

**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 15 March 2022  
**BY:** Executive Director for Place  
**SUBJECT:** Application for Planning Permission for Consideration

---

**5**

Application No. **21/01474/PPM**

Proposal Renewal of planning permission in principle 18/00189/PPM for proposed onshore transmission works associated with the Inch Cape Offshore Wind Farm comprising 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

Location **Former Cockenzie Power Station Site  
Prestonpans  
East Lothian**

Applicant

Per Savills

**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: 20/00001/PAN) and

thus of community consultation prior to this application for planning permission in principle 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 (PAC) report is submitted with this application.

The PAC report informs that consultation measures have been undertaken in accordance with Scottish Government Guidance: 'Coronavirus (COVID-19): development planning consultation and engagement advice (May 2020)'. The PAC report further informs that consultation comprised a virtual public exhibition from Monday 9th August to Tuesday 31st August 2021, and a live interactive chat facility between 14:00 - 16:00 hrs and 18:00 - 20:00 hrs on Thursday 12th August and Thursday 19th August 2021 with members of the project team available to answer questions on the proposed development. The report informs that four people engaged with the virtual exhibition and three participated in the live chat facility. No online feedback forms were submitted and no direct emails were received regarding the consultation. 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 is located mainly within the western section of the former Cockenzie Power Station site to the north of the B1348 Edinburgh Road. It comprises of an area of land measuring some 10.2 hectares and extends west from the eastern boundary of the former power station site, then from Prestonpans Beach, south over the B1348 Edinburgh Road which bisects the site, to a grassed area to the south of that road with the large existing Cockenzie substation building beyond.

A coastal path, which incorporates part of the John Muir Way, crosses the northernmost part of the application site. An area of grassland and a small area of intertidal rock and boulder shoreline are located within the north western corner of the site. 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.

To the south of the site is the 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 Roads. The private road is gated at each end and there is no public access. 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 nearest residential properties to the site are located at Edinburgh Road, Hawthorn Terrace and Whin Park to the southeast, West Harbour Road to the east and 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 west of the site. In addition to residential properties, the Whin Park industrial estate is located to the southeast of the site.

## **RELEVANT PLANNING HISTORY**

Cockenzie Power Station was a coal-fired power station, which was in operation until 2013.

In October 2011 the Scottish Government granted planning permission (Ref: IEC/CKE/001) under Section 36 of the Electricity Act 1989 to Scottish Power for the conversion of the power station building and operation of it as a Combined-Cycle Gas Turbine plant (CCGT) on the land of the former Cockenzie Power Station site. The Power Station has since been demolished.

In August 2015 Scottish Power announced that they would not be progressing with the development of a CCGT on the application site.

In March 2018 Scottish Power sold the former Cockenzie Power Station site to East Lothian Council. The land sold to the Council, which has an area of nearly 100 hectares, includes Preston Links and land to the south of the Cockenzie Coal store. The area of land sold to East Lothian Council also includes the current application site.

Inch Cape Offshore Windfarm, located some 15 kilometres off the Angus coast, was consented by the Scottish Ministers on 10 October 2014 under section 36 of the Electricity Act 1989.

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. 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. In accordance with the timescales and other limitations stipulated by section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

In August 2021 planning permission in principle (ref: 21/00290/PPM) was granted to Seagreen 1A Limited for onshore infrastructure for the export of electricity from the Seagreen Offshore Wind Farm located in the outer Firth of Forth and Firth of Tay to landfall at Cockenzie. This comprised of an onshore substation, underground electricity cables and associated temporary and permanent infrastructure on land to the west and south of the former Cockenzie Power Station site to export that electricity into the national electricity transmission network.

In December 2021 planning application 21/01448/P was submitted by Swift TG Energy (Scotland) Ltd for the erection of 1 wind turbine, welfare units, plant equipment, fencing and gates for a temporary period of 18 months on land within the former Cockenzie Power Station site to the east of the site of this application. Application 21/01448/P is pending consideration and has not yet been determined.

## **PROPOSAL**

ICOL now seek planning permission in principle through this application for renewal of planning permission in principle (Ref: 18/00189/PPM) for proposed onshore transmission works associated with the Inch Cape Offshore Wind Farm comprising 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 existing substation to the south of the B1348 Road would form ICOL's grid connection point. The application is submitted under the provisions of Regulation 11 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and seeks to extend the time for submission of future approval of matters specified in conditions applications.

In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 further approval of matters specified in conditions applications must be made within 3 years of the date of the planning permission in principle. That date of 21 February 2022 has since been extended by The Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2021 to 30 September 2022. The application has been submitted under Regulation 11 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 to extend the time for submission of further approval of matters specified in conditions applications the beyond September 2022.

This application for the renewal is a valid application, as when it was made to the Council on 23 November 2021 a commencement had not been made to the development approved by the grant of planning permission in principle 18/00189/PPM and also the

three-year time period for the submission of matters specified in conditions had not expired. Furthermore, the principles of development remain the same as that approved by the grant of planning permission in principle 18/00189/PPM.

A Planning Statement has been submitted with the application indicating that the proposed development consists of onshore transmission works associated with the Inch Cape Offshore Wind Farm comprising 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 basic principles of the development are set out in the application documents.

