Young Planning & Energy Consenting

Report prepared on behalf of:

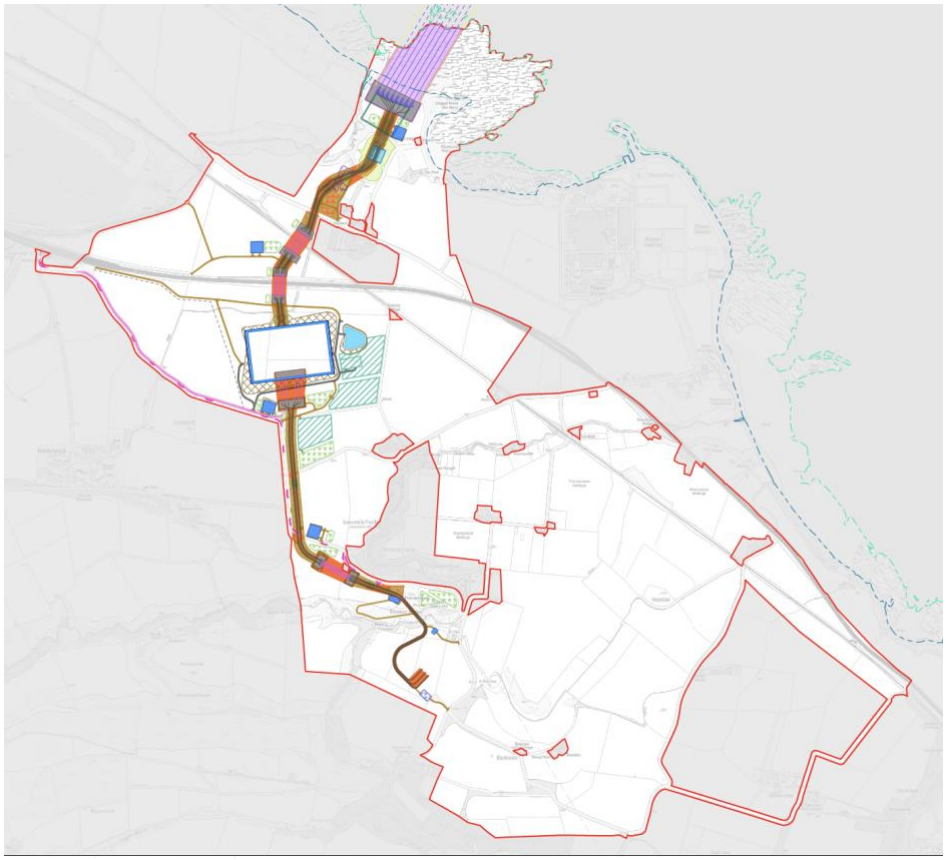
Berwick Bank Wind Farm Limited

Date:

17 February 2023

Planning Statement (including Design & Access)

Berwick Bank Wind Farm: Onshore Electricity Transmission Infrastructure



Info

Planning Statement prepared by Young Planning & Energy Consenting on behalf of Berwick Bank Wind Farm Limited, including Design and Access Statement.

Submitted to East Lothian Council in support of application for planning permission in principle for onshore electricity transmission infrastructure (including substation or converter station, cable bridge and buried cable) and associated development, for Berwick Bank Wind Farm.

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NH12: Air Quality	This Planning Statement, paragraph 11.35
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W4: Construction Waste	This Planning Statement, paragraph 11.36

1. Introduction

1.1 This Planning Statement (this "Statement") has been prepared by Young Planning & Energy Consenting Ltd (YPEC) on behalf of Berwick Bank Wind Farm Limited (BBWFL/"the Applicant"). It supports an application for planning permission in principle submitted to East Lothian Council (ELC) in respect of onshore electricity transmission works (OnTW) and associated development, as part of the offshore Berwick Bank Wind Farm.

1.2 The description of development is: "Application for planning permission in principle for electricity transmission infrastructure (including substation or converter station, cable bridge and buried cable) and associated development" (the "Proposed Development", described in detail at Section 2 of this Statement) at land between Mean Low Water Springs (MLWS) north east of Skateraw and Branxton substation, East Lothian (centred at OSGB36, British National Grid (BNG) 373977, 674114) ("the site").

Berwick Bank Wind Farm

1.3 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).

1.4 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. Although the boundary of the Firth of Forth Zone was fixed, development phase and project boundaries remained flexible within the Firth of Forth Zone.

1.5 SWEL opted for a phased approach to the delivery of the projects. Phase 1 offshore wind farm projects consisting of Seagreen Alpha and Seagreen Bravo were awarded consent from Scottish Ministers in October 2014, with a Contract for Difference awarded in 2019 and construction commencing in 2021.

1.6 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 Project).

1.7 The Project 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.

1.8 Applications for the necessary consents (including marine licences) will be applied for separately once further development work has been undertaken on this offshore export corridor.

1.9 The Project array area (the area in which the turbines will be located) is approximately 1,010 km^2 and is located approximately 37.8 km east of the Scottish Borders coastline (St.

Abb's Head) and 47.6 km to the south east of the East Lothian coastline. A maximum of 307 wind turbines will be installed within the Project array area. Full details of the Offshore works are provided within the offshore EIA Report.

1.10 The Applicant is applying for 35 year consent required to build, operate and maintain and decommission the offshore and onshore infrastructure. The Applicant has a 50 year Agreement for Lease with Crown Estate Scotland (CES). It may be desirable to 'repower' the Project to allow the wind farm to continue operating, subject to appropriate review and consideration that will be made in the future.

1.11 This document is the Planning Statement for the proposed Onshore Transmission Works (OnTW) associated with the Project (the OnTW hereafter being referred to as "the Proposed Development"). This Statement demonstrates accordance with legislation and consenting requirements for the Proposed Development whilst setting out a clear case for consent. Importantly, Berwick Bank Wind Farm has been demonstrated to be a low-risk opportunity because of its proposed location and selected technology. When delivered, it will make a significant and important contribution to decarbonisation, security of supply and affordability, in the very near future. The Proposed Development is wholly consistent with the Scottish Energy Strategy and UK energy policy and is critical if Scottish and UK policy aims and legislative Net Zero targets are to be achieved within targeted timescales.

The Proposed Development

1.12 The Proposed Development comprises the following:

- The OnTW:
  - a new onshore substation/convertor station (herein referred to as 'substation'), including:
    - Substation buildings;
    - External plant and equipment;
    - Welfare facilities;
    - Parking and turning areas;
    - Internal access roads;
    - Security features including fences and gates;
  - Landfall works;
  - Onshore cables within a cable corridor between the landfall and the new onshore substation, and between the new onshore substation and the SP Energy Networks (SPEN) Branxton substation; and
- Associated infrastructure, including:
  - Permanent or temporary drainage infrastructure;
  - Landscaping;
  - New and upgraded access roads (permanent or temporary);
  - Re-profiled land; and
  - Construction compounds, laydown areas and other temporary facilities and features required for construction purposes.

1.13 A new onshore substation or convertor station is proposed. For the remainder of this Statement, and elsewhere in the planning application documentation, the term "substation" is used to cover either an onshore substation or converter station. For avoidance of doubt, the design parameters which underpin the application for planning permission in principle

(PPP), cover both potential scenarios, and have been assessed within the Environmental Impact Assessment (EIA) which accompanies this planning application ("the onshore EIAR").

1.14 The Proposed Development is considered in detail in Section 2 of this Statement.

Applications and Consents

1.15 The Proposed Development relates to those parts of the Project which are landward of MLWS, including the intertidal area (i.e. the "onshore" element of the Project). An application is therefore required to be made to ELC for the onshore works pursuant to the Town and Country Planning (Scotland) Act 1997. The remainder of the Project, i.e., the "offshore" elements seaward of Mean High Water Springs (MHWS), is the subject of parallel submissions to Marine Scotland (collectively, "the offshore applications"), and which require the submission of applications for Marine licences pursuant to the Marine (Scotland) Act 2010 and the Marine and Coastal Access Act 2009 and consent under Section 36 of the Electricity Act 1989. The offshore applications are accompanied by a separate Environmental Impact Assessment Report (EIAR) "the offshore EIAR", covering the offshore and intertidal elements of the Project.

Need/National Development Status/National Planning Framework

1.16 The Proposed Development is within the scope of national development number 3 as defined within National Planning Framework 4 (NPF4).

1.17 The amended Town and Country Planning (Scotland) Act 1997 directs that the NPF must contribute to a series of six outcomes and one of these includes "*meeting targets for emissions of greenhouse gases*" (NPF4, Annex A, page 95).

1.18 The Proposed Development would make a valuable contribution to the emissions reduction outcome and the delivery of Net Zero. It has been set out that it is essential to take into account the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which amended the Climate Change (Scotland) Act 2009 and introduced the Net Zero targets.

1.19 Furthermore, it has been explained that the targets for each year clearly illustrate the speed and scale of change that is required over the next decade to achieve the 2030 target. That statutory footing and context for the proposed development can be afforded significant weight.

1.20 As a consequence of national development number 3 from NPF4, the Proposed Development is afforded national development status for the purposes of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Such status is recognition of the national significance of the Proposed Development and its contribution towards the Scottish Government's wider policy aspirations.

1.21 As required in respect of national developments and pursuant to section 35B of the Town and Country Planning (Scotland) Act 1997 a Proposal of Application Notice (PoAN) was submitted on behalf of the Applicant and was registered by ELC on 5 January 2022 (ELC ref: 21/0009/PAN), and community consultation was subsequently undertaken as agreed with ELC through that PoAN process. The pursuant community consultation process is detailed

within the accompanying Pre-Application Consultation (PAC) Report, and summarised at Section 13 of this Statement.

1.22 National development designation within NPF4 is recognition of the Scottish Government's acknowledgement of the need for projects such as the Proposed Development. The relevant statement of need within NPF4 states:

"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas."[1]

1.23 National development status therefore establishes the need for the Proposed Development, in terms of its role in delivering the Scottish Government's wider policy commitments which support the delivery of statutory 2045 net zero obligations.

Benefits of the Project

1.24 The Project as a whole delivers several key benefits:

- With the potential capacity to generate an estimated 4.1 GW, Berwick Bank is the largest offshore wind farm currently in development and, once built will be one of the largest offshore wind farms in the world. The Project 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;
- Berwick Bank is essential to close the 'gap' on the Scottish Government's offshore wind deployment target of 11GW by 2030;
- 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 the Project will save 9,178,312 tCO_2e 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, the Project will save 2,951,519 tCO_2e from being emitted into the atmosphere over its lifecycle;

[1] Revised Draft National Planning Framework 4: Statement of Need in respect of national development no. 3

- 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;
- 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;
- 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 (e.g. skilled workers who go on to work on successive OWF projects in the years and decades to come);
- Berwick Bank is compatible with Scottish planning and energy policies and would substantially help attain policy objectives, serving the public interest; and
- Maximising the capacity of generation in the resource-rich, accessible and technically deliverable Berwick Bank area, is to the benefit of all GB consumers, and the wind industry generally.

1.25 The Proposed Development is an essential part of the Project.

PPP Approach

1.26 As the application is for PPP, it is not possible at this stage to provide a detailed description of all elements of the Proposed Development. The PPP will define the application site boundary and development zones within the application site boundary to illustrate the areas of search within which different elements of the Proposed Development will be located. The PPP will therefore acknowledge that the details of the project will evolve within those parameters and will be subject to the approval of 'matters specified in conditions'.

1.27 On this basis, the adopted Design Envelope Approach aims to define the reasonable maximum development parameters such as to enable a robust assessment of the likely significant effects of the Proposed Development. Typical or indicative drawings are provided to illustrate the potential physical characteristics of the Proposed Development within the development parameters, with the development zones. However, it is noted that the detailed elements included in these drawings may change as more information becomes available through the ongoing project design process. Detailed plans will be prepared prior to the commencement of construction which will provide specific detail on the final design specifications, such as dimensions, layout colour, height, massing and access etc, of the various elements of the Proposed Development. These detailed plans will be submitted to ELC for approval in accordance with conditions attached to the PPP. .

EIA Process

1.28 The planning application is accompanied by the onshore EIAR, which presents the assessment of the Proposed Development in the context of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The scope of the EIA was informed by a formal Scoping Opinion issued by ELC on 1 October 2020.

1.29 The onshore EIAR comprises the following chapters:

- "Non-technical" chapters:
  - Chapter 1: Introduction;
  - Chapter 2: Approach to EIA;
  - Chapter 3: Policy and legislation;
  - Chapter 4: Site selection and analysis of alternatives;
  - Chapter 5: Proposed development description; and
  - Chapter 15: Summary of EIA Report.
- "Technical" chapters:
  - Chapter 6: Landscape and visual;
  - Chapter 7: Ecology;
  - Chapter 8: Ornithology;
  - Chapter 9: Noise;
  - Chapter 10: Cultural heritage;
  - Chapter 11: Geology, hydrology, soils and flood risk;
  - Chapter 12: Traffic and transport;
  - Chapter 13: Socio-economics; and
  - Chapter 14: Land use, tourism and recreation.

1.30 This Statement provides a summary assessment of the Proposed Development against Development Plan policies relevant to the technical chapters of the EIAR. Cross reference is provided within these summary assessments to the relevant EIA chapters where the detailed assessments are documented.

This Planning Statement

1.31 This Statement incorporates a Design & Access Statement, in accordance with Regulation 13 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and more generally assesses the Proposed Development against relevant development plan policy and other material considerations. In doing so, three key determining issues are identified in policy terms, namely

- The principle of the Proposed Development and need;
- ELC Local Development Plan (LDP) PROP EGT3; and
- Significant environmental effects as identified in the onshore EIAR.

