East Lothian Council

REPORT TO: Planning Committee

MEETING DATE: 2 May 2023

BY: Executive Director for Place

SUBJECT: Application for Planning Permission for Consideration

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Application No. **22/00852/PPM**

Proposal Planning permission in principle for a converter station and associated development including a landfall at Thorntonloch and connecting buried cabling, all in association with the Scottish Power Eastern Link 1 project, for a new subsea High Voltage Direct Current (HVDC) link

Location **Land Adjacent to Dunbar Landfill Site**
Oxwell Mains
Dunbar
East Lothian
EH42 1SW

Applicant SP Energy Networks

Per Anna Clark

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PRE-APPLICATION CONSULTATION

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: 22/00001/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 report is submitted with this application. The report informs that the consultation comprised of an open public exhibition from 31 January to 28 February 2022 in Innerwick Village Hall, online boards and phone one-to-one sessions with the project team. The PAC report informs that 87 public responses were received. 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 has an area of some 146 hectares and stretches from the Broxburn junction of the A1 trunk road in the west, to the coast to the south of Thorntonloch to the east. It has a generally linear shape but includes a larger area situated between the Dunbar Energy Recovery Facility and Dunbar landfill site.

The northwestern part of the site is situated in the countryside on the north side of the A1. The remainder of the site generally consists of more countryside on the southern side of the A1, although the easternmost part crosses back over the A1 to the coast.

The area of land comprising the southeasternmost part of the application site where it meets the coast is within the Thorntonloch to Dunglass Coast Special Landscape Area.

The part of the application site located between the Dunbar Energy Recovery Facility and Dunbar landfill site is within the boundary of the Battle of Dunbar II, a battlefield included within the Inventory of Historic Battlefields.

The part of the application site located between the Dunbar Energy Recovery Facility and Dunbar landfill site is also safeguarded for waste management purposes by Policy W1 of the adopted East Lothian Local Development Plan 2018.

The nearest residential properties to this main part of the application site are located some 450m to the southwest in Easter Meikle Pinkerton.

BACKGROUND

In their Planning Statement, the applicant advises that the UK is a world leader in offshore wind energy and its target of becoming net zero in all greenhouse gases by 2050 for England and Wales and 2045 for Scotland is now enshrined in law. In addition, the UK Government has shown clear commitment to developing offshore wind at scale through the Ten Point Plan and Energy White Paper which were published in 2020, identifying a target of delivering 40GW of wind energy by 2030 which is enough to power every home in the UK. In October 2021, the UK Government published their Net Zero Strategy which sets out they will fully decarbonise the power system by 2035, subject to security of supply. North Sea developments, including offshore wind and interconnectors, will be essential to meeting these climate change targets and driving economic growth across the country.

As the country transitions away from traditional forms of fuel to power vehicles and heat homes there will be a substantially greater need for green electricity. To move this green energy from its source and into people's homes and businesses there will be a need to increase the capability of the electricity transmission network.

Significant offshore wind generation is being developed off the east coast of Scotland. The existing transmission network does not have enough capacity to cope with the level

of connections required and therefore network reinforcements are required.

In January 2022 National Grid Electricity System Operator published its seventh Network Options Assessment (NOA) which describes the major projects considered to meet the future needs of Britain's electricity transmission system as outlined in the Electricity Ten Year Statement (ETYS) 2021 and recommends which investments in the year ahead would best manage the capability of the transmission networks against the uncertainty of the future. The NOA (2022) recommends the development of a number of High Voltage Direct Current (HVDC) reinforcements between the east coasts of Scotland and England, one being the Eastern subsea HVDC link: Torness to Hawthorn Pit, County Durham (E2DC), known as the Eastern Link 1 Project.

The development proposed in this application is required to support and operate the wider Eastern Link 1 project which comprises a new subsea High Voltage Direct Current (HVDC) link between East Lothian, Scotland and Hawthorn Pit in County Durham, England. The Eastern Link 1 project will reinforce the electricity transmission system, enabling large volumes of renewable energy generated in Scotland to be transmitted to England whilst ensuring Scotland remains supported by a secure and stable supply of energy.

The applicant informs that the Scottish Government declared a climate emergency in May 2019 and has passed into law the requirement for a 100% reduction in greenhouse gas emissions in order to attain 'net zero' by 2045 and the interim target of 75% by 2030. The proposed development would play a key role in the transmission of renewable energy which will contribute to the attainment of these very challenging targets.

The Eastern Link 1 Northern Point of Connection in East Lothian would enable the Eastern Link to come ashore and connect with the existing 400kV transmission lines at Branxton. A new substation at Branxton will be required for this, and will be the subject of a future application.

PROPOSAL

Planning permission in principle is sought through this application for the construction and operation of an onshore converter station, and for associated development including underground electricity cables and landfall at Thorntonloch. The proposal forms part of the Scottish Power Eastern Link 1 project, for a new subsea High Voltage Direct Current (HVDC) link, and comprises the following key elements:

• A new converter station to switch electricity from conventional alternating current (AC) to direct current (DC) for onwards transmission of electricity (or vice versa depending on the direction of operation);
• Onshore underground high-voltage direct current (HVDC) electricity cables required to deliver electricity from the converter station to a landfall south of Thorntonloch Beach (or vice versa). These cables will connect to the onwards marine cables;
• Onshore underground high-voltage alternating current (HVAC) electricity cables required to deliver electricity from Branxton substation to the converter station (or vice versa); and
• A Landfall area where marine cables come ashore and will be joined onto the onshore underground cables.