Application submissions indicate a sub-station enclosed by security fencing, and two gates, access road, car park, electricity transformation equipment, a switchgear building and a control building. The largest building would be the enclosure for two harmonic filters, which would be combined with the switchgear and control building.

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. These would run underground to transition pits. Each transition pit would typically be 13 metres by 3 metres in size per cable and up to 1.5 metres deep. The applicant has indicated that there would be a separate cable transition pit for each of the offshore export cables or that both may be accommodated within, a larger cable transition pit. Typically, the transition pits are constructed from reinforced concrete and would be covered (underground) following construction and the area above restored, as far as practicable, to its original appearance. Each cable transition pit has an associated link pit and link box to allow access for future maintenance to the cable transition pit. The on-shore export cables would be laid in two separate trenches or ducts each measuring approximately 1 metre wide and between 1.5 metres to 3 metres deep. Depending on the final route selected, the onshore export cables between the cable transition pits and the onshore substation are expected to be approximately 100 metres long.

Main access would be taken from an existing access from the B1348 road to the south of the application site.

## **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: June 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.

Following the decommissioning and subsequent demolition of the Cockenzie Power

Station in September 2015 it was acknowledged that the wider former Cockenzie Power site provides an opportunity to redevelop the site for the benefit of the local and wider community. The Council commissioned a masterplanning process (with funding contribution from Scottish Enterprise) for the land formerly in Scottish Power's ownership at the former Cockenzie Power Station, the 'Cockenzie masterplan document'. This was prepared following consultation with the communities.

The Cockenzie masterplan document has not, however, been formally endorsed by the Council or adopted as supplementary planning guidance, and has not been through the necessary technical and environmental assessments (including Strategic Environmental Assessment, Habitat Regulations Assessment) which would allow this. It can therefore be accorded limited weight at this time. However, it is the result of significant community and stakeholder consultation with local communities and stakeholders, including national public sector agencies, industry bodies, businesses and local schools'. Over 330 responses were made to the first stage of consultation.

The masterplan document identifies and utilises key site assets and features within and around the site including the transformer and connection to the national grid, the coal store area, its coastal location and pier, accessibility to the road network and rail siding, the John Muir long distance route, the historic Waggonway and sites associated with the Battle of Prestonpans. The masterplan document shows a potential distribution of uses across the whole NRG1/EGT1 sites, showing how these could be accommodated in a complementary way on the site and the general ambition and aspiration generated.

Also relevant to the determination of the application is the Council's Special Landscape Areas Supplementary Planning Guidance adopted by the council on 30th October 2018.

## **REPRESENTATIONS**

None.

## **COMMUNITY COUNCIL COMMENTS**

Prestonpans and Cockenzie & Port Seton Community Councils have been consulted on the application and have provided no response.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

An Environmental Impact Assessment accompanied planning permission in principle (Ref: 18/00189/PPM) granted by Scottish Ministers in February 2019 in accordance with the requirements of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. That EIA contains chapters on policy and legislation, process and methodology, site selection and alternatives, description of development, ecology, hydrology, geology and hydrogeology, landscape and visual, cultural heritage, noise and vibration, traffic and transport, socioeconomics, tourism, land use and recreation, and air quality. The 2018 EIA Report concluded that 'subject to embedded mitigation measures, for all disciplines except landscape and visual the EIA Report did not identify any potentially significant residual effects (in terms of the EIA Regulations) on any environmental or human receptors during the construction, operation and decommissioning of the OnTW'. This was confirmed following a Public Local Inquiry (Ref: CIN-ELN-001) where the Directorate for Planning and Environmental Appeals (DPEA) Reporter concluded in the report to Scottish Ministers that other than from landscape and visual impact no other significant environmental effects were

identified from the proposed development.

This application is for the renewal of planning permission 18/00189/PPM and is the same project, with the same project description and on the same application site. Therefore and as the previous EIA Report prepared for planning permission in principle 18/00189/PPM is less than 3 years old, ICOL asked for a Scoping Opinion from East Lothian Council to confirm their requirements in terms of an EIA Report to support this application to renew planning permission 18/00189/PPM. In their scoping request ICOL suggested that the Scoping Opinion should review the contents of the existing 2018 EIA Report alongside a review of the current baseline environment, legislation, policies, guidance and current assessment methods to identify any changes which may have occurred since planning permission in principle (Ref:18/00189/PPM) was granted.

A Scoping Opinion dated 27th September 2021 was subsequently issued by the ELC as to the scope and information to be provided in support of a proposed application for OnTW as described in the Scoping Request made by ICOL to ELC on 23 August 2021.

That Scoping Opinion considered the EIA factors set out in legislation with regard to whether or not information is required in the EIA Report for this current application and recognises that the EIA Report submitted in support of Planning Permission in Principle (Ref: 18/00189/PPM) includes detailed information that allows for some issues to be Scoped out of the EIA Report. The Scoping Opinion concluded that, as there had been little baseline changes since that EIA Report was prepared, the following topics included in the EIA Report for planning permission 18/00189/PPM could be scoped out of the EIA submitted for this current application: (i) Population and Human Health, (ii) Biodiversity, (iii) Land Soil, (iv) Water, (v) Cultural Heritage and (vi) Material Assets.

