

T: [REDACTED]  
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[REDACTED]  
CMS Cameron Mckenna Nabarro  
Olswang LLP

Our ref: CIN-ELN-001  
22 February 2019

Dear [REDACTED]

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997  
APPLICATION FOR PLANNING PERMISSION IN PRINCIPLE FOR ONSHORE  
TRANSMISSION WORKS ASSOCIATED WITH THE INCH CAPE OFFSHORE WIND  
FARM COMPRISING THE CONSTRUCTION, OPERATION AND DECOMMISSIONING  
OF AN ONSHORE SUBSTATION, ELECTRICITY CABLES AND ASSOCIATED  
INFRASTRUCTURE REQUIRED TO EXPORT ELECTRICITY FROM THE INCH CAPE  
OFFSHORE WIND FARM TO THE NATIONAL ELECTRICITY TRANSMISSION SYSTEM.  
FORMER COCKENZIE POWER STATION SITE, PRESTONPANS, EAST LoTHIAN**

1. This letter contains Scottish Ministers' decision on the above application submitted to East Lothian Council by Savills on behalf of Inch Cape Offshore Limited. The application was called in for Scottish Ministers' determination on 9 April 2018.

2. The application was considered by [REDACTED] a reporter appointed for that purpose on 2 October 2018. As part of this process a hearing was conducted. A copy of the reporter's report is enclosed.

**Consideration by the Reporters'**

3. The reporters' overall conclusions and recommendations are set out in Chapter 7.

**Scottish Ministers' Decision**

4. Scottish Ministers have carefully considered the report. They agree with the reporter's overall conclusions and recommendation and adopt them for the purpose of their own decision.

5. Accordingly, Scottish Ministers grant planning permission in principle subject to the attached conditions for proposed onshore transmission works associated with the Inch

Cape Offshore Wind Farm comprising the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the Inch Cape Offshore Wind Farm to the National Electricity Transmission System Former Cockenzie Power Station Site Prestonpans, East Lothian.

6. The foregoing decision of Scottish Ministers is final, subject to the right conferred by Sections 237 and 239 of the Town and Country Planning (Scotland) Act 1997 of any person aggrieved by the decision to apply to the Court of Session within 6 weeks of the date hereof. On any such application the Court may quash the decision if satisfied that it is not within the powers of the Act, or that the appellant's interests have been substantially prejudiced by a failure to comply with any requirements of the Act, or of the Tribunals and Inquiries Act 1992, or any orders, regulations or rules made under these Acts.

7. A copy of this letter and the report has been sent to East Lothian Council, [REDACTED] Scottish Natural Heritage, Historic Environment Scotland, Cockenzie and Port Seton Community Council and Prestonpans Community Council. Those parties who lodged representations will receive a copy of this letter.

Yours sincerely

[REDACTED]

## CONDITIONS ATTACHED TO THE GRANT OF PLANNING PERMISSION IN PRINCIPLE

1. The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the layout, siting, design and external appearance of the Onshore Substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

- a) Details of the finished ground levels and finished floor levels of the buildings
- b) The total height of any building shall not exceed 12.3 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the adjacent average road level of Edinburgh Road;
- c) The proposed route of the temporary rerouted Coastal Path incorporating the John Muir Way within the northern section of the application site boundary;
- d) Details of the proposed colour treatment of the Onshore Substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;
- e) Details of all external lighting proposed;
- f) Details of the area of the Onshore Substation, which is not to exceed 2.5ha in total as shown on the drawing titled "Maximum Onshore Substation Area" docketed to this planning permission in principle; and
- g) The layout shall ensure that the Onshore Substation is located outside the area identified as "No Onshore Substation Development" on the drawing titled "Maximum Onshore Substation Area" docketed to this planning permission in principle, and the Onshore Substation shall be located within the area identified as "Onshore Substation Site" on the said drawing as close to the south-western boundary of the Application Site as can be accommodated by the approved landscaping (including landscape and visual mitigation).
- h) Details of landscape and visual mitigation (including architectural mitigation) shall not be submitted for approval under this condition 1 without consultation first having been carried out with the Planning Authority, Scottish Natural Heritage, Cockenzie and Port Seton Community Council and Prestonpans Community Council.

In this condition, the Onshore Substation means all the electrical equipment, ancillary equipment and internal roads to be located within the perimeter security fence, as indicatively described in paragraph 41 of Chapter 5 (Project Description) of the Environmental Impact Assessment Report.

Reason: To ensure that the matters referred to are given full consideration in the interests of the visual amenity of the area and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.)

2. The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report docketed to this planning permission in principle, except where altered by the approval of matters specified in the condition above (including the referenced drawing) or by the conditions below, or unless otherwise agreed with the Planning Authority in writing.

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

3. The development hereby approved shall be used solely in connection with the offshore Inch Cape Wind Farm to facilitate the transmission of electricity generated by that development to the grid and for no other purposes, unless otherwise agreed in writing with the Planning Authority.

In these conditions the “Inch Cape Wind Farm” means the offshore wind farm known as the Inch Cape Offshore Wind Farm, granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 10 October 2014, or successor offshore wind farms located within the site of that development.

