

SEPA

[Note: original page numbers omitted]



Our Ref: PCS/154157

Your Ref: Inch Cape
Onshore

East Lothian Council
Planning & Building Standards
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If telephoning ask for:
Anna Gaffney

09 August 2017

By email only to: environment@eastlothian.gov.uk

Dear Sir/Madam

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

INCH CAPE ONSHORE SCOPING REPORT - REQUEST FOR A SCOPING OPINION UNDER REGULATION 17(1) OF THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

INCH CAPE ONSHORE

Thank you for consulting SEPA on the scoping opinion for the above development proposal by your email received on 21 July 2017.

We would welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter.

Advice to the planning authority

We consider that the following key issues must be addressed in the Environmental Impact Assessment process. To **avoid delay and potential objection**, the information outlined below and in the attached appendix must be submitted in support of the application.

- a) Map showing assessment of all engineering works within and near the water environment including buffers, details of any flood risk assessment and details of any related CAR applications.
- b) Map showing assessment of all impacts upon groundwater abstractions and buffers.
- c) Schedule of mitigation including pollution prevention measures
- d) Map of proposed waste water drainage layout.
- e) Map of proposed surface water drainage layout.
- f) Decommissioning statement.

Further details on these information requirements and the form in which they must be submitted can be found in the attached appendix. We also provide site specific comments in the following section which can help the developer focus the scope of the assessment.

Site specific comments

1. Flood Risk

Executive Summary Outlining Policy Context

1.1 If formally consulted through the planning process on the proposed development we would object on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy based on the information supplied with this consultation.

Technical Report

1.2 We have reviewed the information provided in this consultation and it is noted that, the application site (or parts thereof) lies adjacent to the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of coastal flooding.

1.3 Within the site boundaries the SEPA Flood Maps have identified surface water and fluvial flood extents. We believe that the fluvial flood extents shown on this map are possibly the result of demolition of the previous Cockenzie Power Station causing a depression. However, there is a drainage ditch identified on the OS maps which is south east of the proposed development. This may be culverted through the development potentially causing this fluvial flood extent. We will require that a Flood Risk Assessment (FRA) assesses all sources of flooding including fluvial and investigation

into a potential culvert running through the development. We would advise that there should be no buildings erected over the culvert to ensure access if maintenance or repairs to the culvert are required.

1.4 For information, an approximate 1 in 200 year water level for the area is 3.96m AOD based on extreme still water level calculations using the Coastal Flood Boundary Method. This does not take into account the potential effects of wave action, funnelling or local bathymetry at this location. We also recommend that the applicant contact the Flood Prevention Authority with regard to the appropriate levels of freeboard for the area.

1.5 Groundwater investigations should be updated due to the demolition of the previous power station. Groundwater level data must be acquired for post demolition.

1.6 We would note that the East Lothian Shoreline Management Plan is from 2002 and has not been updated since. We would recommend that contact is made with East Lothian Council to glean any information on the coastal regime and flooding in the area.

1.7 Investigation into any informal or formal coastal defences will also be required and assessed as part of any FRA.

1.8 *Section 7.4.2 of the Onshore Scoping report, states that “SUDs will be developed prior to construction, to ensure adequate control and treatment of rainfall runoff through and out of the Revised Application Site.”* It is also noted that groundwater will be collected, treated and discharged. We would require that greenfield runoff rates are maintained during any discharge.

1.9 An FRA was undertaken for this site by URS to support a previous redevelopment proposal for this site. It is understood that the buildings that were present in 2009 have now been demolished. For this reason it is important to either update that FRA or undertake a new FRA to determine the current and future risk of flooding at the application site and the potential impact of the proposed development on the risk of flooding elsewhere.

Summary of Technical Points

1.10 In summary we would wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

- A detailed Flood Risk Assessment which should include the following;
- Investigation into the potential culverted watercourse through the site,
- Investigation into all sources of flooding including coastal, fluvial, surface water and groundwater
- Groundwater levels post demolition of the power station and,
- Investigation into any coastal flood defences that may remain on site.

