REPORT TO: Planning Committee

MEETING DATE: 5 November 2024

BY: Executive Director – Place

SUBJECT: Application for Planning Permission for Consideration

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Application No.	**23/00616/PM**
Proposal	Erection of 400KV substation and associated development, including associated temporary infrastructure including construction compounds and access road
Location	**Fields to the South of Thornton Bridge Sealing End Compound Branxton East Lothian**

Applicant SP Energy Networks

Per Laurie McGee

RECOMMENDATION Consent Granted

REPORT OF HANDLING

REGULATION

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: 22/00003/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that and as a statutory requirement for dealing with national development type applications a pre-application consultation report is submitted with this application. The report informs that the consultation comprised of two public events, one from 31 January to 1 February 2023 and the second from 13 February to 14 February 2023 at Innerwick Village Hall.

The PAC report informs that attendees made a number of queries and suggestions regarding the proposal and 17 feedback forms were received, with some changes made to the proposals as a result. The development for which planning permission 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 split into three parts. The two smaller northern parts are located in the countryside on the south side of the A1 trunk road at their closest point some 300m to the south of Torness Power Station. The nearest residential properties to these parts of the site are 16 Thorntonloch Holdings some 150m to the east and Station House some 45m to the west.

The larger southern part of the application site is mainly located in the countryside at Branxton, to the southeast of Innerwick but also includes a linear area of land some 2.8km in length stretching to the A1 to the east. The nearest residential properties to the main part of this site are located at Thornton some 250m to the north, and Black Castle Cottage and House some 500m to the south.

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. By the end of this decade the equivalent of every home in the country will be powered by offshore wind. 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.

These additional reinforcements will transport renewable and low carbon energy from

Scotland to England and will in turn support the UK and Scottish Government net zero targets and the transition to a net zero economy.

On 2 May 2023, the Council granted planning permission in principle (ref: 22/00852/PPM) for the construction and operation of an onshore converter station, and for associated development including underground electricity cables and landfall at Thorntonloch; the proposal forming part of the Scottish Power Eastern Link 1 project, for a new subsea High Voltage Direct Current (HVDC) link. That 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 where the onshore converter station would be located. The development approved by planning permission in principle 22/00852/PPM 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.

In December 2022 Berwick Bank Windfarm Limited submitted an application under Section 36 of the Electricity Act 1989 to Marine Scotland for the erection of an off-shore wind farm, to be known as the Berwick Bank Offshore Wind Farm - Firth of Forth. The Project array area (the area in which the wind turbines would be located) is some 1,010 km2 and is located approximately 37.8 km east of the Scottish Borders coastline (St. Abb's Head) and 47.6 km to the southeast of the East Lothian coastline. A maximum of 307 wind turbines would be installed within the project array area. The Section 36 application is currently pending consideration. With the potential capacity to generate an estimated 4.1 GW, Berwick Bank is the largest offshore wind farm proposed and, once built, would be one of the largest offshore wind farms in the world. It would be a substantial infrastructure asset, capable of making a significant near-term contribution to decarbonisation objectives by delivering substantial amounts of low-carbon electricity - enough to power in excess of 5 million homes each year.

On 5 December 2023, the Council granted planning permission in principle (ref: 23/00162/PPM) for the construction and operation of onshore electricity transmission infrastructure in the form of either a substation or converter station on land between Skateraw and Branxton, and for associated development including underground electricity cables and landfall at Skateraw. That development forms the onshore transmission infrastructure for the offshore Berwick Bank Wind Farm.

The development proposed in this application would enable the Eastern Link 1 project to connect with the existing 400 kiloVolt (kV) transmission lines at Branxton. It would also enable a grid connection to connect Berwick Bank Offshore Wind Farm to the grid transmission network.

PROPOSAL

Planning permission is sought through this application for the construction of a new 400 kilovolt (kV) Gas Insulated Switchgear (GIS) substation that would be constructed on the larger southern part of the application site, on land at Branxton close to two existing electricity (sealing end) compounds at Branxton and Thornton Bridge. It would consist of the following component parts:

* A new permanent access track from a local public road to substation compound;
* A two-tiered platform for the proposed substation building and electrical equipment;

* A new control building which would house gas insulated electrical switchgear and plant;
* Gas insulated busbars;
* Overhead line (OHL) terminal gantries;
* Internal access roads and parking provision for up to ten cars (to include a minimum of two electric vehicle (EV) charging points);
* Diesel generator;
* Small distribution substation building to provide ancillary power, lighting, heating and ventilation;
* A 3 metre high steel palisade security fence with 1.2 m power fencing above around the perimeter of the substation and internal fencing around the live compound;
* A main water connection or grey water harvesting and storage;
* Drainage systems comprising of swales, filter drains, pipes and settlement ponds;
* Removal of existing vegetation and mitigation planting;
* L12 overhead line tower;
* 265 metre section of OHL circuit conductor; and
* Underground cable diversions.

The proposed substation would have a square footprint, measuring 165.5 metres at it longest point by 135 metres at its widest point.

The proposed control building would measure 98.8 metres long by 30.5 metres wide by 12.3 metres high at its highest point and would be clad in olive green panels with a facing brick lower section. The proposed electricity transformation equipment within the substation would have a maximum height of 15 metres, the tallest of which would be the overhead line terminal gantries.

The proposed substation would have perimeter and compound lighting, which would be for operational use or switched on automatically in the event of a detected unauthorised intrusion or intrusion attempt into the substation compound. The lighting would be switched off and only used when operational staff access the substation in the dark and require lighting to enable safe access and egress around the site during planned maintenance or emergency works. The lighting would either be able to be controlled remotely or set to switch off after a predetermined time to avoid possibility of being left on.

In order to connect the proposed substation to the existing Overhead Line (OHL) towers, a new OHL tower is proposed to be constructed adjacent to the proposed substation and a new section of OHL would be installed between the closest existing tower. The proposed OHL tower would be of steel lattice construction tower, which is to the same as those currently supporting the line. The proposed new tower would be up to 61m in height.

It is proposed that a new 5m wide permanent access track would be formed from the existing road network into the substation site. Internal access roads would also be constructed within the site. There would be the provision for up to ten car parking spaces within the proposed substation site and a minimum of two EV charging points would be included.

