OF DEVELOPMENT

Policy 9 of SESPlan requires local development plans to safeguard land to accommodate the infrastructure required to deliver the Strategic Development Plan. This includes new non-nuclear baseload capacity at Cockenzie. At the time of preparation of SESPlan, the original Cockenzie Power Station was still operational, with consent in place for its

replacement by the time the plan was approved. Policy 10 requires local development plans to set a framework for renewable energy development to contribute towards meeting renewable energy targets. SESplan in paragraph 124 also notes the need for a higher proportion of energy requirements to be obtained from renewable energy sources, and supports reinforcement of the electricity grid.

Proposal EGT1 of the adopted East Lothian Local Development Plan 2018 covers the majority of the application site, and safeguards that land for future thermal power generation and carbon capture and storage consistent with National Development 3. However it states that land at Cockenzie may also present significant opportunities for renewable energy-related investment, informing that the Council will work together with developers, the landowner, the relevant agencies, local organisations and interested parties, including local residents to ensure that the best use is made of the existing land and infrastructure in this area. If there is insufficient land for competing proposals, priority will be given to those which make best use of the location's assets and which will bring the greatest economic benefits. Development proposals must avoid unacceptable impact on the amenity of the surrounding area, including residential development.

The wording of Proposal EGT1 makes it clear that the meaning of the words 'safeguard for future thermal generation', in this instance, is not intended to mean that no other use should come forward unless and until the requirements of the safeguarded use including its land-take is known. Therefore, even though it is not possible at this time to know whether a thermal generation use could come forward on this site alongside this proposed development in its proposed location on the EGT1 site, this is not critical to the acceptability or otherwise of the current proposal, thus the principle of National Development 3 and National Development 4 are both suitable within the Proposal EGT1 site, and it is possible to support either type of development in principle without knowing how the other type of development might be brought forward there.

The proposed development constitutes works that are required to connect an offshore windfarm to the national grid, so fall into the category of renewable energy-related investment. There are no active competing proposals for the land of the application site. Moreover, there is nothing to suggest that there is insufficient land for competing proposals on the wider EGT1 site, or that the proposed development would prejudice the future development of the site of the economic potential of the area. In terms of 'best use' for the site the proposed development would provide a significant investment to connect the Seagreen Offshore Wind Farm to the national electricity transmission system, bringing green renewable energy to thousands of homes in Scotland. The submitted EIA Report also informs that it is estimated that during the development and construction phase, the proposed development could support £132 million GVA and 2,050 years of employment in Scotland and £5 million GVA and 80 jobs annually during each year of operation. Moreover the application site would only comprise a relatively small part of the wider EGT1 site, with the remainder able to accommodate other forms of economic development and employment uses. It would be for the Council as Planning Authority to determine any future planning application for the wider site and to decide, amongst other things, whether or not the development proposed makes best use of the location's assets and whether or not it will bring the greatest economic benefits.

In terms of site alternatives, chapter 3 of the submitted EIA Report demonstrates that an extensive site selection exercise was undertaken to identify optimum substation and landfall locations and cable routes, with seven landfall sites identified. Due to cost, technical and environmental considerations the application site was chosen as the preferred site. Taking into account the national development status of the proposal, the absence of competing uses and the benefits of the proposed development, it can reasonably be concluded that the proposals represent the best use of the site within the current planning context.

The Council's Economic Development Team Manager advises that the East Lothian Community Planning Economic Development Strategy 2012-22 was adopted by East Lothian Council on 9 October 2012 and the mid-term refresh was concluded December 2018. Economic development is a key priority for East Lothian and is at the forefront of The East Lothian Partnership Plan 2017-27. The Economic Development Strategy 2012 to 2022 is a reflection of the priority placed on economic development and acts as a guiding framework for future activities.

The Economic Development Team Manager raises no objection to the proposed development. He notes that during the construction phase the proposed development could support employment in the construction sector in East Lothian and Scotland, and that no significant negative impacts have been identified in terms of the East Lothian economy or tourism.

On the above considerations the proposed development does not conflict with Proposal EGT1 of the adopted East Lothian Local Development Plan 2018. As high voltage transmission infrastructure to support renewable energy technology, it is also part of National Development 4 and is thus supported by NPF3.

Cockenzie and the Forth Coast area extending to Torness is identified in NPF3 as an 'area of co-ordinated action' and considered to be a potentially important energy hub within the NPF3 strategy, helping to deliver a low carbon Scotland. While Cockenzie is safeguarded for thermal power generation, it is noted in NPF3 as a location with potential for energy related development and potentially for associated port-related development. As an area of co-ordinated action, an expectation of partnership working is placed on the Council, developers, and key agencies, to make best use of the land and infrastructure in the area and take forward a planned approach to development.

In this regard Proposal EGT3 of the adopted East Lothian Local Development Plan 2018 states that the Council supports the principle of electricity grid connections on the Forth coast from Cockenzie to Torness in order to facilitate off-shore energy generation, provided the following criteria are met:

1) infrastructure is combined wherever possible;
2) connection to existing infrastructure at Cockenzie and Torness is prioritised; and
3) proposals must not have an adverse effect on the integrity of the Firth of Forth SPA or any other European site either alone or in combination with other projects and plans.

