

**REPORT TO:** Planning Committee

**MEETING DATE:** Tuesday 4 June 2019

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **19/00285/PM**

Proposal Variations of Conditions 4-12, 14-15 and addition of a condition relating to the method statement for the construction of the borehole within area S of planning permission 15/00634/PM to allow phased development works, in respect of the formation of onshore electrical transmission infrastructure between Thorntonloch and Crystal Rig II

Location **Land Between Thorntonloch And Crystal Rig Wind Farm  
Dunbar  
East Lothian**

Applicant Neart Na Gaoithe Offshore Wind Limited

Per Young Planning & Energy Consenting

**RECOMMENDATION** Consent Granted

#### PLANNING ASSESSMENT

The site that is the subject of this planning application has an area of some 62.4 hectares and is located to the south and southeast of Dunbar. It has a generally linear shape and extends from Thorntonloch beach to the existing electrical sub-station located within the Crystal Rig II wind farm, a distance of some 12.3km.

The part of the site at Thorntonloch beach is within the Thorntonloch Coastline Area of Great Landscape Value. The southwest part of the site, adjacent to the existing electrical sub-station of the Crystal Rig II wind farm, is within the Lammermuir Hills Area of Great Landscape Value.

In October 2014 Mainstream Renewable Power Limited received consent under Section 36 of the Electricity Act 1989 for the erection of an off-shore wind farm, to be known as the Neart Na Gaoithe wind farm. It would be located some 28km northeast of Dunbar and

some 32km northeast of North Berwick. Development of the off-shore wind farm has not yet commenced.

In June 2013 planning permission (Ref: 12/00922/PM) was granted for the formation of onshore electrical transmission infrastructure between Thorntonloch beach and the existing electrical sub-station located within the Crystal Rig II wind farm, over a distance of some 12.3km. That site is the same as the site that is the subject of this planning application. The onshore electrical transmission infrastructure is required to enable the proposed Neart Na Gaoithe wind farm to connect into the national electricity grid. The approved infrastructure includes on-shore cables, which would run underground from Thorntonloch beach to Crystal Rig, and an electrical sub-station, which would be positioned adjacent to the existing substation located within the Crystal Rig II wind farm. Planning permission 12/00922/PM was granted subject to 15 conditions.

In November 2015 planning permission (Ref 15/00634/PM) was granted for variations of Conditions 4, 7, 8, 9, 10, 11, 12, and 15 of planning permission 12/00922/PM to allow phased development works, in respect of the formation of onshore electrical transmission infrastructure between Thorntonloch and Crystal Rig II again to enable the Neart na Gaoithe wind farm to connect to the grid. Given that the conditions attached to this consent required discharge prior to the commencement of the development the proposal sought to amend the conditions to allow time to ensure access for surveys of the relevant land in a timeframe that was consistent with the programme for discharging the conditions. In the absence of access to certain parts of the site for the purpose of undertaking survey work required by the conditions, the applicant had proposed a phased approach to onshore development works in order to meet a challenging development and construction programme. Planning permission 15/00634/PM was again granted subject to 15 conditions.

Of these, conditions 4-12 and 14-15 stipulate that:

“4 (I) Prior to the commencement of the development hereby approved within Area A and Area S, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA, SNH and, in respect of issues relating to the inter-tidal area, Marine Scotland.

The CEMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details as they relate to Area A and Area S:

(a) Construction Method Statements, which shall include details of the crossing methods to be utilised along the cable route including, if appropriate, the placing in ducts of any cables laid under public roads.

The Construction Method Statements shall also recommend mitigation measures to control noise and shall include hours of operation for construction work;

(b) Pollution prevention monitoring and mitigation measures for all construction activities;

(c) Reinstatement following the completion of the construction of the cable route, including the reinstatement of agricultural land, drainage systems and landscape resources;

(d) Dust and air quality management plan;

(e) Soil resource management plan, including a map showing locations of stockpiles of excavated materials, details of use and/or disposal of unsuitable subsoil, details of the management and mitigation of soil resources in accordance with best practice;

(f) Construction noise and vibration management plan, including identification of access routes, locations of laydown areas, equipment details, details of operation, scheduling or works, mitigation measures and a scheme for noise monitoring in the event of complaints;

(g) Habitat resource management plan for the cable route and substation, including details of tree/hedgerow removals and replacements, and the use of protective fencing and ground protection (in accordance with BS5837\_2012 "Trees in relation to design, demolition and construction ~ Recommendations"), tree root protection methods, and other appropriate mitigation measures;

(h) Peat Management Plan; and

(i) The installation approach (i.e. horizontal directional drilling or open cut trenching) for the cable landfall area at Thorntonloch beach.