As ground levels at the proposed substation site vary in excess of 30m, earthworks would be undertaken to provide a two-tier construction platform. As a result of the earthworks, excess soil would be removed from the site. The submitted EIA report informs that where possible excavated material would be reused on site, for example to create the substation compound capping layer, and surplus excavated material exported from site would be reused as far as possible, e.g. through use of an off-site waste segregation facility and resale for direct re-use or re-processing. The excavated material would not be sent to landfill in support of the applicant's Diversion from Landfill regulatory commitments.

In addition to the above, planning permission is also sought for the following temporary works:

* Temporary construction compounds and associated temporary access;
* Temporary access (haul) road to facilitate construction traffic movements from/to the substation site;
* Temporary access to substation site (separate from the proposed permanent access road);
* Temporary works areas associated with the tower installation, cable installation and sealing end compound removal;
* Temporary top soil storage areas; and
* Temporary earthworks storage areas.

Access for construction traffic to the main substation site would be taken from the A1 trunk road by way of the formation of a new temporary slip road some 300m south of the A1 junction with the U220 Bilsdean Road. The new temporary slip road would allow construction vehicles travelling north along the A1 to exit the A1, cross the bridge over the East Coast Main Line and onto the C120 Birnieknowes road. The construction traffic would then turn off the C120 some 135m southwest of the rail bridge onto the temporary access (haul) road all the way to the substation site, with necessary safety measures in place including localised road widening and clearance of vegetation to improve visibility. The temporary access (haul) road would cross existing local public roads at three locations along this route where there would be installed gates to ensure no use of the temporary access road from other general vehicles and traffic signals would be erected to ensure crossings can be made safely. Banksmen would be positioned at all crossings over public roads to oversee the safe crossing of them by construction traffic.

The proposed off-slip arrangement would include modifications to the existing stone wall on either side of the approach to the C120 local public road and would form one arm of a proposed four-arm signal controlled junction between the C120 and U220 local public roads over the bridge across the East Coast Main Line. The proposed temporary signal-controlled junction would consist of four approaches of the C120 north, C120 south / west, the U220 and the A1 off-slip.

It is proposed that concrete barriers would be erected along the southwest side of temporary slip road and along the west side of part of the length of road that crosses over the East Coast Main Line and alongside part of the bridge parapet wall together with an additional vehicle restraint barrier to prevent the risk of collision with the bridge and safeguarding the railway. A traffic light signalised junction would be formed where the new slip road meets the public road prior to the crossing over the railway.

The temporary access (haul) road would be some 2.73km in length and some 8.5m in width within an approximately 20m wide corridor incorporating the road, drainage, excavated soil storage, and stock proof fencing where required. It would be used for all HGV traffic and the majority of non-HGV traffic to and from the substation site and would be constructed using stone and tarmac.

The route of the temporary access (haul) road has been designed to follow the same alignment as the proposed cable corridor required for the installation of the underground high voltage direct current (HVDC) cables as part of the Eastern Link 1 project. Use of the access road rather than local minor roads has been proposed in order to minimise disruption to the local community. Use of the same corridor for the temporary access (haul) road and the HVDC cable installation would also minimise temporary land take and construction impacts in the local area.

It is anticipated that the period of construction would be 55 months. It is also anticipated that construction working hours would be 0730 - 1800 hours Monday to Saturday and 0800 - 1700 hours on Sundays. It is anticipated the proposed temporary works would be in place for some five years.

Upon completion of the construction works associated with the proposed development, the temporary compound, temporary works areas and temporary access (haul) road would be removed and the land reinstated to its former condition. Top soil would be stripped and stored adjacent to the works in a manner which ensures that the soil quality is retained when it is reinstated.

It is intended that the temporary access (haul) road would remain in place to facilitate the installation of the underground HVDC cables associated with the separate Eastern Link 1 project. This would result in the temporary access (haul) road remaining in place for some five years.

The applicant informs that the peak number of staff is estimated to be approximately 70 personnel on site during the erection and fit out of the substation building stages, with an average of 24-30 over the course of the construction programme.

The applicant also informs that the lifespan of the equipment within the proposed substation and OHL is approximately 40 years (with the potential for maintenance to extend the operational life). When the useful life has expired the materials would be removed and taken for recycling. It is expected that foundations would be removed to approximately 1m deep and subsoil and topsoil reinstated. Similar methods and access would be required as outlined for installation.

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 (LDP).

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 supporting on and offshore electricity generation from renewables and 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), 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.

Policies EGT4 (Enhanced High Voltage Electricity Transmission Network), DC1 (Rural Diversification), NH1 (Protection of Internationally Designated Sites), NH5 (Biodiversity and Geodiversity Interest, including Nationally Protected Species), NH7 (Protecting Soils), NH11 (Flood Risk), T2 (General Transport Impact), T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy), DP1 (Landscape Character), DP2 (Design) and SEH2 (Low and Zero Carbon Generating Technologies) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

With regard to Section 24(3) of the Town and Country Planning (Scotland) Act 1997, in the event of any policy incompatibility between NPF4 and the adopted East Lothian Local Development Plan 2018, whichever of them is the later in date is to prevail. In this case, the policies of NPF4 would prevail.

REPRESENTATIONS

There have been 62 written representations received to the application. Of these 61 make objection to the proposed development, which have been received from a total of 27 objectors, and one make comment on it. A copy of the written representations is contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection can be summarised as follows:

(i) the surrounding area is bearing an unfair proportion of renewable energy developments;
(ii) the proposed working hours are unacceptable;
(iii) loss of amenity through noise, dust and vibration from both construction and operation of the proposed development;
(iv) light pollution would be an issue;
(v) construction traffic would be harmful to the amenity of the area and a danger to other road users;
(vi) harmful cumulative impact with other developments in the area;
(vii) the local road network is not suitable for high volumes of construction traffic and there would be a significant impact on traffic on the A1;
(viii) issues of flood risk;
(ix) the proposed development would have a harmful landscape impact on the area;
(x) the proposals would be a danger to and lead to a loss of wildlife and biodiversity;
(xi) not enough consideration was given to alternative sites;
(xii) the proposed development would be harmful to the rural character of the area;
(xiii) issues with construction spoil; and
(xiv) the proposed development would damage residential properties.