In terms of 1) above the applicant informs that it is currently not commercially viable, nor practical from an engineering perspective, to share the proposed infrastructure with the approved ICOL development (ref: 18/00189/PPM), for the reason that there are no guarantees of that approved development going ahead. Therefore in order to bring the Seagreen 1A project to market, it is essential that it provides its own grid connection. Moreover, a substation to service both Seagreen 1A and Inch Cape would inevitably need to have a much larger footprint that either of the two substations proposed on their own.

With regard to 2) the proposed development does prioritise connection to infrastructure at Cockenzie. With regard to 3) the assessment of that is discussed later in this report and subject to it being demonstrated that the proposed development would not have an adverse effect on the integrity of the Firth of Forth SPA, the principle of it does not conflict with Proposal EGT3 of the adopted East Lothian Local Development Plan 2018.

LANDSCAPE AND VISUAL IMPACT

A Seascape Landscape and Visual Impact Assessment (SLVIA) has been submitted with the

application. The SLVIA and Chapter 4 of the EIA Report consider the landscape and visual impacts of the proposed development from a number of viewpoints in the surrounding area and further afield in East Lothian, and assesses the likely 'in-addition' and 'in-combination' cumulative effects when considered in addition to similar existing developments and the consented but currently unbuilt Inch Cape substation.

The EIA Report and SLVIA conclude that inclusion of the approved ICOL substation would add significantly to the established developed context, being seen within an open grassland context. This is likely to result in localised 'in addition' and 'in-combination' effects on the character of the Prestonpans Coast SLA. However, the proposed development would be positioned within an existing development envelope enclosed by screen mounds and vestigial features of the former Cockenzie power station, and as such would represent only an additional, although in the author's view 'slight', visual impact to both the current baseline and the cumulative context of Cockenzie substation and Inch Cape substation. The conclusion of the EIA Report and the SLVIA is that the proposed development would not have any harmful significant effects in terms of landscape and visual impact.

In their consultation response, on the matter of landscape and visual impacts, NatureScot advise that the proposed development would not generate negative impacts on the landscape character and visual amenity of the area.

The onshore export cable and any open cut trenching would be sited underground. Consequently they would have minimal impact on the landscape character and appearance of the area, including that of Preston Links and the Prestonpans Coast SLA.

The proposed development would be aligned with the existing pattern of development along the B1348 public road and would occupy land within a location that is enclosed on three sides by a combination of existing built structures, screening landforms and structural vegetation that contribute to the containment of impacts on neighbouring seascape, landscape and visual receptors. The proposed substation building and perimeter security fence would be set back from the B1348 road, in keeping with position of the neighbouring Cockenzie substation building, thereby avoiding structures projecting closer to the road. The indicative substation layout indicates that the substation buildings could be oriented in a northwest to southeast direction, thereby reducing the apparent mass and volume of the buildings in views experienced by north bound road users on the B1348 public road whilst focusing the greatest extent of building facades within site areas that are enclosed by screening landforms that limit the degree of their visibility from external viewpoints. It should be noted that the final layout would be presented through later applications for approval of matters specified in conditions were planning permission in principle to be granted.

The Council's Landscape Projects Officer advises that she concurs with the findings of the SLVIA in the submitted EIA report that the proposed substation would be screened from views from the northeast, east and southeast either partially or fully by the existing Cockenzie substation building and the existing acoustic screen mounding to the southwest, south and southeast of the site, which would help to minimise the landscape and visual impacts of the proposed development. The Landscape Projects Officer further advises that the cumulative effects of the proposed development when considered in addition to the consented but currently unbuilt Inch Cape substation would not be of a scale that would lead to an unacceptable visual and landscape impact on the character of the area given the locational position of the application site and the surrounding built development and existing landscape features. The Landscape Projects Officer further advises that construction impacts would be short to medium term duration and would cease following completion of construction activities and be replaced by operational impacts and as such would not cause any significant harmful seascape, landscape or visual impacts.

The Landscape Projects Officer recommends that a scheme of landscaping be submitted and that consistent and cohesive landscape measures are taken forward to achieve the best landscape fit for the proposed development in this sensitive location. The Landscape Projects Officer also advises that lighting for safety or security purposes may be unavoidable and consideration should be given to different ways of minimising light pollution, and recommends that detail is sought for this, with particular regard to the lighting impacts and night. Such control can be competently imposed as a condition on a grant of planning permission in principle, were that to be the decision.

In overall conclusion the proposed development would introduce a large scale significant development in this coastal location, however subject to above recommendations and appropriately worded conditions to control the materials, design and architectural appearance of the proposed substation, the proposed development could successfully integrate into its landscape setting and would not appear harmfully prominent, incongruous or intrusive within the surrounding landscape. It would not be harmful to the special character of the Prestonpans Coast Special Landscape Area and the nature and scale of the proposed development would not have an unacceptable impact on the natural environment.

On these considerations of landscape and visual impact and design the proposed development does not conflict with Policies DC6, DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018 or the Council's approved Special Landscape Areas Supplementary Planning Guidance.

HISTORIC ENVIRONMENT

The part of the application site located to the south of the B1348 road is within the boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields. The battlefield site includes the 1722 Tranent to Cockenzie Wagonway.