It is indicated that a convertor station platform could have a maximum footprint of approximately 300m by 200m and would be located within the larger area of the application site situated between the Dunbar Energy Recovery Facility and the Dunbar landfill site. A converter station housing the electrical infrastructure would be located on

the substation platform and the electrical infrastructure could have a maximum height of some 29 metres. The application submissions inform that the converter station would comprise several elements to facilitate the conversion from AC to DC (or vice versa):

• AC Switchgear: To connect the converter station to the existing AC transmission system. This would include a range of equipment including high voltage electrical switchgear, filters and compensation units. The main function of this equipment would be to harmonise the converter AC systems characteristics with the wider transmission AC system;
• Converter Transformers: These align the converter AC voltage with the wider transmission network voltage. These units are normally sited outdoors within segregated transformer bays. It is anticipated that there with be six (plus one critical spare) single phase transformers in total;
• Valve Halls: Contain power electronics equipment that convert AC voltages to DC (or vice versa). The suite of converter units cannot be accommodated outdoors and need to be maintained in a controlled
environment. Due to the layout of the devices and operating voltage, the DC buildings are usually the tallest within the converter station (maximum 29 m height has been assumed). The semiconductor devices generate heat during operation and require associated localised cooling
equipment and wider HVAC plant and systems;
• DC Hall: Houses the converter high voltage DC equipment including switchgear and network resistors and houses the transition equipment for the connection of the DC cables;
• Control Building: Contains building services equipment, control panels and associated control room, protection and communication equipment, offices and welfare facilities and other auxiliary systems all located within an enclosed building;
• Spare Parts Building: To house spare parts and consumable components, supplemented by hardstanding areas provided for storage of spare transformer and spare cable drums; and
• Additional equipment within the site is likely to include a standby/backup diesel generator and fire deluge storage tanks.

The converter station would include buildings housing specialist electrical equipment. All of the ancillary AC and DC electrical equipment will be located indoors. An additional smaller ancillary building would be used to house spare parts. The proposed building units which make up the converter station will all be constructed to a similar specification both in terms of materials and colours.
The proposed cable route would run generally south-east to north-westwards for some 5.8 km from the proposed site for landfall south of Thorntonloch, under open countryside to the south of Dunbar landfill site, where the proposed cable route would then split so that the HVDC cable runs around the south side of the landfill site, and the HVAC cable runs around the north side of the landfill site to both connect with the proposed converter station. The cable corridor crosses an agricultural landscape of predominantly arable fields with occasional woodland belts associated with narrow valley streams such Thornton Burn and Dry Burn.

Temporary construction facilities would be located adjacent to the cable route at various locations along the route to form the working construction corridor for the cable route. A typical cable swathe for an AC cable is 41.8m with 25m of this swathe being allowed for subsoil and topsoil storage. A typical cable swathe for a DC cable is 35.9m with 25m of this swathe being allowed for subsoil and topsoil storage.

In order to minimise disruption, Horizontal Directional Drilling (HDD) would be utilised to pass under the beach, the A1 and the railway line. The landfall compound would

accommodate joint bays, equipment for an HDD and other temporary construction equipment required to land the marine cables.

Access to the proposed converter station would be provided by a new permanent access road from the existing Dunbar Energy Recovery Facility access road. The proposed permanent access road would be constructed at the beginning of the works so that it can be used by all construction traffic.

The converter station drainage system is expected to include a SuDS basin to the north of the site before discharging into the existing water feature adjacent to the landfill. Detailed design of the drainage system would be considered as part of further applications for approval of matters specified in conditions. Options for drainage include the use of an existing foul drain if present, septic tank or reed beds.

THE DEVELOPMENT PLAN

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 adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

NPF4 identifies 18 national developments that are significant developments of national importance. National development 3 of NPF4 (Strategic Renewable Electricity Generation and Transmission Infrastructure) supports renewable electricity generation, repowering, and expansion of the electricity grid. National development 3 informs that the electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Whilst National development 3 references a Scotland wide rather than a specific location, the south of Scotland (including East Lothian) is identified for delivering new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural places), 5 (Soils), 7 (Historic Assets and Places), 10 (Coastal Development), 11 (Energy), 13 (Sustainable Transport), 14 (Design, Quality and Place), 22 (Flood risk and water management) and 23 (Health and safety) of NPF4 are relevant to the determination of the application.

Proposal EGT3 (Forth Coast Area of Co-ordinated Action), and Policies EGT4 (Enhanced High Voltage Electricity Transmission Network), DC1 (Rural Diversification), DC6 (Development in the Coastal Area), DC9 (Special Landscape Areas), NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH5 (Biodiversity and Geodiversity Interest, including Nationally Protected Species), NH7 (Protecting Soils), 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), DP2 (Design), SEH2 (Low and Zero Carbon Generating Technologies) and W1 (Waste Management Safeguards) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

There have been 6 written representations received to the application. Of these 2 make objection to the proposed development and 4 make comment on it. The main grounds of objection can be summarised as follows:

(i) the cable routing is proposed to be located on restored landfill. As part of the objector's requirements to meet the conditions of their environmental permit, including the ability to manage and monitor leachate, landfill gas and to ensure the full structural integrity of the landfill engineering works, the operation of the adjacent landfill site must not be impeded, or prejudiced by the proposed development, and there are potential conflicts between the proposed ducting/cabling and the landfill gas/leachate infrastructure, and;
(ii) part of the land of the application site is on private land and there is no agreement in place for the applicant to undertake works on the land. The proposed development would be detrimental to the private land and the ability to farm it and could lead to lasting impacts on soil quality, contrary to Policy NH7 of the East Lothian Local Development Plan.

The main grounds of the comments can be summarised as follows:

(i) consideration should be given to traffic movements on the local road network and the impact on vulnerable road users, including horse riders, and;
(ii) insufficient community consultation has been carried out.
In terms of the objection regarding that there is no agreement in place for the applicant to undertake works on private land, this is a separate legal matter and is not a material consideration in the determination of this application. All relevant land owners have been notified of the application in accordance with statutory requirements.

Pre-application community consultation has also been carried out in accordance with statutory requirements.