COMMUNITY COUNCIL COMMENTS

East Lammermuir Community Council advise that whilst they are supportive of the aims of the Scottish Government and East Lothian Council in pursuing the renewable energy agenda, they cannot support the proposed development. The Community Council advise they do no object to the principle of the development, but wish for a determination of this application to be paused as the proposed development "is the key to all of the other developments" and "major schemes" in the area. Therefore, the Community Council object to the application on the following main grounds:

(i) Secrecy of decision about the site;
(ii) Cumulative impact;
(iii) Loss of amenity;
(iv) Visual impact;
(v) Evidence that community will not be involved appropriately;

(vi) Failure to minimise carbon impact - heat;
(vii) Environmental impacts - inevitable loss of biodiversity;
(viii) Insufficient geological investigation of proposed site; and
(ix) Safety of traffic movements.

East Lammermuir Community Council have also advised of conditions they wish to see imposed on a grant of planning permission, were that to be the decision.

West Barns Community Council advise that they raise concern over the proposed development on the following main grounds:

i) concerns about the cumulative impact of a large number of energy projects focussed on Branxton, Innerwick and the wider East Lammermuir area;
ii) the substation is of considerable size which will impact on the landscape and be a dominant feature near to the small community of Branxton;
iii) The site will be on agricultural land;
iv) There are considerable concerns about road safety both on the small rural roads and on the A1, particularly with regard to the safety of any access points onto the A1;
(v) the new grid connection is the breeder of a proliferation of energy projects seeking to gain access to the National Grid;
(vi) the volume of applications coming forward is of concern;
(vii) there is concern that in choosing Branxton over other potential sites SPEN did not fully consider the implications of this site in contrast to other potential sites north of the A1; and
(viii) concerns about the provision of accommodation for construction workers.

Cockburnspath and Cove Community Council object to the proposed development, the main grounds of objection being that residents would be adversely affected by the number of HGV movements required on the A1 (and so impacting access to the A1 for residents via the Cockburnspath/Cove roundabout) required both to and from the site for delivery and extraction of materials and that the sheer volume of this traffic when added to the existing weight of traffic on the A1 would make accessing the road via the roundabout increasingly time consuming and dangerous for residents and would significantly increase the road traffic accident risk to the community.

SCOTTISH BORDERS COUNCIL

Scottish Borders Council raise no objection to the application.

ENVIRONMENTAL IMPACT ASSESSMENT

An Environmental Impact Assessment (EIA) Report has been submitted with the application, and has been duly advertised and consulted on. During the determination of the application updated chapters of the EIA Report were submitted, and these were also duly advertised and consulted on.

The submitted EIA Report contains chapters on the method and approach to preparing the Report, site selection and analysis of alternatives, the description of the development, policy and legislation, 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 and socio-economics, tourism and recreation, and a 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 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 and socio-economics, tourism and recreation.

The EIA Report informs that a cumulative effects assessment is a requirement under the EIA Regulations. The assessment of cumulative effects provides consideration of the impacts arising from the proposed development alone and cumulatively with other relevant developments. Cumulative effects are therefore the combined effect of the proposed development in combination with the effects from a number of different projects, on the same receptor or resource. Each technical chapter within the EIA Report has undertaken an assessment of cumulative effects. Potential developments within the technical assessment study areas were screened to determine whether there is potential for overlap of environmental effects with the proposed development, and therefore a potential for a cumulative effect to occur. Where there is potential for cumulative effects to occur, each environmental receptor was screened, based on the technical expertise of the assessment team. The other developments factored into the cumulative effects assessment are:

* The Eastern Link converter station project for which planning permission in principle has been granted (ref: 22/00852/PPM);
* The onshore transmission infrastructure for the offshore Berwick Bank Wind Farm for which planning permission in principle has been granted (ref: 23/00162/PPM);
* Branxton Battery Storage Systems Project (Scottish Government Energy Consents Unit application ref: ECU00004659).

Planning Circular 1/2017: Environmental Impact Assessment at paragraph 45 states that generally, it would not be feasible to consider the cumulative effects with other applications which have not yet been determined, since there can be no certainty that they will receive planning permission.

The EIA Report finds that:

* Landscape and visual - There would be likely direct 'Moderate' adverse effects during construction of the proposed development on the landscape character of the substation site and the proposed route of the access road. However, construction effects are generally considered to be short-term and temporary in nature. In terms of operational effects, the proposed development would introduce new large-scale utilitarian structures to a currently undeveloped rural field, although the presence of adjacent electricity infrastructure features mean the proposed development and new steel tower would not be uncharacteristic features in the landscape. There would be a long-term change in landscape use and a major change to the existing landform resulting in the overall magnitude of landscape change being 'High'. However, the location of the substation site means that the proposed development would be reasonably well contained by surrounding

landform and there would be a lack of perceptibility of the substation from the surrounding landscape, with the exception of an area to the immediate north of the substation site.

* Geology, hydrogeology and ground conditions - With the implementation of good working practices and mitigation measures, including adherence to the Construction Environmental Management Plan, the likely effects and likely cumulative effects are considered to be not significant.

* Hydrology and flood risk - With the implementation of good working practices and mitigation measures, including adherence to the Construction Environmental Management Plan, the likely effects and likely cumulative effects are considered to be not significant.

* Ecology and ornithology - A Construction Environmental Management Plan will include a detailed landscape and ecological management plan that includes the restoration and remediation of habitats following the construction phase. Land has been identified surrounding the proposed development which will be used for lands caping and biodiversity enhancement purposes. The existing hedgerow boundaries would be reinforced with new sections of native hedgerow. In addition, small native woodland copses would be introduced within the west and south of the site and link in with the existing woodland belts and a further woodland copse would be introduced within the east of the site. It is considered that the likely effects on the receptors identified in the assessment will be not significant. This also includes the likely cumulative effects.

* Archaeology and cultural heritage - With the implementation of best practice mitigation such as pre-construction archaeological evaluation, archaeological and curatorial monitoring during construction, and a programme of post-excavation assessment on completion of the archaeological fieldwork, no significant residual construction effects are likely. No likely significant cumulative or in-combination effects are predicted from the proposed development.

* Noise and vibration - Following the introduction of appropriate good practice and mitigation measures, including adherence to a Construction Environmental Management Plan, it is considered that the likely significant construction phase noise effects that have been identified would be mitigated so that they are not significant in EIA terms. There are no likely significant operational or decommissioning phases effects associated with the proposed development.

* Access, traffic and transport - with proposed mitigation measures in place and given the temporary nature of the peak period of the construction programme all residual effects are likely to be not significant. Cumulative impacts result in effects of negligible significance (not significant in EIA terms) upon transport related receptors within the traffic and transport study area following the application of mitigation measures.