Chapter 8 of the EIA Report considers the potential direct and indirect impacts resulting from the proposed development on cultural heritage and archaeology assets.

Historic Environment Scotland (HES) note that the EIA Report does not identify a significant impact on the nationally important battlefield and they agree with this conclusion. They advise that the application site does not impact on any known features relating to the battle in the vicinity such as the wagonway or the site of the Thorn Tree where Colonel Gardiner was wounded and they are satisfied that the proposed buildings would not significantly alter the setting or reading of the battlefield.

HES further advise that the application site and wider area has been heavily and repeatedly developed, landscaped and disturbed in the past; the original landform has been altered and the survival potential for remains relating to the battle is small, although the discovery of human remains of varying dates in the vicinity shows that pockets of archaeological material can survive, even in areas where there has been extensive prior disturbance. They state that section 8.5 of the EIA Report deals with archaeological mitigation, with some investigative works have already been undertaken and it is noted that no archaeological remains or deposits were encountered. Paragraph 8.5.3 states that there will be further evaluations/watching briefs during the construction phase of the works and that excavated soils generated by that activity will be scanned by metal detector to recover any surviving metallic artefacts that may be associated with the battle. HES are content that this is a reasonable and proportionate approach.

HES therefore raise no objection to the application, being satisfied that the proposed development would not have a significant adverse effect on any key features of the Battle of Prestonpans Battlefield Site.

The Council's Archaeology/Heritage Officer advises that the application site has the potential for unidentified archaeological remains to be present. He therefore recommends that if planning permission in principle is to be granted for this proposal, a programme of archaeological works (Archaeological Evaluation by Trial Trench) should be carried out prior to the commencement of development.

Subject to the above recommendations, which could be secured by condition, the proposed development is consistent with Policy CH5 of the adopted East Lothian Local Development Plan 2018, Planning Advice Note 2/2011: Planning and Archaeology and Scottish Planning Policy 2014.

INTERNATIONALLY DESIGNATED SITES, SITES OF SPECIAL SCIENTIFIC INTEREST AND BIODIVERSITY

The area of land comprising the northernmost part of the application site where it meets the coast is within the Firth of Forth Special Protection Area and within the Firth of Forth Site of Special Scientific Interest.

With regard to international designations, paragraph 207 of Scottish Planning Policy states that sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 Network of protected areas. Any development proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an "appropriate assessment" of the implications for the conservation objectives.

Chapter 5 of the EIA Report includes an assessment of the potential impacts of the proposed development on ecological and nature conservation. Chapter 6 of the EIA Report includes an assessment of the potential effects of the proposed development on ornithology the archaeology and cultural heritage resource of the site and surrounding area.

NatureScot, with regard to ecology and nature conservation, note the methods and scope of the assessment within the EIA Report, and advise that a Phase 1 habitat survey was not carried out at the best time of year, however note the proposal location is made up of brownfield land with semi-natural habitats of low nature conservation value, and as such have no issues to raise with the timing of the study and generally support its conclusions. NatureScot advise that the site does contain scrub and trees which could support nesting birds, and so recommend that a breeding bird survey is undertaken prior to the clearance of any vegetation, as per section 5.6.6 of the EIA Report. NatureScot support the remaining mitigation and good practice measures specified in sections 5.6.1 to 5.6.10 of the EIA Report with regards to nesting birds, habitats and protected species.

NatureScot advise that the proposal could affect the following European sites:

* Firth of Forth Special Protection Area (SPA);
* Outer Firth of Forth and St Andrews Bay Complex SPA;
* Forth Islands SPA; and
* Imperial Dock Lock, Leith SPA

NatureScot advises that the status of these sites means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") or, for reserved matters the Conservation of Habitats and Species Regulations 2010 as amended apply. Consequently, the competent authority is required to consider the effect of the proposal on these sites before it can be consented (commonly known as Habitats Regulations Appraisal).

Under the Habitats Regulations, decision makers (known as competent authorities in the legislation) can only agree to development proposals which are unconnected with the nature conservation management of the site after having confirmed that they will not affect the integrity of the Natura site. The process of coming to this judgement is commonly referred to as Habitats Regulations Appraisal (HRA).

With regard to HRA Stage 1, NatureScot states that the proposal is not connected to conservation management of any European site.

With regard to HRA Stage 2 (is the proposal 'likely to have significant effects' upon the European sites), NatureScot advise that:

Firth of Forth SPA - this European site is located adjacent to the proposal, and is designated for many species of wintering and passage waders and waterfowl. The cable landfall area is within the SPA and there is potential for habitat damage or loss. Construction operations could cause disturbance or displacement of SPA birds. Therefore there is connectivity to the European site and an appropriate assessment is required.

Outer Firth of Forth and St Andrews Bay Complex SPA - this European site is located adjacent to the proposal, and is designated for many species of breeding and non-breeding seabird and waterfowl. Construction operations could cause disturbance or displacement of SPA birds. Therefore there is connectivity to the European site and an appropriate assessment is required.

