

REPORT TO: Planning Committee
MEETING DATE: 16 August 2022
BY: Executive Director for Place
SUBJECT: Application for Planning Permission for Consideration

4

Application No. **22/00460/PM**

Proposal Section 42 application to vary conditions 7, 11, 14 and 15 of planning permission in principle 21/00290/PPM

Location **Edinburgh Road
Cockenzie
East Lothian**

Applicant Seagreen 1A Limited

RECOMMENDATION Consent Granted

REPORT OF HANDLING

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

APPLICATION SITE

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

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

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

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

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

RELEVANT PLANNING HISTORY

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

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

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

On 17 August 2021 planning permission in principle (ref: 21/00290/PPM) was granted for the onshore infrastructure associated with Seagreen 1A project, comprising of the construction and operation of an onshore substation, underground electricity cables and associated development. Together, the proposed offshore and onshore infrastructure will facilitate full export capacity from the Seagreen Offshore Wind Farm, thereby maximising its contribution towards renewable energy generation and reducing greenhouse gas emissions.

The application drawings for planning permission in principle 21/00290/PPM showed the application site broken up into 'Development Zones, consisting of the landfall development zone, onshore export cable development zone, substation development zone, grid connection zone, access development zone and construction compound

development zone.

It was indicated in planning permission in principle 21/00290/PPM that a substation platform could have a maximum footprint of approximately 22,000 m² and would be located within the onshore substation development zone within the application site. A substation housing the electrical infrastructure would be located on the substation platform and the electrical infrastructure could have a maximum height of some 18 metres. The application submissions in planning permission 21/00290/PPM informed that the substation is likely to comprise:

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

Planning permission in principle 21/00290/PPM was granted subject to the imposition of a number of conditions.

Of those, Condition 7 states:

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

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

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

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

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

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

Reason:

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

Condition 11 states:

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

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

Reason:

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

Condition 14 states:

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

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

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

Reason:

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

Conditions 15 states:

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

The Species Protection Plan must be consistent with the measures proposed in the docketed EIA Report/Habitats Regulations Assessment to minimise disturbance to SPA

bird populations and must include, but shall not be limited to the following:

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

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

Reason:

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

PROPOSAL

Through this current application planning permission is now sought for the variation to conditions 7, 11, 14 and 15 of planning permission in principle 21/00290/PPM. The applicant informs that the wording of most of the pre-commencement planning conditions attached to planning permission in principle 21/00290/PPM are such that they allow information necessary to discharge the condition to be submitted for different phases of the project separately. This has been enabled by tying these conditions to the different 'Development Zones' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM. The exceptions to this approach are pre-commencement conditions 7, 11, 14 and 15 which require the information necessary to discharge the conditions to be submitted for the full site rather than enabling the specific requirements relevant to each Development Zone to be discharged separately. Therefore the purpose to vary the wording of Conditions 7, 11, 14 and 15 is so that they enable phased development works to take place. The applicant further informs that the variations would not affect the overall purpose or integrity of any of the conditions.

Therefore it is proposed that the varied conditions would read as follows:

Condition 7

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

1. (i) A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment); and
- (ii) A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:
 - o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;
 - o An appraisal of the remediation methods available and proposal of the preferred

option(s).

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

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

Reason:

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

Condition 11

Prior to the commencement of the development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a drainage strategy for the Substation Development Zone shall be submitted to and approved by the Planning Authority. The drainage strategy shall be designed to accommodate a 1 in 200 annual probability event plus a climate change allowance and shall include a timetable for its installation.

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

Reason:

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

Condition 14

Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone. The CEMP: Biodiversity shall include the following:

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

competent person; and
h) Use of protective fences, exclusion barriers and warning signs.

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

Reason:

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

Condition 15

Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission in principle, a Species Protection Plan for birds, including waterfowl, wading birds and seabirds (SPA species), shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone.

The Species Protection Plan must be consistent with the measures proposed in the docketed EIA Report/Habitats Regulations Assessment to minimise disturbance to SPA bird populations and must include details of methods to be used to reduce noise levels associated with the trenchless installation of the export cable at landfall including the use of sound walls and any required drilling rig modifications.

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

Reason:

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

THE DEVELOPMENT PLAN AND NATIONAL PLANNING FRAMEWORK

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

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

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) relevant to the determination of the application.