The Scoping Opinion informs that the EIA Report should include a brief list of issues which have been Scoped out to show that they have been considered and a reference to where the more detailed explanation of the reason for this can be found to allow the EIA Report to focus on effects of the proposal deemed to be significant. Consequently chapter 3 of the EIA Report submitted with the application provides a list of the technical topics considered in the Scoping Opinion in accordance with the EIA Regulations and whether they have been subsequently 'scoped in' to the EIA Report.

The Scoping Opinion concluded that the key baseline changes since the granting of planning permission in principle 18/00189/PPM include: i) updated local planning policies and Supplementary Planning Guidance (SPG), in particular changes to the landscape baseline involving the designation of the Special Landscape Areas (Prestonpans Coast) and the updated local landscape character assessment; and ii) potential cumulative landscape and visual effects of the development with the consented Seagreen 1A Limited onshore substation development the subject of planning permission in principle (Ref: 21/00290/PPM). Where cumulative impact with the onshore works relating to the Seagreen 1A windfarm was a potential issue, information available in the EIA for the onshore works related to Seagreen 1A has allowed issues to be Scoped out.

The topics identified in the Scoping Opinion as requiring further detailed assessment through an update to the EIA Report accompanying planning permission in principle 18/00189/PPM include landscape and visual effects and impacts on climatic factors.

With regards the impacts on climatic factors the Scoping Report for planning permission in principle (Ref: 18/00189/PPM) did not request that climate emissions be considered in the EIA. Changes since then include East Lothian Councils declaration of a Climate Emergency in August 2019 and the formal adoption of a Climate Change Strategy in January 2020, alongside the Scottish Governments declaration of a Climate Emergency



in May 2019, focusing on targets for reductions of climate forcing gases that have been the subject of national and international agreements. The Council has undertaken further consultation on a ClimateEvolution Vision and Action Plan, a place-based response to the Council's Climate Change Strategy intended to ensure that a major area of development around East Lothian to include Tranent, Prestonpans, Cockenzie, Port Seton and Longniddry can become a national example of climate friendly development.

Consequently as this application is for the same project, with the same project description and on the same application site, as planning permission in principle 18/00189/PPM and as the EIA Report accompanying that application is less than 3 years old then the EIA Report that has been submitted addresses only those matters identified in the Scoping Report for inclusion and is therefore an addendum to the EIA Report accompanying planning permission in principle 18/00189/PPM. This EIA Report has been duly advertised and consulted on.

The submitted addendum to the EIA Report together with the existing EIA Reports seeks to identify and address the effects of the proposed development on the environment in accordance with Regulation 5 (3) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 and Scottish Government EIA Planning Guidance as provided within Planning Circular 1/2017 - Guidance on The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. It contains chapters on the method and approach to preparing the Report, relevant policy and legislation, description of the development, site selection and alternatives, landscape and visual impact assessment and climatic factors.

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 statement 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.

The EIA Report concludes that:

#### Landscape and Visual –

key changes in the environmental and physical baseline since the grant of planning permission in principle (Ref: 18/00189/PPM) are considered to be:

- o East Lothian Local Development Plan 2018 policies DC9 (Special Landscape Areas), DP1 (Landscape Character) and Supplementary Planning Guidance (SPG) Special Landscape Areas (30th October, 2018) and changes in guidance for Landscape and Visual Impact Assessment; and
- o cumulative landscape and visual effects of the ICOL onshore substation and the consented Seagreen 1A onshore substation.

#### Climatic Factors -

it is likely that the OnTW as proposed will result in climate forcing gas emissions. The EIA report should include information on the climate impacts of the proposals during the construction, operation and decommissioning phases to include:

- o identification of relevant climate change mitigation issues for the development in consideration of circular economy, use and disposal of materials, soil and vegetation removal or disturbance, and traffic and transport emissions;
- o alternatives as to how or where the proposals are sited and how this would affect emissions
- o how proposals align with the East Lothian Climate Change Strategy, the Scottish Government Climate Change Strategy (including the Update), and Scottish emission

reduction targets.

The EIA Report concludes that subject to relevant mitigation measures, and for all disciplines except for those of landscape and visual as detailed above, no residual significant effects are predicted on any environmental or human receptors during the construction, operation and decommissioning of the OnTW proposed.

## **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 Cnockenzie. At the time of preparation of SESPlan, the original Cnockenzie 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 Cnockenzie 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 or 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 Inch Cape Offshore Wind Farm to the national electricity transmission system, bringing green renewable energy to thousands of homes in Scotland. The EIA Report submitted as part of planning permission in principle (Ref: 18/00189/PPM)

informs that it is estimated that during the construction phase the proposed development could support between £115 million and £378 million GVA and between £12.5 million and £17.9 million GVA annually during each year of operation. Construction of the OnTW would directly support around 40 full time equivalent (FTE) jobs for a period of approximately 16 to 18 months. ICOL's Offshore Wind Farm could create up to 1,200 jobs in Scotland during construction and around 135 long term operational jobs. Moreover the application site would only comprise a 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.

The Councils Economic Development Manager was consulted on the application and has offered no response.

