REPORT TO: Planning Committee

MEETING DATE: 5 December 2023

BY: Executive Director for Place

SUBJECT: Application for Planning Permission for Consideration

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Application No.	**23/00162/PPM**
Proposal	Planning permission in principle for electricity transmission infrastructure (substation or converter station) and associated development including buried cabling
Location	**Land Between Skateraw and Branxton East Lothian**

Applicant Berwick Bank Wind Farm Limited

Per SSE Renewables

RECOMMENDATION Consent Granted

REPORT OF HANDLING

PRE-APPLICATION CONSULTATION

The development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a national development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

As a statutory requirement for national development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 21/00009/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation (PAC) report is submitted with this application. The report informs that the consultation comprised of a virtual online consultation event which ran from 7 - 18 March 2022, and included live chat sessions with the project team. The PAC report informs that a number of responses were received. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

APPLICATION SITE

The application site has an area of some 598 hectares and stretches from the Innerwick junction of the A1 trunk road in the west to the Bilsdean/Dunglass junction of the A1 trunk road in the east, and from the coast to the north of Skateraw in the north to near Branxton in the south.

The northern part of the site is situated in the countryside on the north side of the A1 and the remainder of the site generally consists of more countryside on the southern side of the A1. The village of Innerwick is located to the south and west of the application site.

The area of land comprising the northernmost part of the application site where it meets the coast is within the Dunbar to Barns Ness Coast Special Landscape Area.

A small part of the southern end of the application site is within the Monynut to Blackcastle Special Landscape Area.

Given the size of the application site there are numerous residential properties both within it and close to it.

BACKGROUND

In their Planning Statement, the applicant advises that the Scottish Government declared a "climate emergency" in April 2019, which resulted in a target of becoming net zero in all greenhouse gases by 2045 for Scotland. At its meeting on Tuesday 27 August 2019 the Council also approved a motion declaring a Climate Emergency.

The Scottish Energy Strategy: The Future of Energy in Scotland sets out the Scottish Governments 2050 vision for energy in Scotland, which includes priorities including renewable and low carbon solutions, specifically championing and exploring Scotland's huge renewable energy resources and ability to support energy targets.

Offshore wind is acknowledged as a significant part of this vision, with the vision noting the following advantages of offshore wind as part of the long-term energy mix:

o Substantially cheaper than new-build nuclear power;
o Competitiveness of Scottish offshore wind noted through recent successes in the UK Contracts for Difference processes; and
o Sectoral Marine Plans to support delivery of offshore wind through the identification of areas potentially suitable for such development.

The Offshore Wind Energy Policy Statement (OWEPS) (Scottish Government, 2020) sets out ambitions to capitalise offshore wind development and the role this technology could play in meeting commitments of net zero by 2045, as required by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The OWEPS builds upon the ambitions outlined in Scotland's Energy Strategy. It also refers to the Offshore Wind Sector Deal published 2019 which details specific actions to be undertaken by governments and industry, designed to promote and grow the sector. The OWEPS highlights the intention of the Scottish Government to achieve as much as 11GW of offshore wind capacity in Scottish waters by 2030. The report shows that the total consented capacity in Scotland (both from fixed and floating technologies) was 5.6MW in September 2020. The OWEPS also states with confidence that the current 2GW of operational and under construction offshore wind capacity in Scottish waters could grow to between 8GW to 11GW by 2030, based on estimated forecasts of growth trends.

It further informs that in light of the climate emergency, Scotland has committed to some of the most ambitious statutory emissions reductions in the world. A net zero emissions target by 2045 highlights the ambition that Scotland will no longer contribute to global greenhouse gas emissions and climate change.

The development proposed in this application is onshore electricity transmission infrastructure as part of the offshore Berwick Bank Wind Farm, which is required to facilitate connection to the national grid.

In 2010 Seagreen Wind Energy Limited (SWEL) was awarded exclusive development rights to R3 Zone 2 (named 'Firth of Forth Zone') by the Crown Estate, and subsequently SWEL and the Crown Estate entered into a Zone Development Agreement (ZDA). The ZDA granted SWEL certain seabed rights within the Firth of Forth Zone, such as to identify specific areas for the development of offshore wind farms. Phase 1 offshore wind farm projects consisting of Seagreen Alpha and Seagreen Bravo were granted consent from Scottish Ministers in October 2014.

Phase 2 of the Firth of Forth Zone includes the development of the Berwick Bank Wind Farm proposal, including the part of the proposal formerly known as Marr Bank Wind Farm. Berwick Bank Wind Farm and Marr Bank Wind Farm have been combined into one single proposal, referred to collectively as Berwick Bank Wind Farm.

The Berwick Bank Wind Farm will include both offshore and onshore infrastructure including an offshore generating station (array area), offshore export cables to landfall and onshore transmission cables leading to an onshore substation, with subsequent connection to the electricity transmission network. The array area will be located within the Scottish offshore region; and the offshore export cables will be located within the Scottish offshore region and Scottish territorial waters.

In December 2022 Berwick Bank Windfarm Limited submitted an application under Section 36 of the Electricity Act 1989 to Marine Scotland for the erection of an off-shore wind farm, to be known as the Berwick Bank Offshore Wind Farm - Firth of Forth. The Project array area (the area in which the wind turbines would be located) is some 1,010 km2 and is located approximately 37.8 km east of the Scottish Borders coastline (St. Abb's Head) and 47.6 km to the southeast of the East Lothian coastline. A maximum of 307 wind turbines would be installed within the project array area. The Section 36 application is currently pending consideration.

The applicant's Planning Statement informs that the Berwick Bank Wind Farm project as a whole would deliver the following several key benefits:

o With the potential capacity to generate an estimated 4.1 GW, Berwick Bank is the largest offshore wind farm proposed and, once built, will be one of the largest offshore wind farms in the world. It will be a substantial infrastructure asset, capable of making a significant near term contribution to decarbonisation objectives by delivering substantial amounts of low-carbon electricity - enough to power in excess of 5 million homes each year, from as early as 2026;
o Berwick Bank is essential to close the 'gap' on the Scottish Government's offshore wind deployment target of 11GW by 2030;
o Berwick Bank will contribute significantly to meeting climate change emission reduction targets in the 2020s and into the early 2030s. The 2030 global emissions reduction ambition 'gap' will be closed only by bringing forward such projects which connect as much capacity as possible to as early as possible. Over its lifecycle the electricity generated by Berwick Bank will save 9,178,312 tCO2e from being emitted into the atmosphere that

would otherwise have been emitted from conventional, higher carbon emitting forms of energy generation (i.e. fossil fuels). When construction phase greenhouse gas emissions are included, Berwick Bank will save 2,951,519 tCO2e from being emitted into the atmosphere over its lifecycle;
o Berwick Bank will contribute significantly to grid stability and security of supply. The British Energy Security Strategy (April 2022) aims for 50GW of offshore wind deployment by 2030;
o Berwick Bank will also contribute materially to the economic and social landscape in Scotland and the UK and can provide substantial employment opportunities and skills development, particularly in coastal communities, whilst also playing a major role in supporting Scotland and the UK's supply chains for offshore wind; and
o Economic benefits through the creation of jobs, work-force upskilling and investment in supply chain are also expected from the construction, operation and maintenance of Berwick Bank. Such benefits live on beyond the immediate construction of the project and can provide a long-lasting legacy.

The onshore electricity transmission infrastructure would connect with a new substation at Branxton. This substation is the subject of a separate planning application (ref: 23/00616/PM) which is currently pending consideration.

PROPOSAL

Planning permission in principle is sought through this application for the construction and operation of onshore electricity transmission infrastructure in the form of either a substation or converter station, and for associated development including underground electricity cables and landfall at Skateraw. The proposal forms the onshore transmission infrastructure for the offshore Berwick Bank Wind Farm, and comprises the following key elements:

o A new substation/converter station (a permanent compound comprising elements of electrical infrastructure including buildings) which would include:
(i) Substation/converter station buildings;
(ii) External plant and equipment;
(iii) Welfare facilities;
(iv) Parking and turning areas;
(v) Internal access roads; and
(vi) Security features including fences and gates;
o A Landfall area where marine cables come ashore and will be joined onto the onshore underground cables;
o Onshore underground electricity cables within a cable corridor between the landfall area and the new substation/converter station, and between the new substation/converter station and the Branxton substation the subject of separate application 23/00616/PM; and
o Associated infrastructure, including:
(i) Permanent or temporary drainage infrastructure;
(ii) Landscaping;
(iii) New and upgraded access roads (permanent or temporary);
(iv)Re-profiled land; and
(v) Construction compounds, laydown areas and other temporary facilities and features required for construction purposes.