Policies NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH11 (Flood Risk) and DP2 (Design) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

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

National Planning Framework 3 (NPF3) refers to the Cockenzie area with regard two

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

Scottish Planning Policy on renewable energy states that planning must facilitate the transition to a low carbon economy. The planning system should support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity. The consideration of applications for proposals for energy infrastructure developments will vary relative to the scale of the proposal and area characteristics but are likely to include the scale of contribution to renewable energy generation target, landscape and visual impacts, historic environment, effects on the natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

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

REPRESENTATIONS

There have been no written representation received to this application.

COMMUNITY COUNCIL COMMENTS

Community Councils have been consulted on the application however no responses have been received.

ENVIRONMENTAL IMPACT ASSESSMENT

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the

category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 19 May 2022 the Council issued a formal screening opinion with the conclusion that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development to be the subject of an EIA.

PLANNING ASSESSMENT

Condition 7 was imposed on planning permission in principle 21/00290/PPM as in his assessment of that proposal, the **Council's Environmental Health Officer (Contaminated Land)** advised that there is the potential for areas of contamination to exist on the application site given the nature of previous land uses both on the site and in proximity to it, and thus there is therefore the potential for pollutant linkages to exist on the site that may impact upon the proposed development

In respect of the proposed variation to Condition 7 of planning permission in principle 21/00290/PPM, the first part of the condition is clear that the Geo-Environmental Assessment can be carried out and submitted for approval on a phased basis for each 'Development Zone' identified in the planning permission in principle. The applicant informs however, that the wording of part 2 of Condition 7 requires a Remediation Statement to be produced (if required) prior to any works beginning on the full site where risks have been identified in the Geo-Environmental Assessment. It is proposed to amend parts 2 and 3 of Condition 7 to enable the Condition to be discharged separately for each Development Zone of the site. The proposed varied wording would not result in any changes to the scope of information that would be required to discharge Condition 7.

The Council's Environmental Health Officer (Contaminated Land) raises no objection to the proposed variation to Condition 7. On this consideration the proposal is consistent with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

The purpose of Condition 11 of planning permission in principle 21/00290/PPM is to ensure that the final drainage strategy for the operational onshore substation is designed to accommodate a 1 in 200 annual probability event (including an appropriate climate change allowance) without causing flooding of vulnerable areas. The applicant informs that given that the onshore substation is the only element of the development approved by the grant of planning permission in principle 21/00290/PPM which could potentially result in increased flood risk, they consider that the requirement to submit a drainage strategy for the other elements of the development is unreasonable and unnecessary. It is therefore proposed that the wording of Condition 11 be varied so that a drainage strategy only requires to be submitted and approved for the 'Substation Development Zone'.

The **Council's Civil Engineer Technician - Flooding** advises that he has no objection to the proposed variation of Condition 11 and on this consideration the proposal is not contrary to Policy NH11 of the adopted East Lothian Local Development Plan 2018.

With regard to Conditions 14 and 15 of planning permission in principle 21/00290/PPM, the reasoning for the imposition of them is to avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds associated within the Special Protection Areas (SPAs) of the Firth of Forth, Outer Firth of

Forth and St Andrews Bay Complex, Forth Islands and Imperial Dock Lock, Leith.

The applicant informs it is their preference for the landfall works in the intertidal and near shore area to be undertaken as far as practicable outwith the winter months when the qualifying bird species associated with the designated SPA sites would be at their most numerous. Notwithstanding, the applicant states that if installation at landfall is required within the wintering period, Chapter 6: Ornithology of the EIA Report docketed to planning permission in principle 21/00290/PPM identifies that the main source of potential disturbance to non-breeding waterbirds would result from near shore vessel activity and unpredictable noise events associated with the trenchless drilling operations for the shore end export cable and that such activities may result in moderate (though not significant) adverse effects to non-breeding waterbirds, therefore the likelihood of disturbance to intertidal and near shore waterbirds of the SPAs is predicted to be minor/negligible, with all such activities taking place in terrestrial habitats above Mean High Water Springs (MHWS).

In light of the above, the applicant considers that the requirement to submit a CEMP: Biodiversity and Species Protection Plan for the onshore export cable and substation construction works as required by Conditions 14 and 15 of planning permission in principle 21/00290/PPM is not reasonable or necessary because the likelihood of disturbance to intertidal and near shore waterbirds of the SPAs is considered to be negligible. It is therefore proposed that the wording of conditions 14 and 15 be varied so that a CEMP: Biodiversity and the Species Protection Plan that focus on the protection of non-breeding waterbirds in the intertidal and nearshore area only require to be submitted and approved for development of the 'Landfall Development Zone'.