Caveats & Additional Information for Applicant

1.11 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

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1.12 We refer the applicant to the document entitled: “Technical Flood Risk Guidance for Stakeholders”. This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

1.13 Please note that this document should be read in conjunction Policy 41 (Part 2).

1.14 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from <http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls>.

1.15 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.16 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to East Lothian Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: “Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities” outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

2. Protection of the Water Environment

2.1 We note that the the site welfare facilities for the construction and operation of the development will be discharging directly to the Scottish Water foul water mains. Contact should be made with Scottish Water to determine the standards required to ensure adoption of new infrastructure and evidence should be provided with the EIA Report Scottish Water has confirmed the acceptability of the discharge to the foul water mains.

2.2 However there appears to be no further intention to consult with Scottish Water on the proposed development other than on this specific issue. It should be noted that there is existing Scottish Water infrastructure bordering the site, namely the Preston Crescent CSO EO, which forms part of Sewer Network Licence CAR/L/1026086 and this may be affected by any works carried out at site. Therefore we recommend early consultation with Scottish Water to identify any works from the development proposal which may impact the water infrastructure.

2.3 We note further note that there is no reference to Scotland's National Marine Plan which contains a range of general planning policies and specific policies in relation to marine renewable energy. We would expect the EIA Report to make links to relevant planning policy in order to establish clear connections between the development proposals and relevant government planning policy aims.

2.4 However overall, from our review of the submitted Scoping Report we consider that the Report appears to address the majority of our requirements in relation to the protection of the water environment. We consider that the proposed approach appears to be appropriate and the key issues and relevant and up to date guidance pertaining to the site and proposals have been identified. The EIA Report should set out the principles of all proposed pollution prevention and mitigation measures that are relevant to the proposed site.

3. Mine Workings

3.1 We note from the submitted Scoping Report that a desktop study of the baseline environment, inclusive of mining, will be conducted and submitted as part of the EIA report. We further note that the embedded mitigation from the previous commitments made in the Consented Onshore Transmission Works Environment Statement and associated conditions will be incorporated in to the forthcoming EIA Report for the revised development. This will include the requirement for a targeted site investigation which will allow for a detailed design of the proposals to avoid destabilisation of mine workings. We are content with this approach.

Regulatory advice for the applicant

4. Regulatory requirements

4.1 Proposed engineering works within the water environment will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Consideration should also be given to other environmental licences may be required for any installations or processes as the development proposal progresses.

4.2 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulations team in your local SEPA office at:

Edinburgh Office
Silvan House
SEPA 3rd Floor
231 Corstorphine Road
Edinburgh
EH12 7AT

Tel: 0131 449 7296

If you have queries relating to this letter, please contact me by telephone on 0131 273 7259 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Anna Gaffney

Planning Officer

Planning Service

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our [website planning pages](#).

Appendix 1: Detailed scoping requirements

This appendix sets out our scoping information requirements. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site in order **to avoid delay and potential objection**.

If there is a delay between scoping and the submission of the application then please refer to our website for our latest information requirements as they are regularly updated; current best practice must be followed.

We would welcome the opportunity to comment on the draft submission. As we can process files of a maximum size of only 25MB the submission must be divided into appropriately named sections of less than 25MB each.

1. Site layout

- 1.1 All maps must be based on the Ordnance Survey 1: 10 000 scale or greater base mapping to provide an adequate scale with which to assess the information. Each of the maps below must detail all proposed upgraded, temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. Existing built infrastructure must be re-used or upgraded wherever possible to

minimise the extent of new works on previously undisturbed ground. Cabling must be laid in ground already disturbed such as verges.

2. Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended) (CAR)

- 2.1 The proposed development may require an authorisation from us under CAR. The CAR application may be subject to a derogation (exemption under the Water Framework Directive) assessment and third party consultation which could result in amendments to the scheme. We therefore encourage applicants to twin-track applications for consent under planning and CAR to ensure that CAR requirements can be accommodated more easily when proposals are at their most fluid.
- 2.2 Should the applicant choose not to twin-track their applications then the following details must be included in the planning submission to allow us to provide an indication of the potential consentability of the proposal under CAR:
- a) The location and design of the intakes and outfalls and their impact upon the morphology of the water environment.
 - b) Compensation flow.
 - c) Other relevant CAR or planning applications or consents for abstractions/hydro schemes.
 - d) Sensitive water uses, water dependent species (including bryophytes) and ecosystems.

