



Report to the Scottish Ministers

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Report by Allison Coard, a reporter appointed by the Scottish Ministers

- Case reference: CIN-ELN-001
- Site Address: Former Cockenzie Power Station Site, Prestonpans, East Lothian, EH32 0JA
- Application by Inch Cape Offshore Limited
- Application for planning permission in principle, ref. 18/00189/PPM dated 23 February 2018, called-in by notice dated 9 April 2018
- The development 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
- Date of accompanied site visit: 2 July 2018
- Date of hearing Session : 2 October 2018

Date of this report and recommendation: 14 January 2019



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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, EH32 0JA

• Case reference	CIN-ELN-001
• Case type	Planning Permission in Principle
• Reporter	Allison Coard
• Applicant	Inch Cape Offshore Limited
• Planning authority	East Lothian Council
• Other parties	None
• Date of application	23 February 2018
• Date case received by DPEA	9 April 2018
• Methods of consideration and dates.	Written submissions Accompanied site inspection on 2 July 2018 Hearing Session 2 October.
• Date of report	14 January 2019
• Reporter's recommendation	Grant Planning Permission in Principle

Summary

Applicant's Case

The determining issue is whether the application complies with Policy EGT1 of the East Lothian Local Development Plan and National Planning Framework 3 in terms of ensuring best use is made of the existing land and infrastructure in the area. If not then whether other material considerations outweigh any conflict. This assessment should be made bearing in mind this is an in principle application so details can be refined through approval of matters as specified in planning conditions.

Policy EGT1 and paragraph 3.41 of NPF3 are consistent in both providing that:

- the Cockenzie site may present significant opportunities for renewable energy-related investment;
- developers, the council and key stakeholders are expected to work together to ensure that best use is made of the existing land and infrastructure in this area; and
- if there is insufficient land for competing proposals, priority is to be given to those which make best use of this location's assets and which will bring the greatest economic benefits.

The Masterplan recognises that there is scope for this area to accommodate a range of uses including energy, with particular reference to potential opportunities arising for offshore energy to be brought into the site. The site is only 10.2 ha of the whole Masterplan area of some 98 ha. The proposal is sited to reduce the cable length required onshore which will minimise the restrictions on further development at Cockenzie.

In suggesting that the proposal “could prejudice the future development of the site and the economic potential of the area” the council is seeking to apply and draw support from part of Policy EGT1 and NPF3 that only becomes relevant “if there is insufficient land for competing proposals”. There are no competing proposals for any other land within the Policy EGT1 area. The requirement to weigh up proposals and prioritise those which deliver the greatest “economic benefits” only applies where there are competing proposals and not enough land.

The mere possibility of a preferable alternative use is vague. Clearly the possibility of some undefined alternative use falls very far short of fulfilling the test for an alternative use to be a material consideration. The possibility of a port facility is not supported by any up to date evidence, the development plan or the National Planning Framework. There is no credible defined scheme.

The proposal is expressly supported by EGT1 and NPF3: The application is a renewable energy-related investment (expressly supported at the Cockenzie Site by EGT1 and NPF3) and National Development 4 (expressly identified in NPF3).

The application makes the most of existing infrastructure and other site assets: it connects Inch Cape’s offshore wind farm. The proposal requires both a coastal location and existing grid infrastructure and capacity, as are found at Cockenzie.

A detailed site selection process robustly supports the selection of the application site which the council has not challenged (other than in relation to a misplaced and incomplete appraisal of relative economic potential). Landscape and visual impact is assessed as significant. However, the effects would not be unacceptable in the context of the benefits of the proposal, its previous use and support for the site as a location for national development. Neither the council, nor SNH, have objected to the application in respect of effects on landscape character, designations or visual amenity. There is opportunity to further address Local Development Plan Policies DP1 and DP2 at the detailed planning stage and to minimise the land-take of the proposal.

Even if the reporter or the Scottish Ministers consider there is conflict or tension with Policy EGT1 and paragraph 3.41 of NPF3, this would need to be weighed against other material considerations in favour of granting approval, including strong support from Scottish Government Energy Policy, the Climate Change Plan, Scottish Planning Policy (in particular the presumption in favour of development that contributes to sustainable development), the Masterplan and the application’s status as national development. The benefits include mitigating the effects of climate change, contributing to the security of domestic and sustainable energy supplies and direct and indirect employment and investment.

In support of its proposal the applicant returns to paragraph 3.106 of the Council’s Submission which states:

“This proposal, as a part of a National Development, takes priority over other possible uses on the wider Cockenzie site, with the exception of any proposals for National Development 3, of which there are none”.

The Council's Case

The proposed development would not make best use of the land available at the former Cockenzie Power Station site. Rather it could prejudice the future development of the site and the economic potential of the area. The proposed development is therefore contrary to Policy EGT1 of the East Lothian Local Development Plan and therefore also does not comply with National Planning Framework 3.

It would be possible to have this proposal in another location within the EGT1 site that has until recently had planning consent and so been proved acceptable. This would leave those parts of the site which appear to be more suitable for other economically beneficial uses, to be available for those uses.

The council has not had time since the Report of Examination to undertake the joint working as set out within Proposal EGT1. The Cockenzie Masterplan document was an important step towards this but has not been formally endorsed by the council or adopted as supplementary planning guidance. Clearly the Masterplan cannot be accorded the weight of either non-statutory or statutory supplementary guidance.

This is a prime area of the site where the coastal location could be an asset with far greater economic potential than to have this passive use, which demonstrably could be accommodated elsewhere. Planning permission was previously granted for a site which the council considers more suitable.

The council intends to market the site, though this is difficult in the current policy context. It should be noted, however, that the council has received a number of enquiries from interested parties and has engaged with the relevant Scottish and UK government departments in respect of the economic and development potential of the site, including with Scottish Enterprise.

The council's Economic Development and Strategic Investment Service (EDSI) advises that economic development is a key priority for East Lothian. This is at the forefront of East Lothian Community Planning Partnership's Single Outcome Agreement and East Lothian Council's Community Plan 2012-2017. The council places weight on the advice of its Economic Development and Strategic Investment Service. It states that the application is not welcome at this time as it is not necessarily the best use of the site when considered in the context of its strategic aims which include growing business and employment opportunities and promoting a sustainable local economy.

It is likely that the referenced jobs would be created irrespective of whether the substation were located in the now proposed position or in the position approved for it by planning permission in principle 14/00456/PPM.

Document 5 of the Cockenzie Masterplan Document (“Community Involvement and Scenario Feedback”) advised that the debate on the port/cruise facility cannot be settled without a clear view on the scale, impact, benefit and the required land-take for the facility

itself and associated infrastructure. The Cockenzie Masterplan Document does not include a cruise terminal as part of its vision for the whole site.

At this stage the council accepts that a cruise terminal development of the site may have significant economic benefits for East Lothian and the wider area. Economic, engineering and environmental research and studies would have to be undertaken to establish if such a development is feasible and to gauge the interest of potential operators. Approval of this application would likely prejudice the development of a cruise terminal at the site, should this prove feasible. Development in a more suitable, alternative site elsewhere on the land covered by the Cockenzie Masterplan document, would enable the future option of a cruise terminal to be retained.

The applicant seems to suggest that if the application site was not available then the whole project, on and off-shore, would fall and the prospective jobs, the majority of which would be off shore would be lost. This is clearly not the case given the previous planning permission in principle.

The decision maker must consider whether or not the proposal complies with Local Development Plan Policies DP1 and DP2 or with Policy DC6 and with Policy NH1 of the proposed LDP. The concerns of East Lothian Council's Landscape Officer and the response from Scottish Natural Heritage are relevant in this respect. Due to the height and scale of the proposed substation building it would be intrusive, inharmonious and an exposed form of development that would be harmful to the quality, character and amenity of the landscape of the area. Whilst Scottish Natural Heritage do not object they do not consider the proposal to represent the "best use" of this sensitive coastal location. Where statutory consultees do not object, it is not appropriate to simply dismiss their views as expressed, whether they be positive or negative.

The council is generally content with the applicant's revised conditions dated 5 October although the reduced footprint was queried in the context of an application site area which would remain unchanged. This effectively leaves an area of undeveloped land between the footprint of the building and the proposed landscaping along the site boundary.

Best use cannot be assessed on just area of land take. The current proposal is on the prime coastal part of the wider site and weight must be given to the decision to approve the previous application. This previously satisfied the council, Historic Environment Scotland and the applicant.

The proposal would result in the loss of this 10.2 hectare prime coastal development site with no long term economic benefit to the local area of East Lothian or local residents in the form of job opportunities. Additionally the development may prejudice the future redevelopment potential of the adjacent coastal land and the economic potential of the area. Consequently the application should be refused.

Cockenzie And Port Seton Community Council

The community council support the fully consulted Masterplan. This allocates part of the site for energy production but not on the area relating to this application. If the proposed area is approved then the stated footprint should be kept to a minimum. Screening should be improved and trees planted to reduce the visual impact. The buildings should be designed to make an architectural statement and not just a "big shed". An artwork should

be commissioned along the lines of the " Kelpies". This proposal will not create any local jobs. A further design feature has been mentioned, that of making the buildings appear part of the Green Hills by having turf roof coverings.

Prestonpans Community Council

The power station at Preston Links was a major employer for a generation of local people. The site has potential for ambitious proposals to bring new jobs and investment into the area. This call-in should not cut across local efforts to achieve a broadly-based partnership to shape the development that includes the local community. The Community Council actively supported two previous planning applications to build this sub-station on inshore land to the east of Prestonpans and south of the power station coal store.

This proposal does not make best use of existing land and infrastructure. It does not provide any economic, community or employment benefits. This latter point has been acknowledged by Inch Cape Offshore Ltd. The lack of employment is a matter of deep concern for the local community, and there are fears that this could set a pattern for the development of the rest of the site.

There is a critical need for the former power station site (which at its peak employed over 500 people) to be the catalyst for economic development creating local employment opportunities. A compromise solution would be the former coal store situated to the south of Edinburgh Road. The coal store location for the Inch Cape sub-station would meet the criteria outlined by the Scottish Government, sit comfortably with the Cockenzie Masterplan document and be welcomed by the local communities in Cockenzie, Port Seton and Prestonpans.

The community want to see an active and vibrant waterfront on the Preston Links. Whilst the proposals by Inch Cape would not sterilise the whole waterfront in terms of activity, they would block off a considerable part of it. The world famous John Muir Way runs along the site and the Battlefield Trust have ambitious plans to promote the Battle of Prestonpans. It would be foolish in the extreme to overlook the potential of tourism to help make the wider waterfront area more active delivering jobs for local people at the same time.

Dr Baird

A competing use does exist at Cockenzie in the form of a port and freight facility. The Masterplan 'Zone 1' location is highly important in the context of a port and in relation to NPF3. As a port this area of the site would be essential for freight laydown, parking, and reception buildings

The proposed application as envisaged would serve to block any port development at the site. In terms of economic benefit a cruise/ferry seaport development at the Cockenzie site will be expected to help create and sustain over the long-term several thousands of jobs. Seaports are also regarded as 'engines' of economic growth. Time should be given for the council to effectively market the Cockenzie port site to potential Scottish and International port users and port investors some of whom have already intimated an interest.

Greenhills

These submissions were made to counter the view of Dr Baird and to state that the site should instead be marketed in accordance with the masterplan which has the potential to create 3500 jobs. Building a container port would destroy the opportunity to make the area an inspirational place to live work and play. The majority of the community and stakeholders do not want a port.

Reporter's Conclusions

Assessment of consistency with the National Planning Framework and the corresponding provisions of the development plan is structured around the following main issues:

- whether there are competing uses for the site;
- whether the proposal represents best use taking into account its benefits; and
- the weight to be attached to the consideration of alternative sites.

The site may have potential for a variety of uses. Its coastal location offers clear marketing benefits. However, no proposals for competing use have reached any advance stage in comparison to those advanced through this current planning application. Indeed, the council accepts this premise in paragraph 3.106 of its submission which states: "This proposal, as a part of a National Development, takes priority over other possible uses on the wider Cockenzie site, with the exception of any proposals for National Development 3, of which there are none". My conclusion is that there is currently no competing use for this site.

Taking into account the national development status of the proposal, the absence of competing uses, the support of the master-plan and the proposed mitigation I find that the proposal represents the "best use" of the site within the current planning context. However, I also consider that optimising the potential to realise economic development objectives on the remaining site area remains an important consideration. This is reflected in the wider objectives of the development plan and the National Planning Framework as well as through the council's economic development strategy. This matter could be addressed, at least to some extent, by minimising the footprint and land-take of this electricity infrastructure as much as possible. Slightly more of the waterfront area would then remain available to accommodate other forms of economic development.

The site which had previous planning permission is not without constraints and was not supported for such development through the masterplan. In any event, I have no detailed basis for comparative environmental or other assessment of the various sites referenced in submissions. I must consider this site on its own merits.

Overall my conclusions are:

- The proposal is for national development, there are no current competing proposals and it would support national renewable energy objectives.
- The proposal represents the best current use of the site in accordance with National Planning Framework 3 and Local Development Plan Policy EGT1.
- There is an identified significant landscape and visual impact.

- The landscape impact is not unacceptable when weighed in the context of the support from the National Planning Framework, the development plan and Scottish Planning Policy.
- The proposal is necessary to enable onshore transmission from the North Cape off-shore wind farm.
- Subject to the appropriate mitigation there are no identified development plan policy conflicts.
- The proposal is in general accordance with the Cockenzie masterplan albeit that this has not been endorsed by the council.
- Aside from landscape and visual impact I have identified no other significant environmental effects.

For these reasons I consider the proposal is in accordance with the development plan and the National Planning Framework. It gains support from Scottish Planning Policy and from national renewable energy targets and priorities. I find no other material considerations sufficient to over-ride this considerable support. Consequently I recommend that planning permission in principle is approved subject to the conditions set out in Appendix 1.

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DPEA case reference: CIN-ELN-001

The Scottish Ministers
Edinburgh

Ministers

In accordance with my minute of appointment dated 10 August 2018 I conducted a hearing in connection with an application for planning permission in principle for onshore transmission works associated with the Inch Cape offshore wind farm. This comprises 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, EH32 0JA.

A Direction was issued by Scottish Ministers to call in the application given that it raised matters which are potentially of national importance in the context of the expectations as set out in National Planning Framework 3. This identifies the former Cockenzie Power Station and the need for an enhanced high voltage energy transmission network.

The application was called in by Ministers at a relatively early stage. The consultation period had just ended and the application was yet to be considered by East Lothian Council. To allow time for a response from the council the application was held in abeyance for a month to await the council's response as reported to its committee of 26 June 2018.

An exchange of written submissions then commenced to enable the applicant and others to respond to the matters raised by the council. All other parties who had submitted representations and consultations to the council were invited to take part (opt in) to any further process. An accompanied site visit was held on 2 July 2018 which was attended by the council, the applicant, Scottish Natural Heritage and representatives from Cockenzie and Port Seton Community Council and Prestonpans Community Council.

The revised Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 came into effect on 16 May 2017. The applicant requested a scoping opinion from East Lothian Council on 13 July 2017 and this was issued on 5 September 2017. Consequently given these dates it is confirmed that the assessment falls under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations') and that the scoping request was made under Regulation 17 of those Regulations.

As part of the exchange of information referenced above the applicant submitted revised visualisations and it was agreed that these should be advertised as additional information

under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The required advertisement was carried out and the 30 day period for any comments commenced on 13 August 2018.

Following this initial process the written submissions received indicated a number of matters on which I required further information from the council and the applicant. Whilst no other parties had indicated a wish to be involved in further process the two local community councils were invited to and subsequently took part in the hearing discussion.

The hearing was focussed on the following matters:

1. Support or otherwise from National Planning Framework 3.
2. The relevant references in SESPlan 2 and in the East Lothian Local Development Plan particularly Policy EGT1.
3. The detail of the Cockenzie Masterplan Report August 2017.
4. Mitigation/conditions including in relation to design, landscaping and flood risk.

Specifically the discussion was focussed on:

- The land required, the remaining available land and its potential future use.
- How would the best use of the land and a co-ordinated approach be achieved? Does this proposal achieve these objectives?
- What alternative uses would achieve policy compliance and how might competing uses be defined?
- The relevance of the availability of an alternative site to the decision making process?
- The reasons why the council and others (including the local community councils) consider that the current proposals would prejudice the economic potential of the area?
- Timescales and the potential for the current proposals to align with the masterplan process.

Following the hearing there were further written exchanges on the proposed conditions specifically on the matter of reducing the footprint of the proposal with the potential to free up more of the site for other forms of development. Further information was also lodged regarding the potential use of the area as a port facility. The written exchanges concluded on the 27 November.

My report, takes account of all the written submissions and documents as well as the discussion at the hearing session. It also takes account of the Environmental Assessment including its Addendum and other environmental information as submitted by the parties, along with all the consultations and representations received.

CHAPTER 1: BACKGROUND

The site

1.1 The application site is part of the former Cockenzie Power Station site. There is an existing substation to the south. The site is mainly focussed on the area between the B134 (Edinburgh Road) and the coast (the Firth of Forth) adjacent to Preston Links. The site extends to 10.2 hectares. The coastal area along the shore is within the Firth of Forth Special Protection Area and within the Firth of Forth Site of Special Scientific Interest. The southern section of the application site is within the boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields. The coastal path which incorporates part of the John Muir Way crosses the northern part of the application site.

Relevant Planning History

1.2 The council's committee report dated 26 June 2018 includes explanation of the relevant planning and land-use context:

- Cockenzie Power Station was a coal-fired power station, which was in operation until 2013.
- In October 2011 the Scottish Government granted planning permission under Section 36 of the Electricity Act 1989 to Scottish Power for the conversion of the power station building and operation of it as a Combined-Cycle Gas Turbine plant on the land of the former Cockenzie Power Station site. The Power Station has since been demolished.
- In August 2015 Scottish Power announced that they would not be progressing with the development of a Combined-Cycle Gas Turbine plant on the application site.
- In March 2018 Scottish Power sold the former Cockenzie Power Station site to East Lothian Council. The land sold to the Council, which has an area of nearly 100 hectares, includes Preston Links and land to the south of the Cockenzie Coal Store.
- In October 2014 Inch Cape Offshore Limited was granted consent under section 36 of the Electricity Act 1989 and Marine Licences under the Marine (Scotland) Act 2010, for the Inch Cape off shore wind farm and off-shore transmission works. It would be located across a 15 to 22km range to the east of the Angus coastline.
- Inch Cape Offshore Limited are currently progressing a new application for the revised offshore wind farm and offshore transmission works which it is anticipated to be submitted in summer 2018. It is intended that either the proposed or intended wind farm would be built and this will require essential on shore transmission infrastructure.
- On 3 September 2014 planning permission in principle (Ref: 14/00456/PPM) was granted for the development of onshore electrical transmission infrastructure on land to the immediate east of Prestonpans and to the south of the former Cockenzie Power Station Coal Store. The approved infrastructure would facilitate

the transmission of power from the proposed Inch Cape off shore wind farm to the national electricity grid. This permission lapsed on 3 September 2017.

- In February 2018 this current application was lodged on the east side of Edinburgh Road on land associated with the former power station site. It would facilitate the distribution of up to 2,194 gigawatt hours of electricity per annum, enough power to meet the needs of just over 500,000 households, based on average UK consumption.

The proposal

1.3 The proposed development consists of 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. The basic principles of the development are set out in the application documents. However, details are not fixed given the stated difficulties in precisely defining the required infrastructure at this stage.

1.4 The applicant's original submissions indicate a sub-station which could be approximately 185 metres by 185 metres, resulting in a footprint of approximately 3.5 hectares (excluding the embankment and landscaping). It could be enclosed by security fencing, and two gates, access road, car park, electricity transformation equipment, a switchgear building and a control building. It is indicated that the largest building would be the enclosure for the two harmonic filters, which would be combined with the switchgear and control building. This was proposed to approximately 100 metres long by 60 metres wide, with an approximate height of 14 metres high. Typically, the control building would have approximate dimensions of 30 metres long by 7.5 metres wide, with an approximate height of 7 metres however in the indicative layout shown in this application it has been combined with the switchgear building.

1.5 Two offshore export cables from the Inch Cape offshore wind farm would be brought ashore on the North West boundary of the application site, under the existing sea wall, to the immediate east of Preston Links. These would run underground to transition pits. Each transition pit would typically be 13 metres by 3 metres in size per cable and up to 1.5 metres deep. The applicant has indicated that there would be a separate cable transition pit for each of the offshore export cables or that both may be accommodated within, a larger cable transition pit. Typically, the transition pits are constructed from reinforced concrete and would be covered (underground) following construction and the area above restored, as far as practicable, to its original appearance. Each cable transition pit has an associated link pit and link box to allow access for future maintenance to the cable transition pit.

1.6 The on-shore export cables would be laid in two separate trenches or ducts each measuring approximately 1 metre wide and between 1.5 metres to 3 metres deep. Depending on the final route selected, the Onshore Export Cables between the cable transition pits and the onshore substation are expected to be approximately 100 metres long.

1.7 Access onto the application site would be via the existing access off the B1348 public road. The main site access route for construction traffic would be via the A1, A198, B6371 and B1348 roads.

Reason for call-in

1.8 A Direction was issued by Scottish Ministers to call in the application given that it raised matters which are potentially of national importance in the context of expectations set out in National Planning Framework 3 for the site of the former Cockenzie Power Station and the need for an enhanced high voltage energy transmission network.

CHAPTER 2 LEGISLATIVE AND POLICY CONTEXT

2.1 My assessment is carried out with regard to the development plan and other material planning considerations in accordance with section 25 of the Town and Country Planning (Scotland) Act 1997. This section of the Act also requires that where proposals are for national development they should accord with any statement in the National Planning Framework which relates to that national development, is expressed as applying for the purposes of development management and is to the effect that the development in question could and should occur.

National Planning Framework 3

2.2 Paragraph 3.41 recognises Cockenzie, and the Forth coast extending to Torness, as a potentially important energy hub. There are significant plans for offshore wind to the east of the Firths of Forth and Tay. Proposals for grid connections for these projects are now emerging, requiring undersea cabling connecting with converter stations and substations. Developers should work together to minimise the number and impacts of these developments by combining infrastructure where possible. Whilst Cockenzie is safeguarded as a site for future thermal generation, it may present significant opportunities for renewable energy-related investment. Developers, East Lothian Council and the key agencies, including Scottish Enterprise should work together to ensure that best use is made of the existing land and infrastructure in this area. Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, priority should be given to those which make best use of this location's assets and which will bring the greatest economic benefits.

2.3 In supporting the strategy for a low carbon place National Development Three identifies Cockenzie as a location for carbon capture and storage and thermal generation. National Development Four is for the high voltage energy transmission network. Whilst it references a Scotland wide rather than a specific location, Cockenzie is nonetheless referenced as within an area of co-ordinated action for energy related development. This ties into the reference in paragraph 3.41 to renewable energy related investment on the site. The need for such development is established through the statement of need and description which states that this infrastructure is vital in meeting national targets for electricity generation, statutory climate change targets and the security of energy supplies.