However, the applicant advises that within the other 'Development Zones' they would be willing to provide a more 'typical' CEMP setting out the other mitigation and procedures to be adopted to ensure that all construction activities with potential to affect the environment (not just non-breeding birds associated with the SPA sites) are appropriately managed. The applicant considers that the requirement for such a CEMP could be secured through amending the current wording of Condition 5 of planning permission in principle 21/00290/PPM.

The **Council's Biodiversity Officer** advises raises no objection to the proposed variation of Conditions 14 and 15, advising such variation would have no adverse effects on the integrity of the SPAs of the Firth of Forth, Outer Firth of Forth and St Andrews Bay Complex, Forth Islands and Imperial Dock Lock, Leith subject to varying Condition 5 of planning permission in principle 21/00290/PPM to include for the submission of a CEMP for the other 'Development Zones'.

Subject to the above control, the proposal does not conflict with Policies DC6 (Development in the Coastal Area), NH1 (Protection of Internationally Designated Sites) and NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites) of the adopted East Lothian Local Development Plan 2018.

In conclusion, 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.

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 of the wording of conditions 7, 11 14 and 15 of planning permission in principle 21/00290/PPM and subject to all of those conditions from that planning permission in principle where it is intended these should apply. In this case, all the other conditions should continue to apply.

The wording of the proposed varied conditions and of some of the other conditions require to be altered to accurately reflect the planning permission in principle to which they relate. It is also required to add an additional condition requiring the submission of a Construction Method Statement for development of the 'Landfall Development Zone' due to the varied wording of Condition 5.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the layout, siting, design and external appearance of the onshore substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.
 - a) Details of the finished ground levels and finished floor levels of the buildings;
 - b) The total height of any building shall not exceed 18 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the existing ground level of the site;
 - c) Details of the proposed colour treatment of the onshore substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;
 - d) Details of all external lighting proposed;
 - e) Details of the area and positioning of the substation platform, which shall not exceed an area of 22,000m², and the components of the onshore substation, which shall generally accord with that shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0009 docketed to planning permission in principle 21/00290/PPM;
 - f) The layout shall ensure that the substation platform and onshore substation shall be located within the area identified as "Substation Development Zone" on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM;
 - g) Details of the final route of the onshore export cable (with proposed micro siting limits), and the locations of any underground joint bay(s); and
 - h) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cable.

In this condition, the onshore substation means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the substation platform, as

indicatively described in Chapter 2 (Development Description) of the Environmental Impact Assessment Report docketed to planning permission in principle 21/00290/PPM.

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

Reason:

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

- 2 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report docketed to planning permission in principle 21/00290/PPM, except where altered by the approval of matters specified in the condition above or by the conditions below, or unless otherwise agreed in writing by the Planning Authority.

Reason:

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

- 3 The development hereby approved shall be used solely in connection with the offshore Seagreen Wind Farm to facilitate the transmission of electricity generated by that development to the grid and for no other purposes, unless otherwise agreed in writing with the Planning Authority. In these conditions the "Seagreen Wind Farm" means the offshore wind farms known as the Seagreen Alpha Offshore Wind Farm and Seagreen Bravo Offshore Wind Farm, both granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 10 October 2014 (and as varied by consent on 18 August 2018), or successor offshore wind farms located within the site of that development.

Reason:

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

- 4 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Public Access Management Plan for that Development Zone shall be submitted to and approved in writing by the Planning Authority for such development. The Public Access Management Plan shall include the following details as they relate to each Development Zone:

(i) the proposed route of any temporary rerouting of the Coastal Path incorporating the John Muir Way (Core Path 276) within the northern section of the application site and Core Path 146 within the western section of the application site and the duration of the temporary rerouting;

(ii) the detail of any temporary rerouting of Core Path 284 within the central section of the application site, the duration of the temporary rerouting, and any measures for its permanent diversion (including its new route) if required as a result of the proposed development; and

(iii) a timetable for the implementation of any temporary or permanent diversions of the above Core Paths.

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

Reason:

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

- 5 Prior to the commencement of development on the 'Substation Development Zone', the 'Onshore Export Cable Development Zone', the 'Grid Connection Development Zone', the 'Access Development Zone' and the 'Temporary Construction Compound Development Zone' all as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Construction Environmental Management Plan (CEMP) for

development of that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the following details:

(i) a Construction Method Statement (CMS) which shall identify potential noise and dust impacts that may arise during construction of the proposed development and specify any mitigation measures necessary to minimise any such impacts on sensitive receptors, and shall include hours for construction work.