The applicant informs that there are two main electrical systems available that could be utilised for the connection of Berwick Bank Wind Farm to the transmission network with these options being either a HVDC (High Voltage Direct Current) system or a HVAC (High Voltage Alternating Current) system. A HVDC connection requires the conversion of electricity from DC to AC through a converter station. A HVAC system requires a

substation to step up the voltage of the electricity from that utilised for transmission from the wind farm to the voltage of the transmission network. At the time of the preparation and submission of the application and the EIA Report, both of these electrical options are being actively considered as part of the initial electrical and engineering design feasibility stage of the project. As such both options have been presented within the application and assessed within the EIA Report in order to present maximum parameters for the potential infrastructure required.

It is indicated that a substation/converter station platform could have a maximum footprint of approximately 410m by 260m and would be located within the northeast part of the application site some 680m to the northeast of Innerwick. The substation/converter station would comprise of either a high voltage alternating current (HVAC) substation comprising of internal and external high voltage equipment and Gas Insulated Switchgear; or a high voltage direct current (HVDC) converter station comprising of converter buildings, high voltage external equipment and Gas Insulated Switchgear. The onshore substation/converter station would comprise of electrical components for transforming the power supplied from the offshore wind farm to the grid voltage and would be formed of a maximum of 18 buildings. The onshore substation/converter station would include operational buildings and facilities including car parking, security fencing and welfare facilities.

The substation/converter station buildings could have a maximum footprint of 390m by 250m and a maximum height of 21m. Associated lightening rods would increase the maximum height of the structures to 25m.

The proposed site for landfall for the offshore export cables would be at Skateraw harbour, where they would be connected to the landfall cables via buried transition joint bays. Each transition joint bay would consist of an underground box-like structure that houses the cable joints. The box-like structures would be up to 13m wide by 3m high, located within a single temporary trenchless technique (for example Horizontal Directional Drilling (HDD)) construction compound during landfall construction.

Following the connection of the offshore export cables to the onshore cables at the transition joint bays, the onshore cables would be routed through predominantly agricultural land between the coast at Skateraw and the East Coast Main Line and A1 trunk road. The onshore cables would then cross beneath the East Coast Main Line and A1 trunk road and would then run to the proposed substation/converter station. Following connection to the onshore substation/converter station, the onshore cables would exit the south side of it, continue through agricultural land turning eastwards southwest of Innerwick Castle before crossing the Braidwood Burn via a cable bridge. From there, the onshore cables would connect to the proposed Branxton substation the subject of separate application 23/00616/PM.

Temporary construction compounds would be located adjacent to the cable route at various locations to form the working construction corridor for the cable route. The surface of each construction compound would be crushed stone and, as with the rest of the temporary works, topsoil would be relocated, stored and reinstated following the completion of works.

In order to minimise disruption, trenchless technology (e.g., Horizontal Directional Drilling (HDD)) would be utilised to pass under the beach at landfall, the East Coast Main Line and the A1 trunk road. Otherwise open cut trenching would be used to install the onshore cables for the majority of the onshore cable corridor. Following trenching, the onshore cables would be laid in ducts and buried where possible to depths of up to 2.5m.

Access for construction traffic for the proposed development would be via the A1 trunk road and subsequently by the local road network, with the anticipated routes as follows:
o Onshore substation/converter station - construction traffic would depart the A1 at Innerwick junction and continue towards the onshore substation site via the unclassified road to the north of Innerwick;
o Cable Landfall - construction vehicles would leave the A1 at the access to Skateraw and would continue towards the cable landfall site via the unclassified road to Skateraw and subsequently via the existing access track beyond the entrance to Skateraw beach car park;
o Onshore Cable Route - There would be several anticipated site accesses associated with the onshore cable route construction, where construction vehicles would initially leave the A1.

It is indicatively shown that a permanent access road would remain to access the substation/converter station from the unclassified road to the south of its location.

It is anticipated that the proposed development would be constructed over a period of 40 months and its operational lifespan is assumed to be up to 35 years from the start of operation.

It is indicatively shown that the substation/converter station drainage system would include a SuDS pond, located on the east side of the platform.

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 supporting on and offshore electricity generation from renewables and delivering new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural places), 5 (Soils), 7 (Historic Assets and Places), 9 (Brownfield, vacant and derelict land and empty buildings), 10 (Coastal Development), 11 (Energy), 13 (Sustainable Transport), 14 (Design, Quality and Place), 22 (Flood risk and water management), 23 (Health and safety) and 33 (Minerals) of NPF4 are relevant to the determination of the application.

Proposals EGT3 (Forth Coast Area of Co-ordinated Action), EGT4 (Enhanced High Voltage Electricity Transmission Network), MIN2 (Safeguard Oxwellmains Limestone Quarry) and MIN3 (Safeguard Longyester and Skateraw Sand and Gravel Quarries) and

Policies EGT4 (Enhanced High Voltage Electricity Transmission Network), CH2 (Development Affecting Conservation Areas), DC1 (Rural Diversification), DC6 (Development in the Coastal Area), DC9 (Special Landscape Areas), NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH5 (Biodiversity and Geodiversity Interest, including Nationally Protected Species), NH7 (Protecting Soils), NH11 (Flood Risk), T2 (General Transport Impact), T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy), DP1 (Landscape Character), DP2 (Design), SEH2 (Low and Zero Carbon Generating Technologies) and MIN1 (Protection of Mineral Reserves) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

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

REPRESENTATIONS

There have been 54 written representations received to the application. Of these 50 make objection to the proposed development, 3 make comment on it and 1 is in support of it. A copy of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection can be summarised as follows:

(i) The height and scale of the proposed development would be an eyesore, have a severe impact and be harmful to the rural character of the area;
(ii) Issues with construction spoil;
(iii) Construction traffic would be harmful to the amenity of the area and a danger to other road users, pedestrians, dog walkers, cyclists and horses;
(iv)Cumulative proposals in the area are a worry and will harmfully impact on this rural area;
(v)There has not been a cumulative assessment of visual impact, traffic and transport;
(vi)Increased traffic would result in a road and pedestrian safety hazard including on the A1;
(vii) The local road network is not suitable for high volumes of construction traffic;
(viii) Loss of amenity through noise, dust and vibration from both construction and operation of the proposed development;
(ix) The proposal would lead to a loss of prime agricultural land;
(x) The application site is on unallocated greenfield land, contrary to Policy 9 of NPF4;
(xi)The application site includes land safeguarded for mineral extraction at Oxwellmains Quarry which is commercially viable and has been recognised as of nationally significant importance and the proposed development could have an impact on the extraction of mineral reserves;
(xii)Risk of flooding;
(xiii) Loss of privacy and impacts on daylight received to residential properties;
(xiv) The proposals would be a danger to and lead to a loss of wildlife and biodiversity; and
(xv) Insufficient community consultation has been carried out.

The main grounds of support can be summarised as follows:

Offshore wind is an excellent resource and the applicant should be encouraged and supported for utilising this form of green energy

The main grounds of comment can be summarised as follows:

(i) The applicant should have regard to how the proposed development (including traffic impacts) may affect the operation, decommissioning and the emergency planning functions of Torness Nuclear Power Station;
(ii) The proposed development should not have a harmful impact on health, the landscape and amenity; and
(iii) the applicant does not own all of the land of the application site and does not have permission to undertake works.

In terms of the comment regarding that there is no agreement in place for the applicant to undertake works on private land, this is a separate legal matter and is not a material consideration in the determination of this application. All relevant land owners have been notified of the application in accordance with statutory requirements.

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

COMMUNITY COUNCIL COMMENTS

Dunbar Community Council advise that they recognise the need for development of renewable energy technologies to reduce future dependence on fossil based fuels, but raise concern regarding the proposed development on the following main grounds:

(i) it will be large and will have significant visual impact across the landscape;
(ii) there is an unknown potential for loss of amenity to nearby residents due to noise etc;
(iii) the setting is a rural/agricultural one and the development must be considered in terms of NPF4 e.g. impact on greenspace, habitat, agricultural land;
(iv) road safety from the construction phase onwards is of major concern. The A1 in East Lothian is inadequate with a number of dangerous junctions e.g to Innerwick, the cement works/Viridor, Skateraw and Oldhamstocks/Branxton. Requests for upgrade to Transport Scotland have largely not been met due to the need for financial investment. In addition, rural roads in the area are insufficient to cope with large vehicles during the construction period and beyond. It is essential that cumulative impact of the many developments proposed in the area is taken into account;
(v) although every application is taken for determination on its own merits the East Lammermuir community, in particular Skateraw/Thorntonloch/Innerwick/ Branxton area is under significant pressure from a number of energy related developments. There are concerns about community capacity to provide accommodation for construction workers and for the availability of a skilled workforce to work on developments. When taken together there is a concerning cumulative impact on the community.