In terms of site alternatives, chapter 4 of the submitted EIA Report demonstrates that an extensive site selection exercise was undertaken within the EIA Report submitted as part of planning permission in principle (Ref: 18/00189/PPM) to identify optimum substation and landfall locations and cable routes, with six landfall sites identified. Due to technical and environmental considerations the application site was chosen as the preferred site. As the principles of development remain the same as that approved by the grant of planning permission in principle 18/00189/PPM ICOL has not considered alternative sites for this application. 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.

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 Proposal EGT3 the applicant informs that the OnTW is aimed entirely at facilitating the transmission of renewable electricity generated offshore, the key aim of Proposal EGT3, and that there is no discord with any of the criteria listed. Of particular

relevance the proposed OnTW prioritises connection to existing infrastructure at Cockenzie involving grid connection with the existing substation to the south of the B1348.

Assessment of the effects of the proposals on the integrity of the Firth of Forth SPA or any other European site either alone or in combination with other projects and plans 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

The Scoping Opinion issued by the council in September 2021 underlines the requirement to consider any material changes to the landscape and visual baseline environment since production of the 2018 EIA Report. It notes that ICOL have considered the contents of the 2018 EIA Report alongside a review of the current baseline environment, legislation, policies, guidance and current assessment methods to consider any changes that may have occurred since then. Legislative changes involve policies DC9 (Special Landscape Areas), DP1 (Landscape Character) within the adopted East Lothian Local Development Plan 2018, Supplementary Planning Guidance (SPG) Special Landscape Areas adopted by the council on 30th October, 2018) and changes in guidance for Landscape and Visual Impact Assessment. The only development identified within that Scoping Opinion as requiring consideration in cumulative terms is the consented Seagreen 1A substation development located on the south side of the B1348 Road adjacent to the existing Cockenzie substation building and within 500m of the application site.

A Landscape and Visual Impact Assessment (LVIA) was submitted as a part of the EIA Report (Chapter 8) relevant to Planning Permission in Principle (Ref: 18/00189/PPM). Chapter 6 of the EIA Report submitted with this application updates that LVIA to focus on key changes since that chapter was produced. The LVIA and Chapter 6 of the EIA Report consider the landscape and visual impacts of the OnTW 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.

In addition to an Impact Assessment on the stand-alone effects of the OnTW a Cumulative Impact Assessment is provided within Chapter 6 the EIA Report to consider the cumulative impacts of the construction and operation of the OnTW on landscape character, designated landscapes and visual amenity in relation to the consented Seagreen 1A substation.

The EIA Report and LVIA conclude that:

- i) effects arising from the construction of the landfall and cable route would be short-term, localized and not significant - operational effects of these elements would be negligible;
- ii) impacts of the construction of the onshore substation building would result in significant effects on:
  - \*the landscape fabric within the application site;
  - \*Special Landscape Area 32 (Prestonpans Coast) as a result of short term localised views of construction from Preston Links and the edge of Prestonpans resulting in localised moderate and mainly slight alteration to some of the SLA special qualities;

- iii) operational phase of the onshore substation building would result in the following significant effects:
  - o Musselburgh / Prestonpans Coast LCA - the introduction of a large building and associated infrastructure will alter character in the greenspaces close to the west and south of the application site at Preston Links, Atholl View mound, and Edinburgh Road;
  - o views from residential properties on the western edge of Cockenzie (Edinburgh Road, Whin Park, Hawthorn Terrace);
  - o views enjoyed by recreational users of the John Muir Way and Preston Links and Core Paths 276, 441, 277, 145, 146 and 284 as a result of close and elevated views of the Onshore Substation from the John Muir Way, nearby areas of Preston Links and nearby core paths to the south; and
  - o views from the B1348 public road.
- iv) no significant cumulative effects are identified as a result of the construction or operational stages of the cable routes with the consented Seagreen 1A Limited onshore substation development subject of planning permission in principle (Ref: 21/00290/PPM);
- v) simultaneous or overlapping construction of the ICOL substation and the consented Seagreen 1A Limited onshore substation would result in the following significant effects:
  - o Visual effects on users of the John Muir Way and Preston Links as a result of the short-term construction work on the ICOL Onshore Substation being seen in the foreground against a background including construction activity on the Seagreen 1A substation site;
  - o Visual effects on recreational users of the B1348 as a result of short-term views of construction activity to the north and south when travelling between Prestonpans and Cockenzie
- vi) addition of operational ICOL onshore substation to a baseline that includes the operational Seagreen 1A onshore substation results in largely the same effects as for the introduction of the ICOL onshore substation to the existing baseline.

In their consultation response provided during determination of planning permission in principle (Ref: 18/00189/PM), on the matter of landscape and visual impacts, NatureScot considered that the proposal would lead to a range of adverse landscape and visual impacts which would be experienced from local areas largely due to the siting of the proposed development in a prominent and open area on the coastal side of Edinburgh Road between the settlements of Cockenzie and Port Seton and Prestonpans. They further advised that should that planning permission in principle be granted restoration of land immediately adjacent to the John Muir Way, and between the John Muir Way and the sub-station compound should be secured (including removal of the existing fencing if possible) and that landscape mitigation as set out within the EIA Report should be secured in broad accordance with the proposals set out.