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

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

(ii) pollution prevention monitoring and mitigation measures for all construction activities, having regard to potential mitigation measures described within Chapter 7.6 Mitigation of the EIA Report docketed to planning permission in principle 21/00290/PPM;

(iii) a Site Waste Management Plan, setting out how resources will be managed and waste controlled for all construction activities.

The development of each of the Development Zones shall thereafter be carried out in strict accordance with the CEMP approved for it, unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the impact of construction activity in the interests of the environmental quality and amenity of the area.

- 6 Prior to the commencement of any development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM a Noise Impact Assessment for the operational phase of the development shall be submitted to and approved in writing by the Planning Authority for such development. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to Condition 1 and shall identify any mitigation measures considered necessary to ensure specific noise arising from the development does not exceed an absolute free field external Rating Level of L_{Ar,Tr} of 35 dB at any sensitive receptor. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason:

In the interests of the amenity of nearby sensitive receptors.

- 7 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out for development of that Development Zone and the following information shall be submitted to and approved by the Planning Authority:

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

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

o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment

and Gas Characteristic Situation as well as an updated conceptual model of the site;

- o An appraisal of the remediation methods available and proposal of the preferred option(s).

2. Prior to any works beginning on that Development Zone (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken on that Development Zone, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part 2A 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 for that Development Zone, a Verification Report should be submitted that demonstrates the effectiveness of the remediation carried out.

Reason:

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

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

Reason:

To ensure that the site is clear of contamination

- 9 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Construction Traffic Management Plan (CTMP) for the construction phase of the development in that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

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

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

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

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

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

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

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

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

(ix) details of measures including temporary signage, and the management of construction traffic

to keep the John Muir Way open to the public throughout the construction period;

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

(xi) arrangements for road maintenance and cleaning;

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

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

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

Reason:

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

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

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

Reason:

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

- 11 Prior to the commencement of development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a drainage strategy for the Substation Development Zone shall be submitted to and approved by the Planning Authority. The drainage strategy shall be designed to accommodate a 1 in 200 annual probability event plus a climate change allowance and shall include a timetable for its installation.

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

Reason:

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

- 12 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to to planning permission in principle 21/00290/PPM, a scheme for the identification of drainage systems (including field drains, culverts, septic tanks and soakaways) and private water supplies within the Zone, and measures for their protection during development and/or mitigation of impacts associated with the development including any necessary alternative facilities as required, shall be submitted to and approved by the Planning Authority.

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

Reason:

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

- 13 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a scheme of landscaping for development within that Development Zone, taking account of the detailed site layout and other details proposed or approved under the terms of Condition 1 shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained, and measures for their protection in the course of development. It should also address long term management of the approved planting and boundary treatments.

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

Reason:

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

- 14 Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone. The CEMP: Biodiversity shall include the following:

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

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

Reason:

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

- 15 Prior to the commencement of development on the 'Landfall Development Zone' as shown on

drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Species Protection Plan for birds, including waterfowl, wading birds and seabirds (SPA species), shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone.

The Species Protection Plan must be consistent with the measures proposed in the EIA Report/Habitats Regulations Assessment docketed to planning permission in principle 21/00290/PPM to minimise disturbance to SPA bird populations and must include details of methods to be used to reduce noise levels associated with the trenchless installation of the export cable at landfall including the use of sound walls and any required drilling rig modifications.

Development within the Landfall Development Zone shall thereafter be carried out in strict accordance with the approved Species Protection Plan unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 16 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a scheme of intrusive site investigation works for development of that Development Zone shall be carried out in accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works and/or mitigation measures to treat any areas of land instability arising from coal mining legacy, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority following consultation with The Coal Authority, and thereafter has been fully implemented as so approved.

Reason:

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

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

Reason:

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

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

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

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

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

The Demolition and Restoration Scheme shall include details of:

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

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

Reason:

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

- 19 Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to planning permission in principle 21/00290/PPM, a Construction Method Statement (CMS) for development of that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CMS shall identify potential noise and dust impacts that may arise during construction of that Development Zone and specify any mitigation measures necessary to minimise any such impacts on sensitive receptors, and shall include hours for construction work.

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

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

Development of the Landfall Development Zone shall thereafter be carried out in strict accordance with the approved CMS unless otherwise approved in writing by the Planning Authority.

Reason:

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