COMMUNITY COUNCIL COMMENTS

Dunbar Community Council raise concern regarding the proposed development on the following grounds:

(i) the land does not belong to SP Energy Networks;
(ii) the proposed structure will be built on what was to be the footprint of the previously proposed plastics recycling plant;
(iii) cumulative impact of industrialised developments on the coastal and countryside setting with an impact of the small communities of East Lammermuir, particularly around Innerwick;
(iv) cumulative needs of accommodation for workers on this and other energy related projects proposed for the area over the next decade;
(v) road safety on junctions onto the A1 and the wider A1 corridor and nearby rural roads; and
(vi) impact of cable works on aquatic life by disturbance of the sea bed.

The concern relating to land ownership is not a material planning consideration in the determination of this planning application.

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, geology, hydrogeology and ground conditions, hydrology and flood risk, ecology and ornithology, archaeology and cultural heritage, noise and vibration, access, traffic and transport, land use and agriculture, recreation, tourism and socio-economics and summary of likely significant effects.

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 landscape and visual amenity, geology, hydrogeology and ground conditions, hydrology and flood risk, ecology and ornithology, archaeology and cultural heritage, noise and vibration, access, traffic and transport, land use and agriculture, recreation, tourism and socio-economics.

The EIA Report finds that:

* Landscape and visual - the proposed development would result in a ‘Moderate’ adverse and significant effect on the landscape character of the underground cable route during the period of construction works. Once the proposed development is operational, the landscape change within the converter station site will have a ‘Moderate’ adverse effect on the landscape character of the converter station site during year 1 of operation, which is significant. Once the proposed planting schemes have matured, the overall magnitude of landscape change during year 15 of operation will reduce to ‘Minor’ adverse, which is not significant.

* Geology, hydrogeology and ground conditions - With the implementation of the mitigation measures potential effects and cumulative effects are considered to be not significant.

* Hydrology and flood risk - With the implementation of the mitigation measures potential effects and cumulative effects are considered to be not significant.

* Ecology and ornithology - With the implementation of the mitigation measures potential effects and cumulative effects are considered to be not significant.

* Archaeology and cultural heritage - With the implementation of the mitigation measures there are no significant effects.

* Noise and vibration - With the implementation of the mitigation measures there will be no significant effects.

* Access, traffic and transport - With the implementation of the mitigation measures there will be no significant effects.

* Land use and agriculture - No significant effects.

* Recreation, tourism and socio-economics - No significant effects.

The EIA Report concludes that the residual effects will be not significant in relation to:

* Geology, Hydrogeology and Ground Conditions;
* Hydrology and Flood Risk;
* Ecology and Ornithology;
* Archaeology and Cultural Heritage;
* Noise and Vibration;
* Access, Traffic and Transport;
* Land Use and Agriculture; and
* Recreation, Tourism and Socioeconomics.

PLANNING ASSESSMENT

PRINCIPLE OF DEVELOPMENT

Policy 1 of NPF4 states that when considering all development proposals significant weight will be given to the global climate and nature crises.

The proposed development would enable the transmission of renewable electricity and would contribute to the delivery of infrastructure of national importance. The infrastructure is a key element in the provision of renewable energy and will ensure progress towards achieving net zero and a decarbonised economy. As high voltage transmission infrastructure to support renewable energy technology, it is also part of National Development 3 and is thus supported by NPF4.

As high voltage transmission infrastructure to support renewable energy technology, the principle of the proposal is also consistent with Policy 11 of NPF4, which states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, including enabling works, such as grid transmission and distribution infrastructure.

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 a detailed options appraisal assessment was undertaken and did not identify a suitably sized site adjacent to the existing transmission network that would accommodate the proposed converter station, as well as a future new Branxton substation. The applicant further informs that the indicated

size of the proposed converter station and specifically its height (up to a maximum of 29 metres) means that it is not easily assimilated into the landscape and so the site for it was chosen as it was deemed the best location in terms of potential landscape and visual impacts. Further to this the applicant advises that there is insufficient space to co-locate all components for the proposed converter station and associated works with other infrastructure without the need for significant road alterations or earth movements and a greater impact on the landscape.

With regard to 2) the proposed development does prioritise connection to infrastructure south of Torness. 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.

Policy EGT4 of the adopted East Lothian Local Development Plan 2018 states that the Council supports enhancement of the high voltage electricity transmission network on locations defined by operational requirements, subject to acceptable impacts on landscape, visual amenity, communities, natural and cultural heritage, and the provision of mitigation where required.

The part of the application site proposed for the converter station is within an area covered by Policy W1 of the adopted East Lothian Local Development Plan 2018. This policy seeks to resist proposals that would compromise the operation of any of the waste management sites identified in Policy W1, which includes the Viridor Energy Recovery Facility and the Dunbar landfill site.

The applicant informs that they have discussed the proposal with Viridor from the initial design stage prior to submitting this application for planning permission in principle. The applicant advises that following those discussions with Viridor, in which Viridor explained their future aspirations for the land adjacent to the Energy Recovery Facility, the proposed location and converter station layout was revised to maximise the land between the converter station and the Energy Recovery Facility. The proposed converter station was pushed eastwards and was re-orientated to follow the boundary of the landfill site.

Following the submission of this application, the applicant informs that Viridor reviewed the application documentation and requested that the applicant revise their indicative Landscape Zonal Plan to remove some of the land between the Energy Recovery Facility and the converter station that was shown as restored to grassland to ensure that land was not sterilised for Viridor's use, and to protect Viridor's future aspirations for potential development for waste management. The Landscape Zonal Plan has since been revised to take into account Viridor's comments. Viridor have confirmed in writing that the revised Landscape Zonal Plan and the siting, position and orientation of the proposed converter station is acceptable to them, and have confirmed they are satisfied that the remaining land between the Energy Recovery Facility and the proposed converter station is a sufficient developable area for their future waste management use.