Forth Islands SPA - this European site is located distant to the proposal, with the nearest location being Fidra to the northeast and Inchmickery to the northwest. This site is designated for many species of breeding seabirds which are known to use or traverse the proposal site. Construction operations could cause disturbance or displacement of SPA birds. Therefore there is connectivity to the European site and an appropriate assessment is required.

Imperial Dock Lock, Leith SPA - this European site is located distant to the proposal, and is designated for a colony of breeding common tern which is within connectivity distance of the proposal. Construction operations could cause disturbance or displacement of SPA birds. Therefore there is connectivity to the European site and an appropriate assessment is required.

NatureScot therefore advise that as the proposed development is likely to have a significant effect on several European sites, East Lothian Council, as competent authority, is required to carry out an appropriate assessment.

East Lothian Council, as the competent authority, has carried out an appropriate assessment. It concludes that subject to mitigation in the form of the submission of a construction environmental management plan, the appointment of an Ecological Clerk of Works and the submission of a Species Protection Plan for birds, which can be secured through the imposition of conditions on a grant of planning permission in principle, that the proposed development would have no adverse effects on the integrity of the following European sites:

* Firth of Forth Special Protection Area (SPA);
* Outer Firth of Forth and St Andrews Bay Complex SPA;
* Forth Islands SPA; and
* Imperial Dock Lock, Leith SPA.

Accordingly, subject to mitigation the proposals do not conflict with Policies DC6

(Development in the Coastal Area), NH1 (Protection of Internationally Designated Sites) and NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites) of the adopted East Lothian Local Development Plan 2018.

NOISE AND VIBRATION AND AMENITY

The nearest residential properties to the site are located at Whin Park to the northeast and along Atholl View to the southwest, albeit the properties on Atholl View have little interaction with the site due to the intervening bund. Also the residential properties of The Antiquaries are located to the southwest of the site. In addition to residential properties, the Whin Park industrial estate is located immediately northeast of the site. By virtue of its distance away from those residential properties, the proposed development would not result in any harmful overlooking or unacceptable loss of sunlight or daylight to them.

Chapter 10 of the EIA Report considers potential noise and vibration arising from the proposed development on the site both during construction and when the development is operational.

The Council's Public Health and Environmental Protection Officer advises he has appraised Chapter 10 of the EIA Report and advises that noise during the construction phase, although temporary in nature, would have a major impact upon sensitive receptors at the residential properties of The Antiquaries during daytime Mon-Fri, any evenings/Saturdays afternoons and also during the Night/Sundays/Bank Holidays. Major noise impacts are also predicted at sensitive receptors on Appin Drive, 1A High Street, Prestonpans and Whin Park, Cockenzie at any time during the Night/Sundays/Bank Holidays. Moderate Impacts are also predicted at sensitive receptors at Atholl View Prestonpans, Avenue Road, Cedar Drive and West Harbour Road, Cockenzie at any time during the Night/Sundays/Bank Holidays. Moderate Impacts are also predicted at Appin Drive, Prestonpans and Whin Park, Cockenzie on Saturday afternoons and any evenings.

With regard to the above, the Public Health and Environmental Protection Officer advises that mitigation measures, such as those detailed in Chapter 10.6 of the EIA Report would be required during the construction phase to include, but not be limited to, restriction of working hours for noisy work to 0700-1900 house Mon-Fri and 0800-1300 hours on a Saturday, the location of drilling rigs, creation of solid barriers/screens and noise monitoring. Threshold noise levels could be introduced that, if exceeded, would require work to cease with immediate effect and not resume until adequate mitigation had been introduced to reduce levels back below the thresholds. Threshold levels at sensitive receptors would be 65 dB(A) during the day (0700-1900), 55 dB(A) during evenings (1900-2300)/Saturday afternoons and 45 dB(A) at night (2300-0700). Details of the specific mitigation measures to be introduced can be included within a Construction Method Statement.

In terms of operational noise, the Public Health and Environmental Protection Officer advises that noise arising from the proposed substation and associated plant/equipment has been assessed and predicted to have a major impact at sensitive receptors in Atholl View, Appin Drive and Whin Park during the night (2300-0700). Moderate Impacts are also predicted for sensitive receptors at 1A High Street at night (2300-0700). Moderate impacts upon sensitive receptors are also predicted during daytime hours (0700-2300) in Hawthorn Road, The Antiquaries, Atholl View, Whin Park and Avenue Road. Accordingly, a further assessment of operational noise will be required and any assessment report shall outline what mitigation measures will be required to ensure compliance with an absolute free field external Rating Level of LAr,Tr of 35 dB.

With regard to vibrations, the Council's Public Health and Environmental Protection Officer advises that vibrations from works would fall to below 1mms-1 within a distance of 10-15

from source. Vibratory driven sheet piling will fall to below 1mms-1 at a distance of greater than 30m from source. All sensitive receptors are greater than 30m from the source of any vibration and therefore vibration impacts are not considered significant and would not result in harm to the amenity of any nearby residential property.

In terms of air quality, the Public Health and Environmental Protection Officer advises that any potential impacts that may arise from dust during the construction phase can be addressed by requiring any dust mitigation measures to be included within a Construction Method Statement.