(II) Thereafter, prior to the commencement of the development hereby approved within Area B, an Addendum to the CEMP which provides details specific to Area B which have not previously been submitted in (I), shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA, SNH and, in respect of issues relating to the inter-tidal area, Marine Scotland. The CEMP shall, unless otherwise approved by the Planning Authority in writing, include the details listed at Condition 4 (I) as they relate specifically to Area B; and

(III) The development shall thereafter be carried out in accordance with the approved CEMP (including Addendum) unless otherwise agreed with the Planning Authority in writing. For the avoidance of doubt, no development shall take place within Areas A, B or S, without details (a)-(i) as they relate to such specific area(s) having first been approved in accordance with the procedures described at (I).

Reason:

To minimise environmental impacts during the construction phase of the development.

5 Prior to the commencement of the development hereby approved an Access Management Plan (AMP) shall be submitted to and approved in writing by the Planning Authority after consultation with SNH. The Access Management Plan shall detail proposals for maintaining and managing public access across the application site during the period of the development without compromising applicable health and safety requirements.

The development shall thereafter be carried out in accordance with the approved Access Management Plan unless otherwise agreed with the Planning Authority in writing.

Reason:

To minimise the impact the development on public access across the application site.

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

a) details of identified routes to and from the construction site;

b) details of construction compounds and details of construction access points;

- c) specific arrangements relating to the transportation of abnormal loads and procedures to ensure pedestrian safety adjacent to working areas;
- d) arrangements for minimising disruption to road users and pedestrians in those locations where open cut trenching crosses a public or private road;
- e) details of any off-site mitigation works;
- f) co-ordination of traffic movements with other major transport users;
- g) arrangements for the cleaning of wheels and chassis of construction traffic to prevent material being carried onto the public road;
- h) details of temporary construction car parks associated with the construction compounds;
- i) details of trees to be protected from construction traffic in accordance with BS5837:2012;
- j) a condition dilapidation survey, the scope of which will be agreed in advance with East Lothian Council; and
- k) A Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

The TMP shall also include vehicle tracking and swept path analysis for vehicles entering and exiting the site and details of the provision of visibility splays at all vehicular accesses. It shall also include details of any road closures and suitable alternative routes during the road closures.

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

Reason:

In the interests of road safety.

7 (i) Prior to the commencement of the development hereby approved within Area A and Area S, a Site Waste Management Plan (SWMP) shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA. The SWMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details as they relate to Area A and Area S:

- (a) Details of the waste management measures to be implemented during the construction phase, including the steps to be taken to maximise the quantity of waste to be re-used and recycled;
- (b) The types and quantities of waste expected to arise during the construction phase of the Development;
- (c) The identification of the contractors to be used to ensure the waste is correctly recycled or disposed of responsibly and legally;
- (d) Information on how the quantity of waste will be measured; and

(e) Identification of responsible personnel.

(ii) Thereafter, prior to the commencement of the development hereby approved within Area B, an Addendum to the SWMP which provides details specific to Area B which have not previously been submitted in (i), shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA. The Addendum shall provide the details referenced in (i) as they relate to Area B; and

(iii) The development shall be carried out in accordance with the approved SWMP (including Addendum) unless otherwise agreed with the Planning Authority in writing. For the avoidance of doubt, no development shall take place within Areas A, B or S, without details (a)-(e) as they relate to such specific area(s) having first been approved in accordance with the procedures described at (i).

Reason:

In order to minimise waste during construction and to ensure that it is properly managed.

8 Prior to the commencement of the development hereby approved within Area S, the following details, including proposed timescales, shall be submitted to and approved in writing by the Planning Authority, after consultation with SNH:

(a) The siting, design, external appearance and dimensions of the substation and any another permanent above-ground features, and a schedule of materials and finishes; and

(b) The proposed levels of any earthworks and the design of permanent fencing and boundary walls.