The applicant further advises that negotiations are well underway with Viridor in relation to the land purchase and they have developed the site to minimise any future impact on Viridor's operations, based on information Viridor have provided to them. Furthermore, Viridor have been notified of the planning application and have not commented on it.

With regard to the Dunbar landfill site, the applicant informs that the proposed cable corridors are wide enough to enable them to microsite the AC and DC cables to ensure

they do not interfere with the existing landfill gas infrastructure. The cable corridors have been split around the Dunbar landfill site to further mitigate the potential impact on the landfill gas infrastructure. The applicant further informs that they are working closely with the operator of the landfill site, Valencia Waste Management, regarding the landfill gas/leachate infrastructure and have appointed external consultants recommended by them to identify all known infrastructure and to support the development of the cable routes to ensure that infrastructure is not affected. Therefore it would be possible to ensure that the construction of the convertor station and its associate cable route would not interfere with the existing landfill gas infrastructure required to ensure gases created by the landfill site are extracted and vented safely in accordance with the licence issued by SEPA. In this regard SEPA are satisfied the Dunbar landfill site can continue to be licensed by them.

Given the above it can reasonably be concluded that the proposed development would not compromise the operation of either the Energy Recovery Facility or the Dunbar landfill site. The precise routing of the cables will be the subject of future applications for approval of matters specified in conditions, and through the assessment of that detail it can be ensured the cable routes would not interfere with the operation of the landfill site.

On all of the above considerations, the proposed development does not conflict with Policies 1 and 11 of NPF4, or with Proposal EGT3 and policies EGT4 and W1 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 3.

CLIMATE

It is stated in Chapter 2 of the EIA Report that it is acknowledged that construction of the proposed development would result in the release of greenhouse gas emissions (GHG) from the manufacture of construction materials and products, as well as direct emissions from the transport of materials and to and from the site, and construction site operations such as generators and plant. However, the applicant is committed to the principles of both Publicly Available Specification (PAS) 2080 – Carbon management in infrastructure and British Standard (BS) 8001 – Circular economy principles and sustainability and carbon reduction, and recognise the need to consider energy usage and energy efficiency. The construction of the proposed development would include measures to promote water efficiency and conservation during construction, for example the monitoring and setting of targets for water reduction, the protection of the site as appropriate from increased risk of flooding from rainfall, and the implementation of appropriate pollution prevention systems. Overall, the renewable energy transmitted by the operational development would deliver significant GHG emissions savings.

At its meeting on Tuesday 27 August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3 September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the buildings and from the completed development should be imposed on relevant applications for planning permission, which should include the provision of electric car charging points. Such a condition should be imposed on a grant of planning permission in principle for this proposed development, consistent with the requirements of Policy 2 of NPF4 and Policy SEH2 of the adopted East Lothian Local Development Plan 2018.

LANDSCAPE AND VISUAL IMPACT

Chapter 6 of the EIA Report considers the landscape and visual impacts of the proposed development. It establishes the areas from where the proposed development may be visible, the different groups of people who may experience views of the proposed development, the locations or viewpoints where they may be affected and the nature of the views at those locations. It also includes a viewpoint analysis to assess the proposed developments from a number of viewpoints in the surrounding area and further afield in East Lothian.

The Landscape and Visual Assessment within Chapter 6 of the EIA Report concludes that the overall magnitude of landscape change during construction would result in a 'Moderate' adverse and significant effect on the landscape character of the underground cable route during the period of construction works. Once the proposed development is operational, the landscape change within the proposed converter station site would have a 'Moderate' adverse effect on the landscape character of the converter station site during year 1 of operation, which is significant. Once the proposed planting schemes have matured the overall magnitude of landscape change during year 15 of operation will reduce to 'Minor' adverse, which is not significant. During year 1 of operation, the proposed development would also have a 'Moderate' adverse and significant effect on the visually amenity of some receptors within the study area. Following the implementation of the proposed mitigation measures, the overall magnitude of visual change during year 15 of operation would be reduced, however it would remain a 'Moderate' adverse and significant effect.

The Landscape and Visual Assessment within Chapter 6 of the EIA Report informs that the key mitigation strategy has been by an initial routeing and siting study to locate the proposed converter station in an area where environmental impacts will be minimised as far as possible. The cable corridor has been routed so as to avoid the loss of mature vegetation wherever feasible. In addition to the iterative cable routeing and converter station siting studies, mitigation measures are focused on new significant tree and scrub planting to the south, west and east of the converter station site. Along the underground cable route hedgerows would be replanted. Although trees cannot be planted directly above the cables, compensatory planting elsewhere in the vicinity of the proposed development would be undertaken. The land would be reinstated to its previous condition and uses wherever possible.

On the matter of landscape and visual impacts, NatureScot advise that they are only providing detailed advice on such impacts where the effects of proposals approach or surpass levels that raise issues of national interest, which in their view this development does not.

The onshore cables would be sited underground. Consequently, once in place, they would have minimal impact on the landscape character and appearance of the area, including that of the Thorntonloch to Dunglass Coast Special Landscape Area.

The proposed site for the converter station would be aligned with the existing pattern of industrial development along the north side of the A1 in this location within East Lothian, situated to the east of Dunbar Cement Works between the Dunbar Energy Recovery Facility and Dunbar landfill site, with the east coast main line to the north of it and a quarry beyond. The site sits at a lower level to the A1 trunk road and would be screened to a certain degree 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 indicative converter station layout indicates that its buildings could be oriented in a northeast to southwest direction, thereby focusing the greatest extent of building facades within site areas that are enclosed by existing buildings and screening landforms that would reduce 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 Landscape and Visual Assessment within Chapter 6 of the EIA Report and advises that although the proposed development would be clearly visible, it would not change the overall perception of existing views due to the current landscape context of the area, which includes the adjacent landfill site, opencast quarry and cement works, and that any change to the landscape character would be localised. The Landscape Projects Officer further advises that the proposed development would not 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 long term significant harmful 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 location. She also recommends that trees are retained and protected during construction works and that arboricultural monitoring takes place. Such control can be competently imposed as conditions 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 converter station, and to secure the protection of existing trees and hedgerows and an appropriate scheme of landscaping, the proposed development could successfully integrate into its landscape setting and would not appear harmfully prominent, incongruous or intrusive within the surrounding landscape. 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 4, 10 and 14 of NPF4 or 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 between the Dunbar Energy Recovery Facility and Dunbar landfill site (the site of the proposed converter station) is within the boundary of the Battle of Dunbar II, a battlefield included within the Inventory of Historic Battlefields.