* Land use and agriculture - Potential effects can be avoided or reduced through careful management and standard good practice construction measures that will be set out in a Construction Environmental Management Plan and by discussing techniques in advance with the landowner / tenant. It is considered that no additional mitigation is required and that the likely effects from the proposed development are not significant.

* Recreation, tourism and socio-economics - Likely adverse and beneficial effects have been assessed as not significant during the construction, operational and decommissioning phases and no specific mitigation requirements have been identified.

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 transmission infrastructure to support renewable energy, it is also part of National Development 3 and is thus supported by NPF4.

As transmission infrastructure to support renewable energy, 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. In this, the applicant informs that the proposed substation is directly required to connect the Eastern Link 1 project to the transmission network, which alone would allow for up to 2 gigawatts (GW) of power to be transmitted across the UK electricity network. It would also enable a grid connection to connect Berwick Bank Offshore Wind Farm to the grid transmission network.

In Chapter 3 of the submitted EIA Report, it informs that five potential substation locations were considered, and based on the consideration of the technical, economic and environmental factors relating to each of the site options, the application site was identified as the preferred site for the proposed substation.

Generally, both NPF4 and the LDP look to focus development within settlements or previously developed land, with only limited types of development being acceptable in the countryside. This substation proposal would be located on undeveloped agricultural land covered by Policy DC1 (Rural Diversification) of the LDP. However, as an infrastructure proposal, the principle of the proposed development is consistent with Policy DC1.

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 proposed development is a National Development, being part of National Development 3 of NPF4. National developments are significant developments of national importance that will help Scotland deliver its spatial strategy. The development is essential to enable the transmission of renewable electricity and would make a significant and important contribution to decarbonisation and the delivery of renewable energy.

On all of the above considerations, the proposed development does not conflict with Policies 1 or 11 of NPF4, or with Policies DC1 or EGT4 of the LDP. As transmission infrastructure to support renewable energy technology, it is also part of National Development 3.

With regard to part b) of Policy 9 of NPF4, the proposed development would be on greenfield land, however as infrastructure development a countryside location is supported by Policy DC1 of the LDP, therefore the proposed development is not inconsistent with

Policy 9.

CLIMATE

It is acknowledged that construction of the proposed development will 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 to and from the site, and construction site operations such as generators and plant. However, as discussed in Chapter 4: Project Description in the submitted EIA Report, SP Energy Networks 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.

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 for this proposed development, consistent with the requirements of Policy 2 of NPF4 and Policy SEH2 of the LDP.

In this case the applicant was asked to consider opportunities for heat recovery systems for waste heat to be reused. However, the applicant has advised that the proposed substation would have Gas Insulated rather than Air Insulated Switchgear, with no transformers, and therefore there would be no significant heat loss/opportunities for recovery.

LANDSCAPE AND VISUAL IMPACT

Chapter 6 of the submitted 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 Impact Assessment (LVIA) within Chapter 6 of the EIA Report informs that, in terms of the proposed temporary access road, the landscape of the access road is considered to have a medium value and a medium ability to accommodate the temporary interventions associated with the creation and use of the access road construction works for the proposed development, and therefore a medium susceptibility to the proposed development. Taking account the judgements on value and susceptibility, the overall sensitivity of the route of the access road to the proposed development is 'Medium'. In terms of operation effects, the LVIA informs that once construction works are

completed, the temporary access road would be removed and the landscape would be returned to its former state and use and any sections of hedgerow removed would be reinstated. It would take a short period before hedges become fully established to the height of adjacent sections, therefore some construction impacts would persist into the operational phase for a short duration creating short-term negligible impacts. There would be no long-term operational effects upon the landscape character of proposed route of the temporary access road and the overall level of effect would be 'Neutral'. The LVIA concludes there would be no cumulative landscape effects with other developments.

For the proposed substation, the LVIA informs that from within the north and east of the site, views are contained by the surrounding landform and vegetation; with close up views of the existing sealing end compounds and steel towers dominant. Longer distance views of the sea are feasible through the intervening vegetation, though these are all within the context of Torness Power Station to the foreground of the sea. On the higher ground within the southwest of the site, longer distance panoramic views of the wider landscape are possible. The landscape of the site is considered to have a medium value and a medium ability to accommodate the proposed development and change arising from the proposed development, and therefore a medium susceptibility to the proposed development. The overall sensitivity of the substation site to the proposed development is 'Medium'. In terms of construction effects, the LVIA informs that during construction the overall magnitude of landscape change is assessed as 'Medium' due to the short-term nature of the works, resulting in a 'Moderate adverse' and significant effect on the landscape character of the site. In terms of operational effects, the LVIA informs that the overall magnitude of landscape change during both year 1 and year 15 of operation is assessed as 'High', resulting in 'Major adverse' and significant effect on the landscape character of the site. The LVIA concludes there would be no cumulative landscape effects with other developments.

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 proposed site for the substation lies within a landscape that exhibits an underlying rural character across sloping landforms. Existing vegetation and the undulating landform of the area would contribute to offering a degree of visual containment to the proposed development within the wider area by a combination of existing built structures, screening landforms and structural vegetation that contribute to the containment of impacts on neighbouring landscape and visual receptors. Moreover, views of the proposed development would to some degree be seen within the context of existing electricity infrastructure.

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, that although the proposed development would be clearly visible in its surroundings, it would not give rise to significant physical landscape or landscape character effects and that likely significant construction effects would be localised, temporary and limited to visual effects upon high sensitivity receptors in close proximity to the construction activity. The Landscape Projects Officer has confirmed 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 existing landscape features.

Outline landscape proposal drawings have been submitted within the EIA Report, which show significant landscape planting of areas of woodland to the northeast of the proposed substation and areas of native scrub planting and meadow grasslands to the other sides

of the substation.

The Landscape Projects Officer recommends that a detailed scheme of landscaping be submitted based on the applicant's outline landscape proposals to ensure 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, were that to be the decision.

In overall conclusion the proposed development would introduce a large scale significant development in this countryside location, however subject to above recommendations and appropriately worded conditions to secure the protection of existing trees and hedgerows and an appropriate scheme of landscaping, the proposed development could, in time, integrate into its landscape setting and would not appear significantly or harmfully prominent, incongruous or intrusive within the surrounding landscape.

On these considerations of landscape and visual impact and design the proposed development does not conflict with Policies 4 and 14 of NPF4 or Policies DP1 and DP2 of the LDP.