SESplan 2013

2.4 The application site is included in an area referred to East Coast in Figure 4 with commentary in paragraphs 48-59. There is no specific reference to renewables and associated infrastructure. However Figure 2 identifies the requirement for electricity grid re-enforcements in the area and Figure 4 identifies Cockenzie as a new non-nuclear base for electricity generation. General references to Energy are referenced in paragraph 124-125 and accompany Policy 10 on Sustainable Energy Technologies. This requires local development to support the future development and associated infrastructure requirements of Longannet and Cockenzie power stations in relation to their role as non-nuclear baseload capacity.

2.5 The strategic plan also requires the local development plan to promote the use of renewable energy and encourage development that will contribute to achievement of various specified renewable energy targets. Paragraph 125 states that key issues to be considered include location, landscape, environmental quality and community impacts.

East Lothian Local Development Plan 2018

2.6 PROP EGT1: Land at Former Cockenzie Power Station

Land at the above site will be safeguarded for future thermal power generation and carbon capture and storage consistent with National Development 3. Land at Cockenzie may also present significant opportunities for renewable energy-related investment. The council will work together with developers, the landowner, the relevant agencies, local organisations and interested parties, including local residents to ensure that the best use is made of the existing land and infrastructure in this area.

If there is insufficient land for competing proposals, priority will be given to those which make best use of the location's assets and which will bring the greatest economic benefits. Development proposals must avoid unacceptable impact on the amenity of the surrounding area, including residential development. Proposals will be subject to a Habitats Regulations Appraisal and an Appropriate Assessment under the Habitats Regulations as required.

2.7 PROP EGT3: Forth Coast Area of Co-ordinated Action

The council supports the principle of electricity grid connections on the Forth coast from Cockenzie to Torness in order to facilitate off-shore energy generation, provided the following criteria are met: infrastructure is combined wherever possible; connection to existing infrastructure at Cockenzie and Torness is prioritised; and 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. Proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations.

2.8 Policy OS1: Protection of Open Space

Recreational, leisure and amenity open space and facilities, including outdoor sports facilities, will be safeguarded to meet the recreational needs of the community or protect the amenity or landscape setting of an area. Alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and:

- i. the loss of a part of the land would not affect its recreational, amenity or landscape function, or
- ii. alternative provision of equal community benefit and accessibility would be made available, or
- iii. provision is clearly in excess of existing and predicted requirements.

2.9 Policy T2 : General Transport Impact

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and

- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the council by planning condition and / or legal agreement where appropriate.

2.10 Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy

The council will protect its existing core path and active travel networks and ensure that new development does not undermine them, including the convenience, safety and enjoyment of their use.

2.11 Policy DC6: Development in the Coastal Area

Development proposals in the coastal area will be assessed against the relevant qualities of the coastal area in addition to all other relevant Plan policies. Where it is proposed on the:

- Developed Coast it will be supported in principle if it complies with other relevant Plan policies;
- Constrained Coast it will only be supported if it requires a coastal location;
- Unspoiled Coast it will only be supported if there is an established need for the development and a specific need for that particular coastal location.

Coastal developments are likely to be subject to Habitats Regulation Appraisal (unless these are directly related to the management of the nature conservation interests of the Natura 2000 sites). Where a development proposal has a likely significant effect on a Natura 2000 or a Ramsar site either alone or in combination with other plans or projects then proposals must be accompanied by project specific information to inform an Appropriate Assessment. This will allow the competent authority to complete and Appropriate Assessment to determine if there are any adverse effects on the integrity of a Natura 2000 or Ramsar site.

The siting and design of new development must respect the qualities of the particular coastal location.

2.12 Policy NH1: Protection of Internationally Designated Sites

Development proposals unconnected to the conservation management of a Natura 2000 or Ramsar site, that are assessed by the competent authority as likely to have a significant effect on the integrity of a Natura 2000 site or Ramsar site (including proposals outwith the boundary of the designated site) will be subject to Appropriate Assessment. Applicants for such development must provide any information requested by the competent authority to enable it to carry out the Appropriate Assessment, including any project specific information and masterplan.

Where the Appropriate Assessment cannot rule out adverse effects upon the integrity of a Natura 2000 or Ramsar site, the proposal will only be permitted where:

- A) there are imperative reasons of over-riding public interest and there are no alternative solutions; and
- B) compensatory measures are provided to ensure that the overall coherence of the Natura 2000 network is protected.

Candidate Natura 2000 sites will be treated as if they were already designated.

2.13 Policy NH2: Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites

Development that would adversely affect a Site of Special Scientific Interest or Geological Conservation Review site will only be permitted where it can be demonstrated that:

- a) the objectives of designation and overall integrity of the site will not be compromised;
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic or environmental benefits of national importance;
- c) there are no alternative solutions; and
- d) appropriate mitigation will be provided.

Where proposals affect non-notified features within a site, this will be considered against criteria in Policy NH3.

2.14 Policy CH5: Battlefields

Development within a site listed in the Inventory of Historic Battlefields will not be permitted where it would have a significant adverse effect on the key features of the battlefield, including its key landscape characteristics and special qualities, unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised. Any new development supported in such areas must provide appropriate mitigation that conserves or enhances the key features of the battlefield, including through siting, scale, design and landscape treatment and, where relevant, contributes to the understanding of the battle and historic assets, particularly with respect to any archaeological deposits found in situ (See Policy CH4).

2.15 Policy DP1: Landscape Character

All new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;
2. Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.

2.16 Policy DP2: Design

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;
4. Provide a well-connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;
6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

2.17 Policy NH11 Flood Risk

Development that would be at unacceptable risk of flooding will not be permitted. New development within areas of medium to high risk of coastal or watercourse flooding (with greater than 0.5% annual probability of flooding) should generally be avoided. In accordance with the provisions set out in Advice Box 8. All relevant development proposals will be assessed based on the probability of a flood affecting the site and the nature and vulnerability of the proposed use, taking into account the following:

- a) the characteristics of the site and any existing or previous development on it;
- b) the design and use of the proposed development, including use of water resistant materials and construction;
- c) the size of the area likely to flood;
- d) depth of flood water, likely flow rate and path, and rate of rise and duration;
- e) the vulnerability and risk of wave action for coastal sites;
- f) committed and existing flood protection methods: extent, standard and maintenance regime;
- g) the effects of climate change, including an appropriate allowance for freeboard;
- h) surface water run-off from adjoining land.

2.18 Advice Box 8: Flood Risk

Scottish Environment Protection Agency (SEPA) publishes flood mapping, and Scottish Planning Policy sets out a detailed flood risk framework to guide development. Areas where the annual probability of coastal or watercourse flooding is less than 0.1% are classed as 'little or no risk' areas and are considered to be unconstrained. Areas where the annual probability is between 0.1% and 0.5% are classed as 'low to medium risk' areas and are

likely to be suitable for most development apart from civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events. Flood risk assessments may be required for essential infrastructure and the most vulnerable uses, such as residential institutions, hospitals and educational establishments. Development should generally be avoided in areas of greater than 0.5% annual probability of coastal or watercourse flooding ('medium to high risk' areas) but the following uses may be appropriate:

- residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;
- essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
- some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
- job-related accommodation, e.g. for caretakers or operational staff.

Medium to high risk areas are generally unsuitable for civil infrastructure and the most vulnerable uses or additional development in undeveloped and sparsely developed areas unless a location is essential for operational reasons and an alternative, lower risk location is not available.

Other Considerations

SESplan 2: The second proposed Strategic Development Plan.

2.19 In proposed paragraph 3.16 it states that:

The former Cockenzie Power Station site is not currently subject to specific proposals for carbon capture and storage and thermal generation. It remains part of an Area of Coordinated Action, but relevant stakeholders should consider a wider range of potential future uses for this site.

2.20 Table 4.1 'Forth Coast Cluster' includes the site of the former Cockenzie Power Station (with others) as being part of a cluster of coastal sites providing opportunities for a range of uses. In particular, "port use such as renewables manufacture and servicing, thermal and low carbon energy generation or other uses associated with an Area of Coordinated Action. These locations also present significant opportunities for innovative reuse and regeneration, making use of the well serviced sites and their coastal locations. Subject to a review of the NPF, locations at the former Longannet and Cockenzie Power station sites may have the potential for a wider range of uses".

2.21 Paragraph 4.26 notes that the Cockenzie site is retained within the Forth Energy Business Cluster, reflecting the opportunities for this site to contribute to renewables manufacture, servicing of offshore renewables and any possible longer-term opportunities to contribute to carbon capture and storage. The potential for the regeneration of Cockenzie provides opportunities to explore more innovative approaches to delivering low carbon places, such as district heating and energy storage.

SESplan2: Proposed Revisions through Reporter's Report 20 July 2018

2.22 Paragraph 29 of the Reporter's Report states:

Modifications to the text of paragraph 3.16 are sought, in reference to the former Cockenzie Power Station and National Planning Framework 3. I consider that the proposed modification is a better description of the potential at Cockenzie, and its status in the context of National Planning Framework 3, and so recommend that the Plan be modified in accordance with the representations. I have made minor changes to the proposed wording to ensure consistency with the Plan. In addition, I agree with SESplan that a reference to the site being identified as part of the National Development Carbon Capture and Storage Network and Thermal Generation would be useful and would add clarity, and so I conclude that additional text should be added to the proposed modification, as set out in my recommendation below:

Delete the section in paragraph 3.16 relating to the former Cockenzie Power Station and replace with the following text:

“The former Cockenzie Power Station is identified as part of the National Development Carbon Capture and Storage Network and Thermal Generation. It also remains the subject of national development number 3 as defined within NPF3, which also identifies the coastal area from Cockenzie to Torness as an Area of Coordinated Action. There are potential opportunities at the site for renewable energy related investment, but stakeholders should consider a wide range of development that makes best use of the sites locational assets and that could deliver significant economic benefits.”

Scottish Planning Policy 2014

2.23 Scottish Planning Policy on renewable energy states that planning must facilitate the transition to a low carbon economy. The planning system should support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity. The consideration of applications for proposals for energy infrastructure developments will vary relative to the scale of the proposal and area characteristics but are likely to include landscape and visual impacts, historic environment, effects on the natural heritage and water environment, amenity and communities, and any cumulative impacts that are likely to arise.

2.24 Scottish Planning Policy advises that a significant material consideration in the assessment of planning applications should be ‘the presumption in favour of development that contributes to sustainable development’. Principles of sustainable development are given in paragraph 29.

2.25 Scottish Planning Policy further contains policy on protection of environmental assets including cultural assets, landscape and biodiversity. Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, Scottish Planning Policy states that permission should only be granted where there are exceptional circumstances. Scottish Planning Policy further states that planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

Energy Policy Considerations

2.26 There are a range of energy policy statements, agreements and legislation at the international and UK and Scottish Government levels. In a Scottish context the Climate Change (Scotland Act 2009) sets the statutory framework for reducing greenhouse gas whilst the Scottish Energy Strategy 2017 provides an up to date framework for this up to 2050. The Scottish Government 2020 route-map is also of relevance and sets out targets to 2020, 2030 and 2050 as is the Scottish Government Electricity Generation Policy Statement 2013. In combination these set targets and a supportive framework for substantial increases in renewable energy capacity so that Scotland's long term energy needs can be met. Specific reference is made to the potential of the consented off-shore wind farms (as at 2014) to save 135 million tonnes of carbon-dioxide over their lifetime.

The East Lothian Economic Development Strategy 2012 to 2022

2.27 This states that in 2020 East Lothian will have a dynamic and flourishing economy with our citizens proud to live, learn, work and play in East Lothian. To help achieve the vision, two major strategic goals have been set to be achieved by 2022:

- To increase the number of businesses in East Lothian with growth potential (EDSI strategy action plan)
- To increase the proportion of East Lothian residents working in and contributing to East Lothian's economy – increase EL's jobs by an additional 7,500.

2.28 The 2 strategic goals are underpinned by 5 key objectives:

- To be the best place in Scotland to set up and grow a business.
- To be Scotland's leading coastal, leisure and food & drink destination.
- To build on our proximity to Edinburgh to encourage study, work and spend in East Lothian.
- To provide high quality employment pathways for East Lothian's workforce.
- To become Scotland's most sustainable local economy.

Cockenzie Masterplan Document

2.29 The Cockenzie masterplan document has not been formally endorsed by the council or adopted as supplementary planning guidance, and has not been through the technical and environmental assessments (including Strategic Environmental Assessment, Habitat Regulations Assessment) which would allow this. It is the result of significant community and stakeholder consultation with local communities and stakeholders, including national public sector agencies, industry bodies, businesses and local schools'. Over 330 responses were made to the first stage of consultation.

2.30 The masterplan document identifies and utilises key site assets and features within and around the site including the transformer and connection to the national grid, the coal store area, its coastal location and pier, accessibility to the road network and rail siding, the John Muir long distance route, the historic Waggonway and sites associated with the Battle of Prestonpans. The masterplan document shows a potential distribution of uses across the whole NRG1/EGT1 sites, showing how these could be accommodated in a complementary way on the site and the general ambition and aspiration generated.

CHAPTER 3: CONSULTATION RESPONSES AND REPRESENTATIONS

Consultation Responses

3.1 East Lothian Council Biodiversity Officer: The Habitats Regulations Assessment (Habitat Regulations Appraisal) concluded that the proposal would not affect the integrity of the adjacent European designated sites, and there is no reason to argue against that conclusion. The proposed site corresponds with the site of the previous Cockenzie Power Station, as well as areas of infrastructure immediately to the south. This area has limited biodiversity interest.

3.2 East Lothian Council Environmental Health: No concerns about air quality, dust or noise subject to the following:

1. Construction Dust Management Plan that outlines the mitigation measures to be applied during the construction phase of the development to minimise any impacts on sensitive receptors from fugitive dust emissions.
2. Construction Noise Management Plan that outlines the mitigation measures to be applied during the construction phase of the development to minimise any impacts on sensitive receptors from noise.
3. A Noise Impact Assessment at full planning stage which specifies noise mitigation measures (including design and location of acoustic bunds and enclosures) to be incorporated into the design and construction of the substation and associated buildings and the layout of the development to ensure operational noise from the development does not result in loss of amenity to sensitive receptors. The assessment of operational noise shall be carried out in accordance with BS4142: 2014 “Methods for rating and assessing industrial and commercial sound” and any mitigation measures specified shall consider both “with bund” and “without bund” scenarios. The “without bund” scenario will not need to be assessed if the responsibility for carrying out mitigation measures to address noise from the proposed development would lie with the owners of the existing bund.
4. An updated assessment of impacts due to vibration during the construction phase will be required at full planning stage to assess impacts from any subsurface tunnelling methods at the Landfall and open trenching or horizontal drilling for the onshore and offshore export cables. Any assessment to take account of BS 5228-1:2009 +A1:2014 Code of Practice for noise and vibration control on construction and open sites.

3.3 Scottish Water: No objection subject to advice given on precautions to protect drinking water and Scottish Water Assets during development. there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed development. There are Scottish Water assets in and around the proposal site.

3.4 Prestonpans Community Council: The proposal is contrary to the DPEA Report of examination and recommended modifications to the proposed East Lothian Local Development Plan published on 14 March 2018. In para 2.51 the DPEA state that “As a result, NPF3 expects developers, the council and the key agencies to work together to ensure that best use is made of existing land and infrastructure in the area. In accordance with NPF3 given the particular assets of Cockenzie, the plan requires that if there is insufficient land for competing proposals, that priority is given to those which make best use of Cockenzie assets and which will bring the greatest economic benefits”. The proposed

Inch Cape development previously received planning approval on an inland site and this new application does not “make best use of existing land and infrastructure, has no economic or employment benefits nor does it make best use of the Cockenzie assets” as outlined in the DPEA report of NPF3.

3.5 Cockenzie and Port Seton Community Council: Disappointed that the Scottish Government have called in this application at such an early stage. We support such decisions being made at a local level. We appreciate that they have the legal right to do this and that nothing can be done to change this decision. Support the fully consulted Masterplan published recently. This allocates part of the site for energy production but not on the area relating to this application. We support the Masterplan site as the preferred option. If the proposed area is approved then the CC have stated that the footprint is kept to a minimum. We stated at the recent meeting that the screening be improved and trees planted to reduce the visual impact. Inchcape’s representative agreed with this and stated that they intend this also.

It has been mentioned that the buildings should be designed to make an architectural statement and not just a "big shed". An artwork should be commissioned along the lines of the " Kelpies" to create a tourist destination and help local employment especially as this proposal will not create any local jobs.

3.6 Historic Environment Scotland: are content that any impacts on historic environment interests will not be significant and do not object to the planning application. Whilst the impact on the battlefield is not assessed as significant there is concern that the assessment identifies this nationally important heritage asset as being of medium significance (paragraph 65). Battlefields identified in the inventory would normally be considered as at least of high significance given their status as being of national importance. The term ‘setting’ is not normally relevant to a consideration of battlefield impacts. Consideration should be of impacts on the key landscape characteristics and special qualities of the battlefield. This is in line with the policies in both Scottish Planning Policy and East Lothian’s emerging LDP. No reference is made to our managing change guidance note on battlefields, which sets out a methodology for assessment of such impacts.

3.7 Scottish Environmental Protection Agency: An FRA has been provided in support of the EIA in appendix 7A. This has taken into consideration all sources of flood risk. Groundwater levels will have rebounded to natural elevations and will be controlled and be in continuity with tidal levels in the adjacent Firth of Forth with an elevation to 3.5 Metres Above Ordinance Datum. It is stated in paragraph 76 that the installation of shallow groundwater monitoring boreholes at the application site will be undertaken. This will be used to inform the final design and we fully support this.

As stated previously in the letter dated the 9th of August 2017, the fluvial flood extent on site is possibly the result of demolition of the previous Cockenzie Power Station. However, review of the FRA states that there is the potential for surface water flooding as the site levels are expected to be lower than surrounding ground levels. This is to be mitigated by a gravity outfall to the Firth of Forth, which will also mitigate the risk of groundwater ingress. Consideration should be given to the size and location of the outfall, including the impacts of the outfall being submerged and not able to discharge surface water and groundwater from the application site.

3.8 East Lothian Council's Economic Development and Strategic Investment

Service (EDSI): The EDSI service advises that this planning application is not welcomed at this time as it is not necessarily the best use for the site to achieve the above strategy aims. The council has recently acquired the wider site and has plans in place to market the wider site in due course, this in the context of further review of the planning policy position for the wider site. There is no objection in principle to the application and its purpose rather its timing and specific location. If a planning permission is required at this time the specific site where a planning application was previously approved for a substation is a far better location. EDSI therefore does not support this application and recommend that it be declined.

3.9 East Lothian Council- Transport Planning: There is a specific section within the current scoping report which relates to Traffic & Transport (section 11) which covers in general what will be needed and highlights that the main impacts on the road network will be during the construction and decommissioning of the site. A Traffic Management Plan must be submitted to the Planning Authority for approval. It must include the following:-

- (i) 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 must 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 must also include details of any off-site mitigation works;
- (ii) Details of access and management for the onshore cabling works including the potential for traffic management on Edinburgh Road;
- (iii) 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;
- (iv) Wheel washing facilities must be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels.

Prior to the commencement of the development, a dilapidation survey is needed of the roads to be used by construction traffic. These being the appropriate sections of the B1348, B6371 and B1381.

3.10 East Lothian Council Landscape Consultation Significant effects on landscape and visual amenity will be limited to the immediate vicinity within two kilometres of the onshore substation. Nine of the twelve viewpoints submitted, have been assessed as having significant landscape and visual impact. The proposed 4 metre high bunding helps to mitigate for the ancillary development that surrounds the substation building, however the scale and height (approx. 3 1/2 storeys high) of the building will dominate the landscape setting and significantly changes the landscape character.

Chapter 8, Section 8A.2.3, 22 and 23 of Volume 1 state that the assessment of landscape effects is defined in terms of the relationship between the sensitivity of the landscape receptors (value and susceptibility) and the magnitude of change. The effects which are considered to be major and major /moderate effects by virtue of the more sensitive receptors and the greater magnitude of effects, are generally considered to be the significant landscape effects. Those effects falling outside the major, or major/moderate categories are generally considered to be not significant.

Chapter 8, Section 8A.3.3 of Volume 1 of the Environmental Impact Assessment states; the assessment of visual effect is defined in terms of the relationship between the sensitivity of the visual receptor (value and susceptibility) and the magnitude of change. Appendix 1, Figure 9a and 9b. Volume 3, Figure 8.12b, viewpoint 6, from top of mound adjacent to Atholl View fails to show how the proposed landscape mitigation bunds relate to the existing Preston Links mounds. A photomontage including the existing GreenHills is required so that it can be seen how the proposed earth bunds tie in with the existing landscape. Appendix 1, Figure 6 and 7.

The LVIA is based on a **theoretical finished floor level** as the applicant states that site access was not possible due to demolition activity. Scottish Ministers have deemed the development as infrastructure of critical importance and therefore the finished floor levels of the substation will need to be designed to be able to handle a 1:1000 year rainfall event. If the finished floor levels (FFL) are raised to accommodate the flood risk requirements, it is likely that this will alter the height of the substation building. We would strongly recommend that the applicant is required to establish a finished floor level for the substation building and that they demonstrate that the results of the LVIA will not be different. If the results are likely to be different, a revised LVIA may be required to take the revised finished floor level of the substation building into account.

It is our view that the scale of the proposed substation would become the dominant feature along this section of coastal landscape and would not be successfully integrated within the landscape pattern of this area. The development would be out of scale with local landscape features and would have a detrimental impact on the landscape character of this area and the adjacent landscape character areas. Due to the height and scale of the proposed substation building it would be intrusive, inharmonious and an exposed form of development that would be harmful to the quality, character and amenity of the landscape of the area. On this basis we consider that the proposed development does not comply with the criteria of DP1 and DP2.

3.11 Scottish Natural Heritage: As a result of its prominent coastal location, the revised proposal introduces significant landscape and visual impacts which did not arise in the original proposal. The revised proposal also presents serious challenges to any place-making aspirations held by local communities, as expressed through East Lothian Council's recent master-planning exercise. By correspondence dated 23 August 2018 Scottish Natural Heritage confirmed that its response should not be considered as an objection as the impacts on the natural heritage proposal were not considered to raise issues of national interest. However the lack of objection does not mean that there are no impacts on the natural heritage that decision makers need to take account of.

This application sits within a complex policy framework, some of which is relevant to our remit. National Planning Framework 3 ('NPF3') introduces the concept of the 'best use' of land and site assets at Cockenzie. This 'best use' concept was echoed by the Reporter-amended policy EGT3 in East Lothian's Local Development Plan:

*"The council will work together with developers, the landowner, the relevant agencies, local organisations and interested parties, including local residents to ensure that the **best use** is made of existing land and infrastructure in this area."*
[emphasis added]

'Best use' is not defined, and may mean different things to different stakeholders. Within SNH's remit we suggest that 'best use' of the site would include:

- good fit with wider policy objectives – including a range of place-based planning and site regeneration issues;
- benefits to human health – through increased usage or improvements to active travel and green infrastructure assets;
- minimisation of ecological, landscape and visual impacts; and
- promoting a design-led approach to planning.

NPF3 states that the Cockenzie site is safeguarded for future thermal generation or renewable energy investment. The key point for SNH is that this policy framework does not specify where within the Cockenzie site these developments should be located.