East Lammermuir Community Council advise that whilst they are supportive of the aims of the Scottish Government and East Lothian Council in pursuing the renewable energy agenda, they cannot support the proposed development and object to it on the following main grounds:

(i) size and scale of the proposed buildings with their associated visual impact and noise;
(ii) the absence of cumulative impact assessments;
(iii) the construction phase of the development would have significant negative impacts on amenity through danger to life, noise, vibration, dust, damage to private property, health and wellbeing;
(iv) absence of developers required to work with other developers;
(v) absence of joined up engagement with local community; and
(vi) unexamined opportunities to leave a positive legacy for the local community;

Following additional information submitted by the applicant, East Lammermuir Community Council advise they continue to object to the proposed development on the following main grounds:

(i) there remains a significant lack of clarity and detail with subjective conclusions;
(ii) there has been an oversight in acknowledging or attempting to understand the impact on people living in or near Crowhill, Thornton Glen, Skateraw and Birnieknowes;
(iii) any combined effects assessment inclusive of Eastern Link undertaken just now is flawed; and
(iv) there is no cumulative impact assessment in relation to construction traffic

West Barns Community Council advise that they object to the proposed development on the following main grounds:

(i) it will be large and will have significant visual impact across the landscape;
(ii) there is an unknown potential for loss of amenity to nearby residents due to noise etc;
(iii) the setting is a rural/agricultural one and the development must be considered in terms of NPF4 e.g. impact on greenspace, habitat, agricultural land;
(iv) road safety from the construction phase onwards is of major concern. The A1 in East Lothian is inadequate with a number of dangerous junctions e.g to Innerwick, the cement works/Viridor , Skateraw and Oldhamstocks/Branxton. Requests for upgrade to Transport Scotland have largely not been met due to the need for financial investment. In addition, rural roads in the area are insufficient to cope with large vehicles during the construction period and beyond. It is essential that cumulative impact of the many developments proposed in the area is taken into account;
(v) although every application is taken for determination on its own merits the East Lammermuir community, in particular Skateraw/Thorntonloch/Innerwick/ Branxton area is under significant pressure from a number of energy related developments. There are concerns about community capacity to provide accommodation for construction workers and for the availability of a skilled workforce to work on developments. When taken together there is a concerning cumulative impact on the community.

Cockburnspath and Cove Community Council advise that they object to the proposed development on the following main grounds:

(i) the absence of any cumulative impact assessments - cumulative assessments are needed of environmental, transport, and health impacts; and
(ii) the transport impact of the increased volume of traffic that will be utilising the Cockburnspath and Cove roundabout on the A1.

ENVIRONMENTAL IMPACT ASSESSMENT

An Environmental Impact Assessment (EIA) Report has been submitted with the application, and has been duly advertised and consulted on.

The submitted EIA Report contains chapters on the method and approach to preparing the Report, policy and legislation, the description of the development, site selection and analysis of alternatives, landscape and visual impact assessment, ecology, ornithology, noise and vibration, cultural heritage, geology, hydrogeology, soils and flood risk, traffic and transport, socio-economics, land use, tourism and recreation and a summary of likely significant effects.

As required by Regulation 5(5)(b) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to ensure the completeness and quality

of the EIA Report, the applicant has submitted with it a table outlining the relevant expertise or qualifications of the project team that has contributed to the EIA Report. Based on this submitted information, it can be reasonably concluded that the authors are suitably qualified.

Regulation 4(2) and 4(3)(a) to (d) require that an EIA must identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development on the factors and the interaction between those factors, and the factors are - (a) population and human health; (b) biodiversity; (c) land, soil, water, air and climate; and (d) materials assets, cultural heritage and the landscape.

The EIA Report has considered the likely significant effects from landscape and visual impact assessment, ecology, ornithology, noise and vibration, cultural heritage, geology, hydrogeology, soils and flood risk, traffic and transport, socio-economics, land use, tourism and recreation.

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

* The Eastern Link converter station project for which planning permission in principle has been granted (ref: 22/00852/PPM);
* Branxton substation project application (ref: 23/00616/PM, which is currently pending consideration);
* Crystal Rig IV Wind Farm; and
* Branxton Battery Storage Systems Project (Scottish Government Energy Consents Unit application ref: ECU00004659)

The EIA Report finds that:

* Landscape and visual - construction of the landfall and onshore cable corridor would not give rise to significant physical landscape or landscape character effects and that likely significant construction effects would be localised, temporary and limited to visual effects upon high sensitivity receptors in close proximity to the construction activity. For the onshore substation/converter station, significant effects upon the landscape character of the study area have been identified during construction and year 1 to a localised range of 1km of the onshore substation/converter station. The substation/converter station would give rise to significant visual effects during construction and year 1 within around 1km and from elevated inland hill fringes within 2.5 km. Significant residual visual effects at year 15 following establishment of mitigation planting have been identified within around 750m and from elevated inland hill fringes within 2.5km. Where cumulative developments are visible from key landscape and visual receptors, they would have limited cumulative interaction with the proposed development or the cumulative effect would be minimal, short term and temporary, substantially limiting their cumulative influence when considering the additional effect of the proposed development. Whilst the scale of the proposed development, in

conjunction with the broad and open character of the coastal plain, give rise to significant residual effects, these effects will be experienced within the context of nearby industrial development and within a very localised part of the study area, in the immediate landscape and visual context of the proposed development.

* Ecology - there would be no likely significant effects arising from the proposed development during the construction, operation and maintenance, or decommissioning phases following the implementation of proposed mitigation. The cumulative ecology assessment identifies no likely significant cumulative effects as a result of the proposed development.

* Ornithology - there would be no likely significant effects arising from the proposed development during the construction, operation and maintenance, or decommissioning phases. The cumulative ornithology assessment identified no likely significant cumulative effects as a result of the proposed development.

* Noise and vibration - it is concluded that following the implementation of secondary mitigation, there would be no likely significant residual effects arising from the proposed development during the construction, operational and maintenance or decommissioning phases. It is concluded that following the implementation of mitigation measures, there will be no likely significant cumulative effects from the proposed development alongside other
projects/plans.

* Cultural heritage - With proposed mitigation measures in place, most impacts result in residual effects of minor, adverse significance, which is not significant in EIA terms. Cumulative impacts from the construction of the proposed development in combination with developments in the surrounding area have the potential for a significant adverse effect on previously unrecorded subsurface archaeology, however with proposed mitigation measures in place, it is predicted these cumulative impacts will result in effects of minor adverse significance (not significant in EIA terms).

* Geology, hydrogeology, soils and flood risk - With proposed mitigation measures in place, impacts on hydrology, geology, soils and flood risk during construction, operation, and decommissioning result in effects of negligible to minor adverse significance and therefore not significant in EIA terms. Cumulative effects from the nearby Branxton Grid Substation and the Eastern Link Project Converter Station developments would be of minor or negligible adverse significance (not significant in EIA terms) upon hydrology, flood risk, statutory geologically designated sites and soil sensitive receptors.

* Traffic and transport - with proposed mitigation measures in place, the impacts would result in effects of slight adverse significance (not significant in EIA terms). Cumulative impacts associated with the construction traffic of the consented Crystal Rig IV Wind Farm, Branxton Grid Substation, and the Eastern Link Project result in effects of negligible significance (not significant in EIA terms) upon transport related receptors within the traffic and transport study area following the application of mitigation measures.

* Socio-economics - impacts on employment associated with the construction phase of the proposed development are assessed to be of moderate to major beneficial significance at the socio-economics local study area level (significant in EIA terms). Impacts on GVA associated with the construction phase of the proposed development are assessed to be of minor to moderate beneficial significance at the socio-economics local study area level (not significant in EIA terms). Impacts on employment and GVA associated with the operation and maintenance and decommissioning phases of the proposed development are assessed to be of negligible beneficial significance at the socio-economics local study

area level (not significant in EIA terms). Cumulative impacts from other projects related to offshore wind farm developments were found to result in additional beneficial effects.

* Land use, tourism and recreation - following implementation of mitigation measures, the assessment concluded that residual impacts on identified tourism and recreation receptors during construction and operation ranged from negligible to minor adverse significance, (not significant in EIA terms). Cumulative impacts from identified cumulative developments would be of negligible to minor adverse significance (not significant in EIA terms) upon land use, tourism, and recreation receptors.

PLANNING ASSESSMENT

PRINCIPLE OF DEVELOPMENT

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

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

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

Proposal EGT3 of the adopted East Lothian Local Development Plan 2018 states that the Council supports the principle of electricity grid connections on the Forth coast from Cockenzie to Torness in order to facilitate off-shore energy generation, provided the following criteria are met:

1) infrastructure is combined wherever possible;
2) connection to existing infrastructure at Cockenzie and Torness is prioritised; and
3) proposals must not have an adverse effect on the integrity of the Firth of Forth SPA or any other European site either alone or in combination with other projects and plans.

In terms of 1) above the applicant informs that the proposed onshore infrastructure has been combined as much as is possible, as evidenced by a single substation/converter station site which accommodates the majority of permanent above-ground works, and that further combination is not possible in engineering terms; through necessity onshore cables are required to connect offshore cables to the new substation/converter station; with further cables required to connect the new substation/converter station to the wider electricity transmission grid.