In their consultation response to this application for planning permission in principle, on the matter of landscape and visual impacts, NatureScot advise that as the application seeks a renewal of planning permission in principle (Ref: 18/00189/PPM) and no material change to the project description or to the application site boundary is proposed they rest on advice previously provided for that planning permission in principle and supporting EIA Report and have no further comment.

The onshore export cables 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 within a wider area that remains characterised by energy related infrastructure, notably the existing substation building on the south side of Edinburgh Road. The application site is enclosed by existing fencing and some structural vegetation that contribute to the containment of impacts on neighbouring seascape, landscape and visual receptors. The proposed substation building would be set back

from the B1348 road thereby avoiding structures projecting closer to that road. The indicative substation layout indicates that the substation building could be oriented in a south to north alignment, thereby reducing the apparent mass and volume of the buildings in views experienced by road users on the B1348 public road whilst focusing the greatest extent of building facades within site areas that are enclosed by mitigating 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 chapter 6 of the submitted EIA Report that the effects arising from the construction of the landfall and cable route would be short-term, localised and not significant and that the operational effects of these elements would be negligible. She further concurs with findings that the application site is unchanged from that granted planning permission in principle (Ref: 18/00189/PPM) and that the landscape and visual effects identified in the submitted EIA only differ from the EIA Report submitted with that planning permission in principle in that they are assessed against the current baseline. The main change in this respect is the designation of Special Landscape Areas, and the resultant identification of localized significant effects on SLA 32 Prestonpans Coast during construction and operation of the ICOL onshore substation. She advises that the construction of the onshore substation building would result in significant effects on the landscape fabric within the application site and Special Landscape area (SLA) 32 Prestonpans Coast, as a result of short term localised views of construction from Preston Links and the edge of Prestonpans, resulting in localised moderate and mainly slight alteration to some of the SLA special qualities.

Assessment of the effects of the OnTW works on landscape character and visual amenity within Chapter 8 the EIA report attached to planning permission in principle (Ref:18/00189/PPM) considered predicted changes as a result of the OnTW from a number of viewpoints. That assessment takes account of embedded landscape mitigation designed to offset any significant adverse effects on the landscape and visual amenity arising from the OnTW to include reinstatement of all ground disturbed to install the onshore cables and earth mounding and associated planting of trees, shrub species and ground cover to screen the OnTW. The Landscape Officer advises that such landscape mitigation be carried out to include the retention of existing trees where possible as described in the planning permission in principle (Ref:18/00189/PPM) EIA report and that such landscape mitigation will be implemented through detailed siting and design subject to further applications for matters specified in conditions.

The OnTW will introduce a large scale building with related external structures and components to part of the Musselburgh / Prestonpans Coast on the site of the former Cockenzie Power Station, however subject to above recommendations and appropriately worded conditions to control the materials, design and architectural appearance of the proposed works, 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.

## CLIMATIC FACTORS

The Scoping Opinion identified significant environment effects associated with the application relating to climatic factors that are required to be reported on. The Scoping Opinion purports that it is likely that the OnTW as proposed will result in climate forcing gas emissions and that the EIA report should include information on the climate impacts of the proposals during the construction, operation and decommissioning phases to include:

- o identification of relevant climate change mitigation issues for the development in consideration of circular economy, use and disposal of materials, soil and vegetation removal or disturbance, and traffic and transport emissions;
- o alternatives as to how or where the proposals are sited and how this would affect emissions
- o how proposals align with the East Lothian Climate Change Strategy, the Scottish Government Climate Change Strategy (including the Update), and Scottish emission reduction targets.

In consideration of the residual effect over its full lifetime, in construction, operation and eventual decommissioning, the EIA Report informs that potential Green House Gas (GHG) emissions caused by construction of the OnTW would come from:

- i) manufacturing of materials and components used in construction, through the supply chain from extraction of raw materials, processing and fabrication and transport to site. This is often described as the 'embodied carbon' of the materials or components;
- ii) construction and assembly work on site, primarily from fuel and electricity use in site plant and offices.; and
- iii) land-use changes that releases carbon stocks or causes carbon sequestration. The application site does not contain significant undisturbed carbon stocks such as mature woodland or peatland therefore effects from this impact are deemed to be negligible.

Potential GHG emissions during the operation of the OnTW would arise from:

- i) a consequence of maintenance activity involving the carbon constituent of replacement components; and
- ii) from staff travel. Within the context of the operational impact of electricity transmission such GHG emissions are calculated at less than 1% of the annual operational emissions savings comparable to conventional gas-fired power generation; and

Potential GHG emissions during decommissioning would include:

- l) maintenance and eventual recycling or disposal of components - deemed to be insignificant in relation to construction stage impacts and annual beneficial effects during operation phase.

Findings within the EIA report submitted with the application are that the development is considered to have a significant overall beneficial effect and that the beneficial impacts of renewable electricity generated by the offshore wind farm that would be enabled by the OnTW outweighs the adverse impacts of climate forcing greenhouse gas emissions arising during construction and operational stages of both the OnTW and the offshore wind farm, and from any likely decommissioning stage impact.

On these considerations of climatic factors the proposed development does not conflict with East Lothian Council's Climate Change Strategy: January 2020, Scottish Government Climate Emergency Declaration: May 2019 and further national and international agreements.