1.32 This Statement comprises:

- This introductory section;
- Section 2: The Proposed Development – a description of the Proposed Development;
- Section 3: Site Selection & Site Description – a description of the planning application site and the process leading to its selection;
- Section 4: Basis for determining a planning application – a summary of the legislative basis for determination of a planning application, and examples of judicial interpretation;
- Section 5: Development Plan Policy – a summary of relevant Development Plan policy;
- Section 6: Other material considerations: Planning – a summary of other planning-based material of relevance to the Proposed Development;
- Section 7: Other material considerations: Energy Policy – a summary of energy policy as a material consideration of relevance to the Proposed Development;

- Sections 8-11 (inc): Policy assessments of the Proposed Development in terms of:
  - Principle of development and need;
  - LDP PROP EGT3;
  - Significant environmental effects; and
  - Other considerations.
- Section 12: Design and access;
- Section 13: Summary of pre-application community consultation, the detail being provided in the accompanying Pre-Application Consultation Report ("the PAC Report");
- Section 14: Proposed planning conditions – a summary of planning conditions proposed by the Applicant; and
- Section 15: Conclusions.

2. The Proposed Development

2.1 The Proposed Development comprises the OnTW and associated development associated with Berwick Bank Wind Farm. Onshore transmission infrastructure is defined as that landward of MLWS. Each element of the Proposed Development is considered in turn, below.

2.2 The Proposed Development Zones drawing which accompanies the application for PPP, replicated below as Figure 2.1, illustrates Proposed Development Zones within the Site. These zones relate to different elements of the Proposed Development as described below.

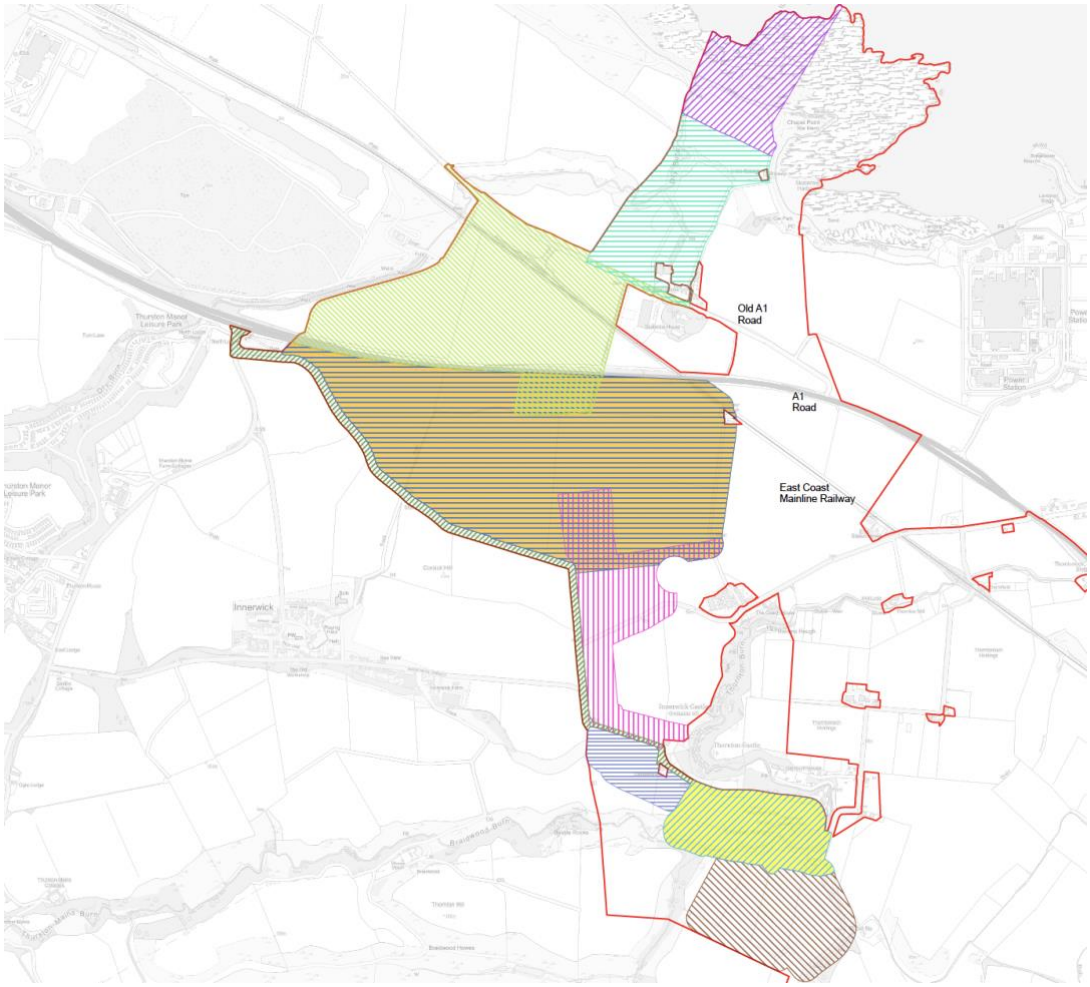

Figure 2.1: Proposed Development Zones

Landfall works

2.3 At landfall, up to eight offshore export cables will come to shore and will be connected to the onshore cables via eight buried transition joint bays. The eight proposed transition joint bays will connect the offshore export cables and the onshore cables and will each comprise of a box-like structure, where the cables will be buried. Each transition joint bay will consist of an underground structure that houses the cable joints and will be approximately 13m by 3m, with all eight located within a temporary trenchless technique construction compound during landfall construction.

2.4 The proposed transition joint bays will be located approximately 130m north-west of Skateraw harbour, on agricultural land (the coordinates for the landfall location are BNG 373571, 675772).

2.5 The infrastructure associated with the transition joint bays and landfall will also include manhole covers covering the communications and link boxes, which may be fenced off for security.

Onshore cables between landfall and substation

2.6 Following the connection of the offshore export cables to the onshore cables at the transition joint bays, the onshore cables will be installed underground through predominantly agricultural land, between the coast at Skateraw and the East Coast Main Line (ECML) railway and A1 trunk road. An increase in width from 18m to 30m of an existing culvert crossing of a tributary of the Dry Burn will be required to install and complete this section of the onshore cable installation. Following the Dry Burn, the onshore cables will be installed west of the residential properties at Skateraw, before crossing underneath the unclassified road.

2.7 The proposed onshore cables will cross underneath the ECML railway and the A1 and will require these two sections of work to be completed by a trenchless technique e.g. Horizontal Directional Drilling (HDD), with associated temporary trenchless technique compounds. The trenchless works under the ECML, will be an approximate depth of up to 14m and length of 170m. The trenchless works under the A1 trunk road, which will also cross underneath the Neart na Gaoithe (NnG) cable corridor, will be an approximate depth of up to 18m and length of 170m.

2.8 Before connecting to the substation, the proposed onshore cables will cross a minor burn which lies south of the A1 and north of the proposed onshore substation. It is proposed that the minor burn will be temporarily diverted during construction.

2.9 The onshore cables will then connect to the switchgear within the new onshore substation via the northern edge of the onshore substation platform.

Onshore substation

2.10 The onshore substation is defined as a permanent compound comprising elements of electrical infrastructure including buildings, which are required to facilitate connection to the national grid.

2.11 The onshore substation is located at grid reference, BNG 373065, 674532, within an agricultural field, which is currently used for arable agriculture, on a northern facing slope approximately 680 m north-east of Innerwick settlement. The A1 and the ECML railway are located 140m and 210m respectively to the north.

2.12 As outlined at paragraph 1.13 of this Statement, the onshore substation will either be a HVAC substation comprising of internal and external HV equipment and Gas Insulated Switchgear; or a HVDC substation comprising of converter buildings, HV external equipment and Gas Insulated Switchgear. The onshore substation will comprise of electrical components for transforming the power supplied from the offshore wind farm to the grid

voltage and will be formed of a maximum of 18 buildings. The onshore substation will include operational buildings and facilities including car parking, security fencing and welfare facilities. The welfare facilities will be connected to a filtration system for foul drainage, which will be maintained by a licensed contractor and the contents disposed of at a licensed off-site location.

2.13 The onshore substation footprint will be up to 97,500 m^2 (maximum 390m length by 250m width) with internal buildings of a maximum height of 21m. Associated lightning rods will be of an approximate tip height of 25m. Further studies will be necessary to determine the final height of the rods, although it is likely to be less than 25m. The finished platform level of the onshore substation will be approximately 44.3m above ordnance datum (AOD) and maximum 410m length by 260m width.

2.14 Indicative layouts (HVAC and HVDC options) of the onshore substation are shown within EIAR Volume 2, Figure 5.9. This presents the anticipated layout for both an HVAC or HVDC substation. Details of the final design of all components of the substation are proposed to be agreed with ELC through the approval of matters specified in conditions (AMSC) phase, should PPP be granted.

2.15 A new permanent access road to the onshore substation will be required from a new junction onto the unclassified public road to the south-west of the onshore substation location. This new permanent access road will be a surfaced single carriageway road. It will be a private road and include appropriate drainage.

2.16 Permanent and temporary drainage systems will be established around the onshore substation, including a permanent Sustainable Urban Drainage System (SuDS) pond to the east. A permanent access road to the SuDS Pond is proposed.

2.17 There will be temporary construction compounds, material laydown areas and access routes associated with the onshore substation.

Onshore cables between substation grid connection point, including cable bridge

2.18 Following connection to the new onshore substation, the onshore cables will exit the South of the substation by a trenchless technique, passing beneath an existing 132kV utility. The onshore cables will then be installed utilising an open trench technique in a southerly direction, through agricultural land southwest of Innerwick Castle and Thornton Glen. This section of cable route will cross two local roads before turning generally south-east and passing beneath Castledene scheduled monument utilising trenchless techniques. The onshore cables then continue for a short while in open cut formation, before crossing Braidwood Burn via a cable bridge. From there, the cables will connect to the proposed SPEN Branxton substation, which is adjacent to the existing Innerwick sealing end compound.

2.19 The cable bridge will be approximately 40m in length (headwall to headwall) and 10m in width (span). It is anticipated that the final solution and detailed design of the Braidwood Burn crossing will be confirmed and agreed with ELC and Scottish Environment Protection Agency (SEPA) following ground investigations prior to construction, as part of the AMSC process. The Braidwood Burn cable bridge crossing will be designed in accordance with SEPA

guidance to allow for 1 in 200 year flow event and to allow for the safe passage of mammals and fish species. The cable bridge crossing will not be maintained for pedestrian or vehicle access and will be secured to prevent public access.

3. Site Selection & Site Description

3.1 This section summarises the comprehensive site selection exercise which resulted in the Applicant identifying the site as the preferred site for the Proposed Development, before describing the characteristics and features of the site and its surroundings.

Summary of Site Selection Process

3.2 Following a grid connection application to National Grid Electricity Transmission and subsequent offer, the Applicant was directed to a transmission grid connection at a new Branxton substation, approximately 8 km south of Dunbar, near to SP Energy Network (SPEN's) existing Branxton Sealing End Compound.

3.3 A comprehensive site search exercise, considering several potential landfall, substation and cable corridor locations. The site search exercise sought to identify the optimum OnTW locations, combining relevant consenting (planning and environment), engineering and land considerations.

3.4 The site search exercise took full account of the requirements of East Lothian Council Local Development Plan PROP EGT3: Forth Coast Area of Co-ordinated Action which whilst generally supportive of development consistent with NPF3's national development 4 (now superseded by a the similarly worded national development number 3 in NPF4), requires consideration of co-located infrastructure. As such, in terms of a potential substation location, the site search exercise considered co-location with: (i) existing infrastructure (Tarmac Quarry area, north-west of Skateraw; a brownfield site adjacent to the Cement Works, Dunbar; and land adjacent to Torness Power Station); and (ii) emerging major infrastructure proposals, specifically the new SPEN Branxton substation. These options were subsequently discounted (Section 9 considers the rationale for discounting in further detail).

3.5 Several landfall and substation options were subsequently considered and those which form the basis of this planning application were identified as preferred. A suitable cable corridor between the two was subsequently identified, as well as a suitable cable corridor between the substation and the new SPEN Branxton substation; both also form part of this planning application.

3.6 In identifying preferred locations for the OnTW, the site selection exercise concludes that the site is suitable for the Proposed Development in that:

- Direct impacts on environmentally sensitive designations could be avoided;
- Mitigation measures could be applied to minimise negative impacts to residential amenity during construction; and
- The locations are suitable and viable from engineering perspectives.

3.7 Chapter 4 of the accompanying onshore EIA Report considers the site selection process in further detail.

Site Description

3.8 The site is situated near Torness and the village of Innerwick, south-east of Dunbar located in East Lothian, Scotland, as illustrated in Figure 3.1, below. The centre of the site is OSGB36, British National Grid (BNG) 373977, 674114.

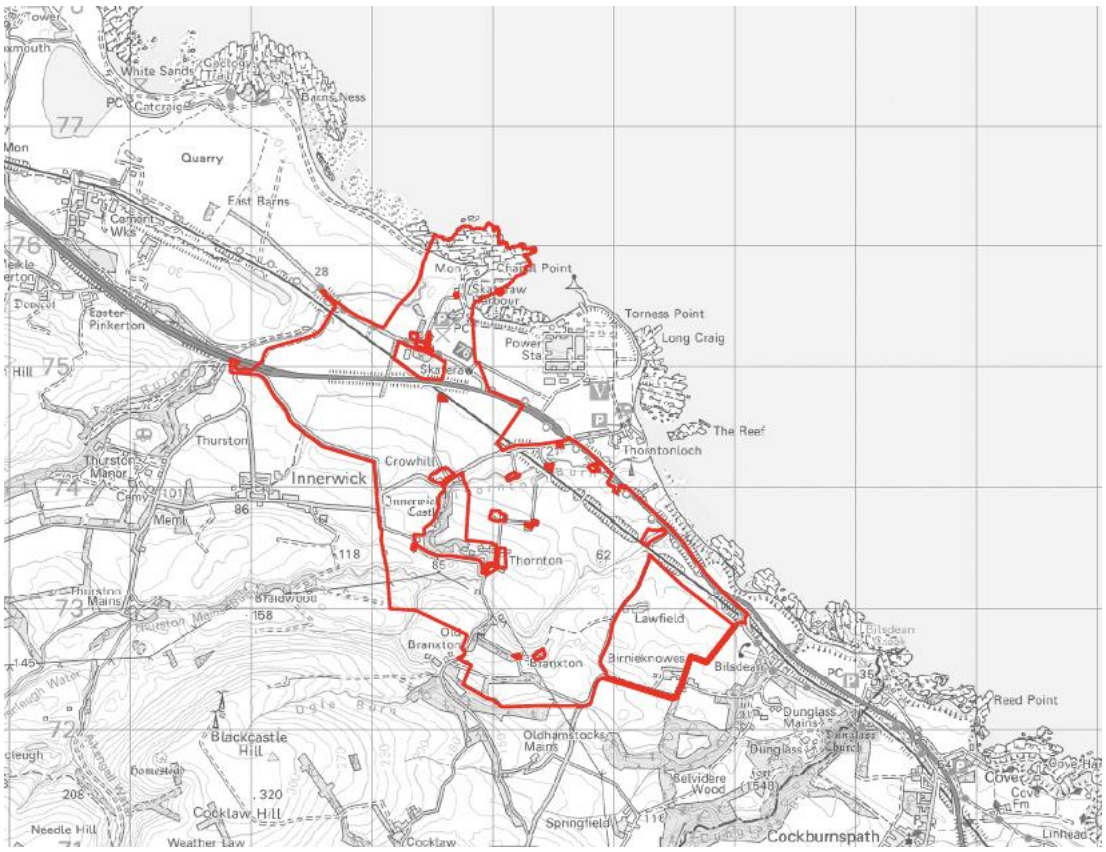

Figure 3.1: Extract from Location Plan

3.9 The proposed landfall is located north-west of Torness Power Station and Skateraw harbour. The onshore cable corridor is located between the landfall and onshore substation for approximately 1.5 km, connecting to the new onshore substation/converter station, located north-east of Innerwick. The onshore substation connects to the SPEN Branxton substation to the south-east via a continuation of the onshore cable corridor for approximately 1.8 km.