Chapter 10 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) agree with the assessment in the Chapter 10 of the EIA Report that there would be a direct physical impact on the Battle of Dunbar II

battlefield as a result of the proposed development. However HES advise that, as concluded in the EIA Report, the area of the site located within the battlefield has already seen extensive disturbance and alteration. HES therefore raise no objection to the application, being satisfied that the proposed development would not have a significant adverse affect on any key features of the Battle of Dunbar II 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 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 7 of NPF4, Policy CH5 of the adopted East Lothian Local Development Plan 2018 and Planning Advice Note 2/2011: Planning and Archaeology.

INTERNATIONALLY DESIGNATED SITES, SITES OF SPECIAL SCIENTIFIC INTEREST AND BIODIVERSITY

To the north of application site, some 250m off the coast of East Lothian, is the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area (SPA). Some 1.5km to the north of the application site is the Barns Nest Coast Site of Special Scientific Interest (SSSI).

Chapter 9 of the EIA Report includes an assessment of the potential impacts of the proposed development on ecology and ornithology.

A Habitats Regulations Assessment (HRA) report has been submitted with the application to establish whether the proposed development is likely to have any significant effects on the qualifying interests of designated sites.

NatureScot advise that they are satisfied the proposed development would not adversely affect the Barns Nest Coast SSSI.

NatureScot advise that the proposal could affect the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area.

NatureScot advises that the status of the Outer Firth of Forth and St Andrews Bay Complex SPAs means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, the competent authority (East Lothian Council) is required to consider the effect of the proposal on these sites before it can be consented (commonly known as Habitats Regulations Appraisal).

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 two years' worth of bird surveys have been undertaken to inform the HRA. The results of these surveys show very low numbers of birds using the coastline adjacent to the proposed development and the fields surrounding the site, which are used for feeding and loafing. Various bird species were identified, including breeding herring gull and various wintering bird species but all in low numbers, totalling less than 1% of total populations. Also, the area of works adjacent to

the coastline is small, given the size of the Outer Firth of Forth and St Andrews Bay Complex SPA.

Therefore, NatureScot advise that they agree with the conclusions of the submitted HRA report that it is unlikely the proposal would have a significant effect on any qualifying interests either directly or indirectly. NatureScot therefore advise that an appropriate assessment is not required.

The Council's **Biodiversity Officer** agrees with this conclusion of NatureScot that no appropriate assessment is required, being satisfied that the proposal is unlikely to result in significant effects on the qualifying interests of the Outer Firth of Forth and St Andrews Bay Complex SPAs.

In terms of other designated sites, the Council's Biodiversity Officer advises that the proposed cable corridor crosses the Dryburn and Dunglass Burn (also called the Thornton Burn) Local Biodiversity Sites. The Biodiversity Officer notes that the Dryburn and Dunglass Burn sites are relatively narrow riparian corridors and therefore any reduction in available habitat could have a significant impact on the function and connectivity of this locally important wildlife corridors. The Biodiversity Officer informs that chapter 9 of the EIA Report states that no potential significant effects have been identified, but without further information on the nature of the cable crossing the full extent of any impact cannot be determined. However the Biodiversity Officer advises that habitat loss can be compensated for by the submission of a Habitat Management Plan, which should include measures to restore and enhance the riparian woodland habitat and boundary features. Adopting CIEEM guidance ("Guidelines for Ecological Impact Assessment in the UK and Ireland" September 2019), the developers should incorporate measures that are required to deliver ecological enhancements as well as measures to avoid, reduce or compensate for negative ecological impacts.

With regard to protected species, the Council's Biodiversity Officer notes that chapter 9 of the EIA Report informs that full surveys were undertaken, and impacts identified on bat species, badger and otter, and she advises that with the implementation of suitable mitigation measures no significant impacts on these species would occur.

With regard to habitats, the Council's Biodiversity Officer advises that habitats within the development boundary include mixed woodland, neutral grassland, gorse scrub, hedgerow, river, and cereal crops, and she agrees with the assessment of habitats in chapter 9 of the EIA Report that the habitats are of either poor condition or low conservation value.

In terms of Biodiversity Enhancement, chapter 9 of the EIA Report outlines that land has been identified surrounding the proposed converter station that would be used for landscaping and biodiversity enhancement purposes, which includes landscape planting. In relation to biodiversity net gain (BNG), a new SuDS pond surrounded by wetland planting would be created to the east of the proposed converter station and there would also be areas of native trees and shrub planting as well as areas of restored grassland and native trees and shrubs. Tree planting outside the perimeter of the proposed converter station footprint would be undertaken where feasible to increase tree cover in the area which would provide additional nesting bird habitat and commuting and foraging habitat for bats. Bat boxes are proposed to be placed on trees to be retained close to the route corridor to enhance the area for roosting bats.

The Council's Biodiversity Officer is satisfied with the proposals for biodiversity enhancement and net gain and advise that the proposed retention, remediation and enhancement of habitats should be secured through an ecological management plan, to

include native planting using stock of local provenance where possible.