This application is a resubmission of proposals granted planning permission in principle (Ref: 18/00189/PPM) in February 2019. The Council must be satisfied that any reasoned

conclusion on the significant effects of the application on the environment takes into account current knowledge and methods of assessment. In 2021 IOCL conducted a detailed scoping exercise which involved a comparative review of the baseline environment, legislation, policies, guidance and assessment methods applied to each environmental topic within the EIA Report attached to planning permission in principle (Ref: 18/00189/PPM). The main purpose of this exercise was to scope out those issues which had not changed in the interim period or which did not significantly alter the conclusions of that EIA Report.

The EIA Report Technical Appendix 3A 'Inch Cape OnTW Scoping Progression from 2017-2021, (inc. cumulative considerations)' attached to this application provides a list of issues that have been scoped out to show that they have been considered with reference to where more detailed explanation of reasons can be found.

## **CULTURAL HERITAGE**

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 EIA Report Technical Appendix 3A informs that significant impacts from the proposed OnTW upon archaeology and cultural heritage are assessed in Chapter 9 of the EIA Report attached to planning permission in principle (Ref: 18/00189/PPM).

Historic Environment Scotland do not object to the application on grounds that historic environment interests have been scoped out of the EIA Report

The Councils Archaeology and Heritage Officer has been consulted on the application and has responded with no comments.

## **LAND AND SOIL**

The EIA Report Technical Appendix 3A informs that during determination of planning permission in principle (Ref: 18/00189/PPM) no significant issues with regard to land or soil were identified. Mitigation involving implementation of a Construction Environmental Management Plan, site investigation to inform the detailed site design, and use of construction drainage systems, and a Sustainable Drainage System are included to remove or mitigate impacts including disturbance of potentially contaminated soils and no significant effects from construction or operation are identified.

The Councils Contaminated Land Officer has been consulted on the application and notes the requirements within an attached condition (9) of planning permission in principle (Ref: 18/00189/PPM) requiring that a site investigation is undertaken prior to the commencement of development in order to establish the exact situation regarding ground conditions on the site and to identify any contaminated land. He further notes that the condition further requires that should site investigations confirm the need for remedial works, details of the proposed remedial strategy shall be submitted to and approved in writing by the Planning Authority and that any such remedial works shall then be undertaken prior to the commencement of development in accordance with these approved details. He confirms the above requirements for the current application and recommends that where a requirement for remediation of the site is 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. Following completion of measures identified in the



approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

Subject to the above controls the Contaminated Land Officer raises no objection to the application.

## **FLOOD RISK AND SCOTTISH WATER**

A condition (10) attached to planning permission in principle (Ref: 18/00189/PPM) requires that development of the site shall not commence unless and until details of the finished ground levels, finished floor levels, confirmation of the presence of any culverted watercourses, the proposed Sustainable Urban Drainage Scheme, the proposed outfall and the finalised details of the use of any landscape bunds on the proposed site, as informed by the site investigation and designs approved under condition 1, have been submitted to and approved in writing by the Planning Authority, in consultation with Scottish Environment Protection Agency (SEPA). Thereafter the scheme should be completed in accordance with these details.

SEPA were consulted on the application and advise that comments provided within the determination of planning permission in principle (Ref: 18/00189/PPM) with respect to flood risk remain applicable and raise no objection subject to the imposition of the above condition.

The Councils Structures and Flooding Officer has been consulted and offers no objection subject to the above controls.

Scottish Water confirm that there is sufficient capacity in the Castle Moffat Water Treatment Works to service the proposed development and for a foul only connection in the Edinburgh Waste Water Treatment works. They have provided further information to the applicant relating to relevant stand-off distance and access-distance requirements for onsite water and sewer infrastructure.

## **TRANSPORTATION AND ACCESS**

Findings within the EIA Report Technical Appendix 3A inform that there are no baseline changes to traffic and road network flows considered within planning permission in principle (Ref: 18/00189/PPM) and that conclusions regarding the effect of the OnTW on traffic and transport reported in the 2018 EIA Report do not require amendment.

The Councils Roads Services have been consulted on the application and confirm that they have no objection to proposals.

## **BIODIVERSITY**

The EIA Report Technical Appendix 3A informs that the Scoping process for the EIA Report attached to planning permission in principle (Ref: 18/00189/PPM) both the council and NatureScot considered that the application site and wider locality had negligible to low biological value and ecological sensitivity. The 2018 EIA therefore focussed on potential impacts on habitat and qualifying species of the Firth of Forth SPA and the Outer Firth of Forth and St Andrews Bay Complex SPA and any other relevant European Sites. The SEA was accompanied by Habitats Regulation Appraisal which

concluded no adverse effect on any European site, alone or in combination with other plans or projects. Therefore, the effect on European Sites was not considered significant. A relevant condition (2) of planning permission in principle (Ref: 18/00189/PPM) required that development be undertaken in accordance with the EIA Report to ensure that the reported likely environmental impacts of the development are not exceeded and specified mitigation measures are fully implemented.

NatureScot were consulted on the application and have responded with no further comments to those previously provided for planning permission in principle (Ref: 18/00189/PPM) on grounds that the application is for the same development with no change to the application description or to the application boundary.