The development of Area S shall thereafter be carried out in accordance with the approved details unless otherwise agreed with the Planning Authority in writing.

Reason:

In the interests of the landscape character and appearance of the Lammermuir Hills Area of Great Landscape Value.

9 (i) No development shall take place within Area A and Area S until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping as it relates to Area A and Area S. The scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping 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 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.

(ii) Thereafter, prior to the commencement of the development hereby approved within Area B, an Addendum to the scheme of landscaping which provides details specific to Area B which have not previously been submitted in (i), shall be submitted to and

approved in writing by the Planning Authority. The Addendum shall provide the details referenced in (i) as they relate to Area B.

All planting, seeding or turfing comprised in the approved details of landscaping 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 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; and

(iii) For the avoidance of doubt, no development shall take place within Areas A, B or S, without a scheme of landscaping in respect of such area(s) having first been approved in accordance with the procedures described at (i).

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.

10 Prior to the commencement of the development hereby approved within Area S, a substation drainage strategy shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA. Thereafter, the development shall be carried out in accordance with the approved drainage strategy unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure that a suitable drainage strategy is implemented.

11 (i) Prior to the commencement of the development hereby approved within Area A and Area S, a survey of European Protected Species (EPS) will be carried out within Area A and Area S. Based on the findings of these surveys, if required, a Protected Species Management Plan shall be submitted to and approved in writing by the Planning Authority after consultation with SNH. The Protected Species Management Plan shall include mitigation measures designed to safeguard any EPS within Area A and Area S. During the construction phase of the development regular monitoring of the mitigation measures (where required) in the Protected Species Management Plan shall be carried out by the Company, or its representative.

(ii) Thereafter, prior to the commencement of the development hereby approved within Area B, a survey of EPS will be carried out within that Area. Based on the findings of these surveys, if required, a Protected Species Management Plan which provides details specific to Area B which have not previously been submitted in (i), shall be submitted to and approved in writing by the Planning Authority after consultation with SNH. The Protected Species Management Plan shall include mitigation measures designed to safeguard any EPS within Area B. During the construction phase of the development regular monitoring of the mitigation measures (where required) in the Protected Species Management Plan shall be carried out by the Company, or its representative; and

(iii) The development shall thereafter be carried out in accordance with the approved Protected Species Management Plan (s) unless otherwise agreed with the Planning Authority in writing. For the avoidance of doubt, no development shall take place within Areas A, B or S, without such surveys being undertaken and (where required) such mitigation being in place within such area(s).

Reason:

To minimise disturbance to protected species during the construction phase of the development.

12 (i) No development shall take place within Area A and Area S until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work within Area A and Area S, in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

(ii) Thereafter, no development shall take place within Area B until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work within Area B, in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority; and

(iii) For the avoidance of doubt, no development shall take place within Areas A, B or S, without the implementation of an approved programme of archaeological work within such area(s).

Reason:

To facilitate an acceptable archaeological investigation of the site.

14 Prior to the commencement of the development hereby approved, proposals for the realignment of existing access tracks shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out in accordance with approved details unless otherwise agreed with the Planning Authority in writing.

Reason:

To minimise the impact the development on public access within and across the application site.

15 Prior to commencement of the development hereby approved within Area A, a detailed method statement for the cables crossing under the A1 trunk road should be submitted to and approved by the Planning Authority following consultation with Transport Scotland.

The development shall thereafter proceed in accordance with the details so approved.

Reason:

In the interests of road safety”.

In July 2016 a non-material variation was approved to planning permission 15/00634/PM. This was to enable the installation of a concrete duct block underneath the location of the proposed new Torness cables, prior to the new Torness cables being installed and prior to the remainder of the approved electrical transmission infrastructure being formed.

Planning permission is now sought through this application for variations of Conditions 4-12 and 14-15 and for the imposition of an additional condition relating to the method statement for the construction of the borehole within area S of planning permission 15/00634/PM to allow phased development works, in respect of the formation of onshore electrical transmission infrastructure between Thorntonloch and Crystal Rig II.