The applicant further informs that a detailed site selection assessment was undertaken, which considered the potential to combine (co-locate) the onshore substation/converter station with existing infrastructure. The semi-industrialised nature of the area surrounding Torness (including: Torness Power Station itself; the Cement Works; Tarmac Quarry; the A1 corridor; the ECML corridor; and several above ground and buried electricity and communications cables) presents opportunities for co-location of infrastructure, and of these the following were identified as having potential for co-location:

o Tarmac Quarry area, north-west of Skateraw;
o A brownfield site adjacent to the cement works, Dunbar; and
o Land adjacent to Torness Power Station.

After due consideration, these sites were discounted on the following basis:

Tarmac Quarry Area - following a preliminary assessment, the Tarmac Quarry Area was discounted due to a lack of available land; even with complex site assembly, there would be insufficient space between existing constraints to accommodate the substation/converter station and required cables.

Land adjacent to cement works - a brownfield site near the cement works in Dunbar and named Oxwellmains was investigated as a potential site for the substation/converter station; this location had the advantage of being a brownfield site with industrial land adjacent. However, the site was constrained by lack of available space in which to accommodate the full requirements of the substation/converter station including SUDS pond, landscaping and access roads. Moreover, planning permission in principle has been granted (ref: 22/00852/PPM) for a converter station on this site for the Eastern Link project.

Land adjacent to Torness - an initial assessment demonstrated that based on the known constraints there was limited space available for the substation/converter station, including the necessary earthworks, drainage, landscaping, access roads and construction compound; this left little or no flexibility for addressing any unforeseen constraints, such as unsuitable ground conditions identified following consent.

In terms of the non-substation/converter station elements of the proposed development, the applicant informs that opportunities to co-locate were limited; for example, landfall works could not be combined with existing cable landfall locations due to the lack of space available nearby existing cable landfall locations, and the need to achieve minimum distancing between transmission infrastructure (meaning, for example, that new cables cannot be installed within existing ducts). Similarly, onshore cables could not be combined with existing cables due to: (i) routes differing significantly; and (ii) the need to achieve minimum distancing between transmission cables.

With regard to 2) above, the proposed development does prioritise connection to infrastructure south of Torness. With regard to 3) the assessment of that is discussed later in this report and subject to it being demonstrated that the proposed development would not have an adverse effect on the integrity of the Firth of Forth SPA, the principle of it does not conflict with Proposal EGT3 of the adopted East Lothian Local Development Plan 2018.

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

A small part of the application site at its northwestern end is located within an area covered by Proposal MIN2 of the adopted East Lothian Local Development Plan 2018, which safeguards the Oxwellmains limestone quarry area for continued extraction for cement manufacture.

The application site also includes within it the majority of the area covered by Proposal MIN3 of the adopted East Lothian Local Development Plan 2018, which safeguards the Skateraw sand and gravel quarry for continued extraction.

Policy 33 of NPF4 states that development proposals that would sterilise mineral deposits of economic value will only be supported where:
i. there is an overriding need for the development and prior extraction of the mineral cannot reasonably be undertaken; or
ii. extraction of the mineral is impracticable or unlikely to be environmentally acceptable.

Policy MIN1 of the adopted East Lothian Local Development Plan 2018 states that proposals for permanent development will not be permitted where this would result in the sterilisation of mineral deposits that have, or can be shown to have, a real prospect of being extracted economically and in conformity with development plan policies. The only exception to this will be in circumstances where the development is to meet the development requirements of the Strategic Development Plan.

The application drawings indicate there is to be no operational development within the Oxwellmains Quarry safeguarded area, and the applicant confirms they are agreeable to the imposition of a condition preventing any future development within that area, which would ensure there is no conflict with Policy 33 of NPF4 or with Proposal MIN2 or Policy MIN1 of the adopted East Lothian Local Development Plan 2018.

With regard to Skateraw safeguarded area, the development now proposed would likely sterilise the extraction of minerals within the safeguarded area. There are no current operational quarries within it. Planning permission was last granted in 2001 (ref: 01/00290/FUL) for the extraction and processing of sand and gravel at Skateraw, and which permission included a condition requiring the land be restored following quarry operations. Planning permission 01/00290/FUL was implemented, and the land has now been restored in accordance with that permission. Planning permission 08/00358/FUL was granted in September 2011 for an extension to the Skateraw sand and gravel quarry but was never implemented and has now lapsed.

As noted above in this report, in the event of any policy incompatibility between NPF4 and the adopted East Lothian Local Development Plan 2018, the policies of NPF would prevail.

The lack of implementation of planning permission 08/00358/FUL, or any attempt to reapply for planning permission indicates limited interest in commercial extraction of minerals at Skateraw. Notwithstanding, it could be the case that someone may wish to extract minerals from the safeguarded land at some time in the future.

However, as noted above, the proposed development is a National Development, being part of National Development 3 of NPF4. National developments are significant developments of national importance that will help Scotland deliver its spatial strategy. The development is essential to allow the transmission of electricity from the Berwick Bank Wind Farm. In terms of tackling the climate crisis Berwick Bank Wind Farm, when delivered, would make a significant and important contribution to decarbonisation and the delivery of renewable energy.

In the circumstances of this case, the proposed development would be consistent with Policy 33 of NPF4, which outweighs any conflict with Policy MIN1 of the adopted East Lothian Local Development Plan 2018.

On all of the above considerations, the proposed development does not conflict with Policies 1, 11 or 33 of NPF4, or with Proposals EGT3 and MIN2 and Policy EGT4 of the adopted East Lothian Local Development Plan 2018. As transmission infrastructure to support renewable energy technology, it is also part of National Development 3.

With regard to part b) of Policy 9 of NPF4, the proposed development would be on greenfield land and is not explicitly supported by policies in the LDP, and therefore the proposal does not strictly accord with Policy 9. The Scottish Government's Transitional Arrangements for NPF4 states that "It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement". The proposed development is a National Development as part of National Development 3 of NPF4, and the assessment above finds that the proposal accords with Policies 1, 11 or 33 of NPF4, which outweighs the conflict with Policy 9.

CLIMATE

The applicant informs that consideration is to be given to mitigation measures during the construction phase of the proposed development to reduce greenhouse gas emissions (GHG), including giving consideration to alternative low carbon materials e.g. recycled aggregates, cement substitution etc, transportation of materials should be reduced and/or avoided by minimising the quantity of materials required, construction plant GHG emissions should be avoided and minimised by designing for efficient construction processes as part of design development, construction water consumption should be minimised by designing for efficient construction processes as part of design development. For the operational energy use, the applicant informs this should be minimised by designing for use of low energy lighting, efficient heating and cooling systems, specification of controls that minimise on-time, and use of low carbon energy sources, where practicable. However, given this application is for planning permission in principle the specific measures to reduce carbon emissions would be considered as part of the detailed design of the proposed development which is yet to take place.

The renewable energy transmitted by the operational development would deliver significant GHG emissions savings.

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

LANDSCAPE AND VISUAL IMPACT

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

The Landscape and Visual Impact Assessment (LVIA) within Chapter 6 of the EIA Report concludes that construction of the landfall and onshore cable corridor would not give rise

to significant physical landscape or landscape character effects and that likely significant construction effects would be localised, temporary and limited to visual effects upon high sensitivity receptors in close proximity to the construction activity. No significant seascape character effects have been identified for the intertidal area and due to trenchless technology (e.g. HDD) being proposed at the landfall, no physical disturbance of the beach or intertidal area or physical effect would occur.

For the onshore substation/converter station, the LVIA concludes that significant effects upon the landscape character of the LVIA Study area have been identified during construction and year 1 to a localised range of 1km of the onshore substation/converter station. The LVIA found that the onshore substation/converter station would give rise to significant visual effects during construction and year 1 within around 1km and from elevated inland hill fringes within 2.5km. Significant residual visual effects at year 15 following establishment of mitigation planting have been identified within around 750m and from elevated inland hill fringes within 2.5km.

Chapter 6 continues that the industrial character of the coastal landscape is a notable influence on the landscape and visual character within the immediate context of the proposed development at Torness Power Station, Dunbar Cement Works, Dunbar Landfill Site and Dunbar Energy Recovery Facility. Whilst the scale of the proposed development, in conjunction with the broad and open character of the coastal plain, give rise to significant residual effects, these effects will be experienced within the context of nearby industrial development and within a very localised part of the study area, in the immediate landscape and visual context of the proposed development.

In terms of cumulative impact, Chapter 6 concludes that none of the key landscape and visual receptors are assessed as having significant cumulative effects as a result of other developments in the study area. Where cumulative developments are visible from key landscape and visual receptors, they would have limited cumulative interaction with the proposed development or the cumulative effect would be minimal, short term and temporary, substantially limiting their cumulative influence when considering the additional effect of the proposed development.