3.10 The site extends from the settlement of Branxton in the south, Bilsdean in the south-east, the coastline at Skateraw and Torness in the north, Oxwellmains Cement Works and Quarry in the north-west and Fouracres in the west. The land on which the site is located is predominantly agricultural land with sparse settlements spread throughout, connected by small local roads and tracks. The A1 trunk road and East Coast Main Line (ECML) railway cuts through the site in a north-west to south-east direction running parallel to the coast. Torness Power Station (nuclear) is located to the south-east of the proposed landfall at Skateraw.

3.11 Ground levels within the site vary due to the sloping topography (generally west to east).

3.12 The existing infrastructure within the site and adjacent area includes:

- Torness Power Station and associated infrastructure;
- Torness nuclear waste railway loading dock;
- The A1 trunk road;
- ECML railway;
- 400 kV overhead lines and underground cables at Branxton;
- Two existing cable sealing end compounds at Branxton;
- Innerwick electricity substation;
- Onshore electricity infrastructure, including Neart na Gaoithe (NnG) cable route and infrastructure;
- Local access roads; and
- Utilities, including drainage, water, gas, telecommunications and electricity services.

3.13 The site is approximately 598 ha in area.

4. Basis for Determining a Planning Application

4.1 Section 25 of the Town & Country Planning (Scotland) Act 1997 states: "Where in making any determination under the Planning Act, regard is to be had to the Development Plan that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise".

4.2 Section 37 should be read alongside Section 25. Section 37 (2) states: "In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations".

4.3 The House of Lords in its judgement in the City of Edinburgh Council v Secretary of State for Scotland case 1998 (SLT120) ruled that if a proposal accords with the Development Plan and no other material considerations indicate that it should be refused, planning permission should be granted. It ruled that: *"Although priority must be given to the Development Plan in determining a planning application, there is built in flexibility depending on the facts and circumstances of each case"*.

4.4 The judgement set out the following approach to determining a planning application:

- Identify the provisions of the Development Plan that are relevant to the decision;
- Consider them carefully looking at the aims and objectives of the plan as well as the detailed wording of policies;
- Consider whether or not the proposal accords with the Development Plan;
- Identify and consider relevant material considerations for and against the proposal; and
- Assess whether these considerations warrant a departure from the Development Plan.

4.5 This judgement sets out a clear and methodical approach to determining a planning application and clarifies how the Development Plan should be used.

4.6 The determining authority must first consider whether the proposal accords with the Development Plan. It is important to consider not only the detailed wording of policy, but the aims and objectives of the policy maker. If a proposal is considered to accord with the Development Plan, it follows that consent should be granted unless any site specific matters preclude consent.

4.7 The House of Lords has ruled that material considerations must satisfy two tests:

- They must be considerations, in other words, they must have consequences for the use and development of land or the character of the use of the land; and
- They must be material to the circumstances of the case and they must relate to the Proposed Development.

4.8 This was articulated in a further court decision Tesco Stores v Dundee [2012] PTSR 983. The key was that the courts have confirmed that the Development Plan provides the planning authority with discretionary powers and these can be used flexibly, with the importance of balancing the Development Plan with other material considerations.

5. Development Plan Policy

Introduction

5.1 The statutory Development Plan for the site, as defined by Section 24 of the Town and Country Planning (Scotland) Act 1997 (as amended by the Town and Country Planning (Scotland) Act 2019), comprises:

- National Planning Framework 4 (Scottish Government 2023); and,
- East Lothian Local Development Plan ("the LDP", adopted 2018).

5.2 This Statement does not quote policy verbatim but rather summarises relevant elements of policies of relevance to the Proposed Development. The following summaries do not reference all elements of policies, only those considered relevant to the Proposed Development.

National Planning Framework 4

5.3 Since its adoption on 13 February 2023, NPF4 forms part of the statutory development plan. Since this date, the following documents are no longer relevant: (i) SESplan, the Strategic Development Plan for South East Scotland, (ii) Scottish Planning Policy (2014); and (iii) NPF3.

NPF4's National Development 3

5.4 In terms of the scope of the designation NPF4's national development number 3 relates to electricity transmission infrastructure on a Scotland-wide basis. Part (b) considers: *"New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more"*; whilst part (c) considers: *"New and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations."*

5.5 Accompanying text at page 103 states:

- *"A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets."*
- *"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. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."*
- In terms of need: *"Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas."*

Policy 1

5.6 Policy 1 recognises the significance of the global climate emergency, stating: "*when considering all development proposals significant weight will be given to the global climate and nature of crisis.*"

5.7 Policy intent is set out as being "*to encourage, promote and facilitate development that addresses the global climate emergency in nature crisis*". Policy outcomes are identified as being zero carbon, nature positive places.

Policy 11

5.8 Policy intent: *"To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)."*

5.9 Part (a)(ii) states: *"Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include… enabling works, such as grid transmission and distribution infrastructure…"*

5.10 Part (c) continues: *"Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities."*

5.11 Part (e) further states: *"In addition, project design and mitigation will demonstrate how the following impacts are addressed:*

- *impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;*
- *significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*
- *public access, including impact on long distance walking and cycling routes and scenic routes;*
- *impacts on aviation and defence interests including seismological recording;*
- *impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
- *impacts on road traffic and on adjacent trunk roads, including during construction;*
- *impacts on historic environment;*
- *effects on hydrology, the water environment and flood risk;*
- *biodiversity including impacts on birds;*
- *impacts on trees, woods and forests;*
- *proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*
- *the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*
- *cumulative impacts."*

5.12 Table 1 summarises NPF4 policies on a topic-by-topic basis.

TABLE 1: SUMMARY OF RELEVANT NPF4 POLICIES

Topic	Relevant Onshore EIA Report Chapter	Relevant parts of NPF4
Landscape and visual	Chapter 6: Landscape & Visual	Policies 4, 6 and 29
Ecology and ornithology	Chapters 7: Ecology and 8: Ornithology	Policies 3 and 4
Noise	Chapter 9: Noise	Policy 23
Air quality	Scoped out of EIA process	Policy 23
Cultural heritage	Chapter 10: Cultural Heritage	Policy 7
Geology, hydrology, soil	Chapter 11: Geology,	Policy 22

TABLE 1: SUMMARY OF RELEVANT NPF4 POLICIES		
Topic	**Relevant Onshore EIA Report Chapter**	**Relevant parts of NPF4**
and flood risk	hydrology, soils and flood risk	
Traffic and transport	Chapter 12: Traffic and Transport	Policy 13
Land use, tourism and recreation	Chapter 14: Land use, tourism and recreation	Policy 30

East Lothian Local Development Plan (2018)

5.13 LDP policy can be considered in three parts:

1. Site specific policies;
2. Policies relevant given the nature of the Proposed Development
3. General LDP policies.

Site Specific Policies

5.14 The site boundary includes areas covered by the policy designations summarised in Table 2:

TABLE 2: SUMMARY OF SITE SPECIFIC POLICIES			
Designation	**LDP Policy Ref**	**Summary of Policy**	**Location of Assessment**
OI2 (Map 3 – Landscape and Infrastructure)	Policy OI2: Torness Consultation Zone	Office of the Nuclear Regulator (ONR) to be consulted on planning application	Paragraph 11.4
Torness Power Station	PROP EGT2: Torness Power Station	Safeguards site for power generation and supports decommissioning if during LDP period	Paragraph 11.5
Mineral Safeguard (Inset Map 41)	PROP MIN3: Safeguard Longyester and Skateraw Sand and Gravel Quarries	Area safeguarded for mineral extraction	Paragraph 11.6
DC1 (Map 3 – Landscape and Infrastructure)	DC1: Rural Diversification	Criteria for development in open countryside	EIAR Chapter 6; Paragraph 10.5
DC6 Constrained (Lowland Plains)	DC6: Development in the Coastal Area	Criteria for development in constrained coast	EIAR Chapter 6; Paragraph 10.7
SSSI (Refer to Policy	Policy NH2: Protection	Criteria for	EIAR Chapters

TABLE 2: SUMMARY OF SITE SPECIFIC POLICIES			
Designation	**LDP Policy Ref**	**Summary of Policy**	**Location of Assessment**
NH2) (Map 1)	of SSSIs and Geological Conservation Review Sites	acceptable development in such areas	7&8; Paragraph 11.7
Geological Conservation Review Sites (Refer to Policy NH2) (Map 1)			EIAR Chapter 11; Paragraph 11.7
Local Biodiversity Sites (NH3) (Map 2)	Policy NH3: Protection of Local Sites and Areas	Criteria for acceptable development in such areas	EIAR Chapters 7&8; Paragraph 11.8
Special Landscape Area	DC9: Special Landscape Areas	Criteria for acceptable development in such areas	EIAR Chapter 6; Paragraphs 10.8-10.9

5.15 Policy OI2 places a duty on the planning authority to consult on the ONR on relevant planning applications. No assessment is required against this policy and it is not considered further within this Statement.

Policies relevant given the nature of proposed development

5.16 Policy EGT4: Enhanced High Voltage Electricity Transmission Network outlines East Lothian Council support for development within the scope of NPF3's national development number 4, which is broadly consistent with NPF4's national development number 3, subject to impacts on:

- Landscape;
- Visual amenity;
- Communities;
- Natural heritage; and
- Cultural heritage.

5.17 Policy EGT4 also refers to Strategy Diagram 3, which illustrates the area of co-ordinated action and identifies "potential electricity grid connection" nearby Torness, as well as the Branxton sealing end compound within the area of co-ordinated action. The reference to Strategy Diagram 3 is the primary LDP link to NPF3's national development 4, and remains relevant since the approval of NPF4.

General LDP policies

5.18 General LDP policies, typically of an environmental nature, are also relevant and in the majority of cases underpin a technical assessment undertaken through the EIA process. Such policies comprise:

- T2: General Transport Impact;
- T4: Active Travel Routes and Core Paths as part of the Green Network;
- W4: Construction Waste;
- MIN1: Protection of Mineral Reserves;
- DC9: Special Landscape Area;
- NH1: Protection of Internationally Designated Sites;
- NH2: Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites;
- NH4: European Protected Species;
- NH5: Biodiversity and Geodiversity Interested, including National Protected Species;
- NH6: Geodiversity Recording and Alternative Exposures;
- NH7: Protecting Soils;
- NH8: Trees and Development;
- NH9: Water Environment;
- NH10: Sustainable Urban Drainage Systems;
- NH11: Flood Risk;
- NH12: Air Quality;
- NH13: Noise;
- CH2: Development Affecting Conservation Areas;
- CH4: Scheduled Monuments and Archaeological Sites;
- DP1: Landscape Character; and
- DP2: Design.

6. Other Material Considerations: Planning

Planning Advice Notes

6.1 Relevant Planning Advice Notes (PANs) are summarised below in Table 3. These are typically of an "environmental" basis and are not considered in detail within this Statement, but rather are comprehensively assessed in the accompanying onshore EIAR.

TABLE 3: SUMMARY OF RELEVANT PAN/NPF4		
Topic	**Relevant Onshore EIA Report Chapter**	**Relevant PANs**
Landscape and visual	Chapter 6: Landscape & Visual	PAN60: Natural Heritage
Ecology and ornithology	Chapters 7: Ecology and 8: Ornithology	PAN60: Natural Heritage
Noise	Chapter 9: Noise	Pan 1/2011: Planning and Noise
Air quality	Scoped out of EIA process	No specific PAN
Cultural heritage	Chapter 10: Cultural Heritage	PAN2/2011: Planning and Archaeology
Geology, hydrology, soil and flood risk	Chapter 11: Geology, hydrology, soils and flood risk	PAN79: Water and Drainage; Flood Risk: Planning
Traffic and transport	Chapter 12: Traffic and Transport	PAN75: Planning for Transport
Land use, tourism and recreation	Chapter 14: Land use, tourism and recreation	No specific PAN

Regional Spatial Strategy

6.2 The Planning (Scotland) Act 2019 has been enacted which and removes the need for Strategic Development Plans. However, Regional Spatial Strategies (RSS) are required for planning authorities acting jointly and the intention is that they will contribute to the preparation, revision or amendment of the NPF. They help inform NPF for national planning opportunities across the regions.

6.3 An interim RSS relevant to the south east of Scotland (including East Lothian) was considered by the SESplan Joint Committee on 21 September 2020. Following ratification of the Joint Committee's decision by each of the SESplan member authorities, the interim RSS was submitted to Scottish Government who are currently considering the document.