The Public Health and Environmental Protection Officer therefore recommends that:

(i) a Construction Method Statement be submitted which should identify potential noise and dust impacts during construction and specify mitigation measures to minimise any such impacts. With regards to the control of dust, he advises that the Construction Method Statement should include details regarding practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary; and

(ii) a further assessment of noise impacts arising during the operational phase of the development be submitted to identify any mitigation measures considered necessary to ensure specific noise arising from it does not exceed an absolute free field external Rating Level of LAr,Tr of 35 dB at any sensitive receptor.

Subject to the above planning control the proposed development would not have a harmful impact on amenity.

The Council's Environmental Health Officer (Contaminated Land) advises that there is the potential for areas of contamination to exist given the nature of previous land uses both on the site and in proximity to it, which included the workings of the Preston Links Colliery, mineral railway lines, a gas works and gasholder, a refuse tip, and electricity substations and infrastructure associated with the former Cockenzie Power Station and thus there is therefore the potential for pollutant linkages to exist on the site that may impact upon the proposed development. He also advises that part of the site (towards the west) is located within a high risk area with regards to shallow mine workings, thus there may be the potential for mine gas to exist.

The Environmental Health Officer (Contaminated Land) therefore recommends that the following matters be controlled by conditions:

1. Prior to any development works commencing a suitable Geo-Environmental Assessment must be carried out, with the Report being approved by the Planning Authority. The investigation should include details of the following:

1. (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment); and

(ii) A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:

* A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
* An appraisal of the remediation methods available and proposal of the preferred option(s).

2. Prior to any works beginning on site (and where risks have been identified), a detailed

Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development; and

3. Following completion of the measures identified in the approved Remediation Statement, a Verification Report should be submitted that demonstrates the effectiveness of the remediation carried out.

The Environmental Health Officer (Contaminated Land) also recommends that in the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

These requirements could be controlled by a condition(s) attached to a grant of planning permission in principle, were that to be the decision.

On these above considerations the proposed development is consistent with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

COAL AUTHORITY DEVELOPMENT HIGH RISK AREA

The Coal Authority have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of the application. The Coal Authority records indicate that within the application site boundary there is a recorded mine entry, with a further two mine entries recorded within 20m of the site boundary. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth.

The Coal Authority therefore recommends that:

1. (i) a scheme of intrusive site investigations be carried out on site to establish the risks posed to the development by past coal mining activity, and;

(ii) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

2. prior to the development coming into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development be submitted. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Subject to the above recommended control the proposed development would not be at risk from former mine workings.

FLOOD RISK AND SCOTTISH WATER

The Scottish Environment Protection Agency (SEPA) advise that the site is partially within the medium likelihood coastal and surface water map extents, based on the SEPA Flood Maps, which indicates that there is a medium risk of flooding from the sea and surface water to part of the site. SEPA advise that the site is brownfield and the proposed land use is for a substation, underground electricity cables and associated infrastructure to export electricity from the Seagreen Offshore Wind Farm into the national electricity transmission network. Given the national importance of this proposal, SEPA have viewed this as a 'critical infrastructure' land use and their comments therefore take into account the extreme 1 in 1000 year flood event scenario.

SEPA advise that the approximate 1 in 200-year flood level is 3.95mAOD and the approximate 1 in 1000 year flood level is 4.13mAOD based on calculations using the Coastal Flood Boundary Method. This is a still water level which does not account for the effects of wave action, climate change, funnelling or local bathymetry. The expected sea level rise for the area is 0.86m by 2100 based on the latest UK climate change predictions published in 2018. To account for future coastal climate change impacts SEPA recommend that all development on the site is limited to land which is higher than 4.99mAOD (1 in 1000 year level plus 0.86m).

SEPA note from the indicative substation site layout that the proposed substation platform is located outwith the low (1 in 1000 year) and medium (1 in 200 year) likelihood coastal flood extents, which complies with the principles of floodplain avoidance in line with SPP.

On the basis on the above assessment SEPA raise no objection to the application on the grounds of flood risk.

The Council's Structures Flooding and Street Lighting Team Manager advises he raises no objection to the application on the grounds of flood risk. On the matter of drainage, the Structures Flooding and Street Lighting Team Manager advise that a drainage strategy for the site should be designed to accommodate a 1 in 200 annual probability event plus a climate change allowance, this being different to the actual flood risk requirements as stated by SEPA above.

The Structures Flooding and Street Lighting Team Manager further advises that a culvert known as the Bankton Adit culvert runs along the western margin of the site and that confirmation of both the route and outfall position of the Bankton Adit Culvert should be recorded and indicated particularly where it passes through the construction zone of the site. Also any protective measures to the watercourse during the laying of cables and trench works should be submitted.

Scottish Water has been consulted on the application and in respect of the EIA Report. They advise that they have no objection to the proposed development. A copy of Scottish Water's response has been forwarded to the applicant's agent for their information.

The above requirements could be controlled by a condition(s) attached to a grant of planning permission in principle and subject to this the proposed development is not contrary to Policy NH11 of the adopted East Lothian Local Development Plan 2018.