The Council's Biodiversity Officer there raises no objection to the proposed development subject to:

(i) supplementary surveys being submitted for protected species (bats, otter, badger, and breeding birds) to be carried out by a suitably qualified person; the results of the surveys to be used to inform construction activities and any required mitigation proposals for protected species on the site;

(ii) the submission of a Species Mitigation and Management Plan (including otter, bats, badger, breeding birds) is to be submitted for the approval in writing by the Planning Authority; and

(iii) the submission of a Habitat Management and Enhancement Plan, including on-site and off-site measures as appropriate for broadleaved woodland, neutral grassland, lowland meadow, mixed scrub and native hedgerow.

Accordingly, subject to the above recommended control, the proposals do not conflict with Policies 3 and 4 of NPF4, or with Policies DC6, NH1, NH2 or NH5 of the adopted East Lothian Local Development Plan 2018.

SOILS

Land within the cable route corridor is predominantly low lying with mixed topography, principally agricultural comprising medium-sized open arable and pasture fields. The agricultural land rotates arable crops, from winter or spring wheat/ barley, with occasional use for vegetable production and is predominantly Class 3.1, with small areas of Class 1 and Class 2 land. Classes 1 to 3.1 are regarded as prime agricultural land.

Chapter 13 of the EIA Report sets out the assessment of potential impacts of the proposed development on land use and agriculture. It informs that there is the potential for impacts to soils as a result of their handling and restoration (such as soil compaction) during construction.

The EIA Report informs mitigation measures would be put in place during the construction phase in the form of a Soil Management Plan, to ensure protection, conservation and reinstatement of soil material, its physical and chemical properties and functional capacity for agricultural use. Following completion of the cabling works, the cable construction corridor will be fully reinstated as near as practically possible to its former condition. Full reinstatement would allow normal farming practices to continue. The Soil Management Plan would include appropriate measures for soil handling and storage of soils during construction. These would include a requirement for stripped topsoil and subsoil to be stored separately to prevent mixing and to be reinstated in reverse order of excavation. Stockpiled soils would be protected by appropriate measures, for example, membranes, spraying or seeding.

The proposed development is essential infrastructure with a specific need for its location to reinforce the electricity transmission system, enabling large volumes of renewable energy generated in Scotland to be transmitted to England whilst ensuring Scotland remains supported by a secure and stable supply of energy as part of National Development 3 of NPF4. Therefore, and subject to the requirement for the submission of a Soil Management Plan, on the above considerations the proposed development does not conflict with Policy 5 of NPF4 or Policies NH7 and DC1 of the adopted East Lothian Local Development Plan 2018.

NOISE AND VIBRATION AND AMENITY

The nearest residential properties to the main part of the application site are located some 450m to the southwest in Easter Meikle Pinkerton. There are other residential properties within between 95 and 2000 metres from the proposed cable corridor, these are listed within the EIA Report.

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 11 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 **Senior Environmental Health Officer** advises he has appraised Chapter 11 of the EIA Report.

The Senior Environmental Health Officer advises that impacts due to construction traffic noise, construction vibration and the operation of the proposed convertor station are not deemed to be significant, therefore he is satisfied they would not cause any harmful impacts to residential amenity.

The Senior Environmental Health Officer advises that he agrees with the conclusions in Chapter 11 of the EIA Report, namely that noise impacts during the construction phase of the proposed development may result in exceedances of the daytime threshold of 65dBLAeq,T at Blackcastle House, 1 and 2 Old Branxton and Branxton Farm Cottage whilst the majority of the transient cable corridor works are undertaken. For the trenchless techniques that have the potential to extend beyond core working hours during the daytime, the night-time 45dBLAeq,T threshold criterion is predicted to be exceeded at several sensitive receptors along the cable corridor route. Accordingly, the Senior Environmental Health Officer advises that additional specific mitigation measures would be required to reduce construction noise impacts at these receptors, which may involve, but not be limited to, the use of temporary noise barriers at strategic locations along the boundary of the cable corridor. Any barriers would need to be situated so that an enhanced level of attenuation is provided to the most exposed sensitive receptors. Noise barriers could comprise an earth bund, solid fencing or proprietary acoustic screening systems. The Senior Environmental Health Officer advises that the detail and specific locations and design of any noise barriers would need to be submitted, which should be contained within a Construction Environmental Management Plan (CEMP).

In terms of air quality, the Senior Environmental Health 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 CEMP.

The Senior Environmental Health Officer advises that the CEMP should also detail all other mitigation measures to be adopted to minimise impacts of construction noise and dust and should take account of the following guidance:

* BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites.
* The Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014)

Subject to the above planning control, which could be secured by the imposition of a condition imposed on a grant of planning permission in principle, the proposed development would not have a harmful impact on amenity.

The Council's **Environmental Health Officer (Contaminated Land)** advises that he has reviewed the submitted Contaminated Land Assessment and is satisfied that it has been carried out in accordance with best practice guidelines. He notes that the assessment concluded that there may be the potential for contamination in parts of the study area with the overall risk to receptors considered to be low to medium. He advises that there is no requirement for additional investigative works to be carried out but recommends that in the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the development, work on site shall cease and the issue shall be reported to the Planning Authority immediately.

This requirement can be controlled by a condition attached to a grant of planning permission in principle.

On these above considerations the proposed development is consistent with Policy 14 of NPF4 and Policy DP2 of the adopted East Lothian Local Development Plan 2018.

FLOOD RISK AND SCOTTISH WATER

The Scottish Environment Protection Agency (SEPA) advise that the proposed development is considered to be essential infrastructure and raise no objection to the application on the grounds of flood risk.

The Council's **Senior Engineer - Flood Protection** raises no objection to the application on the grounds of flood risk, subject to the submission of a Flood Risk Assessment Report and a Water and Drainage Assessment Report that would inform the Surface Water Management/Drainage and SuDS Strategy for the development.