6.4 The Strategy outlines that *"National and regional strategy must support investments to deliver net zero emissions through…. energy generation and storage" and "Existing renewable energy across the region can be enhanced by a wide range of as yet unused*

opportunities including sea water along the Forth Estuary and North Sea coast, mine water across much of the region, solar, and further offshore wind energy. These should be promoted and linked in with future investment and development… The development of offshore wind energy is supported however, careful consideration needs to be given to addressing the requirements for land-based infrastructure to support offshore wind energy".

6.5 The RSS is relevant to Proposed Development and therefore appropriate weight should be applied to it as a material consideration.

Historic Environment Policy Statement

6.6 The Historic Environment Policy Statement (HEPS) (2019) set out the policies for when decisions affect the historic environment and sets out how the historic environment should be managed. The Proposed Development is in an area where there are Scheduled Monuments, Listed Buildings and at points is within 1-km of Innerwick Conservation Area. Therefore, appropriate consideration will be given to HEPS where the historic environment may be affected. Effects on cultural heritage in terms of architecture and archaeology are considered in Chapter 10 of the accompanying EIA Report.

Relevant DPEA Reporter Commentary

6.7 In February 2018 Inch Cape Offshore Ltd (ICOL) submitted an application (18/00189/PPM) for planning permission in principle for onshore transmission works on the site of the former Cockenzie Power Station, a site also in East Lothian. This application was granted planning permission in principle by Scottish Ministers (CIN-ELN-001) in February 2019 following examination by a DPEA Reporter.

6.8 Relevant commentary from East Lothian Council's Report to Planning Committee includes:

- That a "backdrop" of existing infrastructure significantly mitigates visual impacts of the substation; and
- That the enclosing of electrical equipment within a building, where possible, is desirable from a landscape and visual impact perspective.

6.9 Further, the report accompanying the Scottish Ministers' decision of 22 February 2019 on ICOL's second application (hereafter referred to as "the ICOL Report") includes a series of relevant conclusions:

- NPF3's statement of need in respect of high voltage electricity transmission is significant and affords development of the type proposed national development status;
- The benefits of such development are significant in terms of overall investment, support for climate change objectives, delivery of the Scottish Government's renewable energy targets and construction-related employment opportunities;
- Development anticipated by NPF3 and the national development designation is anticipated to be of a significant scale;
- Views out to sea are a more likely focus than those of the substation;
- Proposal consistent with NPF3; and
- Acknowledges the development is significant and of national importance.

7. Other Material Considerations: Energy Policy

Scottish Energy Legislation and Policy

Scotland's Legislative Emission Reduction Targets

7.1 The Climate Change (Scotland) Act 2009 sets a long-term legislative framework to ensure a reduction in Scotland's greenhouse gas emissions by 42% by 2020 and ultimately, by 80% by 2050.

7.2 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Scottish Government, 2019a) sets targets for the reduction of greenhouse gases emissions. The objective is to contribute appropriately to the world's efforts to deliver on the Paris Agreement reached at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change. The Emissions Reduction Targets include a reduction of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030 and 90% by 2040. The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

Climate Emergency – National & Local

7.3 The Scottish Government declared a "climate emergency" in April 2019, which resulted in the aforementioned 2045 net zero targets.

7.4 In declaring the climate emergency the Scottish Government also recognised the role of the planning system in delivering associated objectives: *"…the next National Planning Framework and review of the Scottish Planning Policy will include consideration focus on how the planning system can support our climate change goals."*

7.5 East Lothian Council declared its own climate emergency in August 2019, noting: *"We believe that it's not too late for us to turn things around but to do so requires transformative change and action now.*

"East Lothian Council therefore resolves to: Declare a Climate Emergency that requires urgent action to make all our Council Services net Zero Carbon as soon as reasonably practicable or in any case by 2045 and to lobby, support and work with all relevant agencies, partners and communities to fulfil this commitment. East Lothian Council will also commit to work with our communities and partners towards making East Lothian a carbon neutral county as well as enabling the county to deliver its part of wider national and international commitments."

2020 Routemap for Renewable Energy in Scotland

7.6 The "2020 Routemap" was originally published in 2011, with various subsequent updates, the last of which was published in September 2015.

7.7 The securing of a low carbon energy supply is a key element in achieving the target of an 80% reduction in emissions by 2050 (with an interim milestone of 42% by 2020). In

recognition of this the Scottish Government has set further targets which include producing 100% of Scotland's electricity demand from renewable sources by 2020.

7.8 The 2020 Routemap includes sectoral routemaps, including for offshore wind, the 2015 update stating: *"Offshore wind is showing increasing promise as a source of renewable energy, and huge economic value… The Scottish Government… remains committed to using its devolved powers to help the sector fulfil its promise."*

7.9 The offshore wind sectoral routemap refers to *Scotland's Offshore Wind Route Map - Developing Scotland's Offshore Wind Industry to 2020 and Beyond* (2013), which elaborated upon 2020 Routemap commitments, both in the delivery of offshore wind developments and the wider industry required to deliver on potential. This 2013 document has largely been superseded by the Offshore Wind Policy Statement (2020), discussed below.

The Scottish Energy Strategy: The Future of Energy in Scotland

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

7.11 Offshore wind is acknowledged as a significant part of this vision, with Scotland's competitive advantage also acknowledged, with several advantages of offshore wind as part of the long-term energy mix noted:

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

Electricity Generation Policy Statement

7.12 The Scottish Government published its Electricity Generation Policy Statement in 2013. The Statement assessed generation methods, whilst identifying necessary changes in order to meet climate change targets.

7.13 The Statement recognises that Scotland's renewables potential and considers that with successful deployment, could deliver up to £46bn of investment, whilst also delivering more than sufficient quantities of electricity to meet Scotland's demand. The excess could be exported to the rest of the UK and continental Europe, assisting delivery of carbon reduction targets further afield.

Offshore Wind Energy Policy Statement (2020)

7.14 The Offshore Wind Energy Policy Statement (OWEPS) (Scottish Government, 2020c) 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 (paragraph 36). The OWEPS builds upon the ambitions outlined in Scotland's Energy Strategy (paragraph 40) (Scottish Government,

2017). It also refers to the Offshore Wind Sector Deal published 2019 (paragraph 32) (HM Government 2019) which details specific actions to be undertaken by governments and industry, designed to promote and grow the sector.

7.15 The OWEPS highlights the intention of the Scottish Government to achieve as much as 11GW of offshore wind capacity in Scottish waters by 2030 (Scottish Government, 2020c). The report shows that the total consented capacity in Scotland (both from fixed and floating technologies) was 5.6MW in September 2020.

7.16 Furthermore, the OWEPS states *"Looking beyond 2030, we know that huge increases in renewable capacity and generation are likely to be needed in order to decarbonise our energy use, and to meet the potential for much greater demand for clean electricity – as well as for green hydrogen – to reduce emissions associated with heat, transport and industrial energy demand as we move towards 2045 and net zero. The 2020 Future Energy Scenarios, published by National Grid ESO, includes the potential requirement for 24 GW of offshore wind capacity dedicated solely to hydrogen production"* (Scottish Government, 2020c).

7.17 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 (Scottish Government, 2020c).

7.18 The Proposed Development, with a production capacity of up to 4.1GW, will be a key contributor towards the offshore wind capacity growth required in Scottish waters to aid net zero goals.

Low Carbon Scotland: Climate Change Plan – Third Report on Proposals and Policies 2018-2032

7.19 Published in September 2018, the document provides an overview of the Scottish Government's Climate Change Plan 2018-2032 (CCP). The document contains the most up-to-date renewable electricity generation data available:

7.20 "In 2015, Scotland had reduced its emission by 41% from the 1990 baseline, and in 2017Scotland generated 68.1% of its electricity requirements from renewables. Scotland's success in decarbonising electricity paves the way for transformational change across all sectors of the economy and society, particularly as electricity will be increasingly important as a power source for heat and transport."

7.21 The CCP envisages that by 2032 Scotland will have reduced its emissions by 66%, while growing the economy, increasing the wellbeing of communities, and protecting and enhancing Scotland's natural environment. Further, the CCP proposes that by 2032 Scotland's electricity system will be largely decarbonised, with an increased role as a power source for transport and heat.

Protecting Scotland's Future: The Scottish Government's Programme for Scotland 2019-20

7.22 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.

7.23 The Scottish Government's 2019-20 Programme focuses on the transition to net zero and the identifies associated opportunities. Key objectives of the 2019-20 Programme are centred around reduction of CO2 emissions and encourage investment in and implementation of renewable energy projects. In addition, the Programme highlights the role of the planning system in achieving the net zero objectives.

Reducing emissions in Scotland – 2020 Progress Report to Scottish Parliament

7.24 The Climate Change Committee's 9th annual progress Report to the Scottish Parliament stated that Scotland's greenhouse gas emissions fell by 31% during the period 2008-2018. A reduction in emissions in the energy sector, where Scottish renewable electricity generation has tripled and fossil-fuelled generation has fallen by more than 70% during the same period, was a significant contributing factor. Greenhouse gas emissions increased by 2% in 2018, following a reduction of 3% in 2017.

7.25 Scottish Government priorities include the production a new CCP before the year end, focusing upon the 2045 net zero target and aligning the emerging NPF4 with this target. In doing so, the Report recognises the role of NPF in contributing towards a favourable planning framework to deliver a low carbon, efficient energy system and climate resilient infrastructure. In doing so, NPF should provide a positive planning policy basis for major renewable energy projects, including onshore elements of offshore wind.

Update to the CCP – Securing a Green Recovery on a Path to Net Zero

7.26 In December 2020 the Scottish Government published a draft update to the CCP. The plan sets out the approach to delivering a green recovery, and a pathway to delivering world leading climate change targets through the period to 2032. By 2032 Scotland's electricity system will be transformed, with over 100% of electricity demand met from renewable sources, reflecting a substantial increase in renewable generation, particularly through offshore and onshore wind capacity. Whilst much of Scotland's electricity generation has decarbonised since publication of the 2020 Routemap, there is a need for increased investment in renewable energy, particularly offshore wind.

Scottish National Marine Plan

7.27 Marine planning in Scotland's inshore waters and offshore waters is governed by the Marine (Scotland) Act 2010, an Act of the Scottish Parliament and by the Marine and Coastal Access Act 2009, an Act of the UK Parliament, respectively. The two Acts (referred to as the Marine Acts) established a legislative framework for marine planning to enable demands on marine resources to be managed in a sustainable way across all of Scotland's seas.

7.28 Scotland's first statutory marine plan, the National Marine Plan was adopted and published in March 2015. The policies and objectives of the Plan establish how Scottish Ministers intend marine resources to be used and managed. The Plan supports development and activity in Scotland's seas while incorporating environmental protection into marine decision making to archive sustainable management of marine resources. The policies and objectives of the Plan will also be reflected in the development of Regional Marine Plans (RMPs).

Regional Marine Plan

7.29 The Marine (Scotland) Act in 2010 introduced a new era for the management of Scotland's seas and the resulting National Marine Plan (2015) sets the wider context for planning within Scotland, including what should be considered when creating local, regional marine plans.

7.30 Eleven Scottish Marine Regions have been created which cover sea areas extending out to 12 nautical miles, offshore elements of the Project being located in the Forth and Tay region. Regional marine plans will be developed by Marine Planning Partnerships, allowing more local ownership and decision making about specific issues within their area.

Sectoral Marine Plan for Offshore Wind Energy

7.31 Scotland is committed to ensuring secure, reliable and affordable energy supplies, within the context of long-term decarbonised energy generation. In 2011, the first Sectoral Marine Plan for Offshore Wind Energy (Blue Seas Green Energy) (Marine Scotland, 2011) was adopted. In 2013, draft wind, wave and tidal plans were subsequently produced (Marine Scotland, 2013).

7.32 Building upon the work undertaken in the 2011 and 2013 plans, the Sectoral Marine Plan for Offshore Wind Energy (Scottish Government, 2019b) incorporates recent technological, policy, regulatory and market developments to develop a new strategic planning process. This plan seeks to contribute to the achievement of Scottish and UK energy targets through the provision of a spatial strategy to inform the seabed leasing process for commercial offshore wind energy in Scottish waters, which:

- minimises the potential adverse effects on other marine users, economic sectors and the environment resulting from further commercial-scale offshore wind development; and
- maximises opportunities for economic development, investment and employment in Scotland, by identifying new opportunities for commercial scale offshore wind development, including deeper water wind technologies.

7.33 This plan identifies 17 draft plan options across five regions which are capable of generating several GW of renewable energy (offshore elements of the Project being located in the East region). There is the potential for up to 10 GW to be deployed to reflect the anticipated future demand and market appetite, exceeding the Scottish Offshore Wind Energy Council's goal to deliver at least 8 GW of offshore wind in Scottish waters by 2030. The Sectoral Marine Plan for Offshore Wind Energy will guide relevant consenting bodies with decision making on licence and consent applications but will not predetermine decision-making processes.

7.34 This plan has been developed in accordance with the strategic aims of the National Marine Plan (Marine Scotland, 2015a), which addresses the potential for interactions between renewable energy development and other marine users. The National Marine Plan also recognises that significant development of the offshore wind energy sector will require investment and improvement to the current electricity transmission and distribution systems, and efforts to reduce barrier connection costs for generators.

UK Energy Legislation and Policy

The Climate Change Act 2008

7.35 The Act sets out emission reduction targets that the UK must comply with legally and represents the first global legally binding change mitigation target set by a country. The Act committed the UK to reducing its greenhouse gas emissions by 80% by 2050, compared to 1990 levels. However, this target was made more ambitious in 2019 when the UK became the first major economy to commit to a 'net zero' target which requires the UK to bring all greenhouse gases emissions to net zero by 2050.

The Energy Act 2013

7.36 These provisions enable the Secretary of State to set a 2030 decarbonisation target for the electricity sector in secondary legislation. The Act puts in place measures to attract £110 billion investment which is needed to replace current generating capacity and upgrade the grid by 2020 to cope with a rising demand for electricity.