A statement has been submitted with the application. It informs that the development described within the planning permission falls within the scope of national development

number 4, as defined within National Planning Framework 3 (NPF3). National development status is recognition of the national significance of the approved development as part of the wider Neart na Gaoithe Offshore Wind Farm, and extends to amendments to planning permissions relating to national development, such as those which form the basis of this S42 application.

The S42 comprises three elements:

1. Definition of an initial phase of "enabling works", a series of preparatory works which, under the variations proposed to conditions 4-12, 14 and 15, which could proceed prior to the full details of the development being agreed through the parallel discharge of conditions process;
2. Inclusion of a new condition requiring a construction method statement for the borehole to be located within the substation site (Area S); and
3. Redefinition of Areas B and S as referenced throughout the planning permission, reverting back to the original delineation of Area S. Previous discussions with East Lothian Council (ELC) have indicated that this redefinition is non-material in its nature, but due to procedural complications of parallel S42 application and non-material amendment, both of which would propose alternative wording of conditions, it is proposed that the amendment be included within the S42 application.

Submitted site plans show the extent of those three areas of land.

The proposed variations to conditions included within this S42 application are part of wider proposed amendments to the previously approved onshore electrical transmission infrastructure associated with Neart na Gaoithe Offshore Wind Farm. The proposed amendments include elements subject to separate planning processes, which have been discussed with East Lothian Council. The proposed amendments were the subject of a request for an Environmental Impact Assessment Screening Opinion, submitted to East Lothian Council on the 22nd March 2019. The Screening Opinion issued by the Council on the 01st May 2019 concluded that the proposed development does not constitute 'EIA development' and that EIA is not required, in accordance with the EIA Regulations. As such, the proposed amendments would not result in significant environmental effects.

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

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

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) or the adopted East Lothian Local Development Plan 2018 relevant to the determination of this application.

One letter of representation has been received. They do not state whether they object to or support the proposals. A copy of the letter of representation is contained in a shared electronic folder to which all Members of the Committee have had access.

The representation states that the roads in the area from Thurston Manor up the hill towards Crystal Rig/Aikengall winds farms are in a poor state of repair. The representee attributes this to heavy good vehicles/plant machinery operating on the roads in service



of the wind farm, that these rural B roads were never designed to carry. As such they query as to whether the proposal would lead to further damage to the already poor roads as a result of an increase of HGV/plant traffic associated with this application and therefore would the roads be reinstated to an acceptable state of repair after the works are completed. Furthermore, they have also queried as to whether proposed borehole impact the annual flow of the streams in the area.

In this regard, the proposal would not lead to any material increase in the traffic to the site over and above what would be generated by planning permission Ref 15/00634/PM, and no objection has been raised by SEPA with regards to impact on annual flow of streams to the area.

Planning permission has already been granted for the proposed infrastructure works, and there can therefore be no objection to those proposed works.

The determination of this application rests on the planning considerations of whether or not the purpose and integrity of conditions 4-12 and 14-15 would be maintained by the proposed variations of them and whether or not the addition of condition 16 is acceptable.

The proposed variation would not change the scope of information to be provided in respect of conditions 4-12 and 14-15.

The proposed variation of conditions 4-12 and 14-15 would allow for the definition of an initial phase of "enabling works", which could proceed prior to the full details of the development being agreed through the parallel discharge of conditions process.

These Enabling works would consist of:

I. Relocation of Crystal Rig II access track, as illustrated within drawing reference J00468-C-027(Rev B) entitled "Enabling Works (i) Relocation of Crystal Rig II Access Track Site Plan, Section and Road Profile";

II. Relocation of Crystal Rig II cable, as illustrated within drawing reference J00468-C-028(Rev B) entitled "Enabling Works (ii) Relocation of Crystal Rig II Cable Site Plan and Section";

III. Horizontal Directional Drill under Crystal Rig II cable, as illustrated within either drawing reference J00468-C-029(Rev B); "Enabling Works (iii) HDD Under Crystal Rig II Cable Site Plan, HDD Section and Profiles Option A" or J00468-C-030(Rev B); "Enabling Works (iii) HDD Under Crystal Rig II Cable Site Plan, HDD Section and Profiles Option B"; and

IV. Cable protection measures for Crystal Rig II cable, as illustrated within drawing reference J00468-C-031(Rev B); "Enabling Works (iv) Crystal Rig II Cable Protection Works Site Plan and Typical Cable Protection Details".