In terms of mitigation, the LVIA within Chapter 6 of the EIA Report informs that for the onshore cable corridor and landfall the strategy would be:

* As far as reasonably practicable, reduce hedgerow and tree loss along the onshore cable corridor through careful siting of the works areas;
* Protection of trees during the construction phase where appropriate;
* Reinstatement or replacement of removed trees (where reasonably practicable) and sections of hedgerow;
* Restoration of all temporary construction, material storage and laydown areas to reinstate ground cover and return to previous land-use, where practical; and
* During the detailed design process, the specification and design of permanent security fencing at landfall Transitional Joint Bays should be consistent with the coastal and agricultural setting, where possible, to reduce effects upon visual amenity in this location.

For the substation/converter station the strategy would be:

* Proposed native species woodland to the north, west and south of the substation/converter station to assist in mitigating visual effects from the A1 trunk road southbound, Innerwick and nearby properties and the minor road network west and south of the site;
* Proposed native species woodland to the east of the substation/converter station to help mitigate visual effects from the A1 trunk road northbound, the ECML and aid in visually

integrating the proposed development, as far as possible, within inland views from coastal areas;
* Understorey of native species woodland to be sown with a locally appropriate meadow wildflower mix or species rich coastal grassland;
* Extend and strengthen the existing coniferous screen planting on the margins of the A1 trunk road carriageway to reduce the potential for successive visibility of the onshore substation by road users, travelling in both directions, as they pass the site;
* Proposed native species hedgerows to substation/converter station boundaries to complement existing hedgerows which, in conjunction with proposed woodland planting, would help to mitigate visibility of the onshore substation and increase habitat connectivity across the site;
* Proposed areas of locally appropriate meadow wildflower mix, species rich coastal grassland and wet meadow habitat to enhance biodiversity;
* Colour and finish of substation/converter station buildings specified during the detailed design process should be consistent with the vernacular of large-scale agricultural buildings within the context of the site;
* Reinstatement of sections of hedgerow removed during the construction process; and
* Restoration of all temporary construction, material storage and laydown areas to reinstate ground cover and return to previous land-use, where practical.

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

The onshore cables would be sited underground. Consequently, once in place, they would have minimal impact on the landscape character and appearance of the area, including that of the Dunbar to Barns Ness Coast and Monynut to Blackcastle Special Landscape Areas.

The proposed site for the substation/converter station lies within a landscape that exhibits a coastal and underlying rural character across sloping landform that transitions from upland fringes to the coastal lowlands of East Lothian. Existing vegetation and the undulating landform of the area would contribute to offering a degree of visual containment to the proposed development within the wider area by a combination of existing built structures, screening landforms and structural vegetation that contribute to the containment of impacts on neighbouring seascape, landscape and visual receptors. Moreover, views of the proposed development would to some degree be seen within the context of existing industrial developments and electrical infrastructure including Dunbar Cement Works and Torness Power Station.

It should be noted that the final layout would be presented through later applications for approval of matters specified in conditions were planning permission in principle to be granted.

The **Council's Landscape Projects Officer** advises that she concurs with the findings of the Landscape and Visual Assessment within Chapter 6 of the EIA Report, in that although the proposed development would be clearly visible, it would not give rise to significant physical landscape or landscape character effects and that likely significant construction effects would be localised, temporary and limited to visual effects upon high sensitivity receptors in close proximity to the construction activity. The Landscape Projects Officer has confirmed that the proposed development would not lead to an unacceptable visual and landscape impact on the character of the area given the locational position of the application site and the surrounding built development and existing landscape features.

The Landscape Projects Officer recommends that a scheme of landscaping be submitted and that consistent and cohesive landscape measures are taken forward to achieve the best landscape fit for the proposed development in this location. She also recommends that a tree survey be carried out, trees are retained and protected during construction works and that arboricultural monitoring takes place. Such control can be competently imposed as conditions on a grant of planning permission in principle, were that to be the decision.

In overall conclusion the proposed development would introduce a large scale significant development in this countryside location, however subject to above recommendations and appropriately worded conditions to control the materials, design and architectural appearance of the proposed substation/converter station, and to secure the protection of existing trees and hedgerows and an appropriate scheme of landscaping, the proposed development could, in time, integrate into its landscape setting and would not appear significantly or harmfully prominent, incongruous or intrusive within the surrounding landscape. In its position, and subject to its appropriate detailed design and layout, the proposed development would not be harmful to the setting of Innerwick Conservation Area.

On these considerations of landscape and visual impact and design the proposed development does not conflict with Policies 4, 7, 10 and 14 of NPF4 or Policies CH2, DC6, DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018 or the Council's approved Special Landscape Areas Supplementary Planning Guidance.

HISTORIC ENVIRONMENT

Chapter 10 of the EIA Report considers the potential direct and indirect impacts resulting from the proposed development on cultural heritage and archaeology assets. It concludes that there would be one likely significant effect arising from the proposed development during the construction phase and one potential significant effect on areas of archaeological potential both of which would be reduced to minor and not significant in EIA terms with secondary mitigation.

In terms of likely cumulative effects, it is concluded that there is potential for a significant cumulative effect on previously unrecorded subsurface archaeology from the proposed development alongside other projects, however this cumulative effect would be reduced to not significant following secondary mitigation.

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

The **Council's Archaeology/Heritage Officer** advises that the application site has the potential for unidentified archaeological remains to be present. He therefore recommends that if planning permission in principle is to be granted for this proposal, a programme of archaeological works (Geophysical survey and Archaeological Evaluation by trial trench) should be carried out prior to the commencement of development.

Subject to the above recommendations, which could be secured by condition, the proposed development is consistent with Policy 7 of NPF4, Policy CH5 of the adopted East Lothian Local Development Plan 2018 and Planning Advice Note 2/2011: Planning and Archaeology.

INTERNATIONALLY DESIGNATED SITES, SITES OF SPECIAL SCIENTIFIC INTEREST AND BIODIVERSITY

To the north of application site, some 250m off the coast of East Lothian, is the Outer Firth of Forth and St Andrews Bay Complex Special Protection Area (SPA). There is also connectivity to the Firth of Forth SPA, Forth Islands SPA and St Abb's Head to Fast Castle SPA.

The north-eastern part of the application site at landfall is within the Barns Nest Coast Site of Special Scientific Interest (SSSI).

Chapter 7 of the EIA Report includes an assessment of the potential impacts of the proposed development on ecology, and Chapter 8 of the EIA Report includes an assessment of the potential impacts of the proposed development on ornithology.

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

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

NatureScot advise that the proposal could affect the Outer Firth of Forth and St Andrews Bay Complex SPA, Firth of Forth SPA, Forth Islands SPA and St Abb's Head to Fast Castle SPA.

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

With regard to HRA Stage 1, NatureScot states that the proposal is not connected to conservation management of any European site.

With regard to HRA Stage 2 (is the proposal 'likely to have significant effects' upon the European sites), NatureScot advise that Chapter 8 of the EIA Report correctly identifies connectivity between the proposed development and the above SPAs due to the potential use of areas within the site for feeding and foraging by SPA birds. Potential impact pathways include:

* Disturbance and displacement of SPA birds during construction
* Damage to or loss of supporting habitat

Therefore, NatureScot advise that it is likely the proposal would have a significant effect on the qualifying interests of the SPAs either directly or indirectly. NatureScot therefore advise that an appropriate assessment is required.

East Lothian Council, as the competent authority, has carried out an appropriate assessment. It concludes that subject to mitigation in the form of the submission of a Construction Environmental Management Plan and a Habitat Enhancement and Management Plan, which can be secured through the imposition of conditions on a grant of planning permission in principle, that the proposed development would have no adverse effects on the integrity of the following European sites:

* Outer Firth of Forth and St Andrews Bay Complex Special Protection Area (SPA);
* Firth of Forth SPA;

* Forth Islands SPA; and
* St Abb's Head to Fast Castle SPA.

In terms of other designated sites, the **Council's Biodiversity Officer** advises that the proposed cable bridge crossing over the Skateraw Dean is part of the Dryburn Valley Local Biodiversity Site, and the cable bridge crossing over the Braidwood Burn, is within the Dunglass Burn Local Biodiversity Site. The Biodiversity Officer notes that the loss of habitat and disturbance of vegetation is not considered to be significant, and the proposal would be to microsite the cable corridor to reduce the amount of tree felling and habitat loss. The Biodiversity Officer advises that habitat and tree loss can be compensated for by mitigation planting.

With regard to protected species, the Council's Biodiversity Officer notes that chapter 7 of the EIA Report informs that full surveys were undertaken, and impacts identified on bat species, badger, otter and great crested newts, and she advises that with the implementation of suitable mitigation measures no significant impacts on these species would occur.

In terms of Biodiversity Enhancement, chapter 6 of the EIA Report outlines that land has been identified surrounding the proposed substation/converter station that would be used for landscaping and biodiversity enhancement purposes, which includes hedgerow, woodland and wildflower meadow landscape planting, and a new SuDS pond surrounded by wetland planting would be created to the east of the proposed substation/converter station, and the Biodiversity Officer is supportive of this. The Biodiversity Officer further notes that the EIA Report confirms that further land would be made available for habitat enhancement to result in a 10% net gain in biodiversity value, and that these full biodiversity enhancements would be considered and appropriately designed during the future detailed design phase of the proposed development.