UK Offshore Wind Sector Deal

7.37 The offshore wind sector is a UK success story; it has the largest installed capacity of off shore wind in the world and costs have fallen faster than anyone could have envisaged 10 years ago. Off shore wind's share of annual UK generation increased from 0.8% in 2010 to 6.2% in 2017, and is expected to reach around 10% by 2020.

7.38 In partnership with government, the offshore wind sector has flourished, demonstrating it can deliver ever larger projects to predictable timescales, at ever lower costs while creating skilled, fulfilling, well-paid jobs in communities around the country. There are more than 430,000 jobs in low carbon businesses and their supply chains, employing people in locations right across the country and 7,200 are directly employed in offshore wind.

7.39 This Sector Deal marks a significant deepening of the partnership between the government and the sector, reinforcing the aims of the government's Industrial Strategy to build a Britain fit for the future. To meet these aims, we are ensuring we position the UK at the forefront of emerging opportunities by taking on Grand Challenges - four areas where, building on our existing strengths, we can capitalise on the technological and demographic transformations that will shape the world in the years ahead. Clean Growth is one of these, where we are maximising the advantages for UK industry from the global shift to clean growth. This Deal is a key milestone in furthering these ambitions.

7.40 The deal will drive the transformation of offshore wind generation, making it an integral part of a low-cost, low-carbon, flexible grid system and boost the productivity and competitiveness of the UK supply chain. This focus on building the capability of our supply chain will allow companies to play a greater role in the UK's global leadership in offshore wind generation while enhancing their competitiveness internationally. These ambitions will be realised through an industry investment into the Offshore Wind Growth Partnership of up to £250 million, supporting better, high-paying jobs right across the UK.

7.41 Taken with the significant commitment from the government in 2018 to run regular Contracts for Difference auctions (our mechanism for supporting low carbon generation),

using up to £557 million for future Contracts for Difference, this Deal has the potential to further build on the UK's position as a world leader by providing long-term certainty to business.

7.42 Subject to costs coming down, this commitment could see offshore wind contributing up to 30GW of generating capacity by 2030. In return, we expect the sector to continue cutting costs committing to lower their impact on bill payers while investing in and driving growth in the UK's manufacturing base.

7.43 Countries around the world have seen what the UK has achieved and are seeking to learn from our example. The technology is now being adopted globally, creating new export market opportunities and accelerating the shift to clean growth.

7.44 The government recently set out a renewed approach to the energy sector as we enter a new era for low-carbon power. We are moving towards the end of the energy trilemma, where we can decarbonise and ensure energy security whilst still bearing down on costs to consumers. Just 10 years ago, few people would have imagined that power from offshore wind could be a low-cost form of electricity. That is the reality today. Building on the 30GW of deployment which could be delivered through this Deal by 2030, we are working in partnership towards a future where green power is the cheapest power, with the potential to be delivered without public subsidy. This promises the creation of a low-carbon, secure energy system which is not just affordable but a key driver of our modern Industrial Strategy. In the last 20 years, we have seen offshore wind grow from a nascent sector to the industrial powerhouse we see today. The Sector Deal will take it through to maturity and beyond and will keep the UK at the forefront of this vibrant 21st century industry.

UK Marine Policy Statement

7.45 The Marine Policy Statement (MPS) is the framework for preparing Marine Plans and taking decisions affecting the marine environment. It will contribute to the achievement of sustainable development in the United Kingdom marine area. It has been prepared and adopted for the purposes of Section 44 of the Marine and Coastal Access Act 2009.

7.46 The Secretary of State, Scottish Ministers, Welsh Ministers and the Department of the Environment in Northern Ireland are jointly adopting the MPS. This is a key step forwards achieving the vision shared by the UK Administrations of having 'clean, healthy, safe, productive and biologically diverse oceans and seas'.

7.47 The MPS will facilitate and support the formulation of Marine Plans, ensuring that marine resources are used in a sustainable way in line with the high level marine objectives and thereby:

- Promote sustainable economic development;
- Enable the UK's move towards a low carbon economy, in order to mitigate the causes of climate change and ocean acidification and adapt to their effects;
- Ensure a sustainable marine environment which promotes healthy, functioning marine ecosystems and protects marine habitats, species and our heritage assets; and
- Contribute to the societal benefits of the marine area, including the sustainable use of marine resources to address local social and economic issues.

8. Policy Assessment: Principle of Development and Need

8.1 The starting point of any policy assessment should be the recognition of the acceptability of the principle of the Proposed Development.

8.2 The principle of development is established from several perspectives:

- National development number 3 as defined by NPF4, recognising the strategic significance of, and need for, the Proposed Development, as discussed in paragraphs 1.16-1.23 of this Statement;
- Identified within LDP Prop EGT3 and associated Strategy Diagram 3 (discussed within Section 9 of this Statement);
- Essential infrastructure required for the delivery of a major offshore wind farm development, offshore wind forming an essential part of the Scottish Government's anticipated energy future, as documented throughout the detailing of relevant energy policy in Section 7 of this Statement;
- Consistent with LDP policy EGT4 which supports electricity transmission-related development consistent with NPF (as discussed in paragraphs 11.10-11.12 of this Statement);
- NPF4 recognises the significance of the global climate emergency, stating: "*when considering all development proposals significant weight will be given to the global climate and nature of crisis*"; and
- NPF4 Policy 11 supports, without qualification, development proposals for all forms of renewable, low carbon and zero emissions technologies, including at part (a)(ii) "enabling works such as transmission and distribution infrastructure."

Need for the Project

8.3 The urgent need for offshore wind has been documented throughout Section 7: a large increase in the deployment of this renewable energy technology is supported through a number of policy documents and by Scottish Government commitments – specifically within the Offshore Wind Policy Statement.

8.4 The declaration of a Climate Emergency needs to be viewed in the context in which it was declared and what followed from it as a result of the declaration. The declaration was a reflection both of the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide and other greenhouse gas emissions. It means action now and not next year or the year after that.

8.5 The drive to attain net zero emissions is now legally binding at the UK and Scottish Government levels by way of amendments to the Climate Change Act 2008 and in Scotland with the provisions of the Climate Change (Scotland) Act 2009 and the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. Scotland's 2030 interim emissions reduction target is highly challenging. The Project, of which the Proposed Development is an essential part, would be a major single step forward in ensuring that the target can be attained.

8.6 The climate emergency is not just a consideration, it is a factor of considerable importance. It adds significantly to the weight of positive support in the balance in this case. The need

for the Project, as recognised by NPF4, should be afforded substantial weight in the planning balance. The way that decision makers can do that is by properly recognising the seriousness and importance of energy policy related considerations in the planning balance. It is the cumulative effect of a large number of individual renewable projects which will move Scotland towards where it needs to be. The size and scale of Berwick Bank means that it moves Scotland significantly closer to that in a single step.

8.7 Delivery of the energy security and affordability benefits associated with developing electricity supplies which are not dependent on volatile international markets and are located within the UK's national boundaries, is essential. The urgency for an electricity system which is self-reliant and dependent reliant on fossil fuels is significant in order to protect consumers from high and volatile energy prices, and to reduce opportunities for destructive geopolitical intrusion into national electricity supplies and economics. The Proposed Development would make a significant contribution towards the UK attaining these security of supply and socio-economic objectives.

8.8 Without a connection to the national electricity transmission network, which is the function of the Proposed Development, these essential contributions cannot be delivered. As a result the Proposed Development is clearly established as essential.

Benefits of the Project

8.9 The Project as a whole delivers several key benefits.

8.10 With the potential capacity to generate an estimated 4.1 GW, Berwick Bank is the largest offshore wind farm currently in development and, once built will be one of the largest offshore wind farms in the world. The Project 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;

8.11 Berwick Bank is essential to close the 'gap' on the Scottish Government's offshore wind deployment target of 11GW by 2030;

8.12 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 the Project will save 9,178,312 tCO_2e 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, the Project will save 2,951,519 tCO_2e from being emitted into the atmosphere over its lifecycle;

8.13 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;

8.14 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;

8.15 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 (e.g. skilled workers who go on to work on successive OWF projects in the years and decades to come);

8.16 Berwick Bank is compatible with Scottish planning and energy policies and would substantially help attain policy objectives, serving the public interest; and

8.17 Maximising the capacity of generation in the resource-rich, accessible and technically deliverable Berwick Bank area, is to the benefit of all GB consumers, and the wind industry generally.

8.18 The Proposed Development is an essential part of the Project and NPF4's Policy 1 requires that significant weight should be given to the contribution of developments to the global climate and climate emergencies.

Summary

8.19 The principle of the Proposed Development is clearly established in policy terms. When coupled with the need for the Proposed Development (as discussed from paragraph 1.22 of this Statement) having been clearly established within NPF4, there exists a compelling policy basis for the Proposed Development.

9. Policy Assessment: PROP EGT3

9.1 Whilst generally supportive of the principle of the Proposed Development, ELC LDP PROP EGT3 includes the following criteria:

- That *"infrastructure is combined wherever possible"*;
- That *"connection to existing infrastructure at Cockenzie and Torness is prioritised"*; and
- That *"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."*

9.2 Each criterion is considered in turn, below.

Combination of infrastructure

9.3 The Berwick Bank OnTW itself has been combined as much as is possible, as evidenced by a single substation site which accommodates the majority of permanent above-ground works (the exception being the cable bridge). Further combination is not possible in engineering terms; through necessity onshore cables are required to connect offshore cables to the new substation; with further cables required to connect the new substation to the wider electricity transmission grid (at the new SPEN converter station).

9.4 The site selection exercise summarised in Section 3 of this Statement, and detailed within Chapter 4 of the accompanying EIAR, considered the potential to combine (co-locate) the onshore substation with existing infrastructure.

9.5 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. Of these, the following were identified as having potential for co-location:

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

9.6 After due consideration, these sites were discounted, the basis for which is discussed below.

Tarmac Quarry Area

9.7 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 and required cables.

Land adjacent to Cement Works (the "Oxwellmains" site)

9.8 A brownfield site near the Cement Works in Dunbar, owned by Viridor Waste Management Limited and named Oxwellmains, was investigated as a potential site for the substation. 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 including SUDS pond, landscaping and access roads.

9.9 During the Applicant's review of this option, SP Energy Networks (SPEN) confirmed that they would be taking this site forward for the proposed Eastern Link Project convertor station. As a result, and given the constraints identified, this location was deselected from the site selection process.

Land adjacent to Torness

9.10 The Applicant engaged with EDF (owners of Torness Power Station and surrounding land) to determine whether any of the land within their ownership could be made available. As part of this process, the proposed substation footprint was presented to EDF to demonstrate an approximate land take.

9.11 EDF requested that the substation should be located as far to the west of their land in their ownership as possible. This was reviewed in conjunction with technical consultants who highlighted potential impacts on the residents of Skateraw to the west. On this basis, in the interest of protecting residential amenity, the potential location of the substation was moved further east, closer to Torness Power Station and with an approximate 300m buffer between the western edge of the substation and Skateraw. The buffer was advised by the landscape and visual consultant (OPEN) who considered it a reasonable precaution to reduce the impact on the residents of Skateraw from the change in their immediate landscape and the associated visual impact. The buffer also reduced the potential impacts from noise and dust during construction and operation of the substation. This revised location was used in the site selection analysis to identify potential engineering, land use and consents constraints presented by the EDF option.

9.12 The site selection analysis identified several constraints around the EDF option. These can be seen on Figure 4.6 of the accompanying EIAR, alongside associated constraints.

9.13 The historical records included within the Site Solutions Report (April 2021) indicate former landfill sites in the north-west of the EDF land. According to available records (ELC and SEPA) the landfill sites are within the former Skateraw Quarry. The first record of a landfill dates to 1981 and is noted as having no known restrictions on the source of waste, with construction waste specifically authorised. It appears the landfill was expanded and operated by ELC. It is recorded as receiving inert waste until closure in 1993. These landfills were operated prior to the introduction of regulations focused on the control of waste entering landfills (e.g. Landfill Scotland Regulations 2003). The material contained within the landfill and its current condition cannot be reliably predicted. It is possible that the landfill will contain residual hazardous substances and explosive gases (such as methane). The latter would originate from the decomposition of biodegradable waste deposited in the landfill. It is also possible that hazardous substances such as asbestos could be present. The Applicant's engineers consider development within a former landfill area to be a considerable risk. An acceptance of the potential liabilities associated with the purchase of the land would also need to be secured. A detailed geotechnical and contamination investigation would be necessary to quantify the risk present by the former landfill activity. Extensive contamination remediation may be required to make the site suitable for the substation. There could be a requirement to dispose of hazardous waste material at a suitably licenced facility. The presence of landfill material is likely to require an advanced

geotechnical solution, such as piling to bedrock, as the landfill material will be unsuitable for load bearing. Piling introduces further concerns in relation to noise and vibration. On the latter, discussions with EDF have highlighted that vibration could be problematic for Torness Power Station.

9.14 Proximity to Barns Ness Coast SSSI, including the risk of slope instability associated with the former landfills which border the SSSI, raised further concern. The landfill material could be unstable and any engineering within, or above, could result in a landslip toward the Barns Ness Coast SSSI. This could impact on the key botanical and geological features which are the basis of the SSSI designation. Furthermore, the landslip could facilitate the release of hazardous material which could pollute the marine environment. Whilst it is possible that an engineering solution could be applied it is likely, given the uncertainty around the nature of the landfill material, that some residual risk would remain.

9.15 Change to landscape character of the land between Skateraw and Torness Power Station and the visual impact of the substation at this location, was highlighted as potentially significant. Even though the substation would be set back from the hamlet of Skateraw, the potential remains for a significant visual impact. Although the substation would be set against the backdrop of Torness Power Station, it would be a noticeably different structure and would bring the extent of industrial activity closer to Skateraw, whereas the current agricultural fields provide a degree of separation from Torness Power Station.

9.16 An initial assessment has shown that, based on the known constraints there is limited space available for the substation, including the necessary earthworks, drainage, landscaping, access roads and construction compound. This leaves little or no flexibility for addressing any unforeseen constraints, such as unsuitable ground conditions identified following consent.