The additional proposed condition (Condition 16) would require that a construction method statement for the borehole to be located within the substation site (Area S) be submitted to and approved by the Planning Authority.

The application also seeks to redefine Areas B and S as referenced throughout the planning permission, reverting back to the original delineation of Area S.

In all of this, the proposed variation of conditions 4-12 and 14-15 would maintain the purpose and integrity of those conditions.

The Council's Environmental Protection Manager, the Council's Archaeology/ Heritage Officer, Network Rail, Scottish Natural Heritage and the Scottish Environment Protection Agency all raise no objection to the proposed variation of conditions 4-12 and 14-15 and the addition of condition 16.

Transport Scotland originally requested an additional condition to be added requiring that prior to commencement of any works within the trunk road boundary a detailed method statement for the cables crossing under the A1 trunk road should be submitted to and approved by the Planning Authority following consultation with Transport Scotland. Transport Scotland have however since accepted that the amended conditions as they are proposed in this application includes a requirement for a detailed method statement for the cables crossing under the A 1 trunk road to be submitted to and approved by the Planning Authority following consultation with Transport Scotland. As such they no longer recommend the imposition of an additional condition and they raise no objection to the proposals.

Scottish Borders Council have confirmed that they have no observations to make in response to this Section 42 application.

Comments have also been received from the Council's Landscape Policy Officer who has requested that the suggested landscape condition be amended to include a requirement to submit details of existing and proposed ground levels as well as details of thinning and long term landscape maintenance. However, such a requirement would be unreasonable, as it was not a requirement of previous planning permissions 12/00922/PM and 15/00634/PM, and this current proposal does not seek to amend the operational development previously approved.

Given the proximity of part of the site from Torness Nuclear Power Plant, the Office for Nuclear Regulation (ONR) has been consulted on the proposal. They have confirmed that they have consulted with the emergency planners within East Lothian Council, which is responsible for the preparation of the Torness off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) 2001. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements. Therefore the ONR has confirmed that the proposed development does not present a significant external hazard to the safety of the nuclear site.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted subject to the applied for variation to conditions 4-12 and 14-15 and the addition of condition 16 and subject to all of those conditions from planning permission 15/00634/PM, where it is intended these should apply. In this case, the conditions that should continue to apply are 1, 3 and 13.

## RECOMMENDATION

That planning permission be granted subject to the following conditions:

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

Reason:

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

- 3 Prior to the commencement of the development hereby approved, an appropriately experienced and qualified Ecological Clerk of Works (ECoW) shall be appointed following consultation with the Planning Authority and SNH. An ECoW appointed in accordance with this condition shall be in post during appropriate stages of the construction phase of the development, as agreed in writing with the Planning Authority. The ECoW's scope of work shall include monitoring compliance with the mitigation measures within the Environmental Statement and the conditions of this planning permission.

Reason:

To minimise environmental impacts during the construction phase of the development.

- 4 (I) With the exception of the Enabling Works (as defined within paragraph (II)), there shall be no commencement of the development hereby approved within Area A, Area B or Area S, until a Construction Environmental Management Plan (CEMP) in respect of that area is submitted to and approved in writing by the Planning Authority, after consultation with SEPA and, in respect of issues relating to the inter-tidal area, Marine Scotland.

(II) The Enabling Works comprise:

- i. Relocation of Crystal Rig II access track, as illustrated within drawing reference J00468-C-027(Rev B); "Enabling Works (i) Relocation of Crystal Rig II Access Track Site Plan, Section and Road Profile";
- ii. Relocation of Crystal Rig II cable, as illustrated within drawing reference J00468-C-028(Rev B); "Enabling Works (ii) Relocation of Crystal Rig II Cable Site Plan and Section";
- iii. Horizontal Directional Drill under Crystal Rig II cable, as illustrated within either drawing reference J00468-C-029(Rev B); "Enabling Works (iii) HDD Under Crystal Rig II Cable Site Plan, HDD Section and Profiles Option A" or J00468-C-030(Rev B); "Enabling Works (iii) HDD Under Crystal Rig II Cable Site Plan, HDD Section and Profiles Option B"; and
- iv. Cable protection measures for Crystal Rig II cable, as illustrated within drawing reference J00468-C-031(Rev B); "Enabling Works (iv) Crystal Rig II Cable Protection Works Site Plan and Typical Cable Protection Details".