It is apparent that the substation element of this proposal could be accommodated at other locations within the Cockenzie site, including locations which do not generate the same magnitude of impacts on views and local landscape amenity. In this regard we highlight our response of 21 July 2014 to the original proposal, which located the substation south of the coal store.

Alternative locations for the proposal, when considered in relation to the ambitions of the broad-ranging site development and regeneration strategy as set out in East Lothian Council's "*Cockenzie Masterplan*" (2017), could lead to alternative place-making outcomes for the area. We therefore query whether the current substation location delivers 'best use' of the site in relation to landscape and visual impacts, as well as wider place-making and regeneration ambitions, as set out in the Cockenzie Masterplan.

The description of development (section 1, chapter 5 of the EIA Report) describes a proposed development extending to 10.2 hectares of brownfield land. We are unsure whether the existing palisade fencing from the former Cockenzie Power Station is to be retained but we note that it is included within the post construction photomontages (EIA Report: Volume 2: Appendix 8b).

The proposal as currently defined would lead to a range of adverse landscape and visual impacts which will be experienced from local areas. This is largely due to the siting of the proposed development in a prominent and open area (on the site of the former Cockenzie Power Station). This is on the coastal side of the Edinburgh Road between the settlements of Cockenzie and Port Seton and Prestonpans. The principal substation building, due to its size and location, would intrude on locally important views from nearby locations, particularly within 1 kilometre and in areas between Cockenzie and Port Seton and Prestonpans. There would be significant and adverse impacts on important sequentially experienced views from the Edinburgh Road passing through Cockenzie, exiting the settlement and travelling past the site and towards Prestonpans.

Viewpoint 12 is representative of views from the edge of Cockenzie and in close proximity to the development site. This illustrates the blocking role that the substation building will play in attractive and open vistas currently afforded to the distant Pentland Hills. Viewpoint 1 further illustrates the intrusion of the substation building and the visual containment that will occur as a result of the location and size of the sub-station building. From this location, adverse impacts on key locally distinctive and important views to both the Pentlands and the City of Edinburgh skyline will be readily experienced.

Further landscape and visual impacts of an adverse nature are noted from other viewpoints within the EIA including from Cockenzie Harbour and its environs (Viewpoints 2 and 11). The proposed development will also be experienced in a prominent fashion from the Green Hills recreational open space (Viewpoint), the coastal edge and from the route of the John Muir Way coast to coast recreational route which passes through the application area (Viewpoints 3 and 4).

The views of the proposal as experienced from these areas will frequently be contextualised by the close proximity of the larger existing sub-station building to the south of the Edinburgh Road. There may be additional and perceived adverse impacts on the recreational amenity and enjoyment of such areas resulting from low level electrical noise.

Restoration of land immediately adjacent to the John Muir Way, and between the John Muir Way and the sub-station compound, should be secured (including removal of the existing fencing if possible). All other landscape mitigation as set out within the Environmental Statement and summarised in Figure 8.6a: Landscape Mitigation, should be secured in broad accordance with the proposals set out. The mounding and planting proposed for example, if successfully implemented and maintained, will (over time) help to reduce the perceived scale and local dominance of the proposed building in local and wider views.

It is likely to be beneficial to further explore options and best practice design for the cladding and lighting of the proposed substation building. Detailing for all external works such as security fencing, signage and site access junctions would also benefit from further design and review. This is in order to secure both the best possible public access arrangements along the Edinburgh Road and the most appropriate form of visual integration of the development within this prominent and well-used location.

There was disagreement with some of the reasoning in the original Habitat Regulations Assessment specifically the approach used to assess impacts upon the Forth Islands Special Protection Area. However the data can be used to reach a conclusion of 'no adverse effects upon site integrity' for all relevant Natura sites. Since 2014 a new, relevant Natura site has been proposed; the Outer Firth of Forth and St Andrews Bay complex potential Special Protection Area. The assessment supporting the current proposal has potential impacts on this new designation and examined more recent bird survey data in relation to other Natura sites.

The approach used to assess impacts upon the Forth Islands Special Protection Area is not supported. However when read alongside the previous 2014 assessment it can be used to reach a conclusion of 'no adverse effects upon site integrity' for all relevant Natura sites. The council can use these documents as a basis for their own Appropriate Assessment. Further detailed advice on the Habitat Regulations Assessment was provided through Annex 1 to the Scottish Natural Heritage Submission.

3.12 Royal Society for the Protection of Birds: The proposed onshore development site is situated adjacent to the Firth of Forth Special Protection Area (SPA), a European designated site. Accordingly, East Lothian Council, as the competent authority, is required to carry out an appropriate assessment (AA) to determine if the proposed development is likely to have a significant impact on the designated features of the SPA. The appropriate assessment is considered to be satisfactory and has concluded that the proposal will have no significant impact on the qualifying interests of the Special Protection Areas, notably the Firth of Forth SPA, and the Outer firth of Forth and St Andrew's Bay Complex potential

SPA. The counts from earlier years will remain representative of the shore and near-shore bird populations. The westerly relocation of the proposed development by 300 metres will not materially alter any potential impact on the bird populations. On this basis, the conclusions of the original habitat regulations appraisal still stand.

It is stated that 0.20 ha of rocky intertidal habitat will be affected by the onshore cabling works. It is agreed that this is a relatively small area in terms of the broader SPA. However, post-construction restoration should result in the area reverting to its original ecological condition with no net loss of habitat to birds or their food resources. There is also a preference to see works in the littoral and near sublittoral zones undertaken outwith the winter months when the qualifying bird species of the SPA will be at their most numerous.

The site for the proposed development is described as having “negligible nature conservation value” (Table 6.1). While this may be the case at present, the opportunity is presented to enhance the site so that it does become useful to wildlife.

The wider onshore/shoreline area, extending to the River Esk to the west, is recognised as being of regional and national importance to wildlife, particularly birds, and an important asset to the Musselburgh community. This being the case, the opportunity should be taken to demonstrate good practice and to increase the value of the area to wildlife and, as such, to be accessible to and enjoyed by the public. Essentially, the development should reflect the aspirations of the offshore wind farm that it serves, to be as environmentally friendly as possible and an exemplar of a development that has conservation considerations at its core.

3.13 Representations: [A total of 38 written representations](#) were received to this application, 36 of these written representations make objections to the proposed development. One representation raises no objection but makes a number of observations. One representation advises of no real reservation with the proposal but is aware that there would be initial building-work related noise.

The main grounds of objection are:

- i) The proposal is contrary to the DPEA Report of Examination and recommended modifications to the proposed East Lothian Development Plan with regards to the Former Cockenzie Power Station Site.
- ii) The proposed Inch Cape development previously received planning approval on an inland site and this new application has no economic or employment benefits and does not make best use of the Cockenzie assets contrary to NPF3.
- iii) This large area of land which could be used to the good of the environment, the people and the economy by providing something truly innovative such as a waterfront development or commercial venture. Perhaps a ‘power’ development would always have to be part of that development but let’s not act in haste and take the first opportunity presented and instead let’s consider a true, legacy development that could transform Prestonpans and the related area rather than simply condemn it to an industrial spot on the landscape.

Note: Consultation responses to the additional information as advertised are summarised in Appendix 3 in relation to the Environmental Impact Assessment.

CHAPTER 4: APPLICANT'S CASE

Background

4.1 Since the preparation of the previous application, there has been a significant material change in circumstances regarding the former Cockenzie Power Station site which is relevant to the updated site feasibility assessment (although noting of course that the planning history of the site, and in particular the long legacy of industrial and energy use remains an important material consideration), including:

- (a) An announcement by Scottish Power Generation (SPG) in August 2015 that it would no longer continue with its plans to construct a combined cycle gas turbine (CCGT) power station at the site, having previously been granted consent for this development in October 2011;
- (b) Demolition of the power station and associated infrastructure in September 2015; and
- (c) The preparation of a masterplan for the future use of land at Cockenzie, which includes the site of the previously approved OnTW and the former Cockenzie Power Station site (discussed further below in response to SNH's consultation response).

4.2 The proposal is a “facilitating” development which allows Inch Cape’s offshore wind farm to transmit the renewable electricity generated and makes best use of the existing grid capacity at the substation at Cockenzie.

Main Issues

4.3 The sole determining issue in relation to the application is:

Land Use: Does the application comply with Policy EGT1 of the Local Development Plan and NPF3 in terms of ensuring best use is made of the existing land and infrastructure in the area and, if not, do other material considerations outweigh any conflict and justify a grant of planning permission?

4.4 It should also be borne in mind that this is an in principle application and there will be a significant amount of site layout and design refinement as part of future applications for approval of matters specified in conditions. The detailed design, including the form and extent of landscape mitigation, is being progressed in parallel with this application due to the significant time and resource required to design, engineer and consult on the detailed design. There will therefore be further opportunities to ensure that ‘best use’ is made of the land as the detailed design and mitigation is progressed and refined. The applicant fully expects to engage with the local community, the council and other stakeholders as part of this process, and will look to promote a design led approach.

Policy Assessment

4.5 The proposal falls within the National Development 4 designation within NPF3, relating to the development of a ‘High Voltage Electricity Transmission Network’ which is needed ‘to support the delivery of an enhanced high voltage electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies’. The need is therefore established.

4.6 The description of National Development 4 projects does not identify specific sites for such uses but NPF3 notes on several occasions the importance of Cockenzie as an energy hub and its attractiveness to developers, notably:-

- The Low Carbon Place Map in NPF3 specifically identifies Cockenzie as one of only six Energy Hubs and Areas of Coordinated Action;
- Paragraph 3.34 notes that ‘future infrastructure provisionwill reinforce the importance of key locations including Hunterston, Peterhead and Cockenzie’. The same paragraph notes that the Scottish Government wishes to see a coordinated approach to future development in these areas; and
- Paragraph 3.41 – in the Section on Cockenzie there is specific recognition of the offshore wind proposals in the Firth of Forth and the emergence of proposals (at that time) such as the OnTW. There is specific recognition that while Cockenzie is safeguarded for thermal generation, it may present significant opportunities for renewable energy related investment.

4.7 Paragraph 6.8 of NPF3 confirms that where national developments are not location specific, as is the case with the proposed development, site selection will be needed.

4.8 The council’s proposed reason for refusal makes very specific reference to ‘the former Cockenzie Power Station Site’ only. Policy EGT1 covers the whole Cockenzie Site. This is an area that goes significantly beyond the former power station site to covers an area of 88 hectares. Within this defined area, Policy EGT1 very clearly states that the Cockenzie Site “will be safeguarded for future thermal power generation and carbon capture and storage consistent with National Development 3. Land at Cockenzie may also present significant opportunities for renewable energy-related investment”.

4.9 Policy EGT1 and paragraph 3.41 of NPF3 are consistent in both providing:

- the Cockenzie Site may present significant opportunities for renewable energy-related investment;
- developers, the council and key stakeholders are expected to work together to ensure that best use is made of the existing land and infrastructure in this area; and
- if there is insufficient land for competing proposals, priority is to be given to those which make best use of this location’s assets and which will bring the greatest economic benefits.

The Masterplan(2017)

4.10 For clarity, the area covered reflects the Cockenzie Site with the addition of an area to the west known as Greenhills. The area covered by the Masterplan boundary extends to 98 hectares, approximately 10 hectares more than the Cockenzie Site.

4.11 The Executive Summary of the Masterplan clarifies its intended purpose to develop a clear vision for the future of the site over the next 25 years with local communities and stakeholders. It was to be the main evidence source in developing the Supplementary Guidance to the East Lothian Local Development Plan. It was to provide an evidence-base

for policy formulation in relation to future uses of the site and potentially the assessment of planning applications in relation to the provisions of National Planning Framework 3 (NPF3), or an updated NPF during the lifetime of the East Lothian Local Development Plan”.

4.12 The application site is located within Zone 1- Coastal, which is effectively split into two parts, namely the development area on the former power station site and also the Greenhills area at Preston Links. The Masterplan very clearly states that within the development portion of Zone 1 (which comprises the Application Site) “an energy and mixed-use area” is proposed. It specifically states that “uses could include potential opportunities arising for offshore energy to be brought into the site and potentially ancillary energy-related activities”.

4.13 Scope is recognised for this area to accommodate a range of uses including energy, with particular reference to potential opportunities arising for offshore energy to be brought into the site. Notwithstanding this, it should also be noted that the site is only 10.2 ha of the whole Masterplan area and is sited in a way to reduce the cable length required onshore which will minimise the restrictions on further development at Cockenzie.

4.14 The application was developed in consultation with key stakeholders and finds support in the Masterplan. The applicant worked together with the council and other key stakeholders to ensure that full consideration was given to views on where best to locate within the Cockenzie Site.

Competing Uses

4.15 There is a significant amount of land remaining within which any alternative uses could be accommodated. So in suggesting that the proposal “could prejudice the future development of the site and the economic potential of the area” the council is seeking to apply and draw support from part of Policy EGT1 and NPF3 that only becomes relevant “if there is insufficient land for competing proposals”.

4.16 There are no competing proposals for any other land within the Policy EGT1 area. There is no requirement in policy terms for a decision maker to undertake a comparative assessment between the application and other possible future proposals within the Cockenzie Site.

4.17 It is clear, therefore, that the comparative assessment which underpinned the council’s proposed reason for refusal does not form part of the test set by Policy EGT1. There is agreement between the applicant and the council that there are no competing uses for land within the Cockenzie Site.

4.18 The requirement to weigh up proposals and prioritise those which deliver the greatest “economic benefits” only applies where there are competing proposals and not enough land. In this case there are no competing proposals and plenty of remaining land.

4.19 If the council’s approach were followed, it would be necessary to speculate on what type of potential alternative development could be more economically beneficial and how likely it is to be forthcoming, and for the application to be weighed against that potential. Neither EGT1, NPF3 nor the council’s submissions give any guidance or examples of such possible future development - the closest the applicant can get to understanding what the council has in mind are references to the sites potential for good quality recreational use, its

potential for economic development creating jobs and suggesting it may be seen as a more attractive part of the Cockenzie Site.

4.20 The statement that the council does not welcome the Application “at this time” further reveals that it is approaching Policy EGT1 as the pretext to wait and see what other proposals might come along in the future. This is not consistent with EGT1 or NPF3, or the delivery of nationally important infrastructure.

4.21 The mere possibility of a preferable alternative use is by definition inchoate and vague. Clearly the possibility of some undefined alternative use falls very far short of fulfilling the test for an alternative use to be a material consideration. This is logical because it could be said of virtually every planning application that there might be an unknown preferable use in the future. The council’s submissions confirm that “there are therefore no active competing proposals against which such an assessment can take place” and that the only “firm proposal for the site” is this current application.

4.22 A port facility as identified in Dr Baird’s submission is the first actual identified alternative use before the Reporter. However, Dr Baird’s submission represents an idea from an individual who, although having a demonstrated academic background in marine matters, is not a port operator, a shipping professional or an expert on cruising or tourism. The evidence underpinning his submission, a study which he co-authored for Scottish Power dating from 1994, is significantly outdated. It was prepared in a political and economic climate that fundamentally differs from the Scottish Government’s current focus on renewable energy and sustainable transport.

4.23 Crucially, this study has not been made available to the parties so there has been no opportunity to analyse or interrogate the evidence. Only a technical appendix has been produced (marked as confidential and even older dating from 1993) without context or an explanation of the continued relevance twenty five years later. A number of the other assertions are vague or unsubstantiated. This in itself materially undermines any weight which can be placed on this submission.

4.24 The issue of port provision within the SESplan area, including Cockenzie, was considered recently in relation to SESplan 2 and the associated Report of Examination, dated 20 July 2018. Under Issue 4.1 ‘Investment and Employment’, a number of representations were submitted to SESplan 2 dealing with a range of issues, including port provision. On this particular topic, representations were submitted by Forth Ports, Scottish Power and Neart na Gaoithe Offshore Wind Limited amongst others. There is, however, no evidence of a representation from Dr Baird in relation to the future provision of port facilities at Cockenzie.

4.25 Figure 4.1 and Table 4.1 of SESplan 2 are of particular relevance here; they indicate geographically significant business clusters across the SESplan 2 area and identify principal employment sectors and also specific opportunities for each cluster. In Table 4.1 of SESplan 2, the Forth Coast Cluster, which includes Cockenzie, identifies ‘energy and port uses’ as the principal sectors. Figure 4.1 clarifies that the sites that comprise the Forth Coast Cluster are spread across the Forth corridor and are not restricted to one site only, as also identified in Table 4.1. Table 4.1 identifies a potential range of opportunities for this cluster, noting ‘in particular, port use such as renewables manufacture and servicing, thermal and low carbon energy generation or other uses associated with an Area of Co-ordinated Action’.

4.26 In considering the various representations to SESplan 2 on this issue, the Reporter sought to distinguish between the areas that comprise the Forth Coast Cluster in SESplan 2 and those locations that also form part of the 'area of co-ordinated action' set out in NPF3. Cockenzie is located within both the 'area of co-ordinated action' and the Forth Coast Cluster; however, there are other locations that fall within the Forth Coast Cluster in SESplan 2 that do not also fall within the area of co-ordinated action in NPF3.

4.27 A 'port variant' to the Masterplan was considered through the consultation exercise and this was considered in terms of technical requirements, environmental impacts, operational land requirements, the market and feasibility and potential cost implications all considered between pages 43- 47. The Masterplan ultimately concludes that while technically feasible, a port at Cockenzie would necessitate substantial up front investment, there is no evidence of a sufficient market hinterland to sustain a port use and crucially, in the context of the proposed OnTW, there is uncertainty over whether sufficient land would be available for a port use, once the 'energy requirement of the site is fulfilled in accordance with NPF3'.

4.28 No direct support is to be found in the National Planning Framework or in the local development plan. In the former the focus is placed on Rosyth and is otherwise not location specific unlike the references to power generation and renewables. On the latter there were representations to the local development plan which questioned the suitability of the site as a port and its attractiveness to operators. The use of as a port is not specifically supported through the local development plan.

4.29 The document lodged by Greenhills is a new document not previously submitted as part of the Application process and appears to be Greenhill's views on the council's Cockenzie Masterplan only. We understand that it has not been subject to any public consultation process.

4.30 The idea of a port can properly be described as an inchoate and vague scheme. It falls far short of being a real possibility. Accordingly, it is submitted that this suggestion is not a material consideration, and/or should be given no weight in determining the Application.

Best Use and the benefits of the proposal

4.31 Given the absence of competing proposals, the correct question for the Reporter and the Scottish Ministers in terms of Policy EGT1 and 3.41 of NPF3 is does the Application "ensure that best use is made of the existing land and infrastructure" at the Cockenzie Site?

4.32 The approach of the reporters in the Report of Examination (attached at Appendix 3) of the LDP is of assistance. The reporters found that development proposals should not be held up by the uncertain future requirements of National Development 3, especially given the size of the Cockenzie Site (paragraph 4 of page 864 of the Report on Examination). Instead they favoured an interpretation of ensuring "best use" which focusses on efficiency and minimising impacts: at paragraph 7 on page 864 of the Report of Examination, the Reporters state they expect the "co-ordinated approach" of 3.41 of NPF3 "to make the most efficient use of resources, to reduce environmental impacts and to support high quality development."

4.33 In light of this the applicant considers that making “best use” of the Cockenzie site in terms of EGT1 and NPF3 requires promoting development of the types supported by these policies, engaging with stakeholders in developing proposals (noting the Masterplan already exists to provide a framework in the context of NPF3 to co-ordinate proposals for the Cockenzie Site), making the most of the existing site infrastructure and other assets, locating and designing proposals in the most efficient way which minimises sterilisation of the Cockenzie Site for other uses, and designing proposals to reduce environmental impacts and support high quality development. Following this approach the Application is clearly supported by Policy EGT1 and NPF3:

4.34 The proposal is expressly supported by EGT1 and NPF3: The Application is a renewable energy-related investment (expressly supported at the Cockenzie Site by EGT1 and NPF3) and National Development 4 (expressly identified in NPF3).

4.35 The application makes the most of existing infrastructure and other site assets. It would connect Inch Cape’s offshore wind farm which necessarily requires both a coastal location and exiting grid infrastructure and capacity, as are found at Cockenzie.

4.36 The location was selected to ensure that the proposal has as little effect as possible in sterilising future uses. In particular, the close proximity to the existing substation and suitable landfall has minimised the cable corridor required – this has had the effect of reducing the current Application Site to 10.2 hectares (compared to the previous site which had a longer cable corridor and was 18.4 hectares in total developable land). There is significant residual land available within the site which totals 88 hectares.

4.37 In broad terms, these benefits are:

- contribution to mitigating the effects of climate change
- contribution to, and security of, domestic energy supplies and to a sustainable energy mix within Scotland and the United Kingdom

4.38 In terms of economic benefits, the construction would directly support around 40 full time equivalent (FTE) jobs for a period of approximately 16 to 18 months.

4.39 Indirectly, the proposal may also create employment opportunities down the supply chain for companies providing services to the contractors during construction with further induced economic benefit to the local economy relating to expenditure from workers spending their income in local businesses such as shops, cafes, takeaways and on accommodation.

4.40 In addition, it is estimated that a total of 2,244 FTE jobs will be created in association with the construction of the proposal and the Inch Cape’s offshore wind farm. It is important to note that this is entirely dependent upon the development of the transmission works. These matters are expanded on in Chapter 12: Socio-Economics, Tourism, Land-Use and Recreation of the 2018 EIA Report.

4.41 The proposal can help make a significant stride to meeting post 2020 renewable energy targets and particularly with aspirations to decarbonise the electricity sector by 2030 (see paragraph 53 of Planning Statement). The renewable energy benefits associated with the Application are significant, facilitating the transmission of enough renewable electricity from Inch Cape’s offshore wind farm to supply the equivalent of 500,000 households. This is a significant material consideration in support of the planning application and is reflective

of the National Development status of the proposal. Support is also drawn from the Climate Change Plan.

4.42 The planning history of the site is also relevant to this matter. The site has a long history of development and use for energy generation and has been safeguarded for redevelopment in the development plan for some time.

Consideration of Alternative Sites

4.43 For alternative sites to be relevant, there must be impacts at the application site which would be avoided at an alternative site. The only 'push' factor away from the application site apparent from the council's proposed reasons for refusal is the potential for a preferred alternative use. However, there are no competing uses and so there is no 'push' factor which makes alternative sites relevant in determining this application.

4.44 It is noted there was some superficial discussion of landscape and visual impacts raised late in the process as a push factor, however, no evidence has been presented of how these impacts compare at different sites. The applicant's own options appraisal is not criticised, and neither is the supportive Masterplan (again, it is not self-evident that other locations within the Cockenzie Site are to be preferred).

4.45 The council recognises that as a National Development, the application takes priority over other uses and so should be sited somewhere within the Cockenzie site. However, there is a lack of clarity as to what would be a more suitable location.

4.46 As far as a comparative assessment is necessary or appropriate, it is considered that the current application would make best use of the land and infrastructure within the Cockenzie site when compared to the previous site. The current proposal avoids the sterilisation of a significant area of land for other potential land uses.