TRANSPORTATION, ACCESS AND OPEN SPACE

Chapter 9 of the EIA Report considers the likely significant effects on access, traffic and transport associated with the construction, operation and decommissioning of the proposed development. It also considers the cumulative impacts of the proposed development and

the Inch Cape Onshore Transmission works approved by the grant of planning in principle 18/00189/PPM. The EIA Report concludes that effects of increased traffic as a result of the proposed development are deemed to be Not Significant once mitigation is put in place. It also concludes that no significant cumulative effects are predicted during construction of the proposed development, particularly during concurrent construction works with the approved Inch Cape Onshore Transmission works. It is also noted that any increased traffic can be accommodated by the existing road network and could be managed effectively by implementation of a Construction Traffic Management Plan.

During construction of the proposed development, the principal access would be from the B6371 road on the eastern boundary of the site via the former Coal Store service road, with additional access points to the working areas from the B1348 Edinburgh Road. The applicant advises that the details of the operational access point would be confirmed through the submission of future detailed applications, but is likely that there would be an operational access from the B1348 Edinburgh Road, and that operational traffic movements would be nominal, with monthly inspection visits, periodic maintenance, with small numbers of light vehicles accessing the site.

The Council's Road Services have appraised assessment of the traffic impacts of the proposed development within the EIA Report and raise no objection to the application subject to the following requirements:

A Construction Traffic Management Plan (CTMP) be submitted to include:

(i) details of measures to reduce the number of construction vehicles;

(ii) details of and controls for access routes to and from the site for large components and day-to-day deliveries/removals associated with the construction and decommissioning phases of the development;

(iii) detailed swept path assessments of large component delivery routes and drawings detailing any required off-site mitigation works;

(iv) drawings showing details of any proposed alterations to the existing vehicular access onto the B6371 and alterations to existing junctions or creation of new junctions with the B1348;

(v) updated information on programme, construction tasks, vehicle types and trip generation;

(vi) updated review of potential cumulative impacts on A198 considering position at that time of new infrastructure, speed limits and traffic generation related to the ongoing development at Blindwells;

(vii) frequencies and times of deliveries and arrangements for the removal of materials/plant from the site;

(viii) details of traffic management at the B6371 and B1348 Edinburgh Road site access points;

(ix) details of measures including temporary signage, and the management of construction traffic to keep the John Muir Way open to the public throughout the construction period;

(x) details of temporary signage in the vicinity of the site warning of construction traffic;

(xi) arrangements for road maintenance and cleaning;

(xii) details of wheel washing facilities which must be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels; and

(xiii) a Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

Road Services also recommend that a dilapidation/condition survey is needed of the roads in the vicinity of the site, these being the B1361/B6371, from the roundabout junction of the A198 at Meadowmill (just north of the railway) northwards to the B1348 Edinburgh Road. In addition this shall include the B1348, Edinburgh Road, along the full Power Station site frontage and access junctions – from the junction East Lorimer Place to Appin Drive (traffic signals).

Subject to the above recommended control, which can be imposed as conditions on a grant of planning permission, the proposed development is consistent with Policy T2 of the adopted East Lothian Local Development Plan 2018.

The Council's Access Officer advises that the core path which runs from Whin Park around the south side of the existing Cockenzie substation building would require to be diverted. The Access Officer states this could be done by continuing the path around the south side of the proposed substation with a link made to the Edinburgh Road. The Access Officer advises that the route of the cabling would cause some disruption to other paths, but this would only be limited to the construction phase and that they would be reinstated thereafter.

The submitted EIA Report proposes the development of a Public Access Management Plan, or equivalent, to manage any diversions during the construction period, and depending on the final footprint of the substation a formal permanent diversion may need to be implemented to core path which runs from Whin Park around the south side of the existing Cockenzie substation building.

The part of the application site on the north side of the B1348 Edinburgh Road is open space defined by Policy OS1 of the adopted East Lothian Local Development Plan 2018, which states that recreational, leisure and amenity open space will be safeguarded to meet the recreational needs of the community or protect the amenity or landscape setting of an area. The cable corridor route would be the only part of the proposed development located north of the B1348 Edinburgh Road, and would be located underground. Therefore the proposed development would not result in the permanent loss of any open space.

Subject to the submission of an Access Management Plan to manage any required temporary diversions or rerouting of core paths, which can be imposed as a condition on a grant of planning permission in principle, the proposed development is not contrary to Policies T4 or OS1 of the adopted East Lothian Local Development Plan 2018.

CONCLUSION

Based on the planning assessment given above and subject to the aforementioned planning controls, the proposed development would not conflict with Policies 1B, 9 and 10 of the approved South East Scotland Strategic Development Plan (SESplan), Proposals EGT1 and EGT3 and Policies DC6, DC9, OS1, NH1, NH2, NH11, CH5, T2, T4, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018, the Council's Special Landscape Areas Supplementary Planning Guidance, the Scottish Government's National Planning

Framework 3 or with Scottish Planning Policy 2014.

RECOMMENDATION

That planning permission in principle be granted subject to the following conditions:

1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the layout, siting, design and external appearance of the onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.

a) Details of the finished ground levels and finished floor levels of the buildings;

b) The total height of any building shall not exceed 18 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the existing ground level of the site;

c) Details of the proposed colour treatment of the onshore substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;

d) Details of all external lighting proposed;

e) Details of the area and positioning of the substation platform, which shall not exceed an area of 22,000m2, and the components of the onshore substation, which shall generally accord with that shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0009 docketed to this planning permission in principle;

f) The layout shall ensure that the substation platform and onshore substation shall be located within the area identified as "Substation Development Zone" on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle;

g) Details of the final route of the onshore export cable (with proposed micro siting limits), and the locations of any underground joint bay(s); and

h) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cable.