HISTORIC ENVIRONMENT

Chapter 10 of the EIA Report considers the potential direct and indirect impacts resulting from the proposed development on archaeology and cultural heritage. It concludes that there would be no likely significant effects arising from the proposed development during the construction phase and one potential slight effect on an area of archaeological interest.

In terms of likely cumulative effects, it is concluded that the proposed development is not anticipated to be intervisible with any other proposed cumulative developments and therefore no cumulative effects on setting are likely.

Historic Environment Scotland (HES) are content with the assessment in the Chapter 10 of the EIA Report, and have carried out their own assessment and are satisfied that there would be no significant adverse effects on any cultural heritage features as a result of the proposed development.

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

Subject to the above recommendation, which could be secured by condition, the proposed development is consistent with Policy 7 of NPF4, Policy CH4 of the adopted East Lothian Local Development Plan 2018 and Planning Advice Note 2/2011: Planning and Archaeology.

INTERNATIONALLY DESIGNATED SITES AND BIODIVERSITY

Chapter 9 of the EIA Report includes an assessment of the potential impacts of the proposed development on ecology and ornithology. A separate Biodiversity Assessment has also been submitted with the application.

A Habitats Regulations Assessment (HRA) screening 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. It concludes that there would be no likely significant effects.

NatureScot advise that the application site is within 10km of the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area (SPA).

NatureScot advises that they conclude that it is very obvious that the conservation objectives for the SPA qualifying interests will not be undermined despite a connection, and in their view no likely significant effects would arise from the proposed development on any designated sites, and therefore an Appropriate Assessment is not required.

The **Council's Biodiversity Officer** agrees with this conclusion that no Appropriate Assessment is required and is satisfied that the proposed development would not result in likely significant effects on the qualifying interests of the Outer Firth of Forth and St Andrew's Bay Complex SPA.

NatureScot further advise that they welcome the submitted Biodiversity Assessment and note the overall net gain in biodiversity units that would result from habitat creation and enhancement proposed within it.

The Council's Biodiversity Officer advises that the application site is in close proximity to the Thornton Burn, Bilsdean Coastal and the Dunglass Burn Local Biodiversity Sites. The Biodiversity Officer notes that the loss of habitat and disturbance of vegetation is not considered to be significant and advises that habitat and tree loss can be compensated for by mitigation planting.

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 bird species, and she advises that with the implementation of suitable mitigation measures no significant impacts on these species would occur.

She also advises that habitats within the application site boundary include mixed woodland, neutral grassland, gorse scrub, hedgerow, river, and cereal crops, and she agrees with the assessment of habitats as being of either poor condition or low conservation value.

In terms of Biodiversity Enhancement, Chapter 9 of the EIA Report informs that mitigation land has been identified surrounding the substation site which would be used for landscaping and biodiversity mitigation purposes over the operational lifetime of the substation. This would include landscape planting (including planting of meadow grassland, woodland areas with edge species, marginal planting and amenity grassland) and the existing hedgerow along the eastern boundary of the proposed development would be enhanced.

In terms of Biodiversity Net Gain (BNG), the existing hedgerow along the eastern boundary of the proposed development would be reinforced/improved, a new hedgerow would be planted along the southern boundary of the substation which would in time provide additional habitat for nesting birds and a commuting and foraging route for bats. Tree planting outside the perimeter of the substation footprint would be undertaken to increase tree cover in the area which would again provide additional nesting bird habitat and commuting and foraging habitat for bats.

Chapter 9 of the EIA Report informs that the use of the BNG calculator has not yet been made a requirement in Scotland, however the use of Biodiversity Metric 4.0 (published by

Natural England) has been used for the proposed development. Chapter 9 continues that this metric is designed to quantify biodiversity to inform and improve planning, design, land management and decision-making.

The submitted Biodiversity Assessment informs that the Biodiversity Metric 4.0 calculator indicates a current biodiversity baseline total of 137.77 area units, 7.52 hedgerow units and 0 watercourse units. In terms of post-development Habitat Creation and Enhancement, the submitted Biodiversity Assessment informs that a combination of the outline landscape planting proposal and construction layout plans have been used to identify that there will be 10 retained habitats, two enhanced habitats and seven new habitats with a total of 195.66 biodiversity area units, 12.31 terrestrial linear biodiversity units. It concludes that the proposed development would result in a positive net gain of +57.89 (+42.02%) biodiversity area units and +4.79 (+63.65%) terrestrial linear biodiversity units.

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 a biodiversity habitat enhancement and management plan.

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

(i) the appointment of an ecological clerk of works;
(ii) the submission of a Species Mitigation and Management Plan;
(iii) the submission of supplementary surveys for protected species; and
(iv) the submission of a Biodiversity/Habitat Enhancement and Management Plan.

Accordingly, subject to the above recommended control, the proposals do not conflict with Policies 3 and 4 of NPF4, or with Policies NH1 or NH5 of the LDP.

SOILS

Land use within the application site is principally agricultural predominantly comprising medium-sized open arable and pastoral fields. The proposed substation site is predominately laid down with grass for sheep grazing, although in rotational pattern is cultivated periodically for a season of turnips for fattening lambs, before rotating to grass. The remaining agricultural land rotates arable crops, from winter or spring wheat/ barley, with occasional use for vegetable production; predominately Brussel sprouts in a few locations.

The Land Capability Classification for Agriculture (LCCA) system identifies that soils within the site include Class 2, Class 3.1 and Class 3.2. The land of the substation site is predominantly Class 3.2 agricultural 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 soils (as well as cumulative effects of other relevant developments), and informs that during the construction phase of the proposed development, there is potential for increased compaction, erosion and loss of soils as a consequence of construction traffic, disturbance, creation of construction areas and excavations.

Chapter 13 informs that the formation of the temporary access road, temporary construction compounds, soil and spoil storage areas and laydown areas would all temporarily affect land currently under arable and pastoral management, influencing how

current agricultural practices within affected holdings are undertaken, however following completion of the works, those areas would be fully reinstated as near as practically possible to the former condition, allowing normal farming practices to continue (i.e. crop growth, ploughing, machine loads).

Chapter 13 further informs mitigation measures would be put in place during the construction phase in the form of a Soil Management Plan, which would ensure standard industry practice measures are followed with respect to stripping of soils, stockpiling, backfilling and reinstatement of soil material, its physical and chemical properties and functional capacity for agricultural use, and also that stockpiled soils would be protected by appropriate measures, for example, membranes, spraying or seeding.