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

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

(i) the appointment of an ecological clerk of works;
(ii) the submission of an Ecological Construction Method Statement;
(iii) the submission of a Construction Environmental Management Plan; and
(iv) the submission of a Biodivertsity/Habitat Enhancement and Management Plan.

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

SOILS

Land within the application site is predominantly composed of a patchwork of largely arable agricultural fields, with localised areas of industry with mixed topography. The majority of the site is prime agricultural land, which is primarily made up of Class 2 land or Class 3.1 land and some Class 1 land. The majority of the remaining land within the site is Class 3.2 land. Classes 1 to 3.1 are regarded as prime agricultural land.

Chapter 11 of the EIA Report sets out the assessment of potential impacts of the proposed

development on soils (as well as cumulative effects of other relevant developments), and informs that during the construction phase of the proposed development, there is potential for increased compaction, erosion and loss of soils as a consequence of construction traffic, disturbance, creation of construction areas and excavations.

The EIA Report informs mitigation measures would be put in place during the construction phase in the form of a Soil Management Plan, which would ensure standard industry practice measures are followed with respect to stripping of soils, stockpiling, backfilling and reinstatement of soil material, its physical and chemical properties and functional capacity for agricultural use.

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

COAL AUTHORITY, NETWORK RAIL AND PROXIMITY TO TORNESS

The Coal Authority have reviewed the proposals and confirm that part of the application site falls within the defined Development High Risk Area; therefore that part of the application site lies in an area of probable shallow coal mining and a recorded mine entry. However, The Coal Authority advises that the parts of the application site where operational development is proposed lies outside the defined High Risk Area and therefore they raise no objection to the proposed development and thus are content that the proposed development would not be at risk from former mine workings.

Network Rail advise they raise no objection to the proposed development, subject to the detailed design of the cable route crossing under the East Coast Main Line being submitted. Such a requirement can be controlled by a condition attached to a grant of planning permission in principle.

The Office of Nuclear Regulation (ONR) have been consulted on the application, and advise that the proposed development is located within the Detailed Emergency Planning Zone of Torness nuclear power station and as such the proposed development may impact on the nuclear site through its potential effects on the following:

* Emergency planning;
* External hazards; and
* Nuclear Reactors.

However, the ONR raise no objection to the proposed development, and advise the applicant should liaise with the emergency planning function at East Lothian Council to ensure that there are appropriate arrangements in place to protect their workforce for the project duration, and should also liaise with the operator of the nuclear site, EDF Energy Nuclear Generation Limited, in relation to the potential external hazards the proposed development poses to Torness and vice versa, and in relation to the cumulative impacts of the proposed development with the Torness Nuclear Power Station Decommissioning Project.

A copy of the response from the ONR has been sent to the applicant and it would be their responsibility to action the recommendations of the ONR.

The Health and Safety Executive (HSE) have been consulted on the application and confirm that the proposed development does not lie within the consultation zone of any of the major hazard sites or major accident hazard pipelines considered by HSE and therefore have no comments to make on the application.

NOISE AND VIBRATION AND AMENITY

The EIA Report has identified a number of noise sensitive receptors, including at or near Innerwick, Skateraw, Crowhill, Thorntonloch and other residential properties in the countryside near the application site, and these are listed within the EIA Report.

By virtue of its distance away from those residential properties, the proposed development would not result in any harmful overlooking or unacceptable loss of sunlight or daylight to them.

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

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

The Senior Environmental Health Officer advises that impacts due to construction traffic noise and construction vibration are likely to have significant impacts on sensitive receptors and thus could cause harm to residential amenity. He also advises that the operation of the proposed substation/convertor station is likely to have a significant noise impacts on sensitive receptors and thus could cause harm to residential amenity. Accordingly, the Senior Environmental Health Officer advises that specific mitigation measures would be required to reduce these impacts at the receptors, which should be contained within a Construction Environmental Management Plan (CEMP).

In terms of air quality, the Senior Environmental Health Officer advises that any potential impacts that may arise from dust during the construction phase can be addressed by requiring any dust mitigation measures to be included within a CEMP.

The Senior Environmental Health Officer advises that the CEMP should take account of the following guidance:

* BS 5228_1:2009 A1:2014 "Code of practice for noise and vibration control on construction and open sites.
* The Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014).

With regards to the operational phase of the proposed development, the Senior Environmental Health Officer advises that a Noise Impact Assessment should be submitted, which should specify noise mitigation measures to be incorporated into the design and construction of the proposed substation/converter station and associated buildings and the layout of the development to ensure operational noise from the development would not result in loss of amenity to sensitive receptors.

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

The **Council's Environmental Health Officer (Contaminated Land)** advises that there is the potential for areas of contamination to exist on the site that may impact upon the proposed development. Therefore he recommends a Geo-Environmental Assessment be undertaken prior to the commencement of development on the site. He also recommends that in the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. These requirements can be controlled by a condition attached to a grant of planning permission in principle.

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

FLOOD RISK AND SCOTTISH WATER

Chapter 10 of the EIA Report considers the potential impacts resulting from the proposed development on flood risk, as well as cumulative effects of other relevant developments.

The Scottish Environment Protection Agency (SEPA) advise that they have appraised Chapter 10 and the appended Flood Risk Assessment and raise no objection to the application, satisfied that there would not be an increase to flood risk, subject to conditions regarding the submission of detail of the cable bridge crossings to ensure they pass the 200 year plus climate change flow without constriction and that ground levels along the cable route are reinstated to pre-existing ground levels where possible.

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

Scottish Water has been consulted on the application and in respect of the EIA Report. They advise that they have no objection to the proposed development. A copy of Scottish Water's response has been forwarded to the applicant's agent for their information.

The above requirements could be controlled by a condition(s) attached to a grant of planning permission in principle and subject to this the proposed development is not contrary to Policy 22 of NPF4 or Policy NH11 of the adopted East Lothian Local Development Plan 2018.

TRANSPORTATION AND ACCESS

Chapter 12 of the EIA Report considers the likely effects on access, traffic and transport associated with the construction, operational and maintenance and decommissioning phases of the proposed development. It informs that during the anticipated 40 month construction period, the anticipated peak traffic flows associated with the proposed development would result in an average of 669 movements per day (335 trips in and 335 trips out), of which 522 would be made by light vehicles (261 inbound and 261 outbound) and 147 by HGV (74 inbound and 74 outbound).

The EIA Report concludes that effects of increased traffic as a result of the proposed development are deemed to be slight adverse significance (not significant in EIA terms) once mitigation is put in place. It also concludes that no significant cumulative effects are predicted during construction of the proposed development. It is also noted that any increased traffic can be accommodated by the existing road network and could be managed effectively by implementation of a Construction Traffic Management Plan and Abnormal Load Transport Management Plan.

The **Council's Road Services** have appraised the assessment of the traffic impacts of

the proposed development within the EIA Report.

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

Road Services note that included in Chapter 12 is a Cumulative Effects Assessment (CEA) which considers the impact associated with the proposed development alongside other proposals in the locality, and advise that sensitivity testing has been undertaken in which the peak construction traffic for each of these development schemes has been identified and then compared with the 2026 future baseline year at various receptor points on the local road network within the study area. Road Services note that the assessment identifies large percentage impacts on some of the receptor points, however advise this is due to the low baseline traffic levels at these locations. Overall, Road Services confirm the assessment has demonstrated that the road network would have sufficient capacity to accommodate both the levels of traffic associated with the proposed development and the projects identified in the cumulative assessment.

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

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

In this regard the **Council's Access Officer** raises no objection to the proposed development subject to the same requirement.

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

(i) the submission of a Route Impact Report;

(ii) the submission of a Construction Traffic Management and Routing Plan (CTMRP) be submitted;

(iii) the submission of an Abnormal Load Transport Management Plan;

(iv) the submission of a Core Path Management Plan; and

(v) the submission of Road Safety Audits.

Road Services also advise they recommend that a dilapidation/condition survey is needed of the roads in the vicinity of the site and any remedial works required to the public roads shown by the monitoring as arising from the construction of the development should be undertaken by the applicant.

Transport Scotland have been consulted on the application, and raise no objection to the application, being satisfied that subject to, (i) the requirement to submit a CTMP, similar to the requirement by Road Services above, (ii), the submission of details of any temporary

modifications required to the trunk road network to accommodate abnormal vehicle routing, and (iii) the submission of the detailed design of an access from the A1, the traffic generated by the proposed development would be capable of being accommodated on the existing road network.

Subject to the above recommended control, which can be imposed as conditions on a grant of planning permission in principle, the proposed development is consistent with Policy 13 of NPF4 and Policies T2 and T4 of the adopted East Lothian Local Development Plan 2018.