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3. Other impacts on the water environment

- 3.1 Other elements of the scheme must be designed to avoid impacts upon the water environment. Where activities such as watercourse crossings, watercourse diversions or other engineering activities in the water environment cannot be avoided then the submission must include a map showing:
- a) All proposed temporary or permanent infrastructure overlain with all lochs and watercourses.
 - b) A buffer of at least 10 m drawn around each loch or watercourse. If this minimum buffer cannot be achieved each breach must be numbered on a plan with an associated photograph of the location, dimensions of the loch or watercourse, drawings of what is proposed in terms of engineering works.
 - c) Detailed layout of all proposed mitigation including all cut off drains, location, number and size of settlement ponds.
- 3.2 If water abstractions or dewatering are proposed, a table of volumes and timings of groundwater abstractions and related mitigation measures must be provided.
- 3.3 Further advice and our best practice guidance are available within the water [engineering](#) section of our website. Guidance on the design of water crossings can be found in our [Construction of River Crossings Good Practice Guide](#).

- 3.4 Refer to Appendix 2 of our [Standing Advice](#) for advice on flood risk. Watercourse crossings must be designed to accommodate the 0.5% Annual Exceedance Probability (AEP) flows, or information provided to justify smaller structures. If it is thought that the development could result in an increased risk of flooding to a nearby receptor then a Flood Risk Assessment must be submitted in support of the planning application. Our [Technical flood risk guidance for stakeholders](#) outlines the information we require to be submitted as part of a Flood Risk Assessment.

4. Existing groundwater abstractions

- 4.1 Excavations and other construction works can disrupt groundwater flow and impact on existing groundwater abstractions. The submission must include:
- a) A map demonstrating that all existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. If micro-siting is to be considered as a mitigation measure the distance of survey needs to be extended by the proposed maximum extent of micro-siting. The survey needs to extend beyond the site boundary where the distances require it.
 - b) If the minimum buffers above cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. We are likely to seek conditions securing appropriate mitigation for all existing groundwater abstractions affected.

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- 4.2 Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) for further advice on the minimum information we require to be submitted.

5. Pollution prevention and environmental management

- 5.1 One of our key interests in relation to developments is pollution prevention measures during the periods of construction, operation, maintenance, demolition and restoration.
- 5.2 A schedule of mitigation supported by the above site specific maps and plans must be submitted. These must include reference to best practice pollution prevention and construction techniques, regulatory requirements, the daily responsibilities of ECOWs, how site inspections will be recorded and acted upon and proposals for a planning monitoring enforcement officer. Please refer to the [Pollution prevention guidelines](#).

6. Decommissioning / Repowering

- 6.2 Proposals to discard materials that are likely to be classed as waste would be unacceptable under current waste management licensing and under waste management licensing at time of decommissioning if a similar regulatory framework exists at that time. Further guidance on this may be found in the document [Is it waste - Understanding the definition of waste](#).
- 6.3 The layout and the general principles for decommissioning must demonstrate waste minimisation and compliance with the above waste regulatory position.

SNH

Scottish Natural Heritage
Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Jean Squires
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John Muir House, Brewery Park
Haddington, East Lothian, EH41 3HA

Email: jsquires@eastlothian.gov.uk
CC: policy&projects@eastlothian.gov.uk

28 August 2017
Our ref: CEA146868 / A2385660

Dear Ms Squires

Inch Cape Onshore Transmission Works

Scoping Opinion under Regulation 17(1) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017

Thank you for your email of 20 July 2017, requesting input to the EIA scoping stage of the above proposal ('the Revised OnTW'). Thank you also for agreeing to an extension to the consultation deadline.

Background

The applicant has previously been granted planning permission for onshore transmission works ('the Consented OnTW'), including an electrical substation at Thorntree Mains. The current application sees this substation relocated to within the footprint of the former Cockenzie power station, alongside changes to other project elements (e.g. cable landfall point, cable export corridor route) that reflect this new location.