9.17 An additional constraint is the degree of uncertainty regarding the nuclear safety case and the required separation distances, from the proposed substation infrastructure to Torness Power Station, to ensure nuclear safety. At the time of writing, and despite efforts, the Applicant has been unable to establish whether construction in such close proximity to a nuclear installation is acceptable in health and safety terms.

9.18 This point, as well as the conflict between EDF's western preference and the more realistic engineering case (which avoids the need for piling) for the eastern part of EDF land, is significant. Compulsory purchase powers are not necessarily available given EDF's statutory undertaker role in respect of Torness, therefore agreement, which despite several discussions, is unlikely to be reached in time for the delivery of Berwick Bank.

9.19 Despite the constraints listed above, once an alternative preferred substation site had been identified, a comparative site analysis was undertaken to compare the two. The process is documented within Chapter 4 of the accompanying EIAR. Briefly, the land adjacent to Torness scored negatively overall compared with the proposed substation site. Whilst landscape and visual considerations were broadly comparable, the potential for impacts in particular on the adjacent Barns Ness Coast SSSI, as well as on residential amenity, the historic environment and the John Muir Way, meant the former compared negatively to the latter.

9.20 When combined with the aforementioned significant engineering- and land-related risks, these environmental considerations resulted in the discounting of the land adjacent to Torness.

Co-location with new SPEN infrastructure

9.21 The site selection exercise documented within Chapter 4 of the EIAR identifies the challenges of identifying a site of sufficient size, which is also appropriate in environmental, land and engineering terms. A site of almost double that proposed would be required to accommodate the infrastructure requirements of both the Applicant and SPEN. Early in the site selection process it was established that such a site could not be identified within the local area. SPEN has since identified the Oxwellmains site and is progressing separate development proposals.

Co-location of non-substation elements of OnTW

9.22 Opportunities to co-locate other elements of the Proposed Development 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.

Summary

9.23 The Applicant has considered PROP EGT3 and for the reasons set out above, it has not been possible to fully co-locate infrastructure with existing or elsewhere proposed infrastructure. Where possible infrastructure is combined. Where infrastructure is not combined there is reasoned justification in environmental, engineering and/or land terms. The first criterion of PROP EGT3 is therefore addressed.

Connection to existing infrastructure at Cockenzie and Torness

9.24 The Project's connection to the electricity transmission grid is determined by National Grid, who have identified the connection point as being SPEN's proposed new Branxton substation, which itself will connect into the wider transmission network at the existing Branxton facility.

9.25 Ultimately the Project connects into existing infrastructure in the local area, albeit via the proposed new SPEN converter station. The latter infrastructure is however essential to the connection.

9.26 The Proposed Development therefore is consistent with the second criterion of PROP EGT3.

Adverse effects on European sites

9.27 In terms of the Proposed Development in its own right, Chapter 8 of the accompanying EIAR identifies the residual impacts on all European-designated sites and their qualifying species as being restricted to the construction phase and as negligible, which is not significant in EIA terms. It is considered therefore that the Proposed Development would not have an

adverse effect on the integrity of the Firth of Forth or any other European-designated site, as required by the third criterion.

9.28 In terms of cumulative impacts alongside the offshore elements of the Project, adverse effects would be recorded. These cumulative adverse effects reflect those of the offshore elements of the Project in their own right. In respect of those offshore elements, the Applicant is separately presenting a case for a derogation from obligations under Article 6(3) of the Habitats Directive.

9.29 Since offshore consents will only be granted in the event of the derogation case being accepted, and the cumulative adverse impact on the integrity of the European designations is weighted almost entirely towards the offshore elements of the Project, the EGT3 third criterion requirement can be met through the inclusion of a planning condition on OnTW planning permission which states: *"construction of the OnTW can only commence once it has been demonstrated to the Planning Authority that consent under Section 36 of the Electricity Act 1989 has been granted by the Scottish Ministers for Berwick Bank Wind Farm."*

9.30 For the reasons detailed above, the Applicant contends that the Proposed Development is consistent with PROP EGT3.

10. Policy Assessment: Significant Residual Environmental Effects

10.1 Chapters 6-14 of the EIAR detail the "technical" assessments undertaken on behalf of the Applicant. Summarised in Chapter 15, the EIAR identifies the following significant residual (i.e. following the application of mitigation measures) environmental impacts:

- Landscape and visual:
  - LCT277: Coastal Margins – Lothians (within 1km): moderate effects – landscape character;
  - LCT 269: Upland Fringes – Lothians (within 1km): moderate effects – landscape character;
  - Viewpoint 1: A1, Skateraw Junction: moderate-major/moderate effects – visual effects onshore substation;
  - Viewpoint 2: Innerwick: moderate-major/major effects – visual effects onshore substation;
  - Viewpoint 3: John Muir Link near Skateraw: moderate-major effects – visual effects onshore substation; moderate – visual effects cable corridor and landfall;
  - Viewpoint 6: Blackcastle Hill: moderate effects – visual effects onshore substation;
  - Individual property at Castledene: major effects - visual effects cable corridor and landfall;
- Cultural heritage:
  - Setting impact on the scheduled monument; Crowhill, enclosure WNW of (SM5770): moderate; and
  - Setting impact on Innerwick Conservation Area: moderate.

10.2 Identification of a significant residual impact in EIA terms does not necessarily mean conflict with associated Development Plan policies. The following paragraphs consider the Proposed Development in the context relevant landscape and visual, and cultural heritage Development Plan policy and other material considerations.

Landscape & visual

10.3 The following LDP policies are relevant from a landscape and visual perspective:

- EGT4: Enhanced High Voltage Electricity Transmission Network;
- DC1: Rural Diversification;
- DC6: Development in the Coastal Area (constrained);
- NH8: Trees;
- DC9: Special Landscape Area; and
- DP1: Landscape Character (incorporating relevant elements of DP2: Design).

10.4 In addition, NPF4's Policy 11(e)(ii) considers landscape and visual impacts.

Entirety of OnTW

10.5 According to DC1, developments with an operational requirement for a rural location will be supported in principle, and in the case of renewable energy related developments, will be assessed against other relevant LDP policies. This applies to the Proposed Development as a whole.

10.6 Policy NH8 similarly applies to the entirety of the Proposed Development. The value of trees and vegetation are recognised throughout Chapter 6 of the EIAR. Vegetation in general is only removed where essential for the delivery of nationally significant infrastructure. Where vegetation is removed along the cable route, reinstatement will be controlled via a Reinstatement Plan. Further, as discussed in detail in paragraph 10.15, a comprehensive package of mitigation is proposed and will include planting proposals, controlled via planning condition and agreed through the AMSC process.

Landfall works and cable corridor

10.7 Taking the various components of DC6 in turn:

- The Policy DC6 designation relates only to the landfall works and cable corridor, stating that in the constrained coast, development will only be permitted if it requires a coastal location. These elements of the OnTW, by definition, require a coastal location;
- The approach to Habitats Regulations Assessment, and Appropriate Assessment is documented in detail in the accompanying Report to Inform Appropriate Assessment (RIAA)and accords with the requirement of DC6; and
- OnTW within the constrained coast are largely buried (exceptions being manhole covers at the transition joint bays and potentially some fencing), meaning impacts will be short-term and temporary during the construction period.

10.8 Similarly, the DC9 designation only covers landfall works and the onshore cable. Such works are largely underground and landscape impacts will be short-term and temporary during construction activities. Beyond this short-term period, the Proposed Development does not harm the character of the area, which will be fully reinstated on completion of construction works. The Applicant anticipates the details of reinstatement to be the subject of a planning condition requiring ELC approval prior to commencement of reinstatement works, as part of a Reinstatement Plan to be agreed through the AMSC process.

10.9 In terms of DC9(2), the benefits of the development as described at Section 1.11 clearly outweigh these short-term impacts.

10.10 DP1 is relevant in general terms, also applying to the landfall works and onshore cable. It requires integration of new development, where possible. These are largely buried works, with the exception of those elements referenced above, and the cable bridge. The use of buried cables, where possible, as opposed to the proposal of overhead electricity lines and their associated towers, is significant mitigation of the potential landscape impacts. Residual above-ground infrastructure is minimal and will not adversely impact landscape character beyond short-term construction-related impacts.

Onshore substation

10.11 Policy EGT4 supports transmission developments subject to various caveats including acceptable impacts on the landscape; this can be considered alongside Policy DP1 as it relates to the substation. In turn, DP1 covers those elements of DP2 which are relevant to infrastructure developments.

10.12 Policy DP1 requires:

- (i) Integration of new development into its surroundings, responding to and respecting landform, retaining and enhancing natural and physical features, and making a positive contribution in landscape and design terms; and
- (ii) Include appropriate landscaping.

10.13 The onshore substation has been integrated as much as possible, existing vegetation and landform contributing significantly to screening the substation; indeed, the topography of the existing site and its surroundings, and the extent to which that provided an opportunity for natural screening of much of the onshore substation, were a significant factor in the substation site selection process. Similarly, the prevalence of existing industrial development in the locale, provide a context of electrical infrastructure within the immediate setting.

10.14 Where possible, existing natural and physical features have been retained and, as part of the wider package of landscape and visual mitigation, have been enhanced.

10.15 That wider package of mitigation includes:

- Construction phase:
  - Construction Environmental Management Plan to avoid disturbance or damage to the baseline landscape;
  - Reinstatement Plan to return landscape to its previous condition, once secondary temporary construction-related infrastructure has been removed;
- Operation phase:
  - Key principles of the landscape and visual mitigation strategy, to be controlled through planning condition:
    - Proposed native species woodland to the north, west and south of the onshore substation 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 onshore substation 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 onshore substation 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, see Volume 3 Figure 6.12;

        - Colour and finish of onshore substation 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.
    - Proposed woodland would comprise native species and is intended to enclose the onshore substation infrastructure, avoiding access roads and the proposed cable corridor ingress and egress;
    - Woodland planting would be designed to include a mixture of faster growing 'nurse' species and slower growing 'core' species;
    - Where practical, advance planting of mitigation proposals during the early phases of the Proposed Development is recommended;
    - Landscape mitigation proposals would be developed in consultation with key stakeholders, including ELC, local landowners and Transport Scotland;
- Additional mitigation:
    - Detailed planting proposals for the onshore substation;
    - Finalised layout, design and materials specification for the onshore substation; and
    - Detailed consideration of the colour and finish of onshore substation buildings.

10.16 The proposed mitigation measures minimise impacts as much as possible and ensure impacts, which whilst in some cases are significant, are localised.

10.17 In terms of EGT4 requirements, given the wider benefits of the Proposed Development as it relates to the Project, the impacts on the landscape are acceptable. NPF4 is a significant consideration and in respect of landscape and visual impacts ratifies this conclusion, stating that where impacts are localised (as which those identified in the EIAR can be defined) and have been mitigated (which they have been), the Proposed Development should be accepted.

Summary

10.18 Landscape-related LDP policy requirements as they relate to the landfall works and onshore cable are met by the Proposed Development. Whilst the EIAR identifies significant adverse impacts associated with the onshore substation, those impacts have been minimised to the extent that the aspirations of DP1 and DP2 are met to the fullest possible extents. The test introduced by NPF4's Policy 11(e)(ii), i.e. that impacts are localised and have been mitigated, has been met, meaning the Proposed Development should be considered acceptable in landscape and visual terms.

Cultural heritage

10.19 The following LDP policies are relevant from a cultural heritage perspective:

- CH1: Listed Buildings;
- CH2: Development Affecting Conservation Areas; and
- CH4: Scheduled Monuments and Archaeological Sites.

10.20 The significant residual cultural heritage impacts relate to a conservation area and a scheduled monument, to which policies CH2 and CH4 respectively apply. The Proposed Development does not harm the setting of a listed building (as assessed in Chapter 10 of the accompanying onshore EIAR) and is therefore not inconsistent with the requirements of LDP Policy CH1.

Policy CH2/Impact on Innerwick Conservation Area

10.21 Policy CH2 is relevant in respect of the setting of Innerwick Conservation Area (ICA). Many of the mitigation measures listed above contribute towards the minimising of impacts on ICA, as does the natural topography and vegetation surrounding the visual, which themselves provide partial screening.

10.22 The onshore substation does not directly impact the Conservation Area itself, rather its setting and then only from a relative distance. Compliance with Policy CH2 is subjective and whilst the Applicant considers the Proposed Development to be consistent, it also highlights the wider benefit of the Proposed Development as significantly outweighing impacts on the setting of ICA.

Policy CH4/Impact on Crowhill Scheduled Monument

10.23 Works will be undertaken in close proximity to Crowhill Scheduled Monument, which will be retained in situ and will not be physically effected by the Proposed Development. The Applicant has committed to a professional archaeological assessment and will work closely with ELC Archaeological Services to define and undertake an appropriate programme of archaeological works, controlled via planning condition and agreed through the AMSC process.

10.24 The requirement of Policy CH4 is therefore met.

Summary

10.25 This Section demonstrates that whilst the EIAR records significant residual adverse impacts, the Proposed Development complies with associated policy requirements.

10.26 As described in paragraph 1.11, in significantly contributing to the delivery of a major offshore wind farm development, support for which is enshrined throughout Scottish energy policies designed to meet the 2045 net zero requirement (itself enshrined in legislation), the Proposed Development is truly of national significance and importance.

10.27 Offshore wind is recognised as a key element of Scotland's future decarbonised electricity industry, with Scotland's competitive advantage and the potential wider economic benefits of the offshore wind sector recognised throughout extant energy policy.

10.28 In supporting the wider Berwick Bank development, Scotland's Offshore Wind Strategy establishes the need for the Proposed Development from an energy policy perspective. Terrestrial infrastructure such as the Proposed Development is essential to delivering on the potential Scotland's offshore wind sector, itself a key strategic element of the delivery of the net zero legislative target.

10.29 These wider benefits of the Proposed Development outweigh the localised and mitigated environmental impacts identified through the EIA process.

11. Policy Assessment: Remainder

Introduction

11.1 This section provides an assessment of the Proposed Development and considers the key issues associated with the application in the context of the Development Plan policies and other material considerations.