CONCLUSION

Based on the planning assessment given above and subject to the aforementioned planning controls, the proposed development does not conflict with Policies 1, 2, 3, 4, 5, 7, 10, 11, 13, 14, 22, 23 and 33 of NPF4 or with Proposals EGT3, EGT4 and MIN2 and Policies EGT4, DC1, DC6, DC9, NH1, NH2, NH5, NH7, NH11, T2, T4, DP1, DP2 and SEH2 of the adopted East Lothian Local Development Plan 2018 or with the Council's Special Landscape Areas Supplementary Planning Guidance.

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

RECOMMENDATION

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

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

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

2 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the layout, siting, design and external appearance of the substation/converter station, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.

a) Details of the finished ground levels and finished floor levels of the buildings;

b) The total height of any building (excluding any antenna/lighting rod or similar apparatus) shall not exceed 21 metres from the finished ground levels, as approved. The finished substation/converter station platform ground level shall be no higher than 44.3m AOD;

c) Details of the proposed colour treatment of the substation/converter station and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;

d) Details of all external lighting proposed;

e) Details of the area and positioning of the substation/converter station platform, which shall not exceed a footprint of 410 metres by 260 metres and which shall generally accord

with that shown on the drawing no. LF000010-DEV-MAP-231 docketed to this planning permission in principle;

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

g) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cables including the cable bridge and water crossings; the cable bridge and water crossings shall be designed to pass the 200 year plus climate change flow without constriction and with an appropriate allowance for freeboard.

In this condition, the substation/converter station means all the electrical equipment, buildings, ancillary equipment, internal roads and any perimeter security fence to be located on the substation/converter station platform, as indicatively described in Chapter 5 (Proposed Development Description) of the Environmental Impact Assessment Report docketed to this planning permission in principle.

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

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

3 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report and the Environmental Impact Assessment Report Addendum dated August 2023 docketed to this planning permission in principle, except where altered by the approval of matters specified in the condition above or by the conditions below, or unless otherwise agreed in writing by the Planning Authority.

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

4 There shall be no commencement of the development hereby approved until it can be demonstrated to the Planning Authority that consent under Section 36 of the Electricity Act 1989 has been granted by the Scottish Ministers for the Berwick Bank Offshore Wind Farm.

Thereafter, the development hereby approved shall be used solely in connection with the Berwick Bank Offshore Wind Farm, or successor offshore wind farms located within the site of that development, 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.

Reason:
To ensure there is an operational requirement for the onshore electrical transmission infrastructure and 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.

5 There shall be no operational development within the Oxwellmains Quarry Mineral Safeguard area as identified in Inset Map 41 of the East Lothian Local Development Plan 2018.

Reason:
To safeguard the mineral resource of the quarry.

6 Unless otherwise agreed in writing with the Planning Authority, all ground levels where

cables are to be buried shall be reinstated to pre-existing ground levels following completion of the development.

Where finished ground levels in respect of the cable route require to be raised above existing pre-development ground levels, detail of further assessment of any flood risk or hydrological effects associated with any change in levels including any associated mitigation measures shall submitted to and approved in advance by the Planning Authority and development shall be carried out in accordance with the detail so approved.

Reason:
In the interests of flood management.

7 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, a Public Access Management Plan for that Development Zone shall be submitted to and approved in writing by the Planning Authority. The Public Access Management Plan shall include the following details as they relate to each Development Zone:

(i) Measures to manage and control the speeds of construction traffic, including advisory speed limit signage on the local road network, specifically the roads detailed on drawing no. LF000010&11-DEV-MAP-184 titled Figure 12.4 Construction Vehicle Delivery Route (excluding the A1) contained within the Environmental Impact Assessment Report docketed to this planning permission in principle;
(ii) Details of the training of delivery drivers to make them aware of the sensitivities surrounding the interaction between HGVs and horses as referenced from the British Horse Society; and
(iii) Details of any temporary and permanent infrastructure that will be delivered to ensure the safe and convenient active travel routes in the local area, including a timetable for the implementation of the measures.

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 and active travel routes in the interests of public access.

8 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, a Construction Environmental Management Plan (CEMP) for development within that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CEMP shall identify potential noise, vibration 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, shall include hours for construction work and the following requirements:

(i) a dust and air quality management plan including detailed measures for the mitigation of dust arising from construction activities and a complaint investigation and resolution procedure;
(ii) a construction noise and vibration management plan including the hours of operation for construction related activities, detailed measures for the mitigation of construction noise and vibration and a routine noise monitoring and complaint investigation and resolution procedure;
(iii) a Site Waste Management Plan (SWMP) including details for the management of pollution prevention monitoring and mitigation measures for all construction activities;
(iv) a Soil 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 biosecurity best practice;
(v) a scheme for the identification of drainage systems (including field drains, culverts,

septic tanks and soakaways) and private water supplies, and measures for their protection during development and/or mitigation of impacts associated with the development including the temporary of alternative facilities as required; and
(vi) a scheme for the reinstatement following the completion of the construction of the cable route (or phase thereof) including the reinstatement of agricultural land, drainage systems and landscape resources.

With regards to noise the CEMP shall adopt "Best Practice Guidance" as recommended in BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites, Part 1: Noise".

With regards to vibration the CEMP shall adopt "Best Practice Guidance" as recommended in BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites, Part 2: Vibration".

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

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

Reason:
To minimise the impact of construction activity in the interests of the amenity of the area and in the interest of safeguarding biodiversity.

9 Prior to the commencement of any development on the 'Zone 4b: Onshore substation/converter station construction Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, a Noise Impact Assessment for the operational phase of the development shall be submitted to and approved in writing by the Planning Authority. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to Condition 2 and shall identify any mitigation measures (including design and location of acoustic bunds and enclosures) considered necessary to ensure the Rating Level Limit, dBLArTr of specific noise arising from the development, including on-site vehicle movements, does not exceed the Rating Level Limit (dBLAr,Tr) specified in Table BK-SSE-000-CON-REQ-0001 Figure 1 of part 2.1 of the Onshore Operational Noise Limits Table document docketed to this planning permission in principle when measured in freefield conditions at least 3.5m from the façade of any independent neighbouring residential property. All measurements to be made in accordance with BS 4142:2014+A1:2019 "Methods for rating and assessing industrial and commercial sound":

Reason:
In the interests of the amenity of nearby sensitive receptors.

10 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 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 in writing by the Planning Authority:

1. A survey of the extent, scale and nature of any 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.

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

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

2. Prior to any works beginning on 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.

11 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.

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

(i) detail of the construction period working hours (this should generally be 0700-1900 hours Monday to Friday and 0700-1300 on Saturdays only other than for delivery of abnormal loads. Subject to prior agreement, limited 24-hours per day / 7 days a week working may be permitted in relation to construction utilising the trenchless technique and the shore end export cables at landfall).

(ii) full details of all construction vehicle access routes to the application site from the A1;

(iii) detailed swept path assessments of all construction vehicle types along their prescribed routes on temporary / permanent haul roads and on the local road network;

(iv) full details of any new temporary or permanent access junctions or enhancements / modifications (such as passing places) to the existing local and trunk road network along the construction routes including appropriate visibility splays;

(v) details of measures to minimise the number of construction vehicles wherever possible;

(vi) updated information on the construction programme, vehicle types and numbers;

(vii) updated review of potential cumulative impacts of nearby related developments;

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

networks including an escort strategy;

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

(x) 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;

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

(xii) a Staff 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 CTMRP unless otherwise approved in writing by the Planning Authority.

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

13 Prior to the commencement of development, a Route Impact Report (RIR) for the construction phase of the development shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The RIR shall, unless otherwise approved in writing by the Planning Authority, compare access routes in terms of their likely impacts (noise, dust, road safety etc) of the construction traffic on the existing local road network. The report shall fully consider the use of the temporary haul roads in preference to the use of the existing road network where possible.

Reason:
In the interests of road safety.

14 Prior to the delivery of any Abnormal Indivisible Loads (AILs) within any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, an Abnormal Load Transport Management Plan (ALTMP) covering all the abnormal load movements within the relevant Development Zones that require delivery of AILs shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland. The ALTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

(i) details of the numbers and types of the AILs expected, together with a schedule of their arrivals during the construction program;

(ii) full details of all AIL vehicular routes to the site from the A1;

(iii) detailed swept path assessments of all AIL routes on temporary / permanent haul roads and the local road network;

(iv) full details of temporary or permanent changes to the existing local and trunk road network along the construction routes to facilitate the AIL deliveries and proposals for reinstatement post construction;

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

(vi) details of temporary signage required;

(vii) details of the mechanisms and schedules for liaison with the emergency services, community groups and local businesses to ensure that their activities are not impeded by

the abnormal load activity; and

(viii) details of any updates to the proposed abnormal load delivery process that have arisen following recent liaison with the emergency services, community groups and local businesses to ensure that their services are not impeded by the abnormal load delivery activity.

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

15 No heavy goods vehicles (over a weight of 3500kg or 6.1m in length) associated with the development shall be routed across the Thornton Bridge.

Reason:
In the interests of safeguarding existing roads and associated structures, as well as road safety.