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

4. Prior to the commencement of the development hereby approved and once details of the construction methodology is known, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority after consultation with SEPA and SNH, and shall address the following requirements:-

- a) Confirmation of the methodology to be used in constructing the Development with particular regard to construction of the substation, any tunnelling activities and the method of constructing the cable trenches;
- b) A construction dust management plan identifying mitigation measures during the construction phase of the Development specifically identifying measures to minimise impacts of fugitive dust emissions on sensitive receptors;
- c) A construction noise management plan identifying mitigation measures during the construction phase of the Development specifically identifying measures to minimise impacts of construction noise on sensitive receptors; and
- d) An assessment of vibration impact arising from construction works and the identification of any mitigation measures required to minimise impacts of construction vibration on sensitive receptors, taking account of BS5228-1:2009 and A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites.
- e) Any pre-commencement survey work, as required to re-establish base-line conditions in respect to protected species and any areas sensitive to disturbance including associated mitigation measures, as agreed with and approved by the council in consultation with SNH.

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

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

5. Prior to the commencement of the development hereby approved, a Noise Impact Assessment for the operational phase of the Development shall be submitted to and approved in writing by the Planning Authority. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to condition 1 and shall identify the location of noise emitting plant within the site and their accompanying noise emissions. The Noise Impact Assessment shall identify measures to ensure operational noise from the development does not give rise to new or materially different impacts to those assessed in Environmental Report, unless otherwise approved in writing by the Planning Authority.

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

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

- a) A Method Statement detailing and controlling access routes to and from the site for large components and day-to-day deliveries/removals associated with the construction and decommissioning phases of the development. The Method Statement shall include a detailed swept path assessment of large component delivery routes, as well as frequencies and times of deliveries and arrangements for the removal of materials/plant from the site. The Method Statement shall also include details of any off-site mitigation works;
- b) Details of access and management for the onshore cabling works including the potential for traffic management on Edinburgh Road;
- c) Details of the proposed vehicular access onto the B1348 for large component deliveries, this should also include the reinstatement of the access once works are completed;
- d) Wheel washing facilities shall be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels.
- e) The TMP shall also include vehicle tracking and swept path analysis for vehicles entering and exiting the site and details of the provision of visibility splays at all vehicular accesses. It shall also include details of any road closures and suitable alternative routes during the road closures.
- f) A Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds. The TMP shall also include vehicle tracking and swept path analysis for vehicles entering and exiting the site and details of the provision of visibility splays at all vehicular accesses. It shall also include details of any road closures and suitable alternative routes during the road closures.

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

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

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

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

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

8. Within 24 months of the permanent cessation of generation at the offshore Inch Cape Wind Farm, confirmation shall be given in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes.

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

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

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

Where the Development is required for electricity transmission purposes beyond the operational period of the offshore Inch Cape Wind Farm, within 24 months of the development no longer being required for electricity transmission purposes, a decommissioning and site restoration plan (the 'the Demolition and Restoration Scheme')

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

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

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

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

9. Prior to the commencement of the development hereby approved, a site investigation shall be undertaken in order to establish the exact situation regarding ground conditions on the site and to identify any contaminated land.

In the event that the site investigations confirm the need for remedial works to treat the ground conditions so that the site is suitable for its intended use, details of the proposed remedial strategy shall be submitted to and approved in writing by the Planning Authority. Any such remedial works shall then be undertaken prior to the commencement of development in accordance with these approved details.

Reason: To ensure that the site is suitable for development, and that remedial measures have been undertaken where necessary to ensure that potential risks have been adequately addressed.

10. Development of the site shall not commence unless and until details of the finished ground levels, finished floor levels, confirmation of the presence of any culverted watercourses, the proposed Sustainable Urban Drainage Scheme, the proposed outfall and the finalised details of the use of any landscape bunds on the proposed site, as informed by the site investigation and designs approved under condition 1, have been submitted to and approved in writing by the Planning Authority, in consultation with SEPA. Thereafter the scheme should be completed in accordance with these details.

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

11. With the exception of construction work associated with the installation of the offshore export cables construction works associated with the Development shall be limited to 0700-1900 Monday to Friday and 0800-1300 on Saturdays, unless otherwise agreed in advance with the Planning Authority. Construction works associated with the installation of the offshore 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.

Reason: To safeguard the amenity of nearby residential properties

12. Prior to the commencement of the development hereby approved, a detailed Flood Risk Assessment (FRA) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The details shall take account of the site layout approved under condition 1 and shall identify mitigation measures required to protect the site as a minimum from the 1:1000 year flood event, unless otherwise approved in writing by the Planning Authority. All approved flood mitigation measures must be carried out in accordance with the approved details prior to the Development becoming operational.

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

13. Prior to the commencement of development details of artwork to be provided on the site or at an alternative location away from the site shall be submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the operation of the onshore substation, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

14. No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping taking account of the detailed site layout and other details proposed or approved under the terms of condition 1. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained, and measures for their protection in the course of development. It should also address long term management of the approved planting and boundary treatments.

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

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

## Advisory Notes

**1. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

**2. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm



the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)

3. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.)

## Appendix 2: Schedule of Plans

### [013 Location Plan](#)

[Layout Plan attached to condition one.](#)

[Environmental Impact Assessment: Description of Development](#) (in so far as not superseded by parameters set out in the Indicative Layout plan above and by matters otherwise specified in conditions).