

REPORT TO: Planning Committee
MEETING DATE: 22 August 2023
BY: Executive Director – Place
SUBJECT: Application for Planning Permission for Consideration

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Application No. **22/01416/AMM**

Proposal Approval of matters specified in condition 1 of planning consent 21/00290/PPM - relating to the substation development zone and the temporary construction compound development zone

Location **Land at
Edinburgh Road
Cockenzie
East Lothian**

Applicant Seagreen 1A Ltd

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.

Condition 1 of planning permission in principle 21/00290/PPM states:

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 this planning permission in principle;
- 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 this planning permission in principle;
- 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 this planning permission in principle.

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

Reason:

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

PROPOSAL

Through this application, the approval of matters specified in condition 1 of planning permission in principle 21/00290/PPM is sought for the details of development within the 'Substation Development Zone' and the 'Construction Compound Development Zone', so for the detail of the layout, siting, design and external appearance of the onshore substation and construction compound, the means of access to them, the means of any enclosure of the boundaries of the zones and landscaping (including landscape and visual mitigation) of the development zones, which comprise of a smaller part of the wider site to which planning permission in principle 21/00290/PPM relates, specifically an area of land on the south side of the B1348 Edinburgh Road.

The proposed onshore substation platform would have a footprint of some 19,030 m² and would be set back from the B1348 Edinburgh Road. The existing site is sloped and earthworks are proposed to provide an appropriate platform level for the installation, function and maintenance of the equipment and associated infrastructure.

The substation itself would consist of four buildings, a 275kV GIS building, a control building, a harmonic filter building and a STATCOM switchyard building which would be positioned on the more northern part of the site nearest the B1348 Edinburgh Road. The maximum building height would be 12.45m above the finished ground level, which would be the harmonic filter building. As a comparison, the existing Cockenzie substation to the east has a maximum building height of some 23m. The substation would also include external electrical equipment including transformers and shunt reactors, the maximum height of this plant equipment being some 8.52m which would be positioned behind the buildings.

The applicants have submitted a Substation Design Concept document, which shows the 3 different designs for the external cladding of the buildings and sets out the reasoning behind the chosen colour scheme, which are:

- (i) External Design Concept 01: Uniform mid grey (RAL 180 40 05, Merlin Grey);
- (ii) External Design Concept 02: Gradation of colours from dark green to light blue; and
- (iii) External Design Concept 03: Gradation from dark grey to light grey.

The application drawings show that the external walls of the buildings and their roof cladding would be finished in vertical steel composite cladding panels coloured merlin grey (RAL 180 40 05), this being 'Design Concept 1'.

It is proposed that the substation would be contained within a security fence with access gates. The proposed perimeter security fencing would be 2.4m high palisade fencing. Two sets of metal double gates, a transformer access gate and main access gate, would facilitate access from the B1348 Edinburgh Road into the site using the existing access to the adjacent Cockenzie substation, and a vehicle parking area would also be laid out within the site.

Manual and sensor controlled external lighting would be located across the site and will be mounted on individual columns and on buildings and structures. The lighting is to be designed as such to minimise the environmental impacts of glare and light spill. The applicant has submitted an external lighting lux plan which demonstrates that lux levels would be mostly contained within the substation site, with only a low level of illuminance outwith it, which would not constitute light pollution or light trespass given the low level. All lighting would be non-glare low pollution type. Operation of the lights would be motioned activated or by Passive Infrared Sensor, and by local or remote switching and only when required for a specific need. During normal operation, lights would remain off.

The application drawings show the route of the onshore export cable within the substation 'Development Zone' with the proposed micro siting limit of 25m either side of the cable route. No underground joint bays are required for the section of cable within the substation development zone.

A Landscape Design Statement has been submitted which summarises the landscape character of the site and sets out the landscape strategy for the proposed development. It also includes a landscape and planting plan which shows how tree and shrub planting could be placed to the southeast side of the site and a planted mound to be formed on the northwest side of the substation, between it and the B1348 Edinburgh Road.

THE DEVELOPMENT PLAN

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

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

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

The development approved by planning permission in principle 21/00290/PPM would enable the transmission of renewable electricity and would contribute to the delivery of infrastructure of national importance. The infrastructure is a key element in the provision of renewable energy and will ensure progress towards achieving net zero and a decarbonised economy. As transmission infrastructure to support renewable energy

technology, it is also part of National Development 3 and is thus supported by NPF4.

In terms of Policies 1, 2 and 3 of NPF4, the contribution this development could make to addressing the climate and nature crises (Policy 1), to make adjustments or incorporate features that reduce greenhouse gas emissions (Policy 2), or to protect, conserve, restore and enhance biodiversity (Policy 3), is largely predetermined by the previous grant of planning permission in principle 21/00290/PPM.

Therefore Policy 14 (Design, quality and place) of NPF4 is relevant to the determination of this application. Also relevant to the determination of the application are Policies DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the East Lothian Local Development Plan 2018.

REPRESENTATIONS

None.