The councils Biodiversity Officer raises no objection to the application subject to the imposition of mitigating measures included within conditions attached to planning permission in principle (Ref: 18/00189/PPM).

## **POPULATION AND HUMAN HEALTH**

The EIA Report Technical Appendix 3A informs that the EIA Report attached to planning permission in principle (Ref: 18/00189/PPM) considered noise and vibration impacts from construction and traffic movements. Operational sound was also scoped in. Embedded mitigation to include a noise barrier and control of construction activities through a Construction Environmental Management Plan (CEMP) to ensure noise levels meet the required threshold limits during construction and a Construction Noise Management Plan are a requirement of an attached condition (4). Further mitigation involving submission for planning authority approval of a Noise Impact Assessment is a requirement of condition (5) of that planning permission in principle. For the operational phases, embedded mitigation includes enclosures around some of the components to provide noise attenuation, as well as a Landscape Mitigation plan, which includes the use of earth bunds. Predicted noise levels were generally below background levels, but were predicted to be no more than 5dB above background, and were not significant.

The Councils Public Health & Environmental Protective Services have offered no comments on the application subject to the imposition of the above conditions on any planning permission granted. Subject to those planning controls the proposals would not harm the residential amenity of any neighbouring residential properties or any nearby land use.

Potential impacts on air quality reported in the EIA Report attached to planning permission in principle (Ref: 18/00189/PPM) were assessed in relation to the construction stage of proposed development as no direct effects were expected in the operational stage. That EIA Report considered: amenity impacts from dust; health effects from construction and decommissioning and vehicle movements; health effects from release of combustion pollutants; and cumulative impacts of dust, combustion or other airborne particles. Receptors included nearby residential areas. Embedded mitigation included a dust management plan. Embedded mitigation includes requirement by condition (4) of a CEMP which covers air quality and dust, and a traffic management plan as a requirement of condition (6). The EIA Report concluded that there would be no significant effects of dust subject to implementation of the dust management plan and good practice mitigation measures

The EIA Report Technical Appendix 3A states that the baseline in terms of receptors has not materially altered, while baseline air quality has improved due to prolonged Covid-19 lockdowns. Air quality assessment methodology guidance remains similar

though longer term assessment will require to take account of altered baselines as Covid related restrictions end.

The Council's Public Health & Environmental Protective Services' has been consulted on the application and concurs with findings that proposals will have no significant effects on air quality, subject to imposition of the above conditions.

## **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.

## **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 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 12.3 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the adjacent average road level of Edinburgh Road;
- c) The proposed route of the temporary rerouted Coastal Path incorporating the John Muir Way within the northern section of the application site boundary;
- d) 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;
- e) Details of all external lighting proposed;
- f) Details of the area of the Onshore Substation, which is not to exceed 2.5ha in total as shown on the drawing titled "Maximum Onshore Substation Area" docketed to planning permission in principle 18/00189/PPM and 21/01474/PPM;
- g) The layout shall ensure that the Onshore Substation is located outside the area identified as "No Onshore Substation Development" on the drawing titled "Maximum Onshore Substation Area" docketed to this planning permission in principle and to planning permission in principle 18/00189/PPM, and the Onshore Substation shall be located within the area identified as "Onshore Substation Site" on the said drawing as close to the south-western boundary of the Application Site as can be accommodated by the approved landscaping (including landscape and visual mitigation); and

h) Details of landscape and visual mitigation (including architectural mitigation) shall not be submitted for approval under this condition 1 without consultation first having been carried out with the Planning Authority, NatureScot, Cockenzie and Port Seton Community Council and Prestonpans Community Council.

In this condition, the Onshore Substation means all the electrical equipment, ancillary equipment and internal roads to be located within the perimeter security fence, as indicatively described in paragraph 8 (Project Elements) of Chapter 5 of the Environmental Impact Assessment Report docketed to planning permission in principle 18/00189/PM and also to the addendum to that EIA Report (November 2021) docketed to this planning permission in principle.

Reason:

To ensure that the matters referred to are given full consideration in the interests of the visual amenity of the area and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.)

- 2 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report (EIA Report) docketed to planning permission in principle 18/00189/PPM and also to the addendum to that EIA Report (November 2021) docketed to this planning permission in principle, except where altered by the approval of matters specified in the condition above (including the referenced drawing) or by the conditions below, or unless otherwise agreed with the Planning Authority in writing.

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 Inch Cape 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 "Inch Cape Wind Farm" means the offshore wind farm known as the Inch Cape Offshore Wind Farm, granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 17 June 2019, 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 the development hereby approved and once details of the construction methodology is known, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority after consultation with SEPA and NatureScot, and shall address the following requirements:-

- a) Confirmation of the methodology to be used in constructing the Development with particular regard to construction of the substation, any tunnelling activities and the method of constructing the cable trenches;
- b) A construction dust management plan identifying mitigation measures during the construction phase of the Development specifically identifying measures to minimise impacts of fugitive dust emissions on sensitive receptors;
- c) A construction noise management plan identifying mitigation measures during

the construction phase of the Development specifically identifying measures to minimise impacts of construction noise on sensitive receptors;

d) An assessment of vibration impact arising from construction works and the identification of any mitigation measures required to minimise impacts of construction vibration on sensitive receptors, taking account of BS5228-1:2009 and A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites; and

e) Any pre-commencement survey work, as required to re-establish base-line conditions in respect to protected species and any areas sensitive to disturbance including associated mitigation measures, as agreed with and approved by the council in consultation with NatureScot.