Nevertheless, many aspects of the Revised OnTW remain similar to the Consented OnTW, and we expect that many of the impacts will be of a similar magnitude as previously assessed. Our advice will focus on impacts which are potentially new or changed as a result of the change in location.

SNH Advice

We support the proposed approach to assessment described in paragraph 27 of the Scoping Report. This approach will scope out of the assessment any effects that were deemed to be not significant in the Consented OnTW, as long as they are applicable to the current proposal. We agree that much of the previous assessment, conclusions and mitigation will remain relevant, and that it is proportionate to focus on new or different impacts.

We also welcome the applicant's proposed approach of using a 'worst-case' scenario to assess environmental effects (paragraph 33).

We raise the following key points:

- The new coastal location is visually prominent, therefore accurate assessment of landscape and visual impacts will be a key aspect of the EIA Report (EIAR). We provide detailed advice on landscape and visual impacts in Annex 1.
- Much of the ecology and ornithology work that supported the Consented OnTW remains relevant, although some survey work will now be out of date. We support the summary of data validity provided in section 6.3.5 of the Scoping Report.
- We agree that the site of the former Cockenzie power station is currently of negligible nature conservation value.
- We agree that the Outer Firth of Forth and St Andrews Bay Complex proposed Special Protection Area (pSPA) must be incorporated into the EIA and HRA processes.

I hope these comments are useful. Please contact me if you would like to discuss them.

Yours sincerely

[by email]

Malcolm Fraser
Operations Officer
Forth

Annex 1 – Landscape and Visual advice

We broadly welcome the proposed scope of the LVIA. We met on site with Red Rock Power Limited and John Flannery, landscape consultant, to discuss the project and certain aspects of the LVIA.

At the site meeting we highlighted the visual prominence of the site in a key location between the Cockenzie and Prestonpans communities and the potential for the development to have adverse impacts on the local amenity of existing open spaces and also including the accessible points on the coastal fringes and from the Edinburgh Road.

We advised that, in order to reduce landscape and visual impacts, the siting and design approach for the proposed infrastructure, including its various buildings should be strongly design led and informed closely by careful landscape and visual assessment and consideration of placemaking. The design relationship of building proposals to existing and surrounding built form and the sequential experience along the Edinburgh Road was also discussed. We highlighted the importance of clear communication in the EIA of the scale, massing and principles of external treatment of the buildings, and advised that these matters should be clearly communicated in sufficient detail in submitted drawings and supporting visualisations. We also proposed that due to the nature and location of the proposal, we consider that a design statement document outlining these matters should support any application.

In observing the very slow growth rates of existing trees and woodlands on and around the site, we emphasised the need to be realistic in the LVIA and supporting visualisations about growth rates, and therefore the role of woodland planting as a form of landscape and visual impact mitigation. We advised that detailed specifications for the establishment and long term management should be put forward in the EIA, if planting as mitigation is to be utilised.

We also discussed aspects of integration of the proposal into the landscape and the issues of visual screening of built form, particularly from the west, including views from closer public spaces and from along the coastal edge of Prestonpans. We highlighted sensitivities in views from these locations, including the John Muir Way, and the potential role of the existing mounding on Preston Links, and on the Cockenzie side, to integrate or screen built form. Opportunities for off-site mitigation through modification and enhancement of surrounding landforms, planting and open spaces could usefully be explored. Given the recently improved change of setting/ amenity for the community open space at Preston Links (since removal of the power station) we also highlighted the importance of ensuring the proposals seek to maintain positive amenity for this important and strategically located open space. The potential for linear bunding, security fencing, lighting and planting strips around the works to impact adversely and contrast with the distinctive rounded mounds and clustered planting of Preston Links was noted.

With regards the proposed viewpoints we discussed these in general terms. Given the changed location of the proposal compared with the previous proposal for these works we suggest that a re-appraisal of the submitted viewpoints will be necessary. We advise that selection of appropriate viewpoints should be based on identified likely significant impacts, which should be ascertained from study of refined draft layout proposals which have been modelled and appraised through more detailed ZTVs and specific wirelines of proposed built form. We highlighted at the site meeting that on the basis of draft layout proposals shown, viewpoints from further distances from the south may no longer be

needed due to the role of intervening structures and vegetation. We suggested that further attention should be paid towards potential impacts from more open locations including the existing open spaces around the site and paths and publically accessible locations on the edge of Prestonpans.