(III) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(IV) The CEMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details:

- (a) Construction Method Statements, which shall include details of the crossing methods to be utilised along the cable route including, if appropriate, the placing in ducts of any cables laid under public roads. The Construction Method Statements shall also recommend mitigation measures to control noise and shall include hours of operation for construction work;
- (b) Pollution prevention monitoring and mitigation measures for all construction activities;
- (c) Reinstatement following the completion of the construction of the cable route, including the reinstatement of agricultural land, drainage systems and landscape resources;
- (d) Dust and air quality management plan;
- (e) Soil resource management plan, including a map showing locations of stockpiles of excavated materials, details of use and/or disposal of unsuitable subsoil, details of the management and mitigation of soil resources in accordance with best practice;
- (f) Construction noise and vibration management plan, including identification of access routes, locations of laydown areas, equipment details, details of operation, scheduling of works, mitigation measures and a scheme for noise monitoring in the event of complaints;

(g) Habitat resource management plan for the cable route and substation, including details of tree/hedgerow removals and replacements, and the use of protective fencing and ground protection (in accordance with BS5837\_2012 "Trees in relation to design, demolition and construction- Recommendations"), tree root protection methods, and other appropriate mitigation measures;

(h) Peat Management Plan; and

(i) The installation approach (i.e. horizontal directional drilling or open cut trenching) for the cable landfall area at Thorntonloch beach.

(V) Thereafter, prior to the commencement of the development hereby approved within remaining Areas, Addendums to the CEMP which provides details specific to such Areas which have not previously been submitted in (I), shall be submitted to and approved in writing by the Planning Authority, after consultation with SEP A, SNH and, in respect of issues relating to the inter-tidal area, Marine Scotland. The CEMP shall, unless otherwise approved by the Planning Authority in writing, include the details listed at Condition 4 (IV) as they relate specifically to such Areas; and

(VI) The development shall thereafter be carried out in accordance with the approved CEMP (including Addendums) unless otherwise agreed with the Planning Authority in writing. For the avoidance of doubt, no development shall take place within Areas A, B or S, without details (a)-(i) as they relate to such specific area(s) having first been approved in accordance with the procedures described at (I) and (V).

Reason: To minimise environmental impacts during the construction phase of the development.

- 5 With the exception of the Enabling Works (as defined within Condition 4(II)) and the Initial Duct Works, undertaken in August 2016 in Area A (Area A as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S"), there shall be no commencement of the development hereby approved until an Access Management Plan (AMP) is submitted to and approved in writing by the Planning Authority. The Access Management Plan shall detail proposals for maintaining and managing public access across the application site during the period of the development without compromising applicable health and safety requirements.

The development shall thereafter be carried out in accordance with the approved Access Management Plan unless otherwise agreed with the Planning Authority in writing.

Reason: To minimise the impact the development on public access across the application site.

- 6 (I) With the exception of the Enabling Works (as defined within Condition 4(II)) and the Initial Duct Works, undertaken in August 2016 in Area A, there shall be no commencement of the development hereby approved within Area A, Area B or Area S, until a Traffic Management Plan (TMP) for the construction phase of the development in respect of that area is submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland.

(II) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(III) The TMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details:

- a) details of identified routes to and from the construction site;
- b) details of construction compounds and details of construction access points;
- c) specific arrangements relating to the transportation of abnormal loads and procedures to ensure pedestrian safety adjacent to working areas;
- d) arrangements for minimising disruption to road users and pedestrians in those locations where open cut trenching crosses a public or private road;
- e) details of any off-site mitigation works;
- f) co-ordination of traffic movements with other major transport users;
- g) arrangements for the cleaning of wheels and chassis of construction traffic to prevent material being carried onto the public road;
- h) details of temporary construction car parks associated with the construction compounds;
- i) details of trees to be protected from construction traffic in accordance with BS5837:2012;
- j) a condition dilapidation survey, the scope of which will be agreed in advance with East Lothian Council; and
- k) A Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

The TMP shall also include vehicle tracking and swept path analysis for vehicles entering and exiting the site and details of the provision of visibility splays at all vehicular accesses. It shall also include details of any road closures and suitable alternative routes during the road closures.