In terms of the substation site, Chapter 13 informs that the construction of the substation would result in the permanent loss of approximately 5.0 ha of predominantly Class 3.2 agricultural land (which is not prime agricultural land). The engineered slopes around the substation platform and the landscape mitigation area surrounding the substation site would be vegetated and although none of this land would be retained for commercial agriculture, soils would remain in these areas.

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 to connect to the national grid, 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 Policy NH7 of the LDP.

NOISE AND VIBRATION AND AMENITY

Chapter 9 of the EIA Report considers potential noise and vibration effects arising from the proposed development on the site both during construction and when the development is operational, as well as cumulative effects of other relevant developments.

In terms of noise, it concludes that based on a 'High' receptor sensitivity for residential dwellings and a 'Low' impact magnitude, the likely noise levels would correspond to a likely 'Negligible' temporary adverse effect, which is not significant in EIA terms.

In terms of vibration, it concludes that bas ed on a 'High' receptor sensitivity for residential dwellings and a 'Low' impact magnitude, the likely construction phase vibration levels would correspond to a 'Minor' temporary adverse effect, which is not significant in EIA terms.

The **Council's Senior Environmental Health Officer** advises he has appraised Chapter 9 of the EIA Report.

The Senior Environmental Health Officer advises that noise arising from the construction of the proposed development may harmfully impact on amenity of the following noise sensitive receptors in the following way:

* the construction of the temporary access road may impact upon occupiers at Blackcastle Cottages; 1 &2 Old Branxton, Branxton Farm Cottages; Branxton Farm House and Grieves Cottage;
* substation and site preparation works may impact upon occupiers at 2 and 3 Thorntonloch; and
* A1 temporary junction earthworks and road sub layers may impact upon occupiers at

Bilsdean Toll House.

Accordingly, the Senior Environmental Health Officer advises that specific mitigation measures would be required to reduce these impacts at the receptors, which should be contained within a Construction Environmental Management Plan (CEMP).

The Senior Environmental Health Officer advises that he is satisfied that noise due to construction vibration, construction traffic on public roads and operational noise, including noise associated with overhead lines, would not impact upon the amenity of any neighbouring land use, including residential properties.

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 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 Part 1: Noise.
* 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 conditions imposed on a grant of planning permission, the proposed development would not have a harmful impact on amenity.

The **Council's Environmental Health Officer (Contaminated Land)** advises that there is the potential for areas of contamination to exist on the site that may impact upon the proposed development. Therefore, he recommends a Geo-Environmental Assessment be undertaken prior to the commencement of development on the site. He also 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. These requirements can be controlled by a condition attached to a grant of planning permission.

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

Chapter 8 of the EIA Report considers the potential impacts resulting from the proposed development on flood risk, as well as cumulative effects of other relevant developments. It has considered the likely significant effects of the proposed development related to hydrology, flood risk, private water supplies (PWS) and designated sites. This includes contamination of surface watercourses or waterbodies, changes to surface water runoff, change in flow and/or contamination of vulnerable receptors and increased flood risk. It concludes that with the implementation of good working practices and mitigation measures, the likely effects and the likely cumulative effects are considered to be not significant.

The Scottish Environment Protection Agency (SEPA) advise that they have appraised Chapter 8 and raise no objection to the application, satisfied that there would not be an increase to flood risk or harmful impacts on any water bodies.

The **Council's Senior Engineer - Flood Protection** raises no objection to the application on the grounds of flood risk or drainage.

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.

On the above considerations the proposed development is not contrary to Policy 22 of NPF4 or Policy NH11 of the LDP.

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, as well as cumulative effects of other relevant developments. It informs that during the anticipated 55 month construction period, the anticipated peak traffic flows associated with the proposed development would result in an average of 146 movements per day (73 trips in and 73 trips out) and a maximum of 266 movements per day (133 trips in and 133 trips out), of which on average 54 would be made by light vehicles (27 inbound and 27 outbound) and 92 by HGV (46 inbound and 46 outbound) and of which at a maximum 114 would be made by light vehicles (57 inbound and 57 outbound) and 152 by HGV (76 inbound and 76 outbound).

However as noted earlier in this report, a temporary access (haul) road is to be formed to take construction traffic off the local minor roads in order to minimise disruption to local traffic.

The EIA Report concludes that the proposed development would create a significant increase to HGV traffic levels within short sections of public roads included in the study area, but these levels would remain well within the design capacity of the local road network and therefore, the level of effect on road safety is considered to be 'Slight' and 'Not Significant'. It also concludes that no significant cumulative effects are predicted during construction of the proposed development. 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 **Council's Road Services** have appraised the assessment of the traffic impacts of the proposed development within the EIA Report and in the submitted Transport Assessment.

Road Services advise that the approach to the assessment in Chapter 12 is consistent with that of the submitted Transport Assessment in terms of the methodology, consideration of effects and the appropriate mitigation measures. The same conclusions have been drawn with regards to the traffic impact based on the observation that, whilst impacts are high in percentage terms, this is due to the fact that the baseline traffic is at a low level. Furthermore, it is stated that the impact on active travel modes would be minimal due to the low numbers of users in the area.

In terms of the proposed temporary slip road taken from the A1 onto the C120 public road and the associated signal controlled junction, Road Services advise that the design process for these proposed works has included Stage 2 Road Safety Auditing, which was completed by the applicant and the problems identified were resolved with appropriate liaison with them, Transport Scotland, BEAR Scotland and Network Rail to ensure that the proposals are satisfactory from a design and safety compliance perspective. Road Services advise that widening of the existing roads is necessary on the C120 and the U220

to allow the necessary vehicle swept path manoeuvres, which is shown to be undertaken on the submitted drawings, as well as the requirement for the resurfacing of the roads in the vicinity of the proposed signal-controlled junction which is also proposed and shown on the submitted drawings.

Road Services advise that given concerns regarding the risks of impact of turning construction vehicles on the existing stone wall on the west side of the bridge, temporary concrete barriers are proposed along the western side of the bridge, together with an additional vehicle restraint barrier, and as a further measure, temporary reflective delineator posts in front of the concrete barrier are also proposed. They confirm that a swept path analysis has been provided of an articulated vehicle and a rigid lorry to demonstrate that the required manoeuvres can successfully be made through the junction whilst allowing a 0.5m additional buffer zone in front of the proposed concrete barriers. A 1m temporary road widening is proposed on the southern corner of the A1 off-slip onto the C120 local road to facilitate the manoeuvre. The proposals include associated signage, signal poles and road marking as shown in the submitted drawings.