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

Reason:

To ensure that the reported likely environmental impacts of the development are not exceeded and the mitigation measures are put in place

- 5 Prior to the commencement of the development hereby approved, a Noise Impact Assessment for the operational phase of the Development shall be submitted to and approved in writing by the Planning Authority. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to condition 1 and shall identify the location of noise emitting plant within the site and their accompanying noise emissions. The Noise Impact Assessment shall identify measures to ensure operational noise from the development does not give rise to new or materially different impacts to those assessed in the Environmental Impact Assessment Report docketed to planning permission in principle 18/00189/PPM and renewed by this planning permission in principle ref: 21/01474/PPM, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of nearby sensitive receptors.

- 6 Prior to the commencement of the development hereby approved, a Traffic Management Plan (TMP) for the construction phase of the development shall be submitted to and approved in writing by the Planning Authority. The TMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

a) A Method Statement detailing and controlling 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. The Method Statement shall include a detailed swept path assessment of large component delivery routes, as well as frequencies and times of deliveries and arrangements for the removal of materials/plant from the site. The Method Statement shall also include details of any off-site mitigation works;

b) Details of access and management for the onshore cabling works including the potential for traffic management on Edinburgh Road;

c) Details of the proposed vehicular access onto the B1348 for large component deliveries, this should also include the reinstatement of the access once works are completed;

d) Wheel washing facilities shall 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.

e) The TMP shall also include vehicle tracking and swept path analysis for

vehicles entering and exiting the site and details of the provision of visibility splays at all vehicular accesses. It shall also include details of any road closures and suitable alternative routes during the road closures.

f) 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 TMP 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.

- 7 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 from the junction of 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.

- 8 Within 24 months of the permanent cessation of generation at the offshore Inch Cape 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 Inch Cape Wind Farm, within 24 months of the permanent cessation of generation at the offshore Inch Cape 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 have due regard to the Decommissioning Programme prepared in respect of the offshore Inch Cape Wind Farm and 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 Inch Cape 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 by the Planning Authority in writing.

Reason:

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

- 9 1. Prior to any site development works a Geo-Environmental Assessment shall be carried out, with the Report(s) being made available to the Planning Authority for approval. The Report(s) shall include details of the following:

- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- o A Phase II Ground Investigation (if the Phase 1 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 and an updated conceptual model of the site;
  - o An appraisal of the remediation methods available and proposal of the preferred option(s).

The Phase 1 Desk Study and Phase II Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

2. Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement shall be submitted to and approved in writing by the Planning Authority, which shows how the site is to be brought to a condition suitable for the intended use by the removal of identified risks. The Remediation Statement shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable and phasing (if any) of works and site management procedures. The Remediation Statement shall also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

3. Following completion of the measures identified in the approved Remediation Statement, a Validation Report which demonstrates the effectiveness of the remediation carried out shall be submitted to the Planning Authority for approval, prior to the approved development being brought into use.

4. 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/or the Planning Authority notified immediately in accordance with the approved site management procedures approved under condition 9(2). 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 additional remedial measures are required. Following the completion of any additional remedial measures, a Verification Report confirming the satisfactory completion of these remedial works shall be submitted to the Planning Authority.

Reason:

To ensure that the site is suitable for development, and that remedial measures have been undertaken where necessary to ensure that potential risks have been adequately addressed.

- 10 Development of the site shall not commence unless and until details of the finished ground levels, finished floor levels, confirmation of the presence of any culverted watercourses, the proposed Sustainable Urban Drainage Scheme, the proposed outfall and the finalised details of the use of any landscape bunds on the proposed site, as informed by the site investigation and designs approved under condition 1, have been submitted to and approved in writing by the Planning Authority, in consultation with SEPA. Thereafter the scheme should be completed in accordance with these details.

Reason:

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

- 11 With the exception of construction work associated with the installation of the offshore export cables, construction works associated with the Development shall be limited to 0700-1900 Monday to Friday and 0800-1300 on Saturdays, unless otherwise agreed in advance in writing with the Planning Authority. Construction works associated with the installation of the offshore export cables are permitted outwith these hours following prior notification of such works to the Planning Authority at least seven days before the works are due to commence.

Reason:

To safeguard the amenity of nearby residential properties

- 12 Prior to the commencement of the development hereby approved, a detailed Flood Risk Assessment (FRA) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The details shall take account of the site layout approved under condition 1 and shall identify mitigation measures required to protect the site as a minimum from the 1:1000 year flood event, unless otherwise approved in writing by the Planning Authority.

All approved flood mitigation measures must be carried out in accordance with the approved details prior to the Development becoming operational.

Reason:

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

- 13 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping taking account of



the detailed site layout and other details proposed or approved under the terms of condition 1.

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 of the development being brought into use 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 Prior to the commencement of development details of artwork to be provided on the site or at an alternative location away from the site shall be submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the operation of the onshore substation, unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 15 Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation.

Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development