4.47 In some places the council's submission suggests the location of the previous site is preferable, but elsewhere the Masterplan - the council's own vision for Cockenzie is referenced. This directs development away from this previous site as it is "not intended as a location for major development, but rather as a landscape asset that retains and celebrates the battlefield site." There is no analysis of the potential beneficial economic uses of the previous site, and why these are outweighed by those of the application site. It is not clear whether the economic benefits of Inch Cape's offshore wind farm have been taken into account.

4.48 A detailed site selection process robustly supports the selection of the application site which the council has not challenged (other than in relation to a misplaced and incomplete appraisal of relative economic potential). The applicant's Figure 1 shows the current and previous site.

4.49 The parameters, including the land-take, of the application have been carefully identified to ensure that the detailed design can be accommodated while keeping the proposed scale as tightly constrained as is reasonably possible at this time. Furthermore, as this application is in principle there is scope for the footprint to be reduced further in the approval by the council (following wider engagement) of the detailed design. This matter was addressed further through the hearing process, suggested amended condition 1 and a revision to an accompanying site plan.

4.50 The 2017 feasibility study was carried out and the outcome written up within Chapter 4: Site Selection and Alternatives of the 2018 EIA Report. The 2017 feasibility study assessed six sites within the Cockenzie landholding which are illustrated within Figure 4.2 of Chapter 4: Site Selection and Alternatives of the 2018 EIA Report:

- Former Cockenzie Power Station
- Greenhills
- Gas Holder
- Coal Store North
- Coal Store
- Previous OnTW site

4.51 Of these six sites, the Greenhills and Coal Store North were ruled out during the high-level feasibility stage given concerns over impacts on public access, and presence of 275 kilovolts (kV) and 400 (kV) overhead power lines. The four remaining sites which were included in the feasibility study are shown on Figure 1.

4.52 During detailed feasibility it was demonstrated that there were still a number of constraints associated with the previous site, including:

- Constrained engineering ability – the total area of the red line boundary of the Previous Site was 22.9 hectares but this was substantially reduced resulting in a total area of developable land for the onshore substation of 2.7 hectares;
- the red line boundary of this site went as close as 14 metres to domestic housing and had little scope for screening or landscaping;
- the site contains a number of underground utilities which would require to be relocated;
- the export routes to this site would be the longest (approximately 1.5 km) and therefore most expensive. The applicant is under a duty to be co-ordinated, economic and efficient under the Electricity Act 1989, and so must deliver best value for money to the customer and justify its key decisions.
- There would be a number of routing challenges to avoid existing services, potential for disturbance of contaminated land and uncertainty over the extent and costs of soil contamination remedial measures.
- A cable corridor of up to 13.95 hectares of land with a width of approximately 60 metres would cut through and sterilise a significant portion of the Cockenzie Site from east to west potentially impacting on future development in these areas;
- potential disused mine workings within the site which would require remedial works;
- the site would need to be accessed via a bridge under the existing disused rail line.
- proximity to archaeology and cultural heritage features including Wagonway and Prestonpans Battlefield.

4.53 As such the 2017 feasibility study concluded that this option should not be considered further. It should also be noted that the previous site is now located within Zone 4: Battle of Prestonpans of the Masterplan which is “not intended as a location for major development, but rather as a landscape asset that retains and celebrates the battlefield site by facilitating access and maintaining and improving the setting of the Waggonway and other local features”.

4.54 During detailed feasibility it was demonstrated that there were also a number of constraints associated with the coal store site, including:

- there were large concerns about the extent and costs of soil contamination (including asbestos) remedial measures across what is a very large site, costs that again need to be given weight in terms of impact on consumer;
- onshore export cables would require a greater burial depth than what is considered standard in order to avoid existing 33 kV underground lines which pass through the site;
- the export routes to this site would not be as long as the Previous Site but would still result in the sterilisation of a substantial area of land which would cut across much of the Cockenzie Site making development in other areas difficult, routing challenges to avoid existing services, potential for disturbance of contaminated land and uncertainty over the extent and costs of soil contamination remedial measures and significant additional costs;
- only 125 metres from domestic housing;
- rise of earth potential may be a concern (via the rail track); and
- the site would have the same access challenges as the Previous Site whereby access would also be via a bridge under the existing disused rail line. Alternatively, a new access road would be required but this would require additional land to be purchased to the north of the site.

4.55 As such the 2017 feasibility study concluded that the coal store option should not be considered further. It should also be noted that this site now sits within Zone 3: Coal Store of the Masterplan which is “intended to represent a large employment-based zone, providing a major opportunity to provide local jobs”.

4.56 During detailed feasibility it was also demonstrated that there were a number of constraints associated with the gas holder site, including:

- the site was 7 Ha and there were concerns that this could constrain engineering ability;
- this site is located very close to domestic housing at a distance of 52 m. There would also be limited areas of land available for screening or landscaping at the east and west extremities of the site;
- the site has one abandoned shaft located fairly centrally. The extent of the remedial works previously undertaken on these shafts is unknown. If uncapped and requiring treatment, this will be expensive;
- the following utilities run through the site: Scottish Power HV underground cable, BT underground plant, Scottish Water trunk main and Scottish Water surface water;
- there is an existing HV cable that lies along the route of the now demolished coal conveyor. It would be necessary to divert it around the substation perimeter; and
- the extent of soil contamination and the cost of remedial measures is unclear.

4.57 The 2017 feasibility study concluded that the gas holder option should not be considered further. It should also be noted that shortly following the 2017 feasibility study, an application for a Gas Powered Electricity Generation Plant and associated works was submitted to the council (Ref: 17/00770/P) to be located on land at the gas holder site. This was however withdrawn in December 2017. It should also be noted that this site now sits within Zone 2: Energy Quarter of the Masterplan which is “proposed to address the requirement for the site to accommodate a potential range of energy uses”.

4.58 The 2017 detailed feasibility study demonstrated that the current application site had a number of factors in its favour, including:

- close proximity to landfall option;
- makes use of nearby existing infrastructure including the existing connection point resulting in very short cable routes which also minimises the disturbance from cable laying on local communities, and other receptors;
- site is located 174 metres at its closest point to domestic housing which is much further than the other sites considered;
- much smaller area of the Cockenzie Site sterilised (only 10.2 hectares in total which is approximately 11.5% of the Cockenzie Site);
- no constraints with regards to access from the road system;
- a brownfield site historically used for energy generation;
- favourable in relation to national and local planning considerations.
- no constraints associated with existing overhead or underground lines;
- potential to utilise existing ducts under the B1348 for onshore export cables from the grid onshore substation to the grid connection point; and
- less road disruption.

4.59 The application site was consequently selected as the preferred location. Following the site feasibility work the applicant met with key stakeholders to explore their view on the site relocation.

4.60 Feedback from planning application consultation events on 6 June 2017 at Prestonpans and 14 June 2017 at Cockenzie and Port Seton were positive and many were pleased with the move from the previous site to the Application Site of the former Cockenzie power station.

4.61 The applicant considers that the determination of the application should focus on the acceptability of the proposed use of the current application site in planning terms. However, it is notable that there has been an extensive degree of assessment carried out within the Cockenzie Site ahead of both the previous application in 2014 (see Chapter 4: Site Selection and Alternatives of the 2014 Environmental Statement (the “2014 ES”)) and this current application. There has been no criticism in any of the representations of the feasibility study written up in Chapter 4: Site Selection and Alternatives of the 2018 EIA Report. It is clear from Chapter 4: Site Selection and Alternatives of the 2018 EIA Report that the current site offers key advantages over the previous Site, coal store site and the gas holder site.

4.62 The application site has been located to the west of the site of the Former Cockenzie Power Station with opportunity during detailed design to compress the site further. This has the advantage that it allows the east end of the site to be made available for other purposes and it allows the existing power station west access road to be re-used as the onshore substation access.

4.63 Scottish Natural Heritage acknowledges that the site will result in a much shorter distance to be spanned by underground cabling from the onshore cable landing point than was the case with the site of the previous PPP. This will result in a reduced area of the Cockenzie site (i.e. the area covered by the masterplan discussed below) being subject to restrictions on development and was one of the many factors considered by the Applicant.

4.64 It is notable that there has been no criticism in any of the representations of the feasibility study or Chapter 4 of the EIA Report.

Cultural Heritage

4.65 The EIA Report assessed effects of Operation and Maintenance of the Onshore Substation on the setting of onshore cultural heritage assets within the Archaeological Study Area (“ASA”) (see Chapter 9 of the EIA Report). The conclusion reached was that there would be no significant indirect and direct impacts on cultural heritage assets.

4.66 On the methodology, previous Historic Environment Scotland responses received by Wessex Archaeology (the Applicant’s cultural heritage consultant) had indicated that setting effects should be regarded as direct, which is counter to their standard methodology. In anticipation of a similar response to this application Wessex Archaeology integrated previous HES feedback on this factor although they agree in principle that setting effects could more accurately be described as ‘indirect’.

4.67 The guidance document Managing the Change in the Historic Environment: Historic Battlefields (August 2016), states that ‘The Inventory of Historic Battlefields identifies battlefields of national importance’ and therefore, following the methodology presented in the EIA Wessex Archaeology would normally consider them as having a high significance.

4.68 The new application site is essentially beyond the core area of the battlefield and should not be considered for direct physical impacts. However, other stakeholders regard the setting of the Battlefield as a key part of the receptors significance. In order to accommodate good practice and all stakeholder engagement Wessex Archaeology has included an assessment of the setting of the Battle of Prestonpans 1745 Battlefield. They have judged the setting element to be of medium significance based on the current situation of the area. Key elements of the battlefields narrative are upstanding and can be appreciated from an (artificial) viewpoint (e.g. the Bing viewpoint) but that more recent urbanisation, industrial and other large-scale development has in their view impaired the setting for this particular receptor.

4.69 The existence of the Battlefield Guidance document is acknowledged but as there is no consideration of direct physical impacts it is not directly relevant to this assessment, particularly if the Historic Environment Scotland preferred approach is to not consider setting as part of a Battlefield.

Landscape and Visual

4.70 Neither the council, nor SNH, have objected in respect of effects on landscape character, designations or visual amenity. The single proposed reason for refusal relates to the council’s consideration that the application is contrary to policy EGT1 of the Local Development Plan.

4.71 Neither the council, nor SNH, have criticised the methodology or questioned the findings of the Landscape and Visual Impact Assessment (LVIA) submitted in the 2018 EIA Report accompanying the application for OnTW.

4.72 Scottish Natural Heritage considers that the proposal will present ‘serious challenges’ to any place-making aspirations for the area and questions whether the proposed development represents ‘best use’ of the land in the context of NPF3.

4.73 A number of the comments from the Council’s Landscape Project Officer relate to matters that would most appropriately be addressed in a detailed application. These include landscape mitigation / planting, finished floor level.

4.74 The proposal is appropriate to its location in terms of size, massing, form and scale. The area around the application site is still characterised by energy related infrastructure notably the substation building on the south side of Edinburgh Road. The proposed development, including the substation element, would not therefore be out of keeping with the broader land uses in the area or indeed the previous use of the site as a power generating station in its own right of substantial scale.

4.75 An opportunity exists for the requirements of DP1 and DP2 to be further addressed through the detailed design. The Landscape Project Officer’s comments that the proposal is contrary to Policy DP1 and DP2 are not accepted. In any event, compliance with the development plan needs to be considered in the round looking at all relevant policies, including those which are site specific, with material considerations, such as the NPF3 designation and significant contribution to renewable energy targets arising from the development, also taken into account in the overall determination.

4.76 SNH emphasises the need to secure the landscape mitigation as proposed in the application and accompanying documents and makes recommendations for the detailed design at full application stage. Cockenzie and Port Seton Community Council also provide comments on landscape mitigation. As noted above, the evolution of design is expected to include engagement with the local community, the council and other stakeholders.

4.77 It should also be noted that the photomontages are representations of the currently anticipated form of the proposed development and detailed design work is ongoing.

4.78 The appraisal set out in the Planning Statement (paragraphs 179 – 200) acknowledged that some significant landscape and visual effects would arise but that these did not equate to a conflict with the policies or the development plan as a whole. The question to be considered is whether these impacts are deemed unacceptable in the wider planning balance or are they acceptable in view of the national importance of the proposal. The identified effects were also considered against the current baseline of the site, which comprises no built development. As NPF3, the Local Development Plan, the Masterplan and the council’s submission all make clear, the undeveloped baseline as it is currently, is not how stakeholders envisage the area in the future. This is an important consideration in assessing the weight to be attached to identified landscape and visual impacts.

4.79 Viewpoints 2, 3, 4, 5, 10 and 11 all show existing views and the wider character of the area are at present widely influenced by the substation on the south side of the B1348 and associated overhead power lines (reflective of the site’s location within the Developed Coast as shown on LDP Inset Map 4). The substation building would be viewed in the context of this existing large structure which is also associated with electricity generation and transmission.

4.80 Given the National Development status of the proposal and the importance of Cockenzie for energy related uses in NPF3, these significant impacts are acceptable. A development of national significance is highly unlikely to be able to proceed without some significant effects arising and the main significant effects are those of a landscape and visual nature. These impacts are relatively localised to the immediate environs of the site, as acknowledged by the Council's Landscape Advisor in her response to the application, and it is crucial to acknowledge that the works would be located within an area where significant energy related infrastructure already exists

4.81 The proposal would therefore be viewed in the context of this existing large scale energy related infrastructure from many locations and, as several of the viewpoint photomontages demonstrate, the substation building would be smaller in size and lower in height than the existing substation building.

4.82 Policy DC6 states that development in the Developed Coast will be supported where it complies with other relevant LDP policies. In this regard, Policy EGT1 is considered to be determinative and there is no in principle conflict with DC6.

4.83 The finding of significant landscape and visual effects in the 2018 EIA Report must be considered with these existing views in mind. On balance, given the existing site context and the national scale renewable energy benefits these impacts are considered to be acceptable.

4.84 The application has proposed mitigation of potential landscape and visual effects by means of both soft landscape solutions adjacent to the existing open informal recreation area at Preston Links and around other site. Architectural solutions are also proposed by means of wing walls to screen some of the ancillary components of the proposed onshore substation, opposite the existing substation. This mitigation has been incorporated through the iterative LVIA process incorporating baseline study findings as well as responding to consultation with both the council and SNH.

4.85 The council states at paragraph 3.92 that: "With the indicative position of the proposed substation building being located on the north side of the B1348 it would not be seen in relation to the existing pylons or substation." This is not correct. As the Reporter will have established during the accompanied site visit held on Monday 2 July 2018, in almost all the nearby views, the onshore substation will be seen in the context of the existing Cockenzie substation which will remain in use immediately to the south of the site. The existing Cockenzie substation is visible in nine of the eleven representative viewpoints.

4.86 Accordingly, as proposed in the application, the main substation building has a similar, but smaller, form and mass as the existing Cockenzie substation. The relative size of the proposed onshore substation compared with the existing Cockenzie substation is apparent in the photomontages, (see 2018 EIA Report LVIA Figures 8.8b; 8.9b; 8.10b; 8.11b; 8.12b; 8.13b; 8.14b; 8.15b; and 8.16b).

4.87 The submitted LVIA illustrates the main building of the proposed onshore substation having wing walls extending to either side of the southern frontage facing the B1348 and opposite the existing substation. These could screen some of the external components associated with the onshore substation from the Edinburgh Road. Additionally, earth mounding up to 4 metres high is shown round the west, north and east facing sides of the main onshore substation building, with associated planting of tree and shrub species. These

organic landforms were designed in response to the landscape context of the existing man-made mounds on Preston Links to the west of the site, as well as comments from SNH at the consultation site visit held on 27 July 2017 and comments from the council in its Scoping Opinion. The proposed mitigation bunding is reflective of the existing landscape context to the west of the site, with which it would be in keeping.

4.88 The details will necessarily be refined through the application process (see Condition 1). The proposed redevelopment of the site and surrounding area have been considered in the context of NPF3 and the Masterplan. Additionally, account has been taken of the current baseline landscape and visual context in terms of existing built form within the urban area in which the site is located, as well as the adjacent manmade landscape at Preston Links.

4.89 The proposal would respond to the scale, mass and form of existing development directly opposite with which it will be seen in the majority of nearby views. Additionally, the mitigation is designed to reflect and respect the character of the adjacent manmade landscape to the west of the site, by incorporating soft landscape solutions. This could provide screening of the lower part of the onshore substation building and external components from the closest visual amenity receptors on the John Muir Way: at Preston Links; and more distant residential receptors.

4.90 Therefore, and in the context of paragraph 3.61 of the council's submission, considerable effort has been made to respond to the current complex planning policy context taking account of NPF3 and the Masterplan, as well as respecting both the adjacent open nature of Preston Links to the west of the site and the scale, mass and form of existing adjacent development. Accordingly, due regard has been made to Policies DP1, DP2 and DP 6 in the Local Development Plan.

4.91 SNH has not objected but has stated that the proposal would introduce “significant landscape and visual impacts” which did not arise in the previous permission. SNH suggests that it would present challenges to the place-making aspirations expressed by the local community and in the council's recent master-planning exercise. In this context, the Cockenzie Masterplan 2017 identifies the previous site in Zone 3 Coal Store, allocated for retention as open space with a water meadow incorporating SUDS and landscape water features. By contrast, the current proposal is located in Zone 1 Coastal Zone of the Masterplan, which is identified for energy and mixed use development.

4.92 The current “open coastal area” is a consequence of the recent demolition of the former Cockenzie Power Station. This comprised a large structure with distinctive tall chimneys and several ancillary buildings operating on the site between 1967 and 2013. Whilst it is clearly the case that the site is currently open in nature following the demolition of the former Cockenzie Power Station, the planning context as set out in NPF3; the council's LDP; and as shown in the Cockenzie Masterplan; is that the site and adjacent areas are intended to be developed.

Flooding

4.93 The Zone of Theoretical Visibility (ZTV) shown on the 2018 EIA Report (LVIA Figures 8.1 and 8.2) has been based on an assumed ground level of 3.5 metres Above Ordnance Datum (AOD); and a maximum structure height of 13.7m above this ground level, as shown on cross sections on LVIA Figure 8.6b. The photomontage visualisations which have been

prepared to illustrate the agreed representative viewpoints for the LVIA shown in Figures 8.7 to 8.17 have also been prepared based on these same levels. Accordingly, the LVIA has been carried out based on an increased ground level from the existing 1.2 metres AOD to 3.5 metres AOD. Consequently, full account has been taken of the proposed raised ground level, which has been designed to accommodate a 1:200 flood event, as described more fully in Section 13 below.

4.94 SEPA and the council have raised the question of whether or not the proposal should be considered as “critical national infrastructure”, i.e. infrastructure assets (physical or electronic) that are vital to the continued delivery and integrity of the essential services upon which the UK relies, the loss or compromise of which would lead to severe economic or social consequences or to loss of life.

4.95 The proposal will only serve Inch Cape’s offshore wind farm, and is designed and operated to cater for the intermittent nature of energy from wind farms. It is an intrinsic part of the nature of an offshore wind farm that there will be times when all power is ‘lost’ (i.e. if there is no wind). Therefore, the proposal is not “critical national infrastructure”. Instead, the proposal should be considered as “Essential Infrastructure” in accordance with SEPA’s Land Use Vulnerability Classification.

4.96 In accordance with paragraph 263 of SPP and SEPA’s Matrix of Flood Risk, the site would be considered to be at low to medium risk of flooding (i.e. the annual probability of flooding is between 0.1% and 0.5% or 1:1000 to 1:200 years). This would be generally suitable for development of the proposal. However, even if the proposal is defined as “critical national infrastructure”, it could be designed and constructed within the parameters assessed in the EIA Report to remain operational during a 1:1000 year event.

4.97 The proposal has been designed to accommodate the 1:200 year return period and the site levels will not require to be raised any further than those already specified in the 2018 EIA Report. The LVIA as presented in the 2018 EIA Report therefore presents an accurate depiction of the site levels and height of the onshore substation.

4.98 Appendix 7A: Flood Risk Assessment of the 2018 EIA Report considers all potential sources of flooding that might affect the site and considers the flood prevention bund which has been included in the 2018 EIA Report. Even if the flood prevention bund were to be discounted, the site would be protected by established land levels (i.e. would not rely on raised defences) to both the 1:200 and 1:1000 sea level events. By way of context, the estimated sea level adjacent to the site in a 1:1000 year event could be up to 4.6 metres Above Ordnance Datum (AOD) in the future, while the established land levels surrounding the site are 5.0 metres (AOD). Further assessment of flood risk will be undertaken as part of the detailed site design. The detailed design and revised flood risk assessment will be submitted to the council and SEPA for review and approval.

4.99 Any requirement for SUDS will depend on the final detailed design and layout. The application site will be able to accommodate SUDS to the extent required.

4.100 It is recognised by both SEPA and the council that further assessment of flood risk needs to be undertaken as part of the detailed site design. This will include, but not be limited to, further consideration of potential flood levels and flood resilience. It is confirmed that the detailed site design would consider both the 0.5% (200-yr) and 0.1% (1000-yr)

annual probability exceedance events, and, as the existing flood risk assessment does, consider all potential sources of flooding that might affect the site.

Nature Conservation Interests

4.101 The Council's Biodiversity Officer, SNH and RSPB all agree that a conclusion can be reached that there will be no adverse effect on the integrity of a European site for the purposes of Habitats Regulations Appraisal. The applicant welcomed the support for the conclusions of the assessments and had no comment to add.

4.102 Chapter 6: Ecology provided the findings of the desk study and field surveys the potential impacts resulting from construction, operation and decommissioning of the OnTW are considered to include, disturbance and contamination of habitats (particularly coast habitats associated with the Firth of Forth Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI) and Outer Firth of Forth and St. Andrews Bay Complex Proposed Special Protection Area (pSPA)) and disturbance of intertidal and near-shore waterbirds.

4.103 The assessment of impacts considers embedded mitigation designed to avoid or minimise these potential impacts. These include:

- A Construction Environmental Management Plan (CEMP) setting out procedures to ensure all activities with potential to affect the environment are appropriately managed;
- A pre-construction protected species survey will be undertaken to re-establish baseline conditions in respect to protected species;
- Best Practise Measures in relation to locally occurring terrestrial mammals will be undertaken; and
- Best Practise Measures in relation to breeding birds will be undertaken.

4.104 This embedded mitigation was referred to when agreeing the conditions with the council.

4.105 Consequently, during the construction phase the effects of these potential impacts are expected to be of no more than Minor / Moderate and non-significant effect. During the operational phase, impacts are expected to be limited, occasional and temporary, the effects of which are predicted to be no more than Minor / Moderate effect. During the decommissioning phases effects are expected to be equivalent to, and potentially lower than, those predicted for the construction phase.

4.106 The Habitats Regulation Appraisal submitted alongside the 2018 EIA Report considered the conservation objectives of the Outer Forth and St. Andrews Bay pSPA in relation to the predicted effects of the OnTW, both alone and in combination with other plans and projects, it can be concluded that there will be no adverse effect on the integrity of the Outer Firth of Forth and St. Andrews Bay Complex pSPA.

4.107 The Council's Biodiversity Officer has no biodiversity concerns to raise while SNH and RSPB support the conclusions of the ecology assessment. The Council's Biodiversity Officer, SNH and RSPB all agree that a conclusion can be reached that there will be no adverse effect on the integrity of a European site for the purposes of Habitats Regulations Appraisal.