In this condition, the onshore substation means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the substation platform, as indicatively described in Chapter 2 (Development Description) of the Environmental Impact Assessment Report docketed to this planning permission in principle.

No part of the development hereby approved under that application for approval of matters specified in conditions shall be begun on the site until all of the above details pertaining to such development have been submitted to and approved in writing by the Planning Authority.

Reason:
To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment.

2 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report docketed to this planning permission in principle, except where altered by the approval of matters specified in the condition above or by the conditions below, or unless otherwise agreed in writing by the Planning Authority.

Reason:
To ensure the reported likely environmental impacts of the development are not exceeded and the specified mitigation measures are fully implemented.

3 The development hereby approved shall be used solely in connection with the offshore Seagreen Wind Farm to facilitate the transmission of electricity generated by that development to the grid and for no other purposes, unless otherwise agreed in writing with the Planning Authority. In these conditions the

"Seagreen Wind Farm" means the offshore wind farms known as the Seagreen Alpha Offshore Wind Farm and Seagreen Bravo Offshore Wind Farm, both granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 10 October 2014 (and as varied by consent on 18 August 2018), or successor offshore wind farms located within the site of that development.

Reason:
To enable the Planning Authority to regulate and control the use of the land in the interests of the wider land use planning of the area.

4 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Public Access Management Plan for that Development Zone shall be submitted to and approved in writing by the Planning Authority for such development. The Public Access Management Plan shall include the following details as they relate to each Development Zone:

(i) the proposed route of any temporary rerouting of the Coastal Path incorporating the John Muir Way (Core Path 276) within the northern section of the application site and Core Path 146 within the western section of the application site and the duration of the temporary rerouting;
(ii) the detail of any temporary rerouting of Core Path 284 within the central section of the application site, the duration of the temporary rerouting, and any measures for its permanent diversion (including its new route) if required as a result of the proposed development; and
(iii) a timetable for the implementation of any temporary or permanent diversions of the above Core Paths.

Thereafter, the Public Access Management Plan shall be implemented and complied with in accordance with the approved details, unless otherwise approved in writing by the Planning Authority.

Reason:
To ensure continuity of the core path network in the interests of public access.

5 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Construction Method Statement (CMS) for development of that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CMS shall identify potential noise and dust impacts that may arise during construction of the proposed development and specify any mitigation measures necessary to minimise any such impacts on sensitive receptors, and shall include hours for construction work.

With regards to Noise the CMS shall adopt "Best Practice Guidance" as recommended in BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites" and have regard to potential mitigation measures described within Chapter 10.6 Mitigation of the docketed EIA Report.

With regards to the control of dust the CMS shall include details regarding practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary. Control measures to be considered are identified in Section 8 of the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014).

The development shall thereafter be carried out in strict accordance with the approved CMS unless otherwise approved in writing by the Planning Authority.

Reason:
To minimise the impact of construction activity in the interests of the amenity of the area.

6 Prior to the commencement of any development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle a Noise Impact Assessment for the operational phase of the development shall be submitted to and approved in writing by the Planning Authority for such development. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to Condition 1 and shall identify any mitigation measures considered necessary to ensure specific noise arising from the development does not exceed an absolute free field external Rating Level of LAr,Tr of 35 dB at any sensitive receptor. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason:
In the interests of the amenity of nearby sensitive receptors.

7 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out for development of that Development Zone and the following information shall be submitted to and approved by the Planning Authority:

1. (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment); and

(ii) A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:

o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
o An appraisal of the remediation methods available and proposal of the preferred option(s).

2. Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development; and

3. Following completion of the measures identified in the approved Remediation Statement, a Verification Report should be submitted that demonstrates the effectiveness of the remediation carried out.

Reason:
To ensure that the site is clear of contamination and that remediation works are acceptable.

8 In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

Reason:
To ensure that the site is clear of contamination

9 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Construction Traffic Management Plan (CTMP) for the construction phase of the development in that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

(i) details of measures to reduce the number of construction vehicles;

(ii) details of and controls for access routes to and from the site for large components and day-to-day deliveries/removals associated with the construction and decommissioning phases of the development;

(iii) detailed swept path assessments of large component delivery routes and drawings detailing any required off-site mitigation works;

(iv) drawings showing details of any proposed alterations to the existing vehicular access onto the B6371 and alterations to existing junctions or creation of new junctions with the B1348;

(v) updated information on programme, construction tasks, vehicle types and trip generation;

(vi) updated review of potential cumulative impacts on A198 considering position at that time of new infrastructure, speed limits and traffic generation related to Blindwells;

(vii) frequencies and times of deliveries and arrangements for the removal of materials/plant from the site;

(viii) details of traffic management at the B6371 and B1348 Edinburgh Road site access points;

(ix) details of measures including temporary signage, and the management of construction traffic to keep the John Muir Way open to the public throughout the construction period;

(x) details of temporary signage in the vicinity of the site warning of construction traffic;

(xi) arrangements for road maintenance and cleaning;

(xii) details of wheel washing facilities which must be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels; and

(xiii) a Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

The development shall thereafter be carried out in accordance with the approved CTMP unless otherwise approved in writing by the Planning Authority.