Road Services advise that a capacity assessment of the proposed temporary signal-controlled junction has been provided, and this assessment is based on the junction operation of four phases for each of the separate approaches and use of surveyed background flows with the addition of predicted construction traffic flows during the observed weekday peak hours and demonstrates that the junction would operate well within capacity and without significant levels of queuing. Overall, Road Services advise that that the proposed temporary A1 off-slip and associated signal-controlled junction arrangement with the C120 and U220 local roads would be a satisfactory arrangement for accommodating the predicted level of construction vehicles associated with the proposed development during the predicted construction period of 5 years, subject to road safety auditing to Stage 3 and 4.

In terms of the proposed access (haul) road and junction between it and the local public road network, Road Services advise that the proposed junctions include localised widening of the public roads and give-way markings on the access (haul) road arms of the junctions (only straight-ahead movements along the haul road and across the public road will be permitted with no turning movements onto the local roads). Gates are proposed across the access (haul) road arms of each of the junctions, which would be managed during the construction period and appropriate signage would also be proposed as specified on the application drawings, together with localised resurfacing of the local roads in the vicinities of each of the junctions. Overall, Road Services advise that that the proposed give-way arrangements as shown in the application drawings would be acceptable arrangements for accommodating the predicted level of construction vehicles associated with the proposed development during the predicted construction period of 5 years, subject to road safety auditing to Stage 3 and 4.

In terms of construction traffic trip distribution, Road Services advise that it is recognised that the distribution of construction trips on the road network would vary depending on the types of loads being transported and the stage of the construction programme, but however they are supportive of the use of the temporary access (haul) road to substantially accommodate the construction traffic, thereby minimising the impacts on the local road network and confirm that that there would not be any significant capacity issues on the local road network as a result of the construction traffic.

Road Services advise that the proposed permanent access to the substation would be a priority-controlled T-junction with the C121 Oldhamstocks Road which would achieve adequate visibility and thus is acceptable.

Road Services note that included in Chapter 12 is a Cumulative Effects Assessment (CEA) which considers the impact associated with the proposed development alongside other proposals in the locality, and advise that the assessment has demonstrated that the road network would have sufficient capacity to accommodate both the levels of traffic associated with the proposed development and the projects identified in the cumulative assessment.

Road Services advise that the assessment of traffic impacts (including the cumulative assessment) is acceptable and robust and they agree with its findings.

In terms of pedestrian impacts, Road Services advise of the need for a, access management plan to manage and control the speeds of construction traffic on the local road network and detail measures to ensure the safe and convenient use of active travel routes in the area to cater for the needs of people living in the local area.

In conclusion, Road Services confirm they raise no objection to the proposed development on the grounds of road, rail or pedestrian safety, subject to the following requirements:

(i) the submission of the detailed design and specification of the proposed left-in temporary construction access junction with the A1 trunk road;

(ii) the forming of the access (haul) road junctions with the public road network as shown on the submitted drawings;

(iii) the submission of Road Safety Audits;

(iv) the submission of a swept path assessment;

(v) the submission of dilapidation surveys;

(vi) the submission of a Construction Traffic Management and Routing Plan (CTMRP);

(vii) the submission of a Public Access Management Plan; and

(v) the reinstatement of land following the temporary works.

Transport Scotland have been consulted on the application and raise no objection to the proposed development, being satisfied that subject to the requirement to submit a CTMP, similar to the requirement by Road Services above, and the submission of the detailed design and specification of the proposed left-in temporary construction access junction with the A1 trunk road, the traffic generated by the proposed development would be capable of being accommodated on the existing road network.

Network Rail have been consulted on the application and raise no objection to the proposed development, satisfied that the proposed safety measures to be implemented at the bridge over the East Coast Main Line in the form of concrete barriers would serve to mitigate against potential road vehicle incursion risks from construction traffic at the bridge. Network Rail also confirm that the placing of the proposed concrete barriers on the bridge would not compromise its structural integrity as it has been assessed for 40 tonnes loading.

Network Rail also advise that details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's asset protection engineer for approval prior to works commencing on site, and that this should be included as an advisory note for the applicant were planning permission to be granted, as this would require the applicant gaining consent directly from Network Rail.

Such an advisory note can be included with a decision notice on a grant of planning permission, were that to be the decision.

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 Policies T2 and 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 or with Policies EGT4, DC1, NH1, NH5, NH7, NH11, T2, T4, DP1, DP2 and SEH2 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 be granted subject to the following conditions:

1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:
Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

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

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

3 Prior to the commencement of development, a detailed scheme of landscaping for the application site, which shall be based on the Outline Landscape Proposals drawings Figure 6.7, 6.7a, 6.7b, 6.7c and 6.7d (drawing nos. 233-SHRSK-XX-XX-DR-LA-1000 Rev 03, 233-SHRSK-XX-XX-DR-LA-1000 Rev 01, 233-SHRSK-XX-XX-DR-LA-1000 Rev 01, 233-SHRSK-XX-XX-DR-LA-1000 Rev 01 and 233-SHRSK-XX-XX-DR-LA-1000 Rev 01 respectively) all contained within the EIA Report docketed to this planning permission, 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.

4 The development hereby approved shall be carried out in strict accordance with the 'Arboricultural Planning Statement Branxton Substation' Revision C report by RSK ADAS Ltd dated February 2024 docketed to this planning permission, unless otherwise agreed in writing with the Planning Authority.

Other than the trees shown to be removed in Appendix 4: Tree Protection Plan and listed in Appendix 7: Tree Works Schedule within the docketed 'Arboricultural Planning Statement Branxton Substation' Revision C 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 of trees which are an important landscape feature of the area.

5 No development shall take place on site until temporary protective fencing in accordance with Appendix 9: Example Tree Protection Barrier of the docketed 'Arboricultural Planning Statement Branxton Substation' Revision C report has been erected in the positions shown for it on the Tree Protection Plan drawings within Appendix 4: Tree Protection Plan of the docketed 'Arboricultural Planning Statement Branxton Substation' Revision C report.

The temporary protective fencing shall be fixed 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.

6 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 5 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 include 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.

7 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.

8 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.

9 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 habitats 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 ensure the development results in the management and enhancement of biodiversity.