COMMUNITY COUNCIL COMMENTS

Cockenzie & Port Seton Community Council have been consulted on the application and no response has been received.

PLANNING ASSESSMENT

The principles of the siting of an 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) are already decided by the grant of planning permission in principle 21/00290/PPM.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with 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 this regard the detailed proposals have to be considered against relevant development plan policy and the requirements of condition 1 attached to planning permission in principle 21/00290/PPM.

The layout proposed through this approval of matters application for 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 of the site is broadly consistent with the indicative layout docketed to planning permission in principle 21/00290/PPM.

The proposed onshore substation is an essential component to enable the Seagreen Offshore Windfarm to connect into the national electricity grid.

Amongst other matters policy DP1 of the East Lothian Local Development Plan 2018 requires that all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be well integrated into its surroundings by responding to and respecting landform.

Policy DP2 requires, amongst other matters, that the design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and ensure privacy and amenity, with particular regard to levels of sunlight, daylight

and overlooking, including for the occupants of neighbouring properties.

The proposed development would be aligned with the existing pattern of development along the B1348 public road and would occupy land within a location that is enclosed on three sides by a combination of existing built structures, screening landforms and structural vegetation that contribute to the containment of impacts on neighbouring visual receptors, and is within a wider area that remains characterised by energy related infrastructure. The proposed substation building and associated development would be set back from the B1348 road, in keeping with position of the neighbouring Cockenzie substation building, thereby avoiding structures projecting closer to the road.

The proposed landscape bund for the northwest of substation area would contribute to the containment of impacts on neighbouring seascape, landscape and visual receptors. The proposed substation buildings would be set back from the B1348 road thereby avoiding structures projecting closer to that road.

The alignment of the proposed substation buildings would reduce their apparent mass and volume in views experienced by road users on the B1348 public road whilst focusing the greatest extent of building facades within enclosed site areas. Also subject to control over the design of the external wall finishes of the proposed buildings, this would also help reduce the perceived mass of the buildings. In this regard, the application drawings show that the external walls of the buildings and their roof cladding would be finished in vertical steel composite cladding panels coloured merlin grey (RAL 180 40 05), this being 'Design Concept 1' in the submitted Substation Design Concept document. However it is felt that a graduation of colours from light to dark (bottom to top) would be a more appropriate finish and would help integrate the buildings better into this part of Cockenzie. This is reflected in 'Design Concept 2' in the submitted Substation Design Concept document. The requirement to submit detail of the finishes of the external cladding of the substation buildings can be imposed as a condition attached to a grant of approval of matters specified in conditions.

When seen in this context, and subject to the above control, the proposed development would successfully integrate into its landscape setting and would not appear harmfully prominent, incongruous or intrusive within the surrounding landscape.

The proposed substation would be located at a considerable distance away from residential properties in the area. It would not give rise to a harmful loss of privacy or amenity to any residential property. The **Council's Senior Environmental Protection Officer** raises no objection to the proposed development.

In all of the above the proposals are consistent with Policy 14 of NPF4 and Policies DP1 and DP2 of the East Lothian Local Development Plan 2018.

The **Council's Biodiversity Officer** has made no comment on the proposed development. NatureScot have been consulted and also have no comment to make.

The **Council's Landscape Project Officer** raises no objection to the application. She does however recommend that further information is submitted concerning plant specification, species mix and long term management of any approved planting. The requirement for a detailed scheme of landscaping is embodied in Condition 13 of planning permission in principle 21/00290/PPM and therefore remains in force. Thus there is no requirement to also secure this again through a condition attached to this approval of matters specified in conditions application.

The **Council's Senior Environmental Health Officer** raises no objection to the

application.

The **Council's Roads Services** raise no objection to the proposed development, satisfied the arrangements for access are acceptable and would result in a road or pedestrian safety hazard, consistent with Policies T1 and T2 of the East Lothian Local Development Plan 2018.

Historic Environment Scotland have been consulted on the application and make no comment on the proposals.

The **Council's Archaeology and Heritage Officer** has been consulted and offers no comments in relation to the Historic Environment.

Scottish Water raise no objection to the application.

The **Council's Senior Engineer - Flood Protection** raises no objections to the application on the grounds of flooding or drainage. The Scottish Environment Protection Agency (SEPA) also raise no objection to the application.

The Coal Authority have been consulted on the application as the site lies within the Development High Risk Area. The Coal Authority advise that that no built development would be over or within influence of any recorded mine entry and thus raise no objection to the application.

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

RECOMMENDATION:

That approval of matters specified in conditions be granted subject to the following conditions:

- 1 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the substation buildings shown in relation to the finished ground levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions permission, a detailed specification of the external finishes (including the colours) of the exterior cladding, doors, rainwater goods, external staircases and external building services of all the substation buildings hereby approved (the GIS building, control building, harmonic filter building and STATCOM building) shall be submitted to and

approved by the Planning Authority prior to the use of the finishes in the development.

Thereafter the external finishes (including the colours) used in the construction of all the substation buildings shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