11.2 This Statement provides an assessment in terms of remaining site specific planning policies, development specific policies and "technical" environmental-based policies. It also considers the Proposed Development in the context of Scottish and UK energy policy.

Planning Policy

Remaining Site Specific Planning Policies

11.3 The site is located within what the LDP Proposals Map identifies as the wider site of Torness Power Station site under designation **EGT2, EGT3** and well as **OI2**. The associated infrastructure linking the offshore and onshore proposals means that designations **MIN3, NH2** and **NH3** are also relevant site specific planning policies.

11.4 Policy **OI2** places a duty on the planning authority to consult on the ONR on relevant planning applications. No assessment is required against this policy.

11.5 **PROP EGT2: Torness Power Station** – the Proposed Development does not impact the safeguarded power generation capabilities of the Torness site, nor will it affect decommissioning of the site at a later date. The Proposed Development therefore does not conflict with the policy aim of PROP EGT2.

11.6 **PROP MIN3: Safeguard Longyester and Skateraw Sand and Gravel Quarries** – the Proposed Development does not impact the safeguarded existing Longyester and Skateraw Sand and Gravel Quarries site, nor will it affect the future extension site. The Proposed Development therefore does not conflict with the policy aim of PROP MIN3.

11.7 **NH2: Protection of SSSIs and Geological Conservation Review Sites** – Sensitive site selection ensures that impacts upon the Barns Ness Coast SSSI is minimised and is negligible overall. Alternative site, for example land adjacent to Torness Power Station, had potential for long-term significant impacts on the SSSI, but were discounted. Similarly, whilst landfall works will be undertaken within the SSSI, qualifying habitats are located to the west and are unaffected, whilst geology within the SSSI will be unaffected due to the use of trenchless landfall techniques. The Proposed Development will not adversely affect the SSSI and therefore accords with Policy NH2. Full details of the assessment which informs this conclusion can be found at Chapters 7 and 11 of the accompanying EIAR.

11.8 **NH3: Protection of Local Sites and Areas** – Local sites are excluded from the planning application boundary, but the wider package of proposed mitigation measures (i.e. Construction Environmental Management Plan) will help ensure that interests of such sites are not adversely affected by the Proposed Development. The Proposed Development therefore complies with the requirements of Policy NH3. Full details of the assessment which informs this conclusion can be found at Chapter 7 of the accompanying EIAR.

Development Specific Policies

11.9 As referenced through this Statement, the Proposed Development falls within the scope of NPF4's national development 3. This designation provides significant weight to the principle of the Proposed Development, as well as the Scottish Government's recognition of the need for the Proposed Development. The ICOL Report acknowledges this at several points.

11.10 **LDP Policy EGT4: Enhanced High Voltage Electricity Transmission Network (including Strategy Diagram 3)** – This policy comprises several elements, those of relevance being:

- There is a clear operational requirement for the Proposed Development meaning ELC's support for enhancement of the transmission network is enshrined within EGT4 (subject to environmental impacts);
- This support is subject to acceptable environmental impacts; and
- Recognises development consistent with the characteristics of the Proposed Development as having national development status in NPF3 (consistent with the designation in NPF4). This point is acknowledged within the ICOL Report.

11.11 Given the nature of the Proposed Development, Policy EGT4 is crucial to the demonstration of a compliant development in policy terms, balancing: (a) NPF and ELC support for the principle of the Proposed Development, with (b) acceptable environmental impacts:

- Landscape – Whilst it is acknowledged that the substation element of the Proposed Development will impact the landscape, that landscape contains several large scale and major infrastructure developments. A comprehensive site selection exercise sought, in part, to minimise the landscape impact of the substation, whilst design of the substation platform, buildings and compound, including landscape and amendment of ground levels, further minimises impact. Whilst the scale of the substation may result in residual impacts, those impacts are upon a semi-industrialised landscape and are outweighed by the wider benefits of the Proposed Development as part of the Berwick Bank Wind Farm. Landscape impacts associated with other elements of the Proposed Development, are expected to be short-term and temporary, limited to the construction period and immediately after;
- Visual amenity – The landform and vegetation surrounding the substation site provides natural screening, whilst re-grading provides further screening. Whilst the scale of the substation may result in residual visual impacts, those impacts are in the context of a semi-industrialised landscape, and beyond, to a seascape which will naturally draw the eye in views from the south looking north, and are outweighed by the wider benefits of the Proposed Development as part of the Berwick Bank Wind Farm. The cable is primarily buried and once construction areas are restored, will not generate a visual impact;
- Communities – Other potentially negative community impacts are likely to be restricted to the construction period. Such impacts will be controlled through a comprehensive package of construction mitigation measures to be agreed with ELC as part of the AMSC process (and in the case of construction drainage and hydrological matters, with SEPA as part of the Construction Site Licence), including (and not limited to):
  - Best practice measures to minimise construction-related noise at sensitive receptors, contained within the Noise Management Plan component of a wider Construction Environmental Management Plan; and

  - Specific construction traffic routes and control to minimise roads-related disruption, controlled through a Construction Traffic Management Plan agreed through the AMSC process;
- Natural heritage – No significant negative impacts upon natural heritage features are anticipated as a result of the Proposed Development. Notwithstanding, comprehensive mitigation in the form of pre-construction surveys and habitat management will be delivered as good practice; and
- Cultural heritage – Consultation with HES is ongoing and detailed design work to minimise impacts on cultural heritage features is ongoing. With the two exceptions discussed in Section 10 of this Statement, significant cultural heritage impacts are not anticipated. The aforementioned design measures will help minimise impacts on the setting of cultural heritage features, and ELC Archaeological Services will be consulted to agree the scope of archaeological surveys which could help better inform our understanding of the area's historical context. Where residual impacts remain, they are outweighed by the wider benefits of the Proposed Development as part of the Berwick Bank Wind Farm.

11.12 Subject to the adoption of the associated mitigation measures identified through the accompanying EIAR, the Proposed Development is consistent with EGT4. Indeed, EGT4 facilitates and supports the Proposed Development.

Remaining "Technical" Policies

Ecology & ornithology

11.13 This sub-section considers LDP policies NH1, NH4 and NH5.

11.14 Impacts from the Proposed Development on European designated sites and species are negligible, as demonstrated in the RIAA, meaning the Proposed Development is compliant with Policies NH1 and NH4, respectively.

11.15 Policy NH5 applies more generally and a comprehensive survey programme forms part of the mitigation measures to which the Applicant is committed, which also include:

- Sensitive cable routing, avoiding habitats;
- Proximity to watercourses avoided where possible;
- Habitat Management Plan to promote improved habitats and natural screening;
- Ecological Clerk of Works throughout construction;
- Seasonal vegetation clearance to minimise disruption;
- Pre-construction protected species surveys;
- Use of trenchless crossing techniques where required to minimise disruption; and
- Sensitive light to minimise disruption.

11.16 Chapters 7 and 8 of the EIAR do not identify significant impacts on such species.

11.17 The detailed assessments underpinning the conclusions of this sub-section are contained within Chapters 7 and 8 of the accompanying EIAR.

Geology, hydrology, soils & flood risk

11.18 This sub-section considers LDP policies NH6, NH7 and NH9-11. The detailed assessments underpinning the conclusions of this sub-section are contained within Chapter 11 of the accompanying EIAR.

11.19 Significant geological features are preserved, in some cases utilising trenchless crossing techniques. Crossing method statements will be required by planning condition and be agreed with ELC through the AMSC process, and where considered necessary significant geological features will be recorded prior to such construction work. The Proposed Development therefore complies with Policy NH6.

11.20 The Construction Environmental Management Plan will include a Soil Management Plan, committing to good practice construction soil protection practices, which will be sufficient to ensure compliance with Policy NH7.

11.21 No additional significant potential impacts on geology, hydrology, soils or flood risk as a result of the operation of the Proposed Development have been identified. Impacts on water features including the Firth of Forth and unnamed burn are addressed through design interventions or standard mitigation practice such that impacts are not significant. Therefore, the Proposed Development would not have a detrimental impact on the water environment and therefore complies with Policy NH9.

11.22 Detailed SuDS will be agreed through the AMSC process, and will adhere to the aims and objectives of Policy NH10.

11.23 The Proposed Development is not at risk of flooding, nor does it increase the probability of flooding elsewhere; it is therefore consistent with Policy NH11.

Traffic & transport

11.24 This sub-section considers LDP policies T2 and T4. The detailed assessments underpinning the conclusions of this sub-section are contained within Chapter 12 of the accompanying EIAR.

11.25 A robust assessment has been undertaken using the worst-case scenario for two-way construction traffic movements and the worst-case scenario for each link by assuming the distribution of traffic along each road. Specific construction routes have been identified which minimise traffic through main settlements. The assessment concludes that effects of increased traffic as a result of the Proposed Development are deemed to be not significant.

11.26 The assessment also concludes that no significant cumulative effects are predicted during construction of the Proposed Development.

11.27 It is also noted that the increased traffic leads to potential effects that are temporary in nature, can be accommodated by the existing road network, and can be managed effectively by implementation of a Construction Traffic Management Plan.

11.28 The Proposed Development complies with the aims and objectives of **Policy T2** as it would not have adverse impacts on road safety, or the capacity of the surrounding road network to deal with traffic unrelated to the Proposed Development.

11.29 In respect of Policy T4, whilst there may be a temporary requirement to manage access along the John Muir Way, this will be minimised and will be short-term during construction works. The Applicant will work with ELC to agree appropriate temporary signage and other management measures, minimising disruption and ensuring continuity of pedestrian movements throughout construction. The Proposed Development does not undermine the John Muir Way or other active travel networks and is therefore consistent with Policy T4.

Residential amenity

11.30 This sub-section considers LDP policies RCA1, NH12 and NH13.

11.31 Worst-case noise sensitive receptor locations have been identified and used in the assessment detailed within Chapter 9 of the EIAR.

11.32 Construction working may require periods of evening and night activity. The assessment indicates that mitigation is required to be developed within construction method statements, accompanied by monitoring to ensure established noise limits are not exceeded. This is proposed to be developed in conjunction with ELC and can be conditioned.

11.33 Operational noise has been assessed and the results indicate that noise control mitigation is necessary to some of the plant and equipment, the details can be conditioned by ELC as part of the Construction Environmental Management Plan and delivered in accordance with that proposed by Chapter 9 of the EIAR.

11.34 It has been demonstrated through a robust assessment that operational noise post mitigation would be not significant and therefore adheres to the aims and objectives of Policy NH13 as the Proposed Development would not result in or be subject to unacceptable levels of noise. Policy RCA1 protects residential amenity in existing housing areas from adverse impacts of uses other than housing but in this instance there are no adverse impacts and therefore the Proposed Development complies with that policy.

11.35 The Proposed Development will not result in either a breach of National Air Quality Standards or an increase in concentrations of air pollution within an existing Air Quality Management Area, and is therefore consistent with Policy NH12. Notwithstanding, a Dust and Air Quality Management Plan forms part of the proposed Construction Environmental Management Plan, based upon the Outline CEMP which forms a Technical Appendix to the EIAR. The detail will be agreed with ELC pursuant to a suitably worded planning condition.

Waste

11.36 A Site Waste Management Plan will be submitted in respect of construction activities, and controlled by planning condition, as required by policy W4.

Scottish Energy Legislation and Policy

11.37 In significantly contributing to the delivery of a major offshore wind farm development, support for which is enshrined throughout Scottish energy policies designed to meet the 2045 net zero requirement (itself enshrined in legislation), the Proposed Development is truly of national significance and importance.

11.38 Offshore wind is recognised as a key element of Scotland's future decarbonised electricity industry, with Scotland's competitive advantage and the potential wider economic benefits of the offshore wind sector recognised throughout extant energy policy.

11.39 In supporting the wider Berwick Bank development, Scotland's Offshore Wind Strategy establishes the need for the Proposed Development from an energy policy perspective. Terrestrial infrastructure such as the Proposed Development is essential to delivering on the potential Scotland's offshore wind sector, itself a key strategic element of the delivery of the net zero legislative target.

11.40 Ultimately, support for the Proposed Development as part of the wider Berwick Bank development contributes towards the Scottish Government and ELC meeting commitments under their respective climate emergency declarations.

12. Design & Access

12.1 This Section satisfies the requirements of Regulation 13 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulation 2013 in providing a Design and Access Statement in respect of the Proposed Development, informed by Planning Circular 3/2013: Development management plan procedures, paragraphs 3.23-3.30.

Design

12.2 The design of the Proposed Development is primarily informed by engineering and health and safety requirements.

12.3 The Applicant has incorporated several measures into the design to minimise the scale and massing which can result in visual impacts, perhaps most significantly the use of underground cabling as an alternative to overhead lines and their associated towers.

12.4 Opportunities to pro-actively engage with stakeholders in terms of design principles and approach are limited by the aforementioned functional nature of the Proposed Development. Instead, stakeholder engagement has focussed initial upon site selection, and thereafter on design-related mitigation measures, which when considered together (from paragraph 10.11 of this Statement) demonstrate compliance with relevant parts of LDP design-related Policies DP1 and DP2.

12.5 Whilst it is acknowledged that the substation element of the Proposed Development will impact the landscape, that landscape contains several large scale and major infrastructure developments. A comprehensive site selection exercise sought, in part, to minimise the landscape impact of the substation, and sensitive design measures, where appropriate to the engineering form of the substation, have been incorporated. The landform and vegetation surrounding the substation site provide natural screening, whilst re-grading provides further screening. Whilst the scale of the substation may result in some visual impacts, those impacts are in the context of a semi-industrialised landscape, and beyond, to a seascape which will naturally draw the eye in views from the south looking north. The design of the substation platform, buildings and compound, including landscape and amendment of ground levels, further minimise impact through the provision of partial visual screening.

Access

12.6 The purpose of this access statement is to outline that equal access is guaranteed to the site from the development phase through to the operational phase for the general public, with particular regard to disability access. However, due to the site being a piece of high voltage electrical infrastructure, general public access will not be permitted and the only people who will be accessing the site will be SSER employees or trained personnel. Access will be facilitated to such employees and personnel regardless of age, gender or disability, in line with relevant legislation and the Applicant's own company policies.