10 There shall be no commencement of development until the Planning Authority has approved in writing the terms of appointment by the applicant of an appropriately experienced and qualified Ecological Clerk of Works (ECoW). The terms of the appointment shall:

o impose a duty to monitor compliance with the ecological mitigation measures described in the Environmental Impact Assessment Report docketed to this planning permission and the conditions imposed on this planning permission; and
o detail the stages of the construction phase of the development when the ECoW shall be in post.

The EcoW shall be appointed on the approved terms unless otherwise agreed in writing by

the Planning Authority.

Reason:
To avoid or minimise disturbance of wildlife.

11 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, Part 1: Noise".

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.

12 Prior to the commencement of development, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out and the following information shall be submitted to and approved by the Planning Authority:

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

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

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

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

If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

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

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

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

13 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.

14 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.

15 No development shall take place on the application site until the applicant has undertaken and reported upon a Programme of Archaeological Work (Evaluation by Archaeological Trial Trench; Historic Building recording; topographical survey) 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.

16 Notwithstanding that which is shown on the drawings docketed to this planning permission and prior to the commencement of the development, the detailed design and specification of the proposed left-in temporary construction access junction with the A1 trunk road shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland.

Thereafter, and prior to the commencement of development, the junction shall be constructed in accordance with the detailed design and specification as so approved, unless otherwise agreed in writing with the Planning Authority in consultation with Transport Scotland.

Reason:
To ensure that the standard of the left-in junction with the A1 trunk road complies with the current standards in the interests of road safety.

17 The temporary works hereby approved comprising of:

* Temporary construction compounds and associated temporary access;
* Temporary access (haul) road to facilitate construction traffic movements from/to the substation site including the access from the A1 trunk road;
* Temporary access to substation site (separate from the proposed permanent access road);
* Temporary works areas associated with the tower installation, cable installation and

sealing end compound removal;
* Temporary top soil storage areas; and
* Temporary earthworks storage areas;

shall all be removed in their entirety from the application site and any removed hedgerows and other field boundaries and the land upon which the temporary works are formed shall all be reinstated to their former condition within one year of the completion of the development hereby approved or on completion of the installation of the underground cables approved by separate planning permission in principle 22/00852/PPM, whichever is the later, unless otherwise approved in writing by the Planning Authority.

Prior to the cessation of the use and the restoration of the land of the site, details for the reinstatement of the land shall be submitted to and approved in writing in advance by the Planning Authority, and thereafter, the reinstatement of the land shall accord with the details so approved.

The date of completion of the development hereby approved and the date of completion of the installation of the underground cables approved by separate planning permission in principle 22/00852/PPM shall be provided in writing to the Planning Authority within 2 weeks of completion of each of the developments.

Reason:
In order to ensure a timely restoration of the land on which the temporary works will be formed in the interests of the character and amenity of the area.

18 Prior to any use being made by construction traffic associated with the proposed development of the temporary slip road taken from the A1 trunk road and the length of public road that crosses the bridge over the East Coast Main Line and onto the C120 Birnieknowes road, the road safety improvements all as shown on docketed drawing nos. CT1372-2-11HD-DO-AECOEC-3098 Rev 1, CT1372-2-11HD-DO-AECOEC-3097 Rev 1 and CT1372-2-11HD-DO-AECOEC-3090 Rev 1 shall be formed and installed and thereafter shall remain in place through to completion of development.

Reason:
In the interests of road and rail safety.

19 Unless otherwise agreed in writing with the Planning Authority, the junctions of the temporary access (haul) road with the local road network shall be constructed and formed in accordance with that shown on docketed drawings nos. CT1372-2-11HD-DO-AECOEC-2007 Rev 0, CT1372-2-11HD-DO-AECOEC-2008 Rev 0, CT1372-2-11HD-DO-AECOEC-2009 Rev 0B and CT1372-2-11HD-DO-AECOEC-2020 Rev 0B.

Reason:
In the interests of road safety.

20 Prior to the commencement of development, a Construction Traffic Management and Routing Plan (CTMRP) 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 CTMRP 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;

(xiii) details of how the behaviour of contractor and subcontractor drivers will be monitored and enforced with particular regards to vehicle speeds;

(xiv) a Staff Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds;

(xv) a summary of the arrangements for road maintenance, dilapidation surveys and repairs during the construction programme;

(xvi) details of measures to be undertaken to ensure the safety of vulnerable road users on the local road network within the vicinity of the development site and its associated temporary infrastructure, including a timetable for the implementation of those measures; and

(xvii) details of a Traffic Signals Management Plan to include maintenance of the signals to be installed via an appropriate traffic management company.

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

21 Prior to the commencement of the development hereby approved, a programme for monitoring the condition of and commitment to repair identified damage to the public roads to be used by construction traffic prior to, during 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 C120, C121, C124 and U220

as identified in Figure 12.1: Study Area within the Environmental Impact Assessment Report docketed to this planning permission and shall include the sections of the A1 trunk road. Thereafter the approved programme of monitoring and repairs 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 with general repairs undertaken on a regular basis and periodic resurfacing where necessary in accordance with details to be submitted to and approved by the Planning Authority. Any damage to the road surface as a direct result of the construction process of this development that is identified during the monitoring period which could result in a significant risk to road safety shall be repaired immediately.

The final remedial works shall be completed 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.

22 Prior to any use being made of the temporary construction access (haul) roads as hereby approved, 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.

23 Prior to commencement of development, a swept path assessment shall be submitted to and approved by the Planning Authority, which shall demonstrate that the proposed temporary construction access (haul) roads and permanent site access roads can be accessed as required by a 10m rigid vehicle and 16.5m articulated vehicle.

Reason: In the interests of road safety.

24 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.

25 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.

26 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 substation and all associated 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.

27 No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the applicant (or their agent) of an independent and suitably qualified environmental consultant, as Planning Monitoring Officer ("PMO") to assist the Planning Authority in monitoring compliance with the terms of the planning permission and conditions attached to this consent.

The terms of appointment shall: (a) Impose a duty to monitor compliance with the terms of the planning permission and the conditions attached to it; (b) require to set out the frequency of PMO visits to site; (c) require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and (d) require the PMO to report to the Planning Authority any incidence(s) of noncompliance with the terms of the planning permission and conditions attached to it at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from commencement of development to completion of post construction restoration works.

Reason:
To enable the development to be suitably monitored to ensure compliance with the planning permission and the conditions attached to it.