Reason:
In the interests of road safety and in the interest of the promotion of sustainable modes of transportation.

10 Prior to the commencement of the development hereby approved a programme for monitoring the condition of the public roads to be used by construction traffic, prior to and immediately following the completion of the development, shall be submitted to and approved in writing by the Planning Authority. The public roads to be monitored shall be, (i) the B1361/B6371, from the roundabout junction of the A198 at Meadowmill (just north of the railway) northwards to the B1348 Edinburgh Road, and (ii) the B1348 Edinburgh Road, along the full former power station site frontage and access junctions - from the junction East Lorimer Place to Appin Drive (traffic signals).

Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:
To ensure that damage to the public road network resulting from the proposed development is rectified.

11 Prior to the commencement of the development hereby approved a drainage strategy for the development shall be submitted to and approved by the Planning Authority. The drainage strategy shall be designed to accommodate a 1 in 200 annual probability event plus a climate change allowance and shall include a timetable for its installation.

The drainage strategy as so approved shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Reason:
To ensure the development is appropriately protected against flood risk and does not give rise to increased flood risk elsewhere.

12 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a scheme for the identification of drainage systems (including field drains, culverts, septic tanks and soakaways) and private water supplies within the Zone, and measures for their protection during development and/or mitigation of impacts associated with the development including any necessary alternative facilities as required, shall be submitted to and approved by the Planning Authority.

The scheme shall include a timetable for the implementation of any identified mitigation measures or provision of alternative facilities and development shall thereafter be carried out in accordance with the scheme so approved.

Reason:
To ensure the development is appropriately protected against flood risk and does not give rise to increased flood risk elsewhere.

13 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a scheme of

landscaping for development within that Development Zone, taking account of the detailed site layout and other details proposed or approved under the terms of Condition 1 shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained, and measures for their protection in the course of development. It should also address long term management of the approved planting and boundary treatments.

In accordance with the approved scheme, all planting, seeding or turfing shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and managed in accordance with that scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:
In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

14 No development shall take place (including demolition, ground works, and vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Planning Authority. The CEMP: Biodiversity shall include the following:

a) Risk assessment of potentially damaging construction activities;
b) Identification of "biodiversity protection zones";
c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
d) The location and timing of sensitive works (drilling and other construction activities within and/or adjacent to the SPA) to avoid harm to biodiversity features;
e) The times during construction when specialist ecologists need to be present on site to oversee works;
f) Responsible persons and lines of communication;
g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period of the development strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason:
To avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds (SPA populations).

15 No development shall take place until a Species Protection Plan for birds, including waterfowl, wading birds and seabirds (SPA species), has been submitted to and approved in writing by the Planning Authority.

The Species Protection Plan must be consistent with the measures proposed in the docketed EIA Report/Habitats Regulations Assessment to minimise disturbance to SPA bird populations and must include, but shall not be limited to the following:

(i) Details to show the defined area of operation for near-shore vessels and restrictions on vessel speed; and
(ii) Details of methods to be used to reduce noise levels including the use of sound walls and any required drilling rig modifications.

The development shall thereafter be carried out in strict accordance with the approved Species Protection Plan unless otherwise approved in writing by the Planning Authority.

Reason:
To avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds (SPA populations).

16 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a scheme of intrusive site investigation works for development of that Development Zone shall be carried out in

accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works and/or mitigation measures to treat any areas of land instability arising from coal mining legacy, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority following consultation with The Coal Authority, and thereafter has been fully implemented as so approved.

Reason:
To ensure that the site is clear of coal mining features and hazards prior to any use being made of the development.

17 Prior to the development hereby approved coming into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted and approved by the Planning Authority following consultation with The Coal Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:
To ensure that the site is clear of coal mining features and hazards prior to any use being made of the development.

18 Within 24 months of the permanent cessation of generation at the offshore Seagreen Wind Farm, confirmation shall be given in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes. Where the development is not required for electricity transmission purposes beyond the operational period of the offshore Seagreen Wind Farm, within 24 months of the permanent cessation of generation at the offshore Seagreen Wind Farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

i) The extent of substation and cable infrastructure to be removed and details of site restoration;
ii) Management and timing of works;
iii) Environmental management provisions; and
iv) A traffic management plan to address any traffic issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Where the development is required for electricity transmission purposes beyond the operational period of the offshore Seagreen Wind Farm, within 24 months of the development no longer being required for electricity transmission purposes, a decommissioning and site restoration plan (the 'the Demolition and Restoration Scheme') shall be prepared and shall be submitted to and approved in writing by the Planning Authority.
The Demolition and Restoration Scheme shall include details of:

i) The extent of substation and cable infrastructure to be removed and details of site restoration;
ii) Management and timing of works;
iii) Environmental management provisions; and
iv) A traffic management plan to address any traffic issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Reason:
To ensure that the application site is satisfactorily restored in the interests of the amenity of the area.