Conclusion

12.7 This Section explores the principles and factors that influenced the siting and design of the Proposed Development and associated infrastructure and discusses the access arrangements

for the proposed development, as required by Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and guidance provided in the associated Circular.

12.8 The Applicant has regularly undertaken consultation with key consultees and the public and has sought to address concerns and provide opportunity to influence the design process, where appropriate. Where possible public and consultation comments have been taken on board in the design process, within the context of technical parameters and requirements.

12.9 The design and scale of the substation is derived primarily from technical requirements for such a piece of electrical infrastructure, however siting, design and mitigation measures (including screening and finishes) have been considered in the design process to minimise impacts and, beyond that proposed within the planning application, will be agreed with ELC as part of the AMSC process, pursuant to planning conditions attached to the PPP.

12.10 Access for SSER employees and trained personnel will be facilitated for all, regardless of age, gender or disability, in line with relevant legislation for operation and maintenance purposes.

13. Summary of Community Consultation

13.1 This Section summarises pre-application consultation with communities, whilst the accompanying Pre-Application Consultation (PAC) Report details the process.

Legislative Requirements

13.2 Given the national development status afforded to the Proposed Development, the provisions of Sections 35A, 35B and 35C of the Town and Country Planning (Scotland) Act 1997 apply, as enacted by Part 2 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

13.3 Given the timing of the pre-application process and the various COVID-19-related restrictions which were enacted between 2020-22, the pre-application process was informed by UK and Scottish Government restrictions during the period, with which the Applicant complied. These restrictions impacted pre-application planning processes, the measures included within the Town and Country Planning (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2022 facilitating short-term, temporary alternative arrangements.

13.4 Due to the date of the PoAN submission and the date by which the planning application is submitted, the proposal falls within the transitional period meaning that the subsequent changes to pre-application consultation requirements effective from 1 October 2022 in The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021, such as the requirement to hold two consultation events, do not apply.

13.5 The requirements of the relevant regulations have been addressed by the Applicant during the pre-application consultation process and are detailed within the PAC Report.

Proposal of Application Notice

13.6 A Proposal of Application Notice (PoAN) was submitted to ELC and was registered on 5 January 2022 (ELC ref: 21/00009/PAN). Through the PoAN process, the scope of formal pre-application consultation was agreed between the Applicant and ELC, and was subsequently undertaken by the Applicant during 2022 (see "Round 4", below).

Consultation Events

13.7 The pre-application process focussed upon four rounds of community consultation:

- Round 1 – November/December 2020
  - Followed the submission of EIA Scoping requests
  - Took the form of a virtual exhibition
  - Provided an introduction to the project and sought initial views
- Round 2 – October 2021
  - Followed submission of second offshore EIA Scoping request
  - Took the form of a community roadshow, visiting local events and obtaining wider feedback
- Round 3 – November/December 2021
  - Virtual and in-person events

    - Provided an update and sought further feedback
- Round 4 – March 2022
    - "Formal" round of consultation following PoAN submission and agreement with ELC of scope of pre-application consultation
    - Virtual and in-person events
    - Provided update, including on the preliminary findings of assessments, and sought further feedback

13.8 For each Round of consultation:

- The Applicant prioritised genuine engagement, encourage a two-way exchange of information and views;
- The Project as a whole was considered and materials combined information relating to both offshore and onshore elements;
- Invitations to events were issued to Community Councils and local residents;
- Advertisements placed in physical and online versions of East Lothian Courier;
- Consultation material provided online at project website (see below);
- Feedback invited and telephone, mail and email contacts provided;
- Feedback logged and assessed, before responses were issued in an appropriate form;
- Where relevant feedback was provided to technical members of the project team, for consideration as part of project design and assessment evolution.

Project Website

13.9 In addition, a bespoke project website was established in October 2020 and has since been live throughout the pre-application consultation process. The website has provided a valuable online resource for hosting the above-mentioned online events, as well as providing a library for consultation materials and other key project information and documentation. Further, the website has provided an ongoing base for the submission of queries by members of the public and others, and will be maintained for the foreseeable future.

Summary of onshore-related feedback

13.10 At each Round of the pre-application consultation process the Applicant sought views on matters related to the relevant phase of project development. Where relevant, feedback informed project definition and development parameters, as well as the scope of future consultation events and environmental assessment.

Noise and Light Pollution

13.11 Issue raised - residents asked for clarification on what impact they can expect from the proposed onshore works site;

13.12 Applicant response – assessments have been undertaken and appropriate mitigation measures are proposed, and will be delivered via a Construction Environmental Management Plan. Noisy construction plant has been relocated based on feedback from local residents, and the Applicant has confirmed that 24hr lighting will not typically be required once the substation is operational.

Supply Chain

13.13 Issued raised - members of the public requested information on our procurement and supply chain process, with a focus on the ways in which local businesses can become involved in the Project; and

13.14 Applicant response – details of all interested members of the public were taken and the Applicant explained that there is a set process in place for becoming an approved vendor. By 8 December 2020, the Applicant had formally contacted all these participants. prospective suppliers and subsequently been invited to supply chain events. A socio-economic report will identify opportunities and the Applicant will work collaboratively to deliver to boost confidence in the local supply chain

Construction traffic

13.15 Issue raised – residents queried the extent of impacts to be expected and identified this as a key issue

13.16 Applicant response – dialogue is ongoing with surrounding landowners and the project team has been in contact with individuals and local businesses. The Applicant is committed to maintaining safety at all times and will work collaboratively with residents, ELC and local businesses to minimise disturbance and other traffic-related issues during construction.

Community benefit

13.17 Issue raised – respondents asked for examples of potential community benefits

13.18 Applicant response – The Applicant has committed to the creation of a Community Benefit Fund following the grant of consent for the Project. A Berwick Bank Community Benefit Fund would be established in partnership with local stakeholders to ensure that local communities help set the priorities for the fund, as well as decide on what gets funded. The details of the Community Benefit Fund would be established post the grant of consent. Ahead of establishing any formal Fund, the Project team are keen to support local initiatives where possible and have invited local stakeholders to discuss opportunities directly with the Project team. To date the Project has supported various local organisations and initiatives such as the North Berwick Fringe By The Sea Festival, the Scottish Seabird Centre and the National Merlin Rocket Yachting Championship, held in East Lothian. In addition to this the Project team are working alongside local education partners to explore a variety of Science, Technology, Engineering and Mathematics (STEM) benefits that the Project can bring to the East Lothian area. The Project team are members of the East Lothian Industry and Education Partnership and are also members of the Mid and East Lothian Chamber of Commerce.

Substation visual impact

13.19 Issue raised - stakeholders requested to see some form of visualisation of the onshore substation before we submit our documents for planning consent. Some Innerwick residents expressed concerns over the size of the onshore substation and its potential impact on the local landscape.

13.20 Applicant response – a 3D visualisation was subsequently provided and the Applicant has explored and delivered on options for screening the substation and otherwise mitigating such impacts.

Working hours

13.21 Issue raised – respondents queried potential construction working hours.

13.22 Applicant response – the planning application general seeks 0700-1900 Monday to Saturday working, with unrestricted working at landfall and for trenchless crossings. The Applicant explained that this is because, in the event of unexpected delays, it is common practice for work to occur on weekends. 24-hour working in relation to trenchless techniques (e.g. Horizontal Directional Drilling) for sections of the onshore cable corridor is also sought, to ensure completion each stage of drilling promptly. The Applicant's team explained that this is required due to the nature of trenchless techniques – once a drill run begins it must be completed. This requirement can result in irregular working hours. The Applicant will liaise closely with the local community when exceptional circumstances arise, with all mitigation and measures controlled through a Construction Environmental Management Plan.

Drainage

13.23 Issue raised – concern was raised at the potential for flooding as a result of the Proposed Development.

13.24 Applicant response – The Applicant is confident that the Proposed Development does not increase flood risk or negatively impact local drainage network. Flood risk assessments were subsequently completed and confirm this position.

Summary

13.25 A comprehensive programme of pre-application consultation has been undertaken, meeting and often exceeding regulatory requirements. COVID-19 restrictions have consistently been adhered to, but have influenced the format of consultation at points. Notwithstanding, an extensive engagement exercise has benefited the definition of the Proposed Development, as well as the assessment work which underpins much of the accompanying EIA Report. The Applicant is committed to maintaining a regular dialogue with the local community, both in keeping residents up-to-date, but also in defining effective long-term mitigation, particularly through the construction period.

13.26 The pre-application process is detailed within the accompanying PAC Report.

14. Proposed Planning Conditions

14.1 Chapter 15 of the EIAR describes those mitigation measures proposed by the Applicant pursuant to the EIA process documented within Chapters 6-14 of the EIAR.

14.2 In addition to those documented within Chapter 15 of the EIAR, more general "mitigation" measures, taking the form of planning conditions requiring the approval through the AMSC of associated documentation embedding the commitments, are required in order for the construction processes to be efficiently and appropriately managed, as well as ensuring the final development is sensitive to the Site and its surroundings.

14.3 A general planning condition should require development to be undertaken in accordance with the description within EIAR, unless altered by subsequent planning conditions, or unless otherwise agreed with ELC.

14.4 The final design of the substation will be approved as part of the AMSC process, within the parameters established within this application. The condition will require approval of final details of:

- Finished ground levels;
- Elevations and floor plans for all buildings, including dimensions;
- Elevations showing external plant, including dimensions;
- Finishes, material, colours for all building exteriors and external plant; and
- Locations of internal access roads and parking areas.

14.5 The final design of the cable bridge will be approved pursuant as part of the AMSC process, within the parameters established within this application. The condition will require approval of final design, in consultation with SEPA.

14.6 The landscape mitigation detailed within Chapter 6 of the EIAR and outlined within Section 10 of this Statement will be controlled via planning condition, with a landscape scheme approved through the AMSC process.

14.7 Development Zones Plan – the Proposed Development will be constructed in several phases across several zones, potentially by different contractors. A planning condition should require a phasing plan as part of the AMSC process, with subsequent conditions discharge processes based upon this phased approach. The associated planning condition should make clear that a phase of development can progress once conditions associated with that phase have been addressed to the satisfaction of ELC. Phases may comprise development within one or more zones. By way of an example, potential development phases could include (non-exhaustive and not representative of proposed phasing):

- Enabling works including vegetation clearance, relocation of services, topsoil stripping and storage, compound establishment;
- Cable landfall;
- Onshore cable installation;
- Substation platform and civils works;
- Substation structural and electrical works; and
- Substation landscaping.

14.8 An indicative Development Zones plan accompanies the application for PPP. This will be agreed through the AMSC process, however given the complexity of the construction process, ongoing flexibility, embedded within the associated planning condition, will be required.

14.9 Where the cable crosses a linear feature (landfall, water course, road, etc), a Construction Method Statement will detail the crossing method.

14.10 A Construction Traffic Management Plan will include specific construction access routes and via this plan, arrangements for junction improvements and alterations, road/track widening and alteration, will be provided and approved.

14.11 A Site Waste Management Plan will be provided as part of the AMSC process.

14.12 A Construction Dust and Air Quality Management Plan will form part of a Construction Environmental Management Plan.

14.13 Proposed working hours condition: *"With the exception of construction work associated with the installation of the shore-end export cables, construction works associated with the Development shall be limited to 0700-1900 Monday to Saturday, unless otherwise agreed in advance with the Planning Authority. Construction works associated with the installation of trenchless crossing and the shore-end export cables are permitted outwith these hours following prior notification of such works to the Planning Authority at least seven days before the works are due to commence."*

14.14 The scope of these suggestions is informed by the Applicant and its project teams' experience of similar developments elsewhere, including in East Lothian. These are intended to reflect atypical requirements and are in addition to the "standard" planning condition requirements which will be attached to the PPP, with details to be agreed through the AMSC process.

14.15 As has been the case with similar developments elsewhere in East Lothian, we anticipate a planning condition requiring the marine licence and consent under S36 of the Electricity Act 1989 for the offshore Berwick Bank export cable to be in place prior to onshore construction commencing. Similarly, we note that construction-related drainage and hydrology matters are for consideration by SEPA through the Construction Site Licensing process, rather than being matters for planning control.

14.16 We would welcome the opportunity to discuss appropriate wording for planning conditions associated with these mitigation measures with ELC, as well as those detailed within Chapter 15 of the EIAR.

15. Conclusions

15.1 Offshore wind is recognised as having a significant role as part of Scotland's decarbonised energy sector, the Proposed Development forming an essential part of a major offshore wind development.

15.2 It is considered that the overall policy appraisal presented in this submission demonstrates a compelling case that the Proposed Development as part of the wider Project will deliver significant benefits in the wider public interest. The Proposed Development has been designed and assessed in full accordance with relevant legislative requirements and the underlying aims and objectives of policy framework.

15.3 The Project can substantially contribute to both the Scotland and the UK's legally binding climate change targets by helping to decarbonise energy supply, whilst also contributing to the essential tasks of ensuring security of supply and providing low-cost energy for consumers in line with the Scotland and UK Government's national policies.

15.4 Berwick Bank will also contribute materially to the economic and social landscape in Scotland and the UK as it 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.

15.5 This status, when coupled with NPF4's national development number 3, establishes the need for the Proposed Development from both energy and planning perspectives.

15.6 Whilst the scale of the Proposed Development could generate potential environmental impacts, these have been offset through sensitive site selection and design, and a comprehensive package of mitigation measures. Residual impacts are outweighed by the essential role of the Proposed Development as part of the wider Berwick Bank Wind Farm, a significant contributor towards the delivery of Scottish and UK renewable energy and decarbonisation policy, and towards achieving "net-zero" targets.

15.7 NPF4 represents the Scottish Government's up-to-date planning policy and spatial planning framework. It contains an unqualified statement that *"development proposals for all forms of renewable, low-carbon and zero emissions technologies* [including "enabling works, such as grid transmission and distribution infrastructure"] *will be supported."*

15.8 Through this Statement and the other supporting documentation submitted with this application, we have proposed appropriate general and development-specific mitigation and planning controls, demonstrating that there are no adverse impacts that outweigh the proposals' benefits, and respectfully request that planning permission in principle is granted.

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