On the matter of drainage, the Senior Engineer - Flood Protection advises that a construction surface water management strategy for the site should be submitted to ensure surface water is properly managed.

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 22 of NPF4 and Policy NH11 of the adopted East Lothian Local Development Plan 2018.

TRANSPORTATION and ACCESS

Chapter 12 of the EIA Report considers the likely effects on access, traffic and transport associated with the construction of the proposed development. 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 if a new future substation comes forward at Branxton. 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.

The proposed converter station would be accessed from the existing Dunbar Energy Recovery Facility access road. A new permanent access into the site would be created which would be used for construction and for operation of the site. In order to minimise HGV traffic associated with the transport of excavated material on local minor roads and to minimise disruption to the local community, a temporary haul road has been incorporated within the cable construction corridor to enable both labour, plant, and material access during the construction phase of the proposed development. The cable construction corridor to the north-west of the Branxton substation would be accessed using the minor roads, U209 Corsick Hill Road and C121 Oldhamstocks Road. In addition, several temporary and permanent (for future maintenance and fault repair work) access tracks or side accesses would be required which would be confirmed through the submission of future detailed applications.

The Council's **Road Services** have appraised the 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) detail for access from the A1 to the eastern part of the site, including a robust signage strategy and method of safely and physically controlling/preventing unauthorised access to construction only routes;

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

(iii) 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;

(iv) vehicle tracking of all turning movements onto the local road network, especially from the access route off the A1;

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

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

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

(viii) details of traffic management measures deemed necessary on the local and trunk road networks;

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

(x) arrangements for road maintenance and cleaning;

(xi) 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

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

Road Services also advise they recommend that measures to ensure the safety of vulnerable road users using the U220 public road and accessing the off road section of National Cycle Route 76 at the U220/A1 junction should be undertaken, road safety audits should be submitted and that that a dilapidation/condition survey is needed of the roads in the vicinity of the site, these being the sections of the A1087, C122, U220, C120, U209 and C121.

Transport Scotland have been consulted on the application, and raise no objection to the application, being satisfied that subject to the requirement to submit a CTMP to include for the information as detailed above, and to include detail of any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered, the traffic generated by the proposed development would be capable of being accommodated on the existing road network without any requirements for junction upgrades.

Subject to the above recommended control, which can be imposed as conditions on a grant of planning permission in principle, the proposed development is consistent with Policy 13 of NPF4 and Policy T2 of the adopted East Lothian Local Development Plan 2018.

The EIA Report informs that no core paths would be directly affected by the proposed development, but there may be a case where a core path is identified for a temporary closure or diversion for a period of up to six weeks due to excavation works or potential safety risks to the public. The EIA Report continues that the applicant would ensure closure/diversions durations are minimised as far as possible and core paths would be reopened at the earliest opportunity if no longer affected by the construction activities.

Given this, it would be prudent to impose a condition requiring the submission of a Public Access Management Plan, or equivalent, to manage any diversions during the construction period.

Subject to the submission of a Public 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 Policy T4 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 does not conflict with Policies 1, 2, 3, 4, 5, 7, 10, 11, 13, 14, 22 and 23 of NPF4, Proposal EGT3 and Policies EGT4, DC1, DC6, DC9, NH1, NH2, NH5, NH7, NH11, CH5, T2, T4, W1, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018 or with the Council's Special Landscape Areas Supplementary Planning Guidance.

The proposal is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

RECOMMENDATION

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

1 The development hereby approved shall begin before the expiration of 5 years from the date of this permission.

Reason:
Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

2 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the layout, siting, design and external appearance of the converter station, 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 29 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the highest part of the existing ground level of the site;

c) Details of the proposed colour treatment of the converter station 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 converter station platform, which shall not exceed a footprint of 300 metres by 200 metres and which shall generally accord with that shown on the drawing titled 'Eastern Link Northern Point of Connection Converter Station and Cable Corridor: Converter Station Layout' Rev 02 docketed to this planning permission in principle;

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

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

In this condition, the converter station means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the converter station platform, as indicatively described in Chapter 4 (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.

3 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.

4 Prior to the commencement of development a Public Access Management Plan shall be submitted to and approved in writing by the Planning Authority. The Public Access Management Plan shall include the following details:

(i) the proposed route of any temporary rerouting of Core Paths within 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
(ii) 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, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. The CEMP 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 CEMP 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".

With regards to the control of dust the CEMP 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 CEMP 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 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

7 Prior to the commencement of development, detail of measures to be undertaken to

ensure the safety of vulnerable road users using the U220 public road and accessing the off road section of National Cycle Route 76 at the U220/A1 junction shall be submitted to and approved by the Planning Authority. The detail shall also include a timetable for the implementation of the measures.

Thereafter the measures as so approved shall be implemented in accordance with the detail and timescales so approved and shall remain in place unless otherwise approved in writing by the Planning Authority.

Reason:
In the interests of road and vulnerable user safety.

8 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) for the construction phase of the development shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The CTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

(i) detail for access from the A1 to the eastern part of the site, including a robust signage strategy and method of safely and physically controlling/preventing unauthorised access to construction only routes;

(ii) detail of any additional signing or temporary traffic control measures deemed necessary due to the size or length of construction loads being delivered, which shall be undertaken by a recognised Quality Assured traffic management consultant;

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

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

(iv) vehicle tracking of all turning movements onto the local road network, especially from the access route off the A1;

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

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

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

(viii) details of traffic management measures deemed necessary on the local and trunk road networks;

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

(x) arrangements for road maintenance and cleaning;

(xi) detail of how building materials and waste will be safely stored and managed on site;

(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.

9 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 the sections of the A1087, C122, U220, C120, U209 and C121 all as identified in Figure 12.1: Study Area within the Environmental Impact Assessment Report docketed to this planning permission in principle.

Thereafter the approved programme of monitoring shall be implemented. Any remedial works required to those public roads 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.