(IV) Thereafter, prior to the commencement of the development hereby approved within remaining Areas, Addendums to the TMP which provides details specific to such Areas which have not previously been submitted in (I), shall be submitted to and approved in writing by the Planning Authority, after consultation with Transport Scotland. The TMP shall, unless otherwise approved by the Planning Authority in writing, include the details listed at Condition 6 (I) as they relate specifically to such Areas.

(V) The development shall thereafter be carried out in accordance with the approved TMP unless otherwise agreed with the Planning Authority in writing.

Reason: In the interests of road safety.

- 7 (I) With the exception of the Enabling Works (as defined within Condition 4(II)) there shall be no commencement of the development hereby approved within Area A, Area B or Area S, until a Site Waste Management Plan (SWMP) is submitted to and approved in writing by the Planning Authority, after consultation with SEPA. The SWMP shall, unless otherwise agreed with the Planning Authority in writing, include the following details:

- (a) Details of the waste management measures to be implemented during the construction phase, including the steps to be taken to maximise the quantity of waste to be re-used and recycled;
- (b) The types and quantities of waste expected to arise during the construction phase of the Development;
- (c) The identification of the contractors to be used to ensure the waste is correctly recycled or disposed of responsibly and legally;
- (d) Information on how the quantity of waste will be measured; and
- (e) Identification of responsible personnel.

(II) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(III) Thereafter, prior to the commencement of the development hereby approved within remaining Areas, an Addendum to the SWMP which provides details specific to such Areas which have not previously been submitted in (i), shall be submitted to and approved in writing by the Planning Authority, after consultation with SEPA. The Addendum shall provide the details referenced in (i) as they relate to such Areas; and

(IV) The development shall be carried out in accordance with the approved SWMP (including Addendum) unless otherwise agreed with the Planning Authority in writing. For the avoidance of doubt, no development shall take place within Areas A, B and/or S, without details (a)-( e) as they relate to such specific area(s) having first been approved in accordance with the procedures described at (i).

Reason: In order to minimise waste during construction and to ensure that it is properly managed.

- 8 (I) With the exception of the Enabling Works (as defined within Condition 4(II)), there shall be no commencement of the development hereby approved within Area S, until the following details, including proposed timescales, are submitted to and approved in writing by the Planning Authority:

- (a) The siting, design, external appearance and dimensions of the substation and any another permanent above-ground features, and a schedule of materials and finishes; and
- (b) The proposed levels of any earthworks and the design of permanent fencing and boundary walls.

The development of Area S shall thereafter be carried out in accordance with the approved details unless otherwise agreed with the Planning Authority in writing.

(II) Area S is illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of the landscape character and appearance of the Lammermuir Hills Area of Great Landscape Value.

- 9 (I) With the exception of the Enabling Works (as defined within Condition 4(II)), there shall be no commencement of development within Area A, Area B or Area S, until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping as it relates to such Areas. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

All planting, seeding or turfing comprised in the approved details of landscaping 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 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.

(II) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(III) Thereafter, prior to the commencement of the development hereby approved within remaining Areas, an Addendum to the scheme of landscaping which provides details specific to such Areas which have not previously been submitted in (i), shall be submitted to and approved in writing by the Planning Authority. The Addendum shall provide the details referenced in (I) as they relate to such Areas.

All planting, seeding or turfing comprised in the approved details of landscaping 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 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; and

(iii) For the avoidance of doubt, no development shall take place within Areas A, B or S, without a scheme of landscaping in respect of such area(s) having first been approved in accordance with the procedures described at (i).

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.

- 10 (I) With the exception of the Enabling Works (as defined within Condition 4(II)) there shall be no commencement of the development hereby approved within Area S, until a substation drainage strategy is submitted to and approved in writing by the Planning Authority, after consultation with SEPA. Thereafter, the development shall be carried out in accordance with the approved drainage strategy unless otherwise agreed with the Planning Authority in writing.

(II) Area S is illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that a suitable drainage strategy is implemented.