We would be happy to advise further on viewpoint selection, or any other aspect of the LVIA, if this is required.

APPENDIX 2 – Additional Information Provided by ICOL

East Lothian Council's Landscape Officer requested further information in order to provide comments for scoping. Accordingly a request for further information was made for

1. The indicative layout referred to in Paragraph 48 of the Scoping Report which does not appear to be included within the Scoping Report:
2. ZTV diagram and proposed viewpoints be submitted as a shapefile.

The indicative layout for the substation (with a note to the effect that further design work is being carried out) and shapefiles were supplied. The Indicative Layout is shown below, along with a map based on the shapefiles supplied. The map is presented for information purposes over and was prepared by ELC in good faith based on information supplied by ICOL. It is similar to Figure 8.1 in the Scoping Report, though showing a larger base map area.

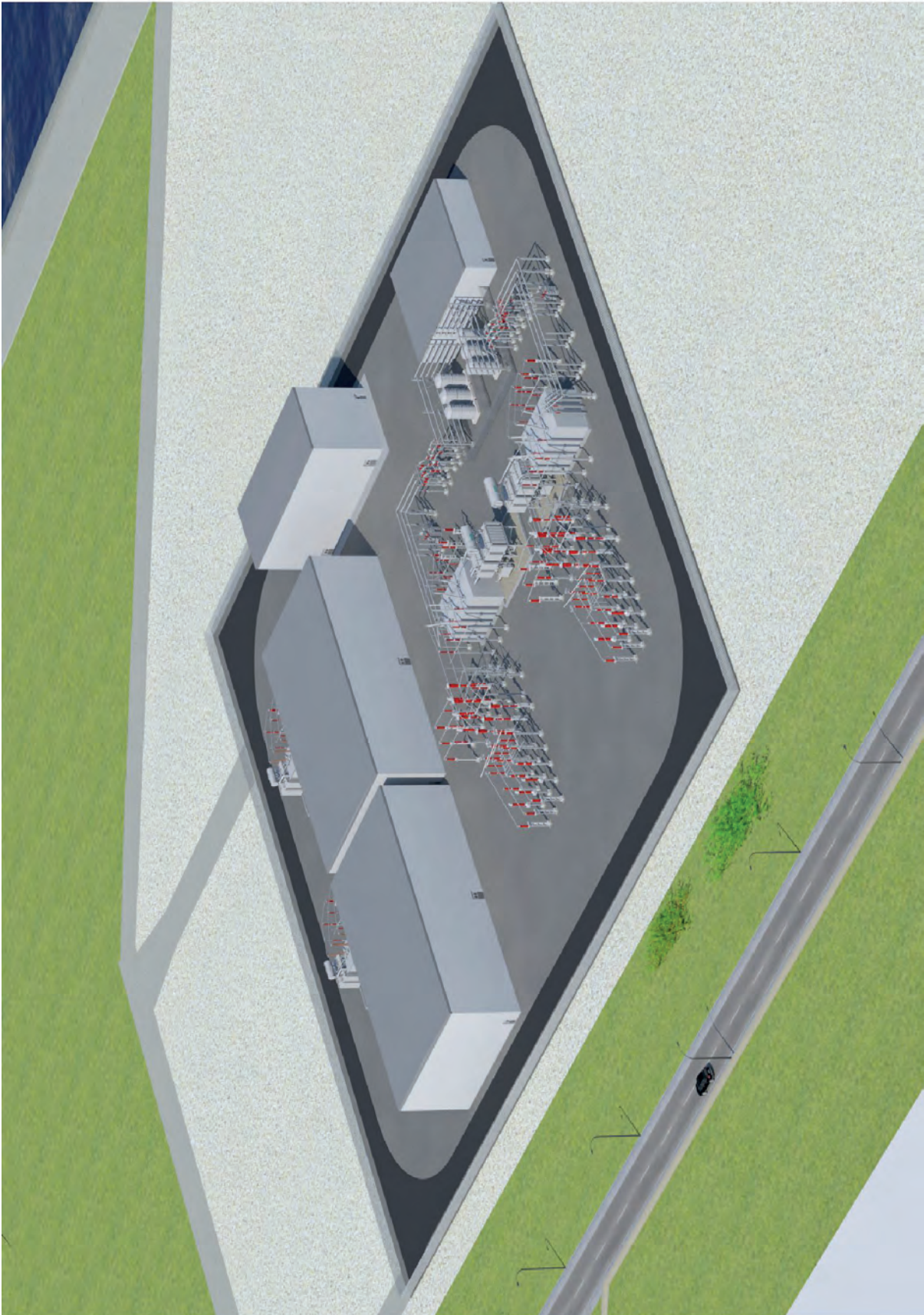


Fig 1: Substation Indicative Layout

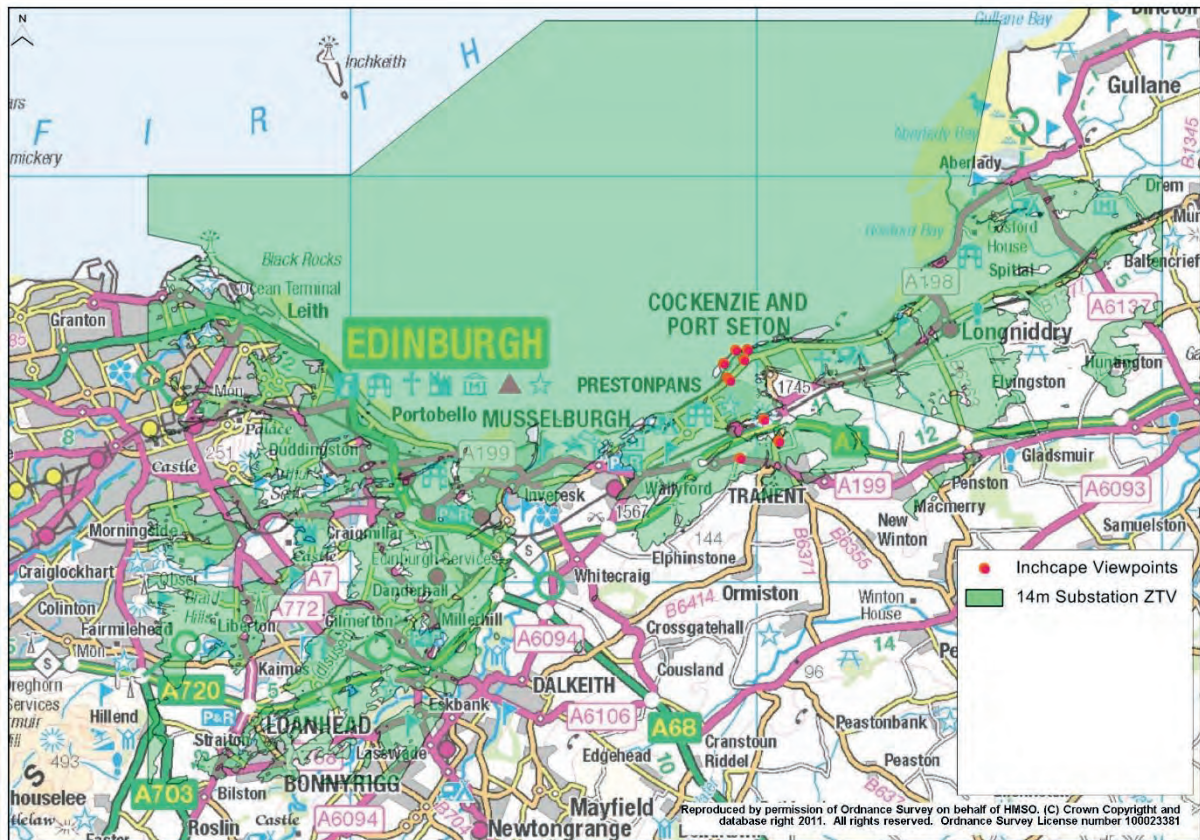


Fig 2: ELC prepared map based on shapefiles of ZTV of substation at 14m and viewpoints supplied by ICOL