16 Prior to the commencement of development within any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle that require works to the public road network, a Stage 1 and Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the preliminary and detailed design of all works to the local and trunk road networks (including those to be introduced on a temporary basis) and shall include an implementation programme describing when measures identified in the audits will be provided in relation to construction of the proposed development.

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

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

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

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

17 Prior to the commencement of the development hereby approved a programme for monitoring the condition of the public and trunk 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 in consultation with Transport Scotland. The public roads to be monitored shall be the sections of roads identified on drawing no. LF000010&11-DEV-MAP-184 titled Figure 12.4 Construction Vehicle Delivery Route contained within the Environmental Impact Assessment Report docketed to this planning permission in principle, and shall include the sections of the A1 trunk road.

Thereafter the approved programme of monitoring shall be implemented. Any remedial works required to those public and trunk roads shown by the monitoring as arising from the construction of the development shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority. Any damage to the road surface as a direct result of the construction process of the development that is identified during the monitoring which could result in a significant risk to road safety shall be repaired

immediately.

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

18 Prior to the commencement of development within any 'Development Zone' to the south of the A1 trunk road, the 'Development Zones' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, the detailed design and specification of the proposed left-in junction with the A1 trunk road as illustrated on SWECO drawing no. 62501721-DRG-102 Revision 2 and titled "Substation 8 & 9 Existing Road Improvement Plan Sheet 1" contained within Appendix 12.2 Abnormal Load Route Assessment of the Environmental Impact Assessment Report docketed to this planning permission in principle, shall be submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland.

Thereafter, and prior to the commencement of development within any 'Development Zone' to the south of the A1 trunk road, the 'Development Zones' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, the junction shall be constructed in accordance with the approved detailed design and specification.

Within 1 month of completion of the development hereby approved, the left-in junction with the A1 trunk road shall be permanently closed and the A1 trunk road reinstated to its pre-development condition in accordance with detail to be submitted to and approved in advance in writing by the Planning Authority in consultation with Transport Scotland

Reason:
To ensure that the standard of the left-in junction with the A1(T) complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

19 Prior to the commencement of any development within 'Zone 3: Landfall to Onshore Substation/Converter Station Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, the detailed design of the Under-Track Crossing (UTX) to pass under the East Coast Main Line shall be submitted to and approved in writing by the Planning Authority in consultation with Network Rail. Thereafter the development shall be carried out in full accordance with the detailed design so approved, unless otherwise approved in writing by the Planning Authority in consultation with Network Rail.

Reason: To ensure that the design of the under-track crossing adequately protects the East Coast Main Line.

20 Prior to the commencement of any development on the 'Zone 4a: Onshore substation/converter station enabling works Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, a drainage strategy for that 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.

21 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, a scheme of landscaping and/or reinstatement for development within that Development

Zone, taking account of the detailed site layout and other details proposed or approved under the terms of Condition 2 shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: existing and proposed levels (the levels plan shall show; proposed spot heights at the top and bottom of slopes, existing and proposed contours at 0.5m intervals of any mounding on or re-contouring of the site including SUDS basin/ponds; how the proposed development will relate to the existing topography including to the East Coast Main Line and A1 levels to the north of the site); 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.

22 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, a tree survey, arboricultural impact assessment and tree protection plan within that Development Zone shall be submitted to and approved in writing by the Planning Authority.

The tree survey shall be carried out by an arboriculturist plotting all existing trees and affording each a retention category. The Root Protection Area (RPA) as defined by BS5837: 2012 should be plotted for all trees. The arboricultural impact assessment shall be undertaken for the Development Zone and the tree protection plan shall show the location of temporary protective fencing (if required) on a scaled and dimensioned drawing to help with setting out on site.

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

23 There shall be no commencement of development on any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle unless and until tree protective measures have been installed in the positions and in accordance with the details approved within the relevant tree protection plan approved by Condition 22 above. Unless otherwise specified in the approved tree protection plan, the temporary protective fencing shall comprise of Heras fencing (2m high x 3.5m wide) fixed insitu with scaffold poles or wooden stakes measuring 100 x 100mm, 1.8m long driven into the ground at the ends of each panel and include supporting struts to the vertical posts at 45 degree angles and fix into the ground on the tree side using a minimum of three clamps to hold on each vertical section of heras fence. The temporary protective fencing shall be erected under the supervision of an arboricultural consultant prior to development commencing and retained on site and intact through to completion of development. All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development. An arboricultural consultant shall check the fencing at no less than monthly intervals. A project arboricultural consultant shall be the main point of contact for all matters relating to tree removal, management , retention and protection. No tree removal or management works other than those approved under this planning permission in principle shall be carried out without the prior approval of the Planning

Authority, which shall be sought by the arboricultural consultant submitting a written report with photographs identifying the tree location on approved plans.

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

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

24 No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor the site works, including the installation of the temporary protective fencing as required by Condition 23 above. The arboriculturist employed shall be required to approve the temporary protective fencing and submit written confirmation and photographic evidence that this has been installed for the prior approval of the Planning Authority prior to the commencement of development.

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

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

25 There shall be no commencement of development until the Planning Authority has approved in writing the terms of appointment by the applicant of an appropriately experienced and qualified Ecological Clerk of Works (ECoW) in consultation NatureScot. The terms of the appointment shall:
o impose a duty to monitor compliance with the ecological mitigation measures described in the Environmental Impact Assessment Report docketed to this planning permission in principle and the conditions imposed on this planning permission in principle; and
o detail the stages of the construction phase of the development when the ECoW shall be in post.

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

Reason:
To avoid or minimise disturbance of wildlife.

26 There shall be no commencement of development on any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle

(including demolition, ground works, and vegetation clearance) until an Ecological Construction Method Statement (ECMS) (or equivalent document) for that Development Zone has been submitted to and approved in writing by the Planning Authority. The ECMS shall include, but not necessarily be limited to, the following:

(i) Pre-clearance ecological mitigation works, including advance planting and, for example, the creation of ponds and hibernacula for great crested newts;
(ii) ecological risk assessment of potentially damaging construction activities;
(iii) identification of 'biodiversity protection zones';
(iv) 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);
(v) the location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
(vi) the times during construction when specialist ecologists need to be present on site to oversee works;
Responsible persons and lines of communication;
(vii) use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
(viii) ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The ECMS shall also include a timetable for the implementation of the measures identified within it.

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

Reason:
To avoid or minimise disturbance of wildlife.

27 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, a biodiversity Habitat Management and Enhancement Plan (HMEP) for development within that Development Zone shall be submitted to and approved in writing by the Planning Authority. The HMEP shall utilise the SSER BNG toolkit and Defra metric in accordance with the baseline assessment detailed in Appendix 1: Onshore Initial Biodiversity Net Gain Assessment contained within the Environmental Impact Assessment Report Addendum dated August 2023 docketed to this planning permission in principle, and shall include, but not necessarily be limited to, the following:

(i) description and evaluation of features to be managed; including location(s) shown on a site map;
(ii) landscape and ecological trends and constraints on site that might influence management;
(iii) aims and objectives of management;
(iv) appropriate management options for achieving aims and objectives;
(v) prescriptions for management actions;
(vi) preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
(vii) details of the body or organisation responsible for implementation of the plan;
(viii) a Biodiversity Monitoring Strategy, including details of the appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various biodiversity mitigation, compensation and enhancement measures being monitored can be judged; frequency, timings and locations for data gathering; methods for data gathering and analysis; mode, method, frequency of updates and reporting to the local planning authority, including how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented; and,
(ix) a timetable for reviewing the plan.

The HMEP shall also include a timetable for the implementation of the measures identified within it.

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

Reason:
To ensure the development results in an enhancement in biodiversity.

28 There shall be no commencement of development on any 'Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle until the applicant has undertaken and reported upon a Programme of Archaeological Work (Geophysical survey and Archaeological Evaluation by trial trench) within that Development Zone in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:
In the interests of archaeological and natural heritage.

29 Prior to the commencement of any development on the 'Zone 4b: Onshore substation/converter station construction Development Zone' as shown on drawing no. LF000010-DEV-MAP-271 docketed to this planning permission in principle, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings including the consideration of any opportunities for heat recovery systems, where feasible and appropriate in design terms. The report shall also include details of any car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation.

Development shall thereafter be carried out in accordance with the report so approved.

Reason:
To minimise the environmental impact of the development.

30 Within 24 months of the permanent cessation of generation at the offshore Berwick Bank 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 Berwick Bank Wind Farm, within 24 months of the permanent cessation of generation at the offshore Berwick Bank 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/converter station and cable infrastructure to be removed and details of site restoration;
ii) Management and timing of works;
iii) Environmental management provisions; and
iv) A Traffic Management and Routing Plan and Abnormal Load Transport 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 Berwick Bank 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/converter station and cable infrastructure to be removed and details of site restoration;
ii) Management and timing of works;
iii) Environmental management provisions; and
iv) A Traffic Management and Routing Plan and Abnormal Load Transport 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.