- 11 (I) With the exception of the Enabling Works (as defined within Condition 4(II)) and the Initial Duct Works, undertaken in August 2016 in Area A, there shall be no commencement of the development hereby approved within Area A, Area B or Area S, until a survey of European Protected Species (EPS) is carried out within Area A, Area B and Area S. Based on the findings of these surveys, if required, a Protected Species Management Plan shall be submitted to and approved in writing by the Planning Authority after consultation with SNH. The Protected Species Management Plan shall include mitigation measures designed to safeguard any EPS within such Areas. During the construction phase of the development regular monitoring of the mitigation measures (where required) in the Protected Species Management Plan shall be carried out by the Company, or its representative.

(II) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(III) Thereafter, prior to the commencement of the development hereby approved within remaining Areas, a survey of EPS will be carried out within that Area. Based on the findings of these surveys, if required, a Protected Species Management Plan which provides details specific to Area B which have not previously been submitted in (i), shall be submitted to and approved in writing by the Planning Authority after consultation with SNH. The Protected Species Management Plan shall include mitigation measures designed to safeguard any EPS within such Areas. During the construction phase of the development regular monitoring of the mitigation measures (where required) in the Protected Species Management Plan shall be carried out by the Company, or its representative; and

(IV) The development shall thereafter be carried out in accordance with the approved Protected Species Management Plan (s) unless otherwise agreed with the Planning Authority in writing. For the avoidance of doubt, no development shall take place within Areas A, B or S, without such surveys being undertaken and (where required) such mitigation being in place within such area(s).

Reason: To minimise disturbance to protected species during the construction phase of the development.

12 (I) With the exception of the Enabling Works (as defined within Condition 4(II)) and the Initial Duct Works, undertaken in August 2016 in Area A, there shall be no commencement of the development hereby approved within Area A, Area B or Area S, until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work within such areas, in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority.

(II) Areas A, B and S are as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

(III) Thereafter, no development shall take place within remaining Areas until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation of a programme of archaeological work within such remaining Areas, in accordance with a written scheme of investigation which the applicant will submit to and have approved in advance by the Planning Authority; and

(IV) For the avoidance of doubt, no development shall take place within Areas A, B or S, without the implementation of an approved programme of archaeological work within such area(s).

Reason: To facilitate an acceptable archaeological investigation of the site.

13 Within 24 months of the permanent cessation of generation at the offshore wind farm, the Company shall confirm in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes.

Where the development is not required for electricity transmission purposes beyond the operational period of the offshore wind farm, within 24 months of the permanent cessation of generation at the offshore wind farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall have due regard to the Decommissioning Programme prepared in respect of the offshore wind farm and shall include details of:

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

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

Where the Development is required for electricity transmission purposes beyond the operational period of the offshore wind farm, within 24 months of the development no longer being required for electricity transmission purposes, a decommissioning and site restoration plan (the 'Demolition and

Restoration Scheme') shall be prepared by the Company and shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

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

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

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

- 14 With the exception of the Enabling Works (as defined within Condition 4(II)) and the Initial Duct Works, undertaken in August 2016 in Area A (Area A as illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S"), there shall be no commencement of the development hereby approved, until proposals for the realignment of existing access tracks are submitted to and approved in writing by the Planning Authority. The development shall thereafter be carried out in accordance with approved details unless otherwise agreed with the Planning Authority in writing.

Reason: To minimise the impact the development on public access within and across the application site.

- 15 (I) Prior to commencement of the development hereby approved within Area B, a detailed method statement for the cables crossing under the A 1 trunk road shall be submitted to and approved by the Planning Authority following consultation with Transport Scotland.

The development shall thereafter proceed in accordance with the details so approved.

(II) Area B is illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of road safety.

- 16 (I) Prior to the commencement of the borehole within Area S comprised within the Enabling Works and described in Condition 4(II) (the location of which is illustrated on drawing reference J00468-C-032(Rev B); "Enabling Works (v) Borehole Location", a detailed method statement for the construction of the borehole shall be submitted to and approved by the Planning Authority following consultation with SEPA.

The development shall thereafter proceed in accordance with the details so approved.

(II) Area S is illustrated on drawing reference GIS 1744/011/024; "Onshore Infrastructure - Planning Conditions Illustration of Areas A, B and S", unless otherwise agreed in writing with the Planning Authority.

Reason: In order to agree the specifics of this element of the development.