10 Prior to the commencement of development, a Stage 1 and Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all works to the local and trunk public road networks (including those to be introduced on a temporary basis) and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.

Immediately following completion of the works, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit - Post Opening shall be submitted to and approved by the Planning Authority.

12 months following approval of the Stage 3 Road Safety Audit a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority for all works that are to remain permanently in place.

All the Road Safety Audits shall be carried out in accordance with GG119 Road Safety Audit Rev 1.

Reason:
In the interests of road and vulnerable user safety.

11 Prior to commencement of development, a Flood Risk Assessment Report and Water and Drainage Assessment Report shall be submitted to and approved by the Planning Authority.

The approved assessments shall inform a Surface Water Management Plan and Drainage and SuDS Strategy for the development, which shall be submitted to and approved by the Planning Authority prior to the commencement of development. The SuDS strategy shall include a timetable for its implementation.

The development shall thereafter be carried out in strict accordance with the Surface Water Management Plan and Drainage and SuDS Strategy so approved, unless otherwise agreed in writing with 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 commencement of development, a Construction Surface Water Management Strategy shall be submitted to and approved by the Planning Authority. The details shall include a timetable for the implementation of the Strategy. The development shall thereafter be carried out in strict accordance with the details so approved, unless otherwise agreed in writing with the Planning Authority.

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, a scheme of landscaping for the application site, 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 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 The development hereby approved shall be carried out in strict accordance with the 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report by RSK ADAS Ltd dated March 2023 docketed to this planning permission in principle, unless otherwise agreed in writing with the Planning Authority.

Other than the list of trees shown to be removed on Appendix 6: Tree Work Schedule within the docketed 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report, no other trees or hedgerows which are to be retained on the site shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:
To ensure the retention and protection of the trees which are an important landscape feature of the area.

15 No development shall take place on site until temporary protective fencing in accordance with Appendix 8: Example Tree Protection Barrier of the docketed 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report has been erected in the positions shown for it on the Tree Protection Plan drawings within Appendix 5: Tree Protection Plan of the docketed 'Arboricultural Planning Statement Eastern Link Cable Route - Converter Station and Cable Route' report.

The temporary protective fencing shall be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development.

All weather notices shall be erected on the temporary protective fencing with words such as "Construction exclusion zone - Keep out". Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored, no handling, discharge or spillage of any chemical substance, including cement washings, and no fires shall be lit thereon without the prior written approval of the Planning Authority. Planning of site operations shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out and such trenches or services shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:
To ensure the protection of trees within the application site in the interests of safeguarding the landscape character of the area.

16 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor the site works, including the installation of the temporary protective fencing as required by Condition 15 above. The arboriculturist employed shall be required to approve the temporary protective fencing and submit written confirmation and photographic evidence that this has been installed for the prior approval of the Planning Authority prior to the commencement of development.

The arboricultural consultant shall remain the main contact for all tree related matters or queries that arise on the development site. Arboricultural monitoring shall including the supervision and reporting (to include both written and photographic updates). The arboricultural consultant shall be responsible to come up with an appropriate solution to resolve any damage or loss to trees and hedgerows shown to be caused by the development, the details of which shall be included in ongoing site inspection reports to the Planning Authority which shall be submitted quarterly. The Arboricultural consultant shall inspect the remaining trees and hedgerows on completion of the development, updating the tree condition survey and tree management schedule where required.

Reason:
To ensure the retention and protection of trees which are an important feature of the area.

17 No development shall take place (including demolition, ground works, and vegetation clearance) until supplementary surveys for protected species (bats, otter, badger, and breeding birds), to be carried out by a suitably qualified person, have been submitted to and approved in writing by the Planning Authority. The results of the approved surveys shall be used to inform construction activities, and detail of any required mitigation proposals for protected species on the site as identified as being required as a result of the approved surveys shall be submitted to and approved by the Planning Authority prior to the commencement of development. The detail shall include a timetable for the implementation of any required mitigation proposals. Development shall thereafter be carried out in accordance with the detail as so approved.

Reason:
To avoid or minimise disturbance of wildlife.

18 No development shall take place until a Species Mitigation and Management Plan, which shall include measures to mitigate and manage the effects of the proposed development on species including breeding birds, otter, bats and badger, has been submitted to and approved in writing by the Planning Authority.

The development shall thereafter be carried out in strict accordance with the approved

Species Mitigation and Management Plan unless otherwise approved in writing by the Planning Authority.

Reason:
To avoid or minimise disturbance of wildlife.

19 No development shall take place until a Habitat Management and Enhancement Plan (HMEP) has been submitted to and approved by the Planning Authority, which shall include on-site and off-site measures as appropriate to restore and enhance habitiats including broadleaved woodland, neutral grassland, lowland meadow, mixed scrub and native hedgerow. The HEMP shall also include a timetable for implementation of the measures identified within it.

The development shall thereafter be carried out in accordance with the approved Habitat Management and Enhancement Plan unless otherwise approved in writing by the Planning Authority.

Reason:
To avoid or minimise disturbance of wildlife.

20 No development shall take place on the application site until the applicant has undertaken and reported upon a Programme of Archaeological Work in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:
In the interests of archaeological and natural heritage.

21 Prior to the commencement of development a Soil Management Plan (SMP) shall be submitted to and approved by the Planning Authority. The SMP shall include appropriate measures for soil handling and storage of soils during construction and detail of soil reinstatement. Development shall thereafter be carried out in accordance with the SMP so approved.

Reason:
In the interests of soil management.

22 In the event the development hereby approved is no longer required for electricity transmission purposes and fails to be used for this purpose for a continuous period of 6 months then, unless otherwise approved in writing by the Planning Authority, it shall be deemed to have ceased to be required. If it is deemed to have ceased to be required, after the end of the said continuous 6 months period 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 converter station 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.

23 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.