Conditions and Landtake

4.108 The Environmental Impact Report ("Description of Development", CD 012) the footprint of the Onshore Substation (i.e. the electrical equipment to be enclosed within the security fence) is described as having maximum area of approximately 3.5 hectares. Following positive continued progress with the detailed design and engagement with specialist contractors in parallel with this planning permission in principle application, the applicant is now in a position to be able to commit to a reduced footprint for the Onshore Substation of no more than 2.5 hectares.

4.109 The effect of this committed reduction in the footprint of the Onshore Substation is to increase the area of the Former Cocksie Power Station Site (the developable area of Zone 1 of the Masterplan) remaining to 45%.

4.110 In terms of landscaping and landscape and visual mitigation it is recognised that as an application for planning permission in principle the details are to be approved by the council, as set out in draft conditions 1 and 14. It is explained at paragraph 5.7 and Annex 3 of the applicant's Hearing Statement that the proposed landscape mitigation represents a reasonable maximum footprint on which to base the application, however, opportunities exist to refine the landscaping through use of screen or retaining walls and associated planted landforms and so further reduce its footprint. It is anticipated that the detailed design of the landscaping will be a collaborative process, therefore, the applicant does not consider it would be appropriate to alter the maximum footprint provided for landscaping at this stage.

4.111 The applicant is also committed to locating the development towards the western boundary of the application site as the design is refined and the footprint reduced.

4.112 There is no need for any additional land to 'future proof' the development. As is clear from draft Condition 1, the landscaping is required in respect of the substation itself and will be adjacent to it (the substation itself being limited to 2.5 hectares and to be located as far to the south-western boundary as the agreed landscaping allows). There is no provision or scope in draft Condition 1 for the landscaping to be designed to additionally accommodate unknown future development. Therefore the effect of Condition 1 is to reduce land take required for the substation and associated development. It is noted that the detail of the landscaping including location, layout and footprint is a matter for future approvals by the council (this application is based on reasonable maximum parameters), which must not be submitted without first consulting with the council and key stakeholders.

4.113 In terms of the council's proposed revision to condition 1d) the draft revisions following the hearing are not considered vague or imprecise. Attention is drawn to the link between the proposed landscaping and the mitigation in the Environmental Report. If the reporter is minded to accept the council's further revision then there is no objection to this albeit with a preference that the word "significant" is deleted as it is imprecise and unnecessary.

4.114 The council's response is in keeping with the response and conditions of the original application. The condition requirements are considered reasonable. Due to lead times and construction periods, the onshore construction must commence before the offshore

construction. Draft Condition 3 addresses the issue of the operational requirement for the works, linking the onshore transmission works to the offshore wind farm.

4.115 Environmental Impacts have been minimised to the point where there are no objections from relevant statutory consultees which can't be resolved by conditions: the council's submission raises a number of ancillary points in relation to the natural and historic environment, landscape and visual impacts and flooding but none of these form part of the council's proposed reason for refusal, and no objections have been received from the relevant statutory consultees (which can't be resolved by conditions).

4.116 The conditions provide further opportunity for good design: the proposed conditions provide that the details of the design and external appearance will be the subject of future applications for matters specified in condition.

Environmental Impact Assessment

4.117 With regards to paragraph 3.86 of the council's submission, referring to the application and the offshore project and the council's recommended condition, the 2018 EIA Report was prepared for the application and an overview document was submitted alongside this EIA Report. This provided an overall summary of effects for the EIA carried out for this proposal and for Inch Cape's consented offshore wind farm. There are no objections from Statutory Consultees or the council on the sufficiency of the 2018 EIA Report or such supporting documents. In addition, it was agreed with the council prior to the submission of the council's submission that condition 3, included within Annex 1 of the council's submission, was appropriate.

Overall Conclusions

4.118 For these reasons, the proposal is clearly consistent with the requirement to make "best use" of the land and infrastructure at the Cockenzie Site in terms of both Policy EGT1 and NPF3. The focus in the proposed reason for refusal on comparing economic benefits of the application to a speculative future use is misplaced. The proposal is supported by the Masterplan. Furthermore and more recent expressions of Scottish Government energy policy provide further evidence of the need for the proposal to help achieve the Scottish Government's ambitious 2030 and 2050 renewable energy targets.

4.119 The council does not identify any non-compliance with the statutory development plan, or other material considerations, which support refusal. Policy EGT1 is the sole policy identified in the council's submission as supporting refusal.

4.120 Even if the reporter or the Scottish Ministers consider there is conflict or tension with Policy EGT1 and 3.41 of NPF3, this would need to be weighed against other material considerations in favour of granting approval, including strong support from Scottish Government Energy Policy, the Climate Change Plan, Scottish Planning Policy (in particular the presumption in favour of development that contributes to sustainable development), the Masterplan and the application's status as of national importance in NPF3 for energy related uses.

4.121 On this last crucial point, the applicant returns to paragraph 3.106 of the council's submission which states:

“This proposal, as a part of a National Development, takes priority over other possible uses on the wider Cockenzie site, with the exception of any proposals for National Development 3, of which there are none”.

4.122 The reporter is therefore respectfully requested to recommend to the Scottish Ministers that the application is positively determined.

CHAPTER 5: COUNCIL'S CASE

5.1 The proposed development would not make best use of the land available at the former Cockenzie Power Station site. Rather it could prejudice the future development of the site and the economic potential of the area. The proposed development is therefore contrary to Policy EGT1 of the East Lothian Local Development Plan and therefore also does not comply with National Planning Framework 3.

Policy Assessment

5.2 This is a National Development which will benefit the country as a whole. On the other hand, it would be possible to have this proposal in another location within the EGT1 site that has until recently had planning consent and so been proved acceptable. This would leave those parts of the site which appear to be more suitable for other economically beneficial uses, to be available for those uses.

5.3 It has been made clear through the recently approved local development plan examination that the meaning of the words 'safeguard for future thermal generation', in this instance, is not intended to mean that no other use should come forward unless and until the requirements of the safeguarded use including its land-take is known. Therefore, even though it is not possible at this time to know whether a thermal generation use could come forward on this site alongside this proposed development in its proposed location on the EGT1 site, this is not critical to the acceptability or otherwise of the current proposal. Put another way, the Report of Examination concludes that the principle of National Development 3 and National Development 4 are both suitable in principle within the EGT1 site, and that it is possible to support either type of development in principle without knowing how the other type of development might be brought forward there.

5.4 As set out in National Planning Framework 3 the proposal is part of National Development 4, and a renewable energy project. This proposal, as a part of a National Development, takes priority over other possible uses on the wider Cockenzie site, with the exception of any proposals for National Development 3, of which there are currently none. Even if there were competing proposals, the Report of Examination on the proposed Local Development Plan suggests that there should be no preference for National Development 3 over National Development 4, and that one should not obstruct the other.

5.5 SESPlan 1 will be 5 years old on 27 June 2018. In these circumstances Scottish Planning Policy (SPP) is clear that the plan's policies will not be considered up-to-date, and paragraph 33 - 34 of SPP2014 should also be considered.

5.6 The assessment of the proposal against other policies of the development plan and the emerging LDP, taken together, would reflect the assessment of the relevant provisions of the SPP 'presumption' in paragraph 29. The principles with which the proposal most obviously complies are: supporting delivery of infrastructure, for example energy; supporting climate change mitigation. The principles which require greater consideration of compliance or non-compliance with are: supporting good design and the six qualities of successful places; protecting, enhancing and promoting access and landscape.

5.7 There are arguments on both sides of whether the proposal gives due weight to net economic benefit (and therefore give the best economic outcome). On one side, it is a

National Development which will benefit the country as a whole. On the other, it would be possible to have this proposal in another location within the EGT1 site that has until recently had planning consent and so been proved acceptable, while leaving those parts of the site which appear to be more suitable for other economically beneficial uses, to be available for those uses.

5.8 The decision maker should also determine whether the proposal is compatible with the provision of EGT1, to 'ensure that the best use is made of the existing land and infrastructure in this area'. The council has not yet had time since the Report of Examination to undertake the joint working as set out within Proposal EGT1, though the Cockenzie Masterplan document represents an important step towards this.

5.9 Additionally, the decision maker should also consider the views of consultees on any significant adverse impacts on the integrity of international, national or local designated sites and on the relevant natural and cultural heritage development plan policies. Subject to the views of other consultees, the decision maker must also consider whether or not the proposal complies with Policies DP1 and DP2 and Policy DC6. and whether there is an Appropriate Assessment showing that there would be any adverse effect on the integrity of any European Site contrary to Policy NH1 of the LDP. Policy OS1 protects open space, or requires replacement open space with similar value. Policy T4 protects Core Paths. As the loss of the open space and effect on the core path would be temporary, this can be considered acceptable, however, the decision maker may wish to use planning conditions to ensure this.

The Masterplan

5.10 The council commissioned a master-planning process (with funding contribution from Scottish Enterprise) for the land formerly in Scottish Power's ownership at the former Cockenzie Power Station, the 'Cockenzie masterplan document'. This was prepared following consultation with the communities.

5.11 The Cockenzie masterplan document has not been formally endorsed by the council or adopted as supplementary planning guidance. It has not been through the necessary technical and environmental assessments (including Strategic Environmental Assessment, Habitat Regulations Assessment) which would allow this. It can therefore be accorded limited weight at this time. However, it is the result of significant community and stakeholder consultation with local communities and stakeholders, including national public sector agencies, industry bodies, businesses and local schools'. Over 330 responses were made to the first stage of consultation.

5.12 The masterplan document identifies and utilises key site assets and features within and around the site. This includes the transformer and connection to the national grid, the coal store area, its coastal location and pier, accessibility to the road network and rail siding, the John Muir long distance route, the historic Waggonway and sites associated with the Battle of Prestonpans. The masterplan document shows a potential distribution of uses across the whole site, showing how these could be accommodated in a complementary way on the site and the general ambition and aspiration generated.

5.13 In response to the applicant's comments in paragraph 8.16 of its written statement the point made in relation to "preferred location" is dependent on the weight given to the Masterplan Document. It is clear that this prime area of the site in this coastal location

would be an asset with far greater economic potential than to have a passive use, which demonstrably could be accommodated elsewhere, taking up a significant proportion of it.

5.14 Clearly the Masterplan cannot be accorded the weight of either non-statutory or statutory supplementary guidance. Equally, it must be recognised by all parties that as an outcome of considerable community engagement it is an important step in identifying the best uses of the site, that is simply a matter of fact and record.

Competing Uses

5.15 There are no firm proposals for the site, other than that which is the subject of this planning application. However this is perhaps not unsurprising, given the recent change in ownership and the fact that the site has not yet been marketed. The council intends to market the site, though this is difficult in the current policy context. It should be noted, however, that the council has received a number of enquiries from interested parties and has engaged with the relevant Scottish and UK government departments in respect of the economic and development potential of the site, including with Scottish Enterprise.

5.16 Use of this immediately coastal location where not wholly necessary means such a location is not available for other uses, including National Development 3. This may not make the best use of the location's assets, whilst at the previously consented location, the objective of making the best use of the location's assets could be achieved. Although this use is a National Development and therefore should be facilitated, this does not necessarily mean that it should be approved at a location which is also the most suitable for other beneficial uses, when another location is available.

5.17 Document 5 of the Cockenzie Masterplan Document ("Community Involvement and Scenario Feedback") referred to the positive and negative impact, and viability, of a possible cruise terminal within the larger master-planned site.

5.18 This advised that the debate on the port/cruise facility cannot be settled without a clear view on the scale, impact, benefit and the required land-take for the facility itself and associated infrastructure. The Cockenzie Masterplan Document does not include a cruise terminal as part of its vision for the whole site. It should however be noted that the Cockenzie Masterplan has not been formally endorsed by the council. It does not represent agreed council policy or settled outcome for the future of the site. Instead it serves as a basis for further reflection, discussion and engagement between key stakeholders.

5.19 At this stage the council accepts that a cruise terminal development of the site may have significant economic benefits for East Lothian and the wider area. However at this stage it cannot be concluded whether such a use would be feasible. Economic, engineering and environmental research and studies should be first undertaken to establish if such a development is feasible and to gauge the interest of potential operators. It is however difficult to see how a cruise terminal could be developed were the substation developed in the position proposed for it.

5.20 Approval of this application would therefore likely prejudice the development of a cruise terminal at the site, should it be established that such a use is feasible. Conversely, were the substation to be developed in a more suitable, alternative site within the land covered by the Cockenzie Masterplan document, then the application site could be

developed for a more economically beneficial use. This could potentially form part of a cruise terminal, were it to be established that this was a feasible option.

Best use and benefits of the proposal

5.21 Use of this immediately coastal location where not wholly necessary means such a location is not available for other uses, including National Development 3. This may not make the best use of the location's assets, whilst at the previously consented location, the objective of making the best use of the location's assets could be achieved.

5.22 The Council's Economic Development and Strategic Investment Service (EDSI) advises that economic development is a key priority for East Lothian and is at the forefront of East Lothian Community Planning Partnership's Single Outcome Agreement and East Lothian Council's Community Plan 2012-2017. The East Lothian Economic Development Strategy 2012 to 2022 is a reflection of the priority placed on economic development and acts as a guiding framework for future activities. In this context the council places weight on the advice of its Economic Development and Strategic Investment Service who state that the application is not welcome at this time as it is not necessarily the best use of the site when considered in the context of its strategic aims which include growing business and employment opportunities and promoting a sustainable local economy.

5.23 It is likely that the referenced jobs would be created irrespective of whether the substation were located in the now proposed position or in the position approved for it by planning permission in principle 14/00456/PPM. The proposed scheme of development could result in the loss of this 10.2 hectare prime coastal application site with no long term economic benefit to the local area of East Lothian or local residents in the form of job opportunities or making best use of the application sites considerable asset of its coastal location. Additionally the development of the proposed onshore transmission works on the application site may prejudice the future redevelopment potential of the adjacent coastal land at the former Cockenzie Power Station.

5.24 The applicant seems to suggest that if the application site was not available then the whole project, on and off-shore, would fall and the prospective jobs, the majority of which would be off shore though no distinction is made by the applicant, be lost. This is clearly not the case given the previous planning permission in principle.

5.25 The coastal location here is between two settlements, one of which (Prestonpans) has areas within the lowest quintile Scottish Index of Multiple Deprivation in Scotland. The qualities of the particular location include its potential for good quality recreational use and its potential for economic development creating local jobs. It may also have potential identified through the Cockenzie Masterplan document for other types of economic use which represent a more efficient and economically beneficial use of the site and reflects the extensive engagement with the community and stakeholders which inform that document.

Alternative Sites

5.26 The applicant's further written submission in paragraph 16.5 assumes all parts of the site are of the same quality and value rather than assessing the best use of the various parcels of land. In relation to the applicant's statements regarding the 2017 feasibility statement it should not be assumed that the change of location for this proposal was fully welcomed by the council. Whilst not including any specific details the council reference a

case “Trust House Forte Hotels” as well as the case of an electricity substation on the Norfolk Coast to illustrate that in exceptional circumstances where there are clear planning objections to a proposal consideration of alternatives is legitimate.

5.27 The applicant does not prove the point that the previous site would not prevent the best use of available infrastructure. What is clear is that the applicant takes a very particular view of making the best use of the land available, based on an evaluation of a hectare-age rather than a proper and considered survey which recognises the qualities, potential and opportunities presented by different areas of the site. The consideration of a strategic site of this nature cannot be simplistically assessed by measurements as in the applicant’s consideration of it. Clearly, this consideration relates also to how the decision maker may give weight to other material considerations, including visual and landscape impact.

5.28 Best use cannot be assessed on just area of land take, the current proposal is on the prime coastal part of the wider site. Weight must be given here to the decision to approve the previous application for planning permission in principle, notably after that application was amended to reflect a smaller and more discreet land take within the red line boundary following discussions with Historic Environment Scotland (HES). The revised developable area satisfied both the council, HES and the applicant.

Other Considerations

Environmental Statement

5.29 An Environmental Impact Assessment was carried out for both the offshore and on-shore components of the wind energy development being proposed by Inch Cape Offshore Limited. It was structured such that part of the Environmental Statement relating to the on-shore component could be assessed separately with the planning application under the Town and Country Planning (Scotland) Act 1997. The Environmental Statement relating to the on-shore component has been submitted with the planning application. It contains chapters on policy and legislation, process and methodology, site selection and alternatives, description of development, ecology, hydrology, geology and hydrogeology, landscape and visual, cultural heritage, noise and vibration, traffic and transport, socioeconomics, tourism, land use and recreation, and air quality.

5.30 No objections have been received from statutory consultees in respect of the Environmental Statement. Scottish Ministers should also consider the linkages between this application and the offshore project.

5.31 Where the main project requires an EIA, the approval and/or physical execution of the associated works prior to the undertaking of an EIA would constitute a breach of the EIA Directive. These works could only start once the EIA for the whole project (main and associated) was carried out.” In reporting to committee it was the council’s initial view that the onshore works are an integral part of the whole project and that there should be a condition that there be no commencement of development of the onshore infrastructure unless there has been a commencement of development of the existing approved Inch Cape Off Shore Wind Farm. Part of the reasoning for this was to ensure compliance with the relevant EIA legislation. However in its correspondence of 5 December 2018 the council did not consider this was necessary. That said the council re-iterates that it will be for Scottish Ministers to ensure their decision is fully compliant with Environmental Impact Assessment Regulations.

Visual Impact

5.32 Following the demolition of the Former Cockenzie Power Station in 2015 the application site is now an open coastal area between the settlements of Prestonpans and Cockenzie. Given the application sites coastal location it benefits from considerable public views in a variety of directions, northwards across the Firth of Forth to the Fife coast, eastwards along the coastline towards Gosford Sands to the north east of Longniddry with Berwick Law and the Bass Rock beyond, westwards along the coast to Musselburgh with the higher parts of Edinburgh including Arthur's Seat and Calton Hill visible with the Pentland Hills beyond.

5.33 In its indicative position the proposed substation would be visible from a number of different public viewpoints, including Preston Links, the B1348 public road, the coastal path which incorporates the John Muir Way, Cockenzie Harbour and the pyramidal Battle of Prestonpans viewpoint. While the existing Cockenzie Electricity Substation and the electricity pylons to the south of it are man-made features that are readily visible in the locality these structures are located inland to the south of the B1348.

5.34 The applicant has indicated that mitigation measures would be undertaken in the form of screening measures that could include landscape planting and the erection of walls of up to 7 metres and earth mounding 4 metres in height to reduce the visual impact of the substation. However, with the now open nature of the application site on the north side of the B1348, following the demolition of the Former Cockenzie Power Station, the proposed substation would be an incongruous, dominant and intrusive feature on this part of the now open East Lothian Coastline. While the proposed mitigation structures including a 4 metre high bund and landscaping may help to reduce the impact of the substation on the visual amenity of the area these features themselves would be uncharacteristic to this now open flat coastal site such that the development would have an unacceptable landscape and visual impact on the immediate locality and would not be well integrated into its surroundings. The development would also result in the loss of a number of public views across the application site in a variety of directions.

5.35 The council's landscape officer considered the development would be contrary to Policies DP1 and DP2 of the LDP. The council also reference the concerns expressed in the Scottish Natural Heritage consultation response.

5.36 East Lothian Council's Landscape Officer advises that that the scale of the proposed substation would become the dominant feature along this section of coastal landscape and would not be successfully integrated within the landscape pattern of this area. The development would be out of scale with local landscape features and would have a detrimental impact on the landscape character of this area and the adjacent landscape character areas. Due to the height and scale of the proposed substation building it would be intrusive, inharmonious and an expose form of development that would be harmful to the quality, character and amenity of the landscape of the area.

5.37 Where statutory consultees do not object, it is not appropriate to simply dismiss their views as expressed, whether they be positive or negative. That denies the materiality of their expressed position and it is for the decision maker to give weight to the issues raised in their comments and the strength with which they are expressed, and in that context they may be considered to be determinative.

5.38 In terms of the acceptability of the landscape impacts it is for the decision maker to give weight to the relevant matters after due consideration.

5.39 It is clear that wider views would include the pylons and existing substation to the south. Localised views across the site west, east and north would not be seen in relation to the existing infrastructure and the applicant's final sentence here acknowledges that not all views would include the existing infrastructure. Public views across the site would be lost, though it is acknowledged this was also the case prior to the demolition of the redundant power station allowing for the return of historic outlook northwards over the site.

5.40 LDP Policy DC6 covers development on the coast and most of the area of this proposal falls within an area of developed coast. Here, proposals will be supported where they comply with other plan policies. Policy DC6 also requires the siting and design of new development to respect the qualities of the particular coastal location.

Flooding

5.41 With regards to the matter raised by SEPA as to the category of the proposed scheme of development it will be for the Scottish Ministers as the determining authority to determine this, and if so, to establish the necessary raised ground level. The applicant in the accompanying Environmental Statement has considered this issue of flooding in the site selection chapter and advises that preliminary indications are that raising the construction elevation of the Onshore Substation to approximately 3.5m AOD will prevent flooding via rising ground water level.

5.42 Given that the application is for planning permission in principle no specific details are given of the proposed substation building however it has been stated that it would be approximately 14 metres in height. If the existing ground level of the site, which currently sits at a level of 1.2 m AOD, has to be raised to approximately 3.5m AOD, or even higher if subsequently recommended by SEPA, then this would have a considerable impact on the landscape and visual impact of the proposed scheme of development and the siting of 14 metre high building on this part of the open coastal site. In subsequent exchanges through the hearing process it was agreed that this matter could be addressed through condition.

Habitat Regulation Appraisal

5.43 East Lothian Council's Biodiversity Officer advises that the Habitats Regulations Assessment (HRA) was produced in consultation and agreement with SNH and Marine Scotland. The HRA concluded that the proposal would not affect the integrity of the adjacent European designated sites. As the proposal site corresponds with the site of the previous Cockenzie Power Station, as well as areas of infrastructure immediately to the south this area has limited biodiversity interest. Accordingly there are no biodiversity concerns raised over this application.

5.44 It is for Scottish Ministers as competent authority to carry out any Appropriate Assessment required by the Conservation of Natural Habitats Conservation (Natural Habitats, &c.) Regulations 1994 or otherwise.

Cultural Heritage

5.45 The application site lies partly within the area of the Battle of Prestonpans as included in the Inventory of Historic Battlefields. The current inventory entry notes the semi-industrial character of the battlefield landscape predominates, that the power station had impacted the battlefield area, including with the pylons.

Proposed Planning Conditions

5.46 Conditions were agreed with the council prior to the council's submission. The council acknowledges the applicant's contention in respect of potential reduced land take of the built form of the station and indeed has discussed this point with the applicant in seeking to understand what the reduced land take would be. However, the applicant has been unwilling to clarify the likely extent of this. In the absence of clarity through a plan showing such a reduced area the council cannot consider a condition of a grant of planning permission in principle which would give control over this. A grant of planning permission in principle without such a condition would leave an in principle use available across the whole of the application site. A plan is required as it would otherwise be impossible to satisfy the precision test of planning conditions.

5.47 However through the hearing process the council whilst maintaining its objection commented on revisions to the proposed conditions namely condition 1b and 1d in respect of the applicant's proposed revision to reduce the footprint of the proposed building, to specify a maximum height and further reserve landscape and visual mitigation. This revision responds to the previous comment that any change to the footprint would have to be specified on a submitted plan.

5.48 In responding to the applicant's revisions dated 5 October the council is generally content with the revisions although it queried the reduced footprint in the context of an application site area which would remain unchanged. This effectively leaves an area of undeveloped land between the footprint of the building and the proposed landscaping along the site boundary. In addition a change to condition b) was proposed to further specify that the height should be calculated on the basis of a finished ground level no higher than that on Edinburgh Road. In terms of 1d) a wording to include (which shall include significant architectural mitigation) is preferred.

Conclusion

5.49 For the reasons given above, and recognising the priority to be given to this as a National Development, the proposal does not allow for the best use to be made of the existing land and infrastructure in this area and should therefore be refused. This is especially so given that the same type of development was approved elsewhere within the larger Cockenzie site. Approval of this could prejudice the future development of the site and the economic potential of the area.

5.50 If this were the only place where this proposal could be located within the EGT1 site, its status as a National Development may override considerations of other beneficial uses of the site. However, this is not the case here. The proposal could be located in a different, previously approved location. Locating in the previously approved site would allow other beneficial use to be made of what may be seen as a more attractive part of the EGT1 area for other uses. This, in total, would constitute the best use of the EGT1 area.

CHAPTER 6: OTHER PARTIES CASES

6.1 Consultation responses and representations received in the initial stages of the planning application process are as summarised in Chapter 3. The following section summarises the further written submissions and hearing statements of those who participated in subsequent exchanges and through the hearing process.

Cockenzie And Port Seton Community Council

6.2 The community council support the fully consulted Masterplan published recently. This allocates part of the site for energy production but not on the area relating to this application. We support the Masterplan site as the preferred option.

6.3 At the Community Council meeting held on 4th September attended by representatives of Inchcape they produced new plans greatly reducing the footprint of the site. If this proposal is officially submitted then the community council would reconsider their opinion.

6.4 If the proposed area is approved then the stated footprint should be kept to a minimum.

6.5 At a recent meeting it was stated that the screening should be improved and trees planted to reduce the visual impact. Inchcape's representative agreed with this and stated that they intend this also. It has been mentioned that the buildings should be designed to make an architectural statement and not just a "big shed". An artwork should be commissioned along the lines of the "Kelpies" to create a tourist destination and help local employment especially as this proposal will not create any local jobs. A further design feature has been mentioned, that of making the buildings appear part of the Green Hills by having turf roof coverings for example. Cockenzie Community Council objected to the late submission of Dr Baird's comments on use of the site as part of a port facility and further comments were made by Greenhills (see below) in this respect.

Prestonpans Community Council

6.6 The community council's response to the Inch Cape Planning application is driven by positive aspirations for the community, and for the wider county of East Lothian. The power station at Preston Links was a major employer for a generation of local people and we want to see ambitious proposals for bringing new jobs and investment into the area. Further than that, we hope that this call-in will not cut across local efforts to achieve a broadly-based partnership to shape the development that includes the local community. It should also be noted that Prestonpans Community Council actively supported two previous planning applications to build this sub-station on inshore land to the east of Prestonpans and south of the power station coal store.

6.7 Prior to the planning permission being granted by East Lothian Council in September 2014, representatives from the applicant's attended a meeting of Prestonpans Community Council seeking our support, and after that initial application expired, representatives from Inch Cape attended our community council meeting in December 2016 where they outlined their plans to resubmit an application for the same, inland site. On both occasions the Inch Cape proposals received the full backing of Prestonpans Community Council.

6.8 However, when Inch Cape submitted their planning application to East Lothian Council earlier this year, to build this sub-station on the foreshore on the site of the former power station, Prestonpans Community Council, along with many local residents, sent in written objections to East Lothian Council's Planning Department.

6.9 It is the view of Prestonpans Community Council that locating the Inch Cape sub-station on the former power station site DOES NOT make best use of existing land and infrastructure, given the availability of land on the Cockenzie site nor does the proposed sub-station provide any economic, community or employment benefits. This latter point has been acknowledged by Inch Cape Offshore Ltd. The lack of employment in the initial proposals is a matter of deep concern for the local community, and there are fears that this could set a pattern for the development of the rest of the site.

6.10 Furthermore, Inch Cape's desire to site the sub-station on the foreshore does not meet the aims and objectives of the Cockenzie Masterplan which was commissioned by East Lothian Council and published in November 2017. The main priority of that exercise was to create jobs, raise the aspiration of the area and create a destination.

6.11 The Masterplan states that there has been strong population growth over the past decade with a projected population growth in the Cockenzie, Port Seton & Prestonpans areas of 17% between 2017 and 2035. What there has not been is strong job growth to go along with the population growth. That figure from last year is probably an underestimate of potential population growth as it has recently been announced that the 'new town' of Blindwells will consist of 10,000 new residential homes.

6.12 There is a critical need for the former power station site (which at its peak employed over 500 people) to be the catalyst for economic development creating local employment opportunities. This is recognised by East Lothian Council through its Economic Development Strategy Plan 2012 – 2022 which highlights the need for much higher levels of local employment. The Scottish Government has also recognised the need for local employment initiatives in East Lothian and have stated in NPF3 that "They expect developers, East Lothian Council and the key agencies, including Scottish Enterprise to work together to ensure that best use is made of the existing land and infrastructure in this area. Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, the Scottish Government wish to see priority given to those which make best use of this location's assets and which will bring the greatest economic benefits".

6.13 A compromise solution would be the former coal store situated to the south of Edinburgh Road. The coal store location for the Inch Cape sub-station would meet the criteria outlined by the Scottish Government, sit comfortably with the Cockenzie Masterplan document and be welcomed by the local communities in Cockenzie, Port Seton and Prestonpans. Finally, there is a further important point Prestonpans Community Council would like the Inquiry to consider. We want to see an active and vibrant waterfront on the Preston Links, and, whilst the proposals by Inch Cape would not sterilise the whole waterfront in terms of activity, they would block off a considerable part of it.

6.14 Tourism is Scotland's and the World's biggest business. We would hope that developing the tourism potential of the area will become a key part of the masterplan. The world famous John Muir Way runs along the site and the Battlefield Trust have ambitious plans to promote the Battle of Prestonpans. With an overheating tourism market in

Edinburgh, we believe that it would be foolish in the extreme to overlook the potential of tourism to help make the wider waterfront area more active delivering jobs for local people at the same time. As recently as 2015, therefore, even the Scottish Government's economic development agency Scottish Enterprise was planning to build a new port on the site, with support from the site owner Scottish Power, and the SNP Council Group on East Lothian Council. This serves to confirm the view of Dr. Baird that the existing infrastructure at Cockenzie could be developed further as a port. Our view remains that this makes the best use of the site's assets and which will bring the greatest economic benefits.

6.15 Following publication of the Masterplan last year, East Lothian Council established a forum with local communities to build on, develop and take forward what was in that report. If Inch Cape are allowed to build their substation on the most valuable asset on the foreshore, it will undermine the considerable efforts that continues to be put in to develop the site for jobs and economic development and will be a kick in the teeth to the local communities desperate to offer a positive future to local residents, particularly our young people

6.16 In the 'Year of Young People' that would be a sad legacy to be remembered by. All parties on the Cockenzie Forum, East Lothian Council, Cockenzie & Port Seton, Prestonpans Community Council's and local community organisations are strongly opposed to this planning application by Inch Cape and hopefully it will be rejected by the Scottish Government's Planning Minister. The proposed changes restricting the height of the building and its location do not alter our view that the proposal does not make best use of the site's assets or provide meaningful employment. The additional cabling required to utilise an alternative site is insignificant when compared to the many miles of cabling on the sea bed.

Dr Baird

6.17 The site is adjacent to deep-water close to the shore and there is an existing marine terminal (i.e. port facility) at the site consisting of a pier and mooring jetty suitable for handling seagoing vessels. This means the existing site includes a port facility. Moreover, the site also contains what is referred to as a 'coal yard'. This is in fact a very substantial freight terminal, which is bunded to a significant height in order to protect local communities from noise, dust etc. In addition to the port facility and the freight terminal, these infrastructures are also directly linked to both the national rail network and to the trunk road system. This therefore provides for the existing infrastructure to potentially offer a tri-modal (international) freight terminal at Cockenzie. Though not mentioned in the application process by any party, these existing port and intermodal freight facilities at Cockenzie closely relate to NPF3 and specifically in the context of 'National Development 12 (ND12) – Freight Handling Capacity on the Forth.'

6.18 In terms of the entire River and Firth of Forth and south-east Scotland, Cockenzie therefore exhibits quite unique locational features and characteristics such as the presence of an existing port facility connected to an existing large bunded freight terminal, plus existing intermodal rail/road connections, as well as close proximity to deep water, a natural sheltered location, low average or maximum wave height allowing for pier construction into the Forth (as exists), a short unhindered channel approach from the open sea, and now (brownfield) additional land availability given the end of electricity generation on the site. Cockenzie therefore represents the only realistic integrated cruise/ferry seaport development opportunity on the Firth of Forth capable of serving much of Scotland's

international shipping and trade and tourism needs. The location further benefits from the fact it would be the closest deep-water port between Scotland and the Continent which in shipping economics terms is a key attribute.

6.19 Clearly in the context of the application (for Onshore Transmission Works) a competing use does therefore exist at Cockenzie, and primarily the use of the site as what it still remains today essentially, that is a port and freight facility. The Masterplan 'Zone 1' location is thus highly important in the context of a port and in relation to NP3 in that regard. As a port this area (i.e. Zone 1) would be required for freight laydown, parking, and reception buildings (e.g. for cruise/ferry passengers, vehicles, supplies etc). The area to the west of Zone 1 is also the most likely area from which additional berthing piers would extend out into the close-by deeper waters of the Forth (8.5m chart datum depth is just 300m from the shore here, with 10m depths a bit further out). The proposed application as envisaged would thus serve to block any port development at the site.

6.20 In terms of economic benefit a cruise/ferry seaport development at the Cockenzie site will be expected to help create and sustain over the long-term several thousands of direct, indirect and induced jobs, these being a function of trade throughput and travel/tourism demand and monetary values. Seaports are also regarded as 'engines' of economic growth. And as demand and throughput rises with trade/travel growth, so the employment impacts would be expected to increase also. Such employment impacts will extend from local, to regional and national levels. Thus, a port development would be expected to generate considerably more jobs than even the previous use of the site's 500 jobs and indeed should be expected to become the single biggest generator of employment in East Lothian. Conversely the current application only offers a handful of jobs long-term so is demonstrably less than what might otherwise be achieved with this site. The current proposals would therefore seriously prejudice the economic potential of the area.

6.21 Unlike a port development, there are other potential locations the applicant might pursue instead of at Cockenzie and the application works are not as site dependent as clearly a port is.

6.22 Time should be given for ELC to effectively market the Cockenzie port site to potential Scottish and international port users and port investors some of whom have already intimated an interest. A port development represents by far the more optimal economic opportunity for the community, the county, the south-east of Scotland region and for Scotland as a whole given likely international trade and tourism impacts will extend far beyond the port itself.

6.23 Given the ongoing development of 10,000 new houses nearby the site and possibly another 10,000 houses in the pipeline, there is considered to be a strong need to develop a major source of employment locally given the anticipated population increase. Direct local employment created by a cruise/ferry port would be expected to well exceed 1,000 jobs whilst indirect and induced employment impacts would add considerably to this. The foreshore of the site is barely 400 metres in length, which for a port is relatively small. However, modern pier-based ports are highly productive, enabling rapid ship turnaround, albeit extensive back-up land areas are critical in this regard.

6.24 This entire shoreline at the site needs to be safeguarded if a port development is to proceed as additional piers would have to extend out from the shoreline into deeper water much like the existing pier, plus other structures such as passenger terminal buildings and

vehicle marshalling areas and possibly hotel facilities would also require use of the shore area (Zone 1). The back-up land envisaged for such a port would be considerable and therefore the existing rail-linked intermodal freight terminal would form a critical element in any overall integrated port complex.

Greenhills

6.25 This party made submissions at a late stage in direct response to the submissions of Dr Baird. They objected to the late submission of this information and the lack of substantive evidence whilst endorsing the applicant's response on these matters. An additional and previously unseen document was lodged setting out a vision for the communities in delivering the masterplan in conjunction with Cockenzie and Port Seton Community Council. It references encouraging the council to formally adopt the masterplan so that the site can be marketed in the confidence it has the backing of the communities and stakeholders. It suggests that the former power station site could be developed as a marina and that Inch Cape could be located behind the existing transformer building.

6.26 In addition they respond to the promotion of a port facility as apparently supported by Prestonpans Community Council but caution that this idea has not been subject to consultation and is at odds with the Masterplan. The masterplan involved extensive research and consultation.

6.27 Building a container port will destroy the once in a lifetime opportunity to make our area a truly inspirational place to live, work and play. If implemented the masterplan has the potential to create up to 3,500 real jobs thereby meeting the key drivers for the council—jobs and economic growth. Many cities and communities are campaigning against the damage cruise ships and automated ports is having on their economy and environment.

6.28 The communities around Cockenzie Power Station have suffered long enough from pollution, noise and the gradual decrease in the number of jobs the power station sustained. It is now time for us to have an area we can be proud of, which enhances the natural beauty of the area, creates up to 3,200 jobs and enhanced opportunities for young people. All communities and stakeholders were consulted as part of the master planning exercise. The majority didn't want and don't want a port.

CHAPTER 7 REPORTER'S REASONING AND CONCLUSIONS

Introduction

7.1 As explained previously the application was called in at an early stage. My assessment below draws on all the earlier representations and consultation responses. It also includes additional information obtained through the subsequent process of written exchanges and a hearing. The main referenced submissions and hearing statements are as attached through Appendix 5.

7.2 The main parties in the further process have been the applicant, the council, Prestonpans Community Council and Cockenzie and Port Seaton Community Council. At the hearing reference was made to use of the site as a Port Facility. Subsequent additional written submissions were accepted from Dr Alf Baird and from John Campbell QC on behalf of a group named Greenhills. These exchanges are stored as responses to Procedure Notice 3.

7.3 In addition, there were further written exchanges following the hearing on the proposed conditions that should be attached in the event that planning permission is granted. As part of this exchange a [revised layout plan](#) was submitted to be read in conjunction with the applicant's suggested condition one.

7.4 For ease of reference the applicant's [Figure 1](#) is helpful in showing the Application Site (Red - Current Development Area), the Previous Site (Black - Original Development Area), the coal store site (yellow), the gas holder site (blue), and the Cockenzie Site (Purple - Policy EGT1 Boundary).

Assessment

7.5 My conclusions and recommendations are set in the legislative and policy context as summarised in Chapter 2. This requires any decision to be in accordance with the development plan, unless material considerations indicate otherwise. In this case, given the application's status as National Development due regard is also required to any relevant statement of need regarding such development within the National Planning Framework. Other detail within that document is a material consideration. In addition the application falls under the requirements of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations'). In that context I first consider the main issues as established through the development plan and the National Planning Framework with a focus on Local Development Plan Proposal EGT1. I then assess the other relevant provisions of the development plan and other material considerations before returning to my overall conclusions.

National Planning and Development Plan Context.

7.6 **National Planning Framework 3 ([CD 106](#))** : Reference is made in paragraph 3.19 to Cockenzie and permission for a combined cycle gas turbine station. However, I understand from the applicant and council that the referenced proposal is no longer being progressed. Paragraph 3.34 references the site as a key location in the context of future energy infrastructure provision combined with new business and industrial development. That statement indicates to me a relatively wide interpretation of the possible uses for this

significant and strategic site. A co-ordinated approach to development at Cockenzie is advocated making the most efficient use of resources, reducing environmental impacts and supporting high quality development.

7.7 At paragraph 3.41 there is specific reference to Cockenzie for grid connection and convertor stations linked to offshore wind development. However, the text here also refers to a wider area stretching along the Forth Coast to Torness. There is an associated reference to developers working together to minimise the number and impacts of such developments by combining infrastructure where possible. I find nothing to indicate this has or is occurring. However, there is also nothing in the submitted evidence to indicate that there are any other current proposals for grid connection being advanced to an extent that would enable such joint working.

7.8 In paragraph 3.41 there is a clear statement that “we have safeguarded Cockenzie as a site for thermal generation”. I consider the use of the word “safeguarded” is of particular relevance and would normally imply to me that the site is retained for that use alone. This assumption is re-enforced by the national development status, in the section 3 statement of need, and the corresponding locational description that specifically references Cockenzie as a location for thermal generation. However, the National Planning Framework does not define such safeguarding in terms of a defined site area. In addition, there are clear references to the potential for other uses. Specifically the statement in paragraph 3.41 that Cockenzie “may present opportunities for renewable energy related investment”. This status is reflected in the more general reference in the section 4 statement of need for high voltage electricity transmission. This statement of need affords this current application national development status. However this is not expressed as a safeguarding in terms of a specific location. The locational reference as contained within the statement of need and description is to “Throughout Scotland”.

7.9 In the above context, I consider that whilst thermal generation is envisaged as the primary and safeguarded function of the site there is clear recognition that the current application could also gain support and would certainly not be ruled out from consideration. This principle was agreed between the council and the applicant through the hearing process. The applicant places emphasis on the fact that the current proposal takes up only a small part of a much larger site area. In that context, I agree that the current application and the National Planning Framework safeguarding need not be mutually exclusive. However, I have no detailed evidence on what the locational requirement for National Development 3 would be and the current application utilises the land previously associated with the power station. I address these matters further in the section on “competing uses” below.

7.10 Paragraph 3.41 goes some way to providing guidance on how any conflict between uses might be addressed through co-ordinated action to make best use of existing land and infrastructure. The council indicate that it intended to progress Supplementary Guidance as part of that co-ordinated action. Despite progress with a master-plan such action has yet to complete. I must consider whether the current masterplan and the details provided with this application are sufficient in the context of the approach advocated by the National Planning Framework. The paragraph goes on to indicate that if there is insufficient land for competing uses then priority should be given to those that make the best use of the location’s assets and which will bring the greatest economic benefits. On my reading of that statement, in isolation, there is some basis to the applicant’s assertion that the priority to be given to the

best use of the locations assets and economic benefit would only apply in the event there was insufficient land for competing proposals.

7.11 **SESPlan (CD107)**: It is likely that by the time this report is determined by Ministers SESplan2 will be approved. However, for the purposes of my current assessment and in the context of the Act the 2013 plan remains extant and part of the development plan.

7.12 The approved strategic plan includes the wording as set out in Chapter 1 of this Report. I consider that whilst the plan lacks specific reference to Cockenzie for this type of proposal it does provide general support through paragraphs 124-125 and through Policy 10 part b) on sustainable energy technologies. Caveats to support for renewable energy related development apply in relation to location, landscape, environmental quality and community impacts. I cover these location specific impacts below. Policy 10 Part a) indicates that the plan, which is now more than 5 years old, has been overtaken by events in relation to the demolition of Cockenzie Power Station. Nonetheless, Policy 10 retains emphasis on the site for electricity generation. Clearly the development plan should be read as a whole and in this case the local development plan is the up to date statement of policy as prepared in the context of the current National Planning Framework. In addition I am conscious that, in terms of the statements of national development contained in the National Planning Framework, Section 25 of the Town and Country Planning (Scotland) Act states that in the event of any incompatibility between the National Planning Framework and the development plan whichever of them is the later in date is to prevail.

7.13 **Local Development Plan 2018** : Policies EGT1 and EGT3 as stated in full through Chapter One reflect the wording and intent of the National Planning Framework and parties at the hearing accepted this. These policies reflect the focus on national development for thermal power generation and carbon capture but also the provision for renewable energy related investment. The local development plan reflects the terms used in the National Planning framework including reference to safeguarding, competing proposals and best use.

7.14 Clarification of this terminology and its interpretation was the focus for much of the discussion at the hearing and I cover these main issues below under the headings:

- Competing Uses
- Best use including the benefits of the proposal
- Consideration of Alternatives

Proposal EGT3 also refers specifically to the need for co-ordinated action in relation to the on shore infrastructure required to support off-shore energy generation and that issue has a bearing on my subsequent consideration of the Cockenzie Masterplan document. Other relevant policies of the local development plan as set out in Chapter 2 are of relevance and I address these under “other matters” below.

Competing Uses

7.15 In terms of competing uses the obvious example would be any proposal for thermal generation given that the site is safeguarded for this purpose through the National Planning Framework. However there are no current proposals for such use nor any current expressions of interest. Scottish Power sold their interest in the site when it was purchased in 2018 by East Lothian Council. As expressed above there is also no current indication of

any competition for the site from other providers of onshore renewable energy infrastructure.

7.16 I understand from the applicant's submissions that there was a pre application notification by Scottish Enterprise for an energy park on the site. However, an application has not been submitted. There is nothing to conflict with the applicant's statement that Scottish Enterprise have subsequently withdrawn their interest in the site.

7.17 I have considered whether the use of the word "safeguarding" in relation to National Development 3 suggests this site should be retained only for such use. However the application site does not occupy all of the development area and neither the council nor the applicant consider that National Development 3 when read alongside the other references to Cockenzie precludes other forms of development. To take such a view would effectively mothball the whole site unless and until proposals fitting the definition of National Development 3 were to be progressed. In this context I agree with the view of the council, the applicant and the reporters through the recent development plan examinations (on the local development plan and the strategic development plan) that other uses and specifically those associated with National Development 4 could be positively considered.

7.18 That said I consider that the priority to be given to National Development 3 does give some additional weight to the council's view that the current application could have been accommodated elsewhere on the larger site area. This would have avoided the current national development proposal occupying the specific coastal area directly associated with the previous power station use. However, the council does not suggest that the current proposal would prevent future accommodation of National Development 3 on the remaining site area nor prejudice the applied safeguarding. The council does not go so far as to suggest that National Development 3 is either a competing use or the best use of this site.

7.19 During the course of the hearing the potential for the site to accommodate a port development was also raised. This matter was subsequently further addressed through written submissions. It is apparent that whilst this matter appears to have been explored in the past the referenced studies date back to the early nineties. As such I consider these are now somewhat dated and of limited current relevance.

7.20 Dr Baird's submission of 20 October, as summarised in Chapter 6 above, illustrates some potential locational advantages of Cockenzie to accommodate cruise/ferry port development. I also note that National Development 12 of the National Planning Framework supports additional freight capacity on the Forth. However, whilst it references Rosyth and the potential at other ports it does not specifically identify Cockenzie. There is reference to a number of port investors who have expressed interest in the site but neither the council nor any other party were able to provide evidence of this. Indeed, I note the reference from Forth Ports in representations to the local development plan ([LDP examination report](#) reference Issue 22a) that it considered Cockenzie to have limited potential for such use. Neither the recent masterplan process, the recently adopted local development plan or the emerging strategic plan lend support to this use in this specific location other than in more general terms.

7.21 The council's submissions also allude to potential alternative uses and expressions of interest from other users. However no concrete evidence was produced in respect of any competing users. I do not doubt the council's assertion that other uses could be accommodated on the site and could come forward in the future. There could be

opportunities for more mixed use and to encourage investment with more direct employment opportunities. In addition, the site may have potential as a port facility even although the feasibility of and market interest in such use remains unproven.

7.22 However all of these potential alternatives remain speculative at this stage. In contrast the current proposal is well advanced and benefits from the support afforded to renewable energy infrastructure through the National Planning Framework. Indeed, the council accepts this premise in paragraph 3.106 of its submission which states: “This proposal, as a part of a National Development, takes priority over other possible uses on the wider Cockenzie site, with the exception of any proposals for National Development 3, of which there are none”

7.23 My conclusion is that there is currently no competing use for this site. Consequently, I consider the proposal draws support from Local Development Plan Proposal EGT1 and the National Planning Framework paragraph 3.41. It is a National Development and there is nothing to suggest that there is insufficient land for competing proposals.

Best use including the benefits of the proposal

7.24 The reference to “best use” is not defined and could mean very different things depending on the point of view being promoted. For the community it might be employment but also visual amenity and an improvement in marketability and place. These objectives are reflected in the masterplan. The council has expressed clear sustainable economic development objectives at a local level. At a more strategic scale sustainable energy infrastructure is a national priority. For Scottish Natural Heritage best use is expressed in terms of landscape interests and quality of place.

7.25 The site has locational assets in relation to this proposal given the ease of grid connection to the offshore energy resource and support for such infrastructure in this general location. Nonetheless, removal of the former power station to achieve a cleared site has enabled an appreciation of its potential as an attractive and marketable water-front location for a range of potential uses. The former considerations provide strong support for the proposal. However, in terms of the latter I have some sympathy for the view of the council, the local community council and Scottish Natural Heritage. I agree that the setting of the site and its visibility act to counter the justification for a significant “box” development. I also appreciate the local focus on development which could create more direct employment opportunities.

7.26 The benefits of the proposal, as summarised in Chapter 4 through the applicant's submissions, are significant in terms of overall investment, support for climate change and the governments renewable energy targets as well as for employment opportunities in the construction phase. In particular I accept that the significant investment and employment opportunities associated with the Inch Cape Offshore Wind Farm are dependent on onshore transmission works. Clearly sustainable economic development is an objective of the strategic and local development plan as well as national planning policy. National Development is a clear priority and Scottish Planning Policy in paragraph 29 establishes net economic benefit as a policy principle. I consider that the net economic benefit is legitimately placed in the context of the project as a whole and the important role of the proposed infrastructure as part of a significant wind energy proposal.

7.27 In representations and at the hearing the local community voiced clear concern about the limited employment benefits of the proposal. I accept that the significant wider benefits of the proposal as described above do not negate comparison to the local employment provided by the previous power station use or to some of the other business and leisure opportunities discussed in the masterplan. I also understand the council's argument that the benefits of the proposal could equally be gained in the event that the transmission facilities were to be sited elsewhere including on the site which gained planning permission previously.

7.28 This is clearly an important consideration for the council who now own the site. In that context the issue of a potential reduction in the necessary land-take to facilitate this current proposal had already been raised in negotiations between the council and the applicant and in discussions with the local community councils. This matter was discussed further through the hearing process and in written exchanges. These exchanges led to agreement between parties that it could be possible to contain the development within a reduced footprint restricted to the western portion of the application site. It was also agreed that this change could be appropriately secured through condition and a referenced plan in the event that planning permission was granted. This change would reduce the maximum footprint of the works from 3.5 to 2.5 hectares. Restricting development to a defined area would retain scope to revisit the eastern extent of the site and associated landscaping at the reserved matters stage. This is illustrated through the [revised layout plan](#).

7.29 Given the permission in principle status of the application, the nature of the proposed change and its reduced scale I consider this change could be appropriately secured through condition. As discussed at the hearing and in further written submissions no potential implications for the environmental impact assessment process or in terms of prejudice to other parties or interests have been raised. I consider this change, albeit only reducing the building footprint by one hectare, could enable greater scope to accommodate other uses on the site. In addition, as referenced below, a smaller building footprint would reduce the visual effects of the proposal. For these reasons, in the event that planning permission is granted, I consider such mitigation would be important in securing the best use of the site. This is supported in the context of the wider economic development objectives of the development plan and Scottish Planning Policy.

7.30 I agree in principle with the applicant's literal interpretation of the wording in the local development plan that the requirement for best use only comes into play where there are competing uses. However, I consider that optimising the potential to realise economic development objectives and the best use of the remaining site area remains an important development plan consideration. Minimising the footprint and land-take of this electricity infrastructure as much as possible would retain more of the waterfront area to accommodate other forms of economic development and employment.

7.31 The council and others have also considered the availability of alternative locations in the context of "best use" and I turn to that matter next.

Consideration of Alternatives

7.32 I consider that my planning assessment should focus on the acceptability or otherwise of the application before me when considered in the context of the development plan and other material considerations. The fact that there may be other, even if preferable, locations or alternative sites available would not prevent a positive outcome to this

application. That said I accept that the availability of other potentially suitable sites could weigh in the planning balance. This is particularly relevant in the context of the provision for the consideration of alternatives as established through the Environmental Impact Assessment process. This process requires a reasoned conclusion of all the significant environmental effects. In my view that consideration is likely to be limited to circumstances where there were significant and potentially unacceptable environmental impacts that could only be addressed through an alternative siting of the proposal.

7.33 In this case an alternative site has previously been assessed through the planning process and gained planning approval. However that permission has now lapsed. There may also be other locations within the wider Cockenzie masterplan area and indeed in the wider coastal area as referenced in the National Planning Framework. On face value other sites might appear preferable. On my site visit I could see clear merit in a less visible location which would not intrude on the area between Edinburgh Road and the sea. Location behind or alongside the existing substation might be preferable in landscape terms. However there are clearly other impacts and constraints to consider including proximity to residential areas and impact on the battlefield. Indeed the masterplan process carried out in consultation with communities and stakeholders (and as considered in more detail below) did not support location of renewable energy infrastructure on the previous application site.

7.34 The applicant carried out a feasibility study on six alternative sites in 2017 and I note the conclusions of that assessment as summarised in the applicant's case (Chapter 4 of this report). Two of the sites were ruled out at an early stage given constraints of access and overhead power-lines. The remaining options are as shown in the applicant's [Figure 1](#). Given that the previous application site gained planning permission relatively recently it is perhaps the most obvious choice. However the applicant's assessment indicates that it is not without constraints. The site is in proximity to housing, is associated with the Battle of Prestonpans and is at a greater distance from the shore (1.5 kilometres) with potentially significant cost implications as well as sterilisation along a routing corridor at a width of 25-30 metres. Nonetheless there is no indication at this stage that circumstances have changed to an extent that would rule this site out in terms of a new planning application. I have noted above that this site was not identified for such use through the more recent master-planning process where its local value in the context of the battlefield led to a conclusion that the area was "not intended as a location for major development".

7.35 Of the remaining sites, all of which I visited, there is an absence of any detailed assessment or feasibility to counter the applicant's submissions. The coal store site is assessed as having numerous constraints and the masterplan identifies this area with a focus on local jobs. The gas holder site would be the preferred masterplan option and is indicated as the Energy Quarter of the masterplan. In addition it is relatively closer to the coast than the coal store or the original application site. In my view development here would integrate well with the existing transmission works. Nevertheless it is described as being a relatively small site of 7 hectares with a number of ground constraints. In the absence of full details on these alternative sites a conclusion on whether there is a clear alternative may not be soundly based.

7.36 I accept that there is nothing conclusive to demonstrate that an alternative could not have been feasible nor that circumstances have changed such that the previous application site would now prove unfeasible. However the council accept that the availability of alternatives is not a usual planning consideration except in the limited circumstances where

there are substantive environmental or other concerns. My assessment below is that the only significant environmental effect on the current application site, after mitigation, is in terms of landscape character and visual amenity. However a significant effect does not necessarily equate to a reason for refusal or an inappropriate location. This requires an assessment of the acceptability or otherwise of that effect. I return to this in my overall conclusions.

7.37 It is a matter of fact that the applicant has expressed and evidenced a clear operational preference for the current application site due to its proximity to connecting infrastructure, distance from residential property and relative lack of constraints. In any event the focus of my assessment is placed on this current application rather than on other suggested locations. In that context taking into account the national development status of the proposal, the absence of competing uses, the benefits of the proposal and the proposed mitigation I find that the proposal represents the best use of the site within the current planning context. Consequently I find the proposal benefits from the support of Proposal EGT1 and the National Planning Framework in this respect.

Other Matters

Landscape Character and Visual Impact

7.38 A Landscape and Visual Impact Assessment (LVIA) was prepared by the applicants and included as Appendix 8c to the Environment Report ([CD65](#)). Given some discrepancy with the format of the images these were reproduced to reflect Scottish Natural Heritage Guidance. These revisions were submitted after the application was called in and were advertised in accordance with the Regulations as additional information. The correctly printed version also informed my accompanied site visit. A further visualisation was also produced at this stage for Viewpoint 6: Top of Mound adjacent to Atholl View Prestonpans looking north was also produced at this stage. This responds to a request from East Lothian Council for a slightly revised direction of view.

7.39 The LVIA looked at effects including in the event that the earth bund located to the south of the application site and the north of Athol view were removed. This bund was designed to screen views of the former power station. It is accepted that on removal the impact as illustrated from Viewpoint 6 would be significant although the proposed mitigation would provide some screening of the building. The level of impact from residential properties would vary depending on the angle of view and intervening features but would undoubtedly increase the effect on a small number of residents at this eastern edge of Prestonpans.

7.40 My site visit confirmed a cleared site associated with the former power station devoid of landscape features. The sea wall is to the north and there are some shrubs and grass along the verge of the B1348 Edinburgh Road. Given the cleared nature of the site I consider the proposal would introduce a significant and locally prominent industrial scale building into an area where the only larger scale development (the existing substation) is contained on the south side of the Edinburgh Road.

7.41 There would be a consequent loss of the site's open coastal setting which links through from Cockenzie Harbour to Preston Links. That said the cleared power station site was never intended to be retained as open space. Any development in this location is likely to have a significant landscape and visual effect. The sort of energy related development

envisaged by the National Planning Framework was unlikely ever to be small scale or diminutive in appearance.

7.42 This coastal setting enables views towards Cockenzie Harbour, across the Firth Of Forth and along to Musselburgh with distant views of Edinburgh and the Pentland Hills. The landscape immediately to the west includes the grassy mounds and pathways, including part of the John Muir Way, known as Preston Links. Theoretical visibility is assessed as limited, due to surrounding topography, to around 2.5 kilometres. Consequently, I consider that visual effects are localised in nature.

7.43 The Local Development Plan includes a Special Landscape Area (SLA). The application site is not within this designation but the adjacent recreational area of Preston Links is included in the Prestonpans Coast SLA.

7.44 In terms of landscape character significant effects are demonstrated at Viewpoint 1 from Edinburgh Road ([CD52](#)), Viewpoint 4 from the John Muir Way ([CD55](#)), Viewpoint 6 on the top of the mound adjacent to Athol View ([CD57](#)), from Preston Links at Viewpoint 10 ([CD62](#)) and at Viewpoint 12 on the John Muir Way([CD64](#)). With established landscaping the impact at year 15 is assessed by the applicant as significant only from Viewpoints 4 and 12 (John Muir Way), Viewpoint 6 Atholl View and from Preston Links.

7.45 In terms of residential impact there would be a significant effect relative to properties on the western edge of Cockenzie. There would be significant visual effects relative to users of the B1348 Edinburgh Road. Whilst I agree that the proposed development would be significantly visible from the identified viewpoints on the John Muir Way this is only a small section of the overall route. I consider that walkers would be focussed on the view out to sea and along the coast rather than on views which are in any event interrupted by urban development including the existing sub-station. This conclusions also applies to the other core paths in the vicinity. This assessment was confirmed on my site visit.

7.46 I have carefully considered visual impact in the context of the Battle of Prestonpans viewpoint as illustrated at a slightly more elevated level from Viewpoint 7 ([CD60](#)). I am satisfied that views from this visitor attraction would not be significantly dominated or influenced by the proposed development given the distance and intervening landscape and other features. I note that the LVIA confirms the impact as negligible. I address more general tourism impacts through Appendix 3 where I conclude that there would not be a significant adverse effect.

7.47 In terms of visual amenity significant effects are indicated at similar viewpoints to those considered in terms of landscape character namely for drivers on Edinburgh Road as illustrated from Viewpoint 1 and 5, tourists and recreational users at viewpoints on the John Muir Way, on walkers along the Mound at Atholl View (viewpoint 6) and at Preston Links (viewpoint 10). These effects would be mitigated to some extent by year 15 once the proposed landscaping was established. The context set by the existing and larger substation building and associated wire-scape is a consideration in terms of the reduced sensitivity of the site. However, whilst this is relevant in terms of visual setting the coastal area remains free of such development.

7.48 I consider that the massing and design of the building mirrors that of the existing sub-station, albeit a smaller version. The proposal offers a functional rather than aesthetic design solution. In my opinion this will accentuate the visual impact of the building on a site

which, despite its previous use and proximity to a similar building, is relatively sensitive given its local prominence and water-front location. It also has strong linkages through from Preston Links to the attractive harbour at Cockenzie not least in the context of the John Muir Way. The site would in my opinion also have status as the anchor for future economic development in this potentially prestigious water-front location.

7.49 The landscape concerns expressed by the council's landscape officer are echoed in the comments of the Forth Operations Officer for Scottish Natural Heritage. Correspondence dated 23 August 2018 confirms that the expressed views are not submitted as objection given that the impacts are not of a scale and nature to raise issues of national importance. Nevertheless there is a clearly expressed view that the proposal is not considered by Scottish Natural Heritage to represent the "best use" in landscape terms of this sensitive coastal site.

7.50 In this respect the comments from Scottish Natural Heritage support my conclusions above in so far as further mitigation in terms of layout and design should be secured through the detailed planning stage. This responds to the comment that the proposal raises serious challenges to any place-making aspirations held by local communities as expressed through the master-planning process. Scottish Natural Heritage consider "best use" would include consideration of place-based planning objectives, improvement to green infrastructure assets, minimisation of landscape impact and promoting a design led approach. It is advised that further thought could be given to the cladding and design of the building.

7.51 I note that Scottish Natural Heritage support the council's view that other areas of the wider site are considered more suitable for such use and that they draw particular attention to the visual effects from viewpoints 1,2,3,4,11,12.

7.52 In conclusion I accept that there are significant landscape and visual effects albeit localised. Proposed groundworks and landscaping can go some way to mitigate these effects. I also consider there is scope to fully explore alternative design and material formats and that such mitigation is crucial in securing a development that does not prejudice the current or future best use of the larger site area. This would also be important in terms of its future role as an investment and employment opportunity as referenced above. A reduced footprint of the building to avoid unnecessarily constraining the future development potential of the site would also have the effect of securing a smaller building with an associated reduction in its landscape and visual impact.

7.53 In terms of design the council's landscape architect suggests a lighter palette of material with potential for reflective surfaces and an alternative roof design. I consider that these are detailed matters of mitigation that could and should fall, as controlled by an appropriately worded condition, to the detailed design stage.

7.54 Subject to such mitigation, that could be applied relative to the detail of future design at the reserved matters stage, I consider that compliance with Local Development Plan Policies DP1 on Landscape Character, DP2 on Design and DC6 in so far as it requires the siting and design of new development to respect the qualities of the particular coastal location could be secured. I note that the now approved local development plan no longer includes specific policy provision for the incorporation of artwork however a condition on this was previously agreed by parties and is a matter raised by the local community council. I consider that such provision, to be secured by condition, remains relevant and justified in

the context of the wider objectives of the plan to achieve high quality design and a sense of place.

Flood Protection

7.55 A Flood Risk Assessment is submitted as [Appendix 7A](#) to the Environment Report. This indicates the site is potentially at risk from tidal, surface water and groundwater flooding. The proposal would include mitigation to raise levels above the groundwater level as well as improvement of tidal defences around the seaward edge of the site. The assessment concludes that the proposal and location is suitable and in accordance with national and local planning policies as well as best practice guidance.

7.56 Some concerns were raised by the council in light of the consultation response of the Scottish Environment Protection Agency about the definition of the development and the associated risk probabilities that should be applied. In addition concern was expressed that the finished floor levels in responding to any risk could lead to an increase in the height of the proposed building relative to street level along Edinburgh Road.

7.57 Following discussion at the hearing and on the wording of a proposed condition to address flood risk the council, appellant and SEPA are now all in agreement that a suspensive condition could ensure that the details of any subsequent application address flood risk and identify mitigation measures relative to the 1:1000 year flood event. In addition a maximum height of the building relative to Edinburgh Road could also be secured through condition regardless of the ultimate finished floor level that is agreed. By e mail of 19 October 2018 SEPA confirmed that it was content with the suggested revised conditions to this effect and the council has also confirmed that this would address its concerns.

7.58 Taking all of this into account I am satisfied that flood risk, whilst a potentially significant effect, could be appropriately addressed through the appropriate mitigation to be secured through conditions. In this context compliance with local development plan policy NH11 and the associated advice in Box 8 on flood risk would be achieved.

Historic Environment

7.59 The applicant's assessment of effects in this respect is set out in Chapter 9 of the Environment Report ([CD16](#)). Historic Environment Scotland's response is focussed on matters relating to the Battle of Prestonpans (1745) and the associated site which is listed as an Inventory Battlefield. The Environment Report references the battlefield as a receptor of medium significance located 0.8 kilometres from the application site. I understand that Historic Environment Scotland consider this should instead be a receptor of high significance. Following its guidance I agree that this should be the case.

7.60 However this discrepancy does not in my view detract from the overall assessment that the proposal would not obscure or prevent an appreciation of features or landscape which add to the interpretation or appreciation of the battlefield. Neither the council or HES has objected to the proposal in the context of its impact on the Prestonpans Battlefield. I understand from Historic Environment Scotland's Managing Change Guidance Note on Battlefields that the focus is placed on the consideration of impacts on the key landscape characteristics and special qualities of the battlefield site rather than on the impact on its more general landscape setting. My assessment, setting aside the more general landscape setting and based on the intervening distance and key features, leads me to agree with the

applicant, the council and Historic Environment Scotland that there would be no significant adverse effect on the battlefield. Consequently I have not identified any conflict with Policy CH5: Battlefields.

7.61 Other than the battlefield nearby Cockenzie Harbour (0.4 kilometres distant) is Category B Listed and forms part of the Cockenzie Conservation Area. I am satisfied that the site does not form part of the historic setting of the harbour and that the focus of that setting is contained within the immediate harbour area and the sea frontage. I find no evidence to indicate to the contrary.

7.62 Clearly the application site has long been associated with the power station. In its absence the wider setting of the harbour area has been markedly changed. This has, in my view, provided a greater opportunity to consider this wider setting. I noted on my site visit that some recent housing development had occurred around the harbour and I consider that the nature of any replacement for the power station may have a bearing on the potential value that may be placed by investors on a location in proximity to the sea front and the harbour area. This would also have a bearing on the appreciation of this cultural asset by visitors and tourists.

7.63 Taken together I find these considerations add to the justification to secure the proposed building is sited and designed in a manner which will minimise its impact on the wider amenity and development potential of the area.

7.64 The impact of the proposal on a number of other cultural heritage assets in the area was assessed but the effects were assessed as negligible and I find nothing to dispute this conclusion. For the reasons set out above I find no conflict with Policy CH5: Battlefields. In addition, subject to appropriate mitigation and given that the proposal does not affect any listed building and is not within the conservation area I find no conflict with the statutory protection afforded to listed buildings and conservation areas. Consequently compliance with Policy CH1 on listed buildings and CH2 on development affecting conservation areas would also be secured.

Transport and access

7.65 I understand that the main impacts on the road network will be in the construction and decommissioning of the site. The applicant has addressed traffic impacts in Chapter 11 of the Environment Report ([CD18](#)) and this is referenced in more detail through my Appendix 3 on Environmental Assessment. In summary I find nothing to contradict the view that there would be no significant impact on the road network or in terms of safety or access either individually or when considered in combination with other planned development in the area subject to the appropriate mitigation.

7.66 I consider that this mitigation can be secured through a condition requiring a traffic management plan to address the details of access and traffic management in accordance with that suggested by the council's transport planning section (see chapter 3). With this provision I consider that compliance with local development plan Policy T2 on General Transport Impact would be secured.

7.67 Policy T4 is also relevant in the context of protecting the existing core path and active travel network to ensure that development does not detract from the safety, convenience and enjoyment of their use. In this context I understand that the construction

phase would include the temporary re-routing of a section of the coastal path which includes part of the John Muir Way. There is nothing to suggest that this could not be appropriately secured. Subject to details which could be approved at the reserved matters stage I find no policy conflict in this respect. This conclusion would also apply in terms of the temporary impact on this recreational land use. Consequently I consider that compliance with Local Development Plan Policy OS1 on Protection of Open Space would be secured. Matters relative to impacts on recreation and tourism are addressed further in Appendix 3 on Environmental Assessment.

Natural Environment and Ecology.

7.68 In reaching a conclusion on these matters I have drawn on the information contained in Chapter 6 of the Environment Report ([CD13](#)), the applicant's appraisal under the Habitat Regulations ([CD77](#)) and on the consultation responses of Scottish Natural Heritage, Royal Society for the Protection of Birds and the council's biodiversity officer (as summarised in chapter 3).

7.69 Potential significant effects focus on disturbance and contamination of habitats (particularly coast habitats associated with the Firth of Forth Special Protection Area (SPA), Ramsar Site and Site of Special Scientific Interest (SSSI) and Outer Firth of Forth and St. Andrews Bay Complex Proposed Special Protection Area (pSPA)) and disturbance of intertidal and near-shore waterbirds. Mitigation is proposed in the form of a Construction Environmental Management Plan (CEMP), pre-construction surveys to re-establish base-line conditions in respect to protected species and the use of best practice measures in relation to terrestrial mammals and breeding birds.

7.70 I am satisfied that with this mitigation, as defined in the Environment Report, significant environmental effects would be avoided. In this context I find no conflict with the relevant policies of the local development plan specifically Policies NH1 and NH2 as set out in full in Chapter 2. These matters in so far as they relate to Natura designated sites are also addressed below and through Appendix 4 in the context of the requirement for the appropriate authority (in this case the Scottish Ministers) to carry out such assessment.

Habitats Regulation Appraisal

7.71 The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (the "Habitats Regulations") require that, where a project is likely to have a significant effect on a Natura site, the competent authority must carry out an "appropriate assessment" of the implications for the site in view of that site's conservation objectives. This is known as Habitats Regulations Appraisal (HRA). Whilst the likelihood of a significant effect is the trigger for an assessment the requirement, with limited stated exceptions, is that the project "will not adversely affect the integrity of the site". In this case the competent authority would be Scottish Ministers. My conclusion at this stage drawing on my assessment as attached as Appendix 4 is that the proposal would meet this requirement and would not adversely affect the integrity of the referenced sites. Consequently there would be no conflict with Policy DC6 : Development in the Coastal Area in so far as it relates to Habitats Regulation Appraisal.

Environmental Impact Assessment .

7.72 The environmental impact assessment covers a range of other matters as identified in the scoping opinion issued by East Lothian Council. I have addressed these matters in the context set out in the 2017 Regulations as referenced in the introductory sections of this report. Most of the potentially significant effects are addressed in my assessment above. Other relevant matters are as set out in my assessment through Appendix 3. It will ultimately fall to Ministers as the decision makers in this case to insure that the requirements of the regulations are fully addressed. However at this stage my assessment of all the relevant environmental information has informed my reasoned conclusions and recommendations including the proposed mitigation through conditions and any related monitoring provisions.

SESPlan2

7.73 It is evident that SESplan2 whilst not yet approved as part of the development plan is a material consideration and better reflects the provisions of National Planning Framework 3 than the extant plan. However, the proposed text, incorporating the reporter's recommended modifications, is yet to be approved by Ministers. [The Report of the Examination](#) 20 July 2018 clarifies that the site could be considered not only in the context of carbon capture and thermal generation but also in providing an opportunity for renewable energy related investment. It goes onto caveat that with the statement that stakeholders should consider a wide range of development that makes best use of the sites locational assets and that could deliver significant economic benefits. My reading of this suggests the recommended modification would support the proposal whilst recognising the potential to also consider other uses. This seems logical given that the site is clearly large enough, when considered as a whole, to accommodate, other uses.

Scottish Planning Policy

7.74 I find support for the proposal in the context of the commitment to renewable energy and the expansion of generation capacity. However this is balanced with the need to consider the impacts of the proposal including on environmental assets and in the context of the principles of sustainable development as set out in paragraph 29. Paragraph 29 provides some clear support for the proposal in terms of supporting climate change mitigation but it also includes reference to responding to economic issues in local economic strategies, to net economic benefit and to protecting the environment and cultural heritage. I have accepted above the net economic benefit of the project as a whole and even alone the works would represent a significant investment. I address the issue of the council's local economic strategy below and have considered the impacts on the environment and cultural heritage. I return to the question as to whether the proposal represents sustainable development in weighing the overall balance in my final conclusions.

Energy Policy Considerations

7.75 Various international and national policy statements are referenced by the applicant. I agree with the applicant's assessment that, whilst this proposal does not in itself generate renewable energy, on shore facilities are required to facilitate the transmission of electricity from the associated offshore wind farm to the national grid. Consequently the proposed infrastructure would be an important component in helping to meet stated renewable energy targets. That said this support could not in my view be translated to an undisputed requirement for this infrastructure to be located in this specific location.

Former Cockenzie Power Station and Surrounding Area Masterplan (November 2017)

7.76 This sets out a vision for the future of the site over the next 25 years. East Lothian Council published the final Masterplan in November 2017 noting on page 9 that 'it has the potential to be the main evidence source for the Supplementary Guidance (SG), subject to the agreement of East Lothian Council to initiate the appropriate procedures towards adoption of the Masterplan as SG'. The same page continues and states that 'The principles outlined in this Masterplan can be used to inform future decisions by the council and other stakeholders undertaking development on the site of the former Cockenzie Power Station and surrounding area'.

7.77 The overall concept has a strong emphasis on employment and creating a high quality setting for investment. It also references efficient development to reduce sprawl as well as ambitious design (Page 48- Overall Concept).

7.78 The site is located predominantly within an area referred to as 'Zone 1 – Coastal', which is land to the north of the B1348. The Masterplan, on page 54, notes that 'The development portion is proposed as an energy and mixed-use area, and uses could include potential opportunities arising for offshore energy to be brought into the site, and potentially ancillary energy-related activities'. Other noted possible uses include employment based retail, recreation and restaurant, bar and café use, with provision for a hotel and commercial health and fitness. On page 55 there is reference to the power station site having potential as a multi-function space to accommodate festivals and events. This section also clarifies that the power station site is considered critical for the masterplan.

7.79 'Zone 2 – Energy Quarter', is located to the south of the B1348 and includes a portion of the site. The Vision for this area 'is proposed to address the requirement for the site to accommodate a potential range of energy uses. This could range from energy production to handling power from an off-shore location, to more passive energy types and other uses associated with energy production.....'

7.80 On my reading The Masterplan offers some support to the current proposal being located in Zone 1 and certainly does not presume against this. However emphasis is placed on Zone 2 as a specific area for energy uses and has a clear relationship with the existing transformer building. At the hearing the community council's indicated support for location within an area referred to as Zone 3: The Coal Store. This is associated with former rail and coal related infrastructure. However in the masterplan the emphasis is placed on employment such as offices, education, light industrial and recreational uses rather than on energy related development.

7.81 It is notable as stated above that the masterplan does not lend specific support to renewables infrastructure on the site which was previously granted planning permission for this use. Indeed this area is associated with Zone 4: Battle of Prestonpans. It is not identified for major development but rather as a landscape asset that retains and celebrates the battlefield site. It would facilitate access and maintain and improve the setting of the Waggonway and other local features.

7.82 It is also important to note that the masterplan area includes a land area of up to 98 hectares of which the current application would occupy less than 10%. That said I appreciate the larger land area appears to contain areas of varying development potential. I understand the council's position, as stressed at the hearing, that the development

potential of the larger site area varies with some parts more suited to a variety of uses than others. I recognise the value of the coastal area as an asset given its potential marketability for a variety of uses including those which may generate more direct local employment.

7.83 The Executive Summary of the Masterplan states:-

“The masterplan has developed a clear vision for the future of the site over the next 25 years with local communities and stakeholders in a manner which facilitates and reflects a shared understanding of the future opportunities and options. It is expected that the Masterplan will be the main evidence source in developing the Supplementary Guidance to the East Lothian Local Development Plan, and therefore provides an evidence-base for policy formulation in relation to future uses of the site and potentially the assessment of planning applications in relation to the provisions of National Planning Framework 3 (NPF3), or an updated NPF during the lifetime of the East Lothian Local Development Plan”.

7.84 It remains unclear to me why the council has failed to endorse the masterplan as a statement of council policy. It may be that this simply reflects the changing status of the site and its ownership. In any event the council accepts that the masterplan was prepared following extensive engagement with community and stakeholders. It was clear at the hearing that community council representatives consider the masterplan should be afforded weight.

7.85 I consider that had it been endorsed and approved by the council it would have been a clear indication of the sort of co-ordinated approach envisaged in the National Planning Framework. Even in the absence of such endorsement or formal status I consider it represents the only indication I have, other than from the more strategic text of the National Planning Framework and the development plan, in pointing towards a co-ordinated approach to development of the site. In that context my assessment of the masterplan is that it gives some degree of support to this proposed use within the coastal area albeit not directly in terms of the site of the former power-station. In addition it goes some way to support the co-ordinated approach required by Proposal EGT1 and Proposal EGT2 of the local development plan as well as by the National Planning Framework. This purpose was clearly reflected in the executive summary as referenced above.

East Lothian Economic Development Strategy 2012-2022.

7.86 I accept this places emphasis on local employment generation and a sustainable local economy. I can understand concern that this proposal may not be optimal in terms of a desired outcome given its relatively limited operational contribution to local jobs. Nonetheless this application represents the only currently defined proposal for the masterplan area and would be a significant first investment. I consider this may serve to stimulate business growth on the wider site area. Whilst I appreciate concerns about the lack of direct local employment benefits there are significant wider benefits and in that context I find no clear conflict with the overall economic development objectives for the area.

Recommended Conditions

7.87 A set of suggested conditions formed part of the council's submissions as approved by its committee on 26 June 2018. Whilst these were not generally disputed by the applicant there was remaining ambiguity about the details to be reserved (condition 1) and on the approach to addressing flood risk and the maximum height of the building.

Condition 1

7.88 This proposed condition is important in that it details those issues that are reserved for further consideration. This recognises the status of the current application as a planning permission in principle. Certain parameters had been assumed regarding the size of the building, its height, design and landscaping. This was necessary to enable environmental assessment to include a worst case scenario and to include some detail of the proposed mitigation.

7.89 However as referenced above, the applicant in submissions and through previous discussions with the council and the community councils, has indicated scope for reserved matters to address further specified mitigation. This was expressed not only in terms of design and landscaping but also in terms of a reduced maximum footprint of the building and a limit to its easterly extent.

7.90 I accept that this does not reduce the application site boundaries over which the principle of development would normally be established. Nor does it include details of a revised boundary nor detailed architectural or landscape mitigation. Nevertheless I consider that a condition linked to an appropriate plan can appropriately restrict the developable area and establish parameters for matters of design and landscaping to be further addressed in consultation with the relevant stakeholders and subject to the approval of the council at the reserved matters stage. This would retain the opportunity, through corresponding revised landscaping details, to establish a tighter eastern site boundary. Thereafter the development would be completed in accordance with these approved details.

7.91 Consequent to this, wording was agreed by the council and applicant as revised parts d), f) and g) to condition one. Part d) reserves the colour of the building, the proposed landscape and visual mitigation and the design/external appearance whilst f) defines a maximum onshore substation area of 2.5 hectares as shown on the drawing titled [Maximum Onshore Substation Area](#). The associated drawing which can be printed at scale was submitted by the applicant and is included on the case file. The drawing is clearly necessary to secure the precision of the condition and in the event that planning permission in principle is granted. It is also referenced in the accompanying schedule of drawings. Part g) further clarifies that no development shall take place other than as shown on that drawing. The last paragraph of the condition would then establish a requirement for pre submission consultation with the Planning Authority, Scottish Natural Heritage, Cockenzie and Port Seton Community Council and Prestonpans Community Council.

7.92 Drawing on my conclusions above I consider that such an approach is sufficiently precise and is justified in accordance with the advice set out in Circular 4/1998 on planning conditions. Accordingly I have recommended this condition in the event that planning permission in principle is granted.

Flood Risk- Conditions 16 and 12

7.93 My conclusions above address the issue of flood risk. Condition 1b) recognises the potential impact of finished ground levels to respond to flood risk on the consequent height of the building. This is addressed by restricting the height to that assessed through the Environment report to a height of 12.3 metres above the finished ground level to be no higher than the adjacent average road level of Edinburgh Road. In addition a condition 12

is included on flood risk assessment as agreed with SEPA to include specific reference to protection from the 1:1000 year flood event.

Other Conditions

7.94 The remaining conditions cover the following in accordance with my conclusions above, the responses of the consultees and the required mitigation as set out in the Environment Report. In brief these cover the following:

- Works in accordance with the Environmental Impact Assessment Report
- Use only in association with the Inch Cape Wind Farm
- A construction environmental management plan (CEMP)
- A noise impact assessment for the operational phase of the development
- A traffic management plan and any remedial road works
- Provision for art work
- A decommissioning and restoration scheme
- Site investigation and any associated remediation
- Restriction of the hours of operation
- A detailed landscaping scheme

7.95 I consider that these conditions which, subject to some minor variations in the interests of clarity were agreed between the council and the applicant, are required to secure the acceptability of the proposal. Other minor variations include reference to SuDs details and details regarding the proposed outfall (condition 10 to respond to SEPA's consultation response) and to provision for longer term maintenance of the proposed landscaping (condition 14 to respond to comments by Scottish Natural Heritage). I note that the requirement for pre- construction surveys to re-establish base-line conditions in respect to protected species is referenced in the Environment Report. Although this may be adequately covered by condition 2, for the avoidance of doubt, I consider it should also be referenced in relation to the construction management plan. In that respect I have included an additional requirement to address this matter. I note the view of the council that condition 1d) should reference "significant architectural mitigation" but I consider that the addition of significant is not any more precise. The condition as worded is in my view sufficient to clarify that the design of the building is a reserved matter. My recommended conditions in the event that planning permission in principle is granted are set out in full through Appendix 1 to this report.

Reporter's Overall Conclusions

7.96 In coming to an overall conclusion I have carefully considered the issue of timing and the availability of an alternative site. I understand the aspirations of the local community and the council and the value they have placed on the application site given its local prominence and its redevelopment and employment potential.

7.97 An approved masterplan or supplementary guidance endorsed by the council might have had a clear role in guiding the proposal to an alternative location. However, the masterplan document whilst not approved as a statement of council policy is the product of a consultative process and goes some way towards the co-ordinated approach envisaged through the National Planning Framework. This document whilst not expressly supporting the application does not presume against renewable energy infrastructure on this site.

7.98 SESplan 2013 offers some support in terms of renewable energy although I accept some tension with the Policy 10 commitment to Cockenzie power station having a continued role in electricity generation. However events have overtaken this and I have considered the development plan as a whole and the instruction through Section 25 of the Town and Country Planning (Scotland) Act 1997 regarding the more up to date National Planning Framework. My conclusions above address the safeguarding of Cockenzie in relation to National Development 3. However, I have agreed with the council and the applicant that this would not preclude consideration of National Development 4 which is also supported albeit less directly in relation to this particular site. In this context I find that the relevant provisions of SESplan 2013 would not result in conflict overall with the development plan.

7.99 There are no currently competing uses so the proposal has the support of the local development plan Proposal EGT1 and the National Planning Framework (specifically paragraph 3.41) in this respect. Through the hearing process and subsequent exchanges it was agreed that as this application is a planning permission in principle there was an opportunity to secure enhanced landscape and design mitigation as well as a reduced footprint for the proposed works.

7.100 I consider that such an approach is necessary not only to mitigate the identified visual impact but also to optimise the potential for economic development on the remainder of the site. In effect the proposed changes, as agreed between parties, could be secured through condition and would reduce the land-take of the development from 3.5 hectares to 2.5 hectares with a corresponding opportunity to occupy a smaller portion of the overall site. Further detailed consideration of the associated landscaping and the architectural mitigation, to be applied at the detailed design stage, would also be required. I consider that any significant prejudice to the future development potential of the remainder of the coastal area of the site would be minimised. In this context I consider that the best use of the site in the current planning context could be secured.

7.101 With these caveats and bearing in mind the benefits of the proposal I consider the proposal would comply with the relevant provisions of the National Planning Framework and with local development plan Policies EGT1 and EGT3. I also find that the identified significant landscape impact would be acceptable when read in that context and that there is opportunity for an appropriate design solution to be secured. Consequently I find no conflict with Policies DP1 and DP2. Given my conclusion that the requirements of the Habitats Regulations can be met I also consider the proposal would be consistent with Policy DC6 and the associated policies NH1 and NH2 relative to sites designated for their nature conservation interest. My reasoning above also demonstrates compliance with the other relevant policies of the development plan namely Policy T2 on Transport, T4 on active travel routes and CH5 on battlefields.

7.102 In addition, I consider that despite lacking direct employment opportunities in the operational phase the net economic impact, taking into account the project as a whole, is significant and of national importance. Given my findings on the acceptability of the relatively contained environmental effects of the proposal when balanced against its benefits my conclusion is that the proposal contributes to the sustainable development objectives of Scottish Planning Policy. The emerging SESplan2, whilst yet to be approved by Ministers, presents no potential conflict either in its current form or when taking into account the Reporter's proposed modifications.

7.103 An alternative site may be feasible but that is not proven. I have no detailed basis for comparative environmental or other assessment of the various sites referenced in submissions other than that provided by the applicant. The site which had previous planning permission is not without constraints and there were community concerns as reflected in the subsequent lack of support through the masterplan. My assessment is that the current application is acceptable taking into account the development plan and other material considerations including the assessed environmental effects. Consequently limited weight can be attached to alternative sites and options and this application, on a site which is the applicant's clear operational preference, is assessed on its merits. In the absence of any competing use of the application site, I have no firm basis to conclude that this current proposal is not the best use of this site.

7.104 With time, further assessment and marketing, other competing uses may have been clarified and a masterplan framework may have been endorsed by the council. However, in the meantime this is a National Development proposal. It is in a strategic location where the National Planning Framework and development plan recognises potential for such use and where delay is likely to have implications in delivering the significant energy benefits associated with the Inch Cape Off Shore Wind Farm.

7.105 Drawing on all of the above I find that:

- The proposal would comply with Proposal EGT1 of the Local Development Plan as it is for a National Development, Cockenzie has recognised potential for this use, there are no current competing proposals and this proposal represents the current best use of the site (see reasoning paragraphs 7.15-7.37).
- For the same reasons consistency with the relevant terms of the National Planning Framework would be achieved.
- A co-ordinated approach in accordance with Proposals EGT 1, EGT3 and the National Planning Framework (paragraph 3.41) is demonstrated as far as possible at this stage. The proposal is in general accordance with the Cockenzie masterplan (see reasoning paragraph 7.85).
- For the reasons set out in paragraphs 7.11, 7.12 and 7.98 the terms of the Strategic Development Plan (SESplan), specifically Policy 10, would not result in overall conflict with the development plan.
- There is an identified significant landscape impact but with mitigation and in the context of the support established through Local Development Plan Proposal EGT1 consistency with Policy DC6 on Development in the Coastal Area, DP1 on Landscape Character and DP2 on Design would be achieved (see reasoning paragraphs 7.38-7.54).
- Subject to the appropriate mitigation the proposal would also comply with the other relevant local development plan policies namely Policies NH1 and NH2 on protection of designated sites, Policy T2 on transport, T4 on active travel routes, Policy OS1 on open space, Policy CH5 on battlefields and Policy NH11 on flood risk (see reasoning paragraphs 7.55-7.71).
- The proposal contributes to the sustainable development objectives of Scottish Planning Policy given its significant benefits in enabling onshore transmission from the North Cape Off-Shore Wind Farm (see reasoning paragraphs 7.74 and 7.102).
- Aside from landscape and visual impact I have identified no other significant environmental effects (see reasoning paragraph 7.72 and Appendix 3).

- My current assessment, at this stage in the planning process, is that there would be no adverse effect on the integrity of any site protected under the Habitats Regulations(see reasoning paragraph 7.71 and Appendix 4).

7.106 For these reasons I consider the proposal is in accordance with the development plan and the National Planning Framework. It gains support from Scottish Planning Policy and national renewable energy targets and priorities. I find no other material considerations sufficient to over-ride this considerable support. Consequently, I recommend that planning permission in principle is approved subject to the recommended conditions as set out in Appendix 1.

Allison Coard
Principal Reporter

Appendix 1: Recommended Conditions

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).

Appendix 3 Environmental Impact Assessment

Notice under regulation 21 was advertised in the press on 6 April 2018 and copies of the Environmental Report were placed on deposit for public viewing.

Further environmental information was notified/advertised as per the Regulations on 13 August 2018 with the requisite 30 days for any comments to be submitted. Only SEPA and Historic Environment Scotland responded but neither had anything to add to their previous comments.

Description of the development: For the purpose of the Environment Report the application is described in Chapter 5 as comprising the following primary elements with cross reference to the relevant sections in the report:

- Landfall where two Offshore Export Cables from ICOL's Offshore Wind Farm will be brought ashore and will run underground to the Cable Transition Pits (see *Section 5.4.1*);
- Cable Transition Pits where two Offshore Export Cables interface with two sets of Onshore
- Export Cables (see *Section 5.4.2*);
- Onshore Export Cables, laid in two trenches running between the Onshore Substation to the grid connection point (see *Section 5.4.3*);
- If the Onshore Export Cables are installed in sections, jointing pits will be required to join the sections together (see *Section 5.4.4*);
- Onshore Substation: which is required to process the electricity from ICOL's Offshore Wind Farm and to comply with the requirements of the NETS (see *Section 5.4.5*);
- Onshore Substation screening measures including walls and earth mounding parts of which will be planted with a mix of mainly native tree and shrub species (see *Section 5.4.5*);
- Security fencing will be erected around the perimeter of the Onshore Substation (see *Section 5.4.5*);
- Onshore Export Cables from the Onshore Substation to the grid connection point, laid in trenches and/or ducts for running the underground Onshore Export Cables between the Onshore Substation and the grid connection point (see *Section 5.4.6*);
- Construction compound to accommodate a temporary work site (see *Section 5.4.7*);
- Application Site Access will be via an existing access from the B1348 (see *Section 5.4.8*);

The construction elevation above the ground water table reflects the need to reduce the risk of flooding.

Other proposed mitigation measures include a Construction Environmental Management Plan, pre-construction protected species survey, best practice measure in relation to locally occurring mammals and breeding birds, landscape and design provisions to be further detailed at the reserved matters stage.

Section 5.1 of the Environment Report describes the works associated with the construction phase including bringing ashore two offshore export cables and building the substation. The assessment was based on an indicative layout on the assumption that any final scheme approved would have no greater effects than those assessed at this stage. Section 5.5 describes the operational phase and section 5.6 decommissioning.

There is nothing in the submitted evidence or that has otherwise been brought to my attention to indicate that the environmental information is not up to date and relevant.

The main significant effect after mitigation is landscape and visual and I have addressed my conclusions on that matter in paragraphs 7.39-7.55 of the main report.

Given that the proposal forms part of the wider proposals for an offshore windfarm this was also addressed in the scope of the applicant's Environmental Impact Assessment Report so that the effects on the whole project can be considered.

Scoping Opinion

This was produced by East Lothian Council but is inter-linked with the scoping process relevant to the off-shore wind-farm as carried out by Marine Scotland. In terms of the regulations my understanding is that the onshore works are ancillary to the off-shore works so form part of the same project.

Circular 2017/1 confirms that the Environmental Report must address the project as a whole so that it provides a single and accessible compilation. However East Lothian Council considered an approach as adopted by the applicant to consider a worse-case scenario and to include the appropriate referencing to the public availability of the Environmental Statement for the off-shore elements of the project would be sufficient in the context of the Regulations. I find nothing to dispute that premise or to conclude that the Environmental Report is otherwise insufficient.

Involvement of the public

The appellant has provided details of the pre-application consultation and detailed how this was taken into account ([CD15 Pre Application Consultation Report](#)). The application was advertised in the Edinburgh Gazette and in the East Lothian Courier. The planning authority received 38 representations which are summarised in Chapter 3 of my report. Those who made representation had a further opportunity to comment following the call in of the application by Ministers. There was also an opportunity to comment on additional information as published in accordance with the Regulations. Parties were also invited to participate in further written submissions and in the October hearing session.

Assessment

I have covered my assessment of the following issues in the main body of my report in Chapter 7:

Effect	Environment Report reference	Reference in Reporter's Report.	Conclusion and mitigation/monitoring
Landscape and Visual	Chapter 8 Appendices Additional Information	7.38-7.54	Significant localised effects Landscape, design and layout mitigation. Maximum height and footprint specification (Recommended Condition 1 and 14).
Cultural Heritage	Chapter 9	7.59-7.64	No significant effect

Flood Risk	Chapter 7	7.55-7.58	No significant effect subject to detailed flood risk assessment. Recommended Condition 12.
Nature Conservation and Ecology	Chapter 6	7.68-7.71 Habitat Regulations Appraisal Appendix 4	No adverse effect on Natura site or significant effect on other conservation interests subject to specified mitigation.
Transport	Chapter 11	7.65-7.67	No significant effects subject to mitigation. Recommended conditions 6 and 7.

A number of other effects were included in the scoping opinion and in the applicant's assessment and these are addressed below:

Hydrology, Geology and Hydrogeology (Chapter 7 of the Environment Report):

Potential impacts included changes to runoff and flooding, groundwater infiltration, changes to the hydrogeological regime, water quality impacts due to construction materials/machinery, disturbance of mine shafts/shallow mineral workings, and disturbance of potentially contaminated soils.

Mitigation is included to remove or minimise these potential impacts includes the implementation of a Construction Environmental Monitoring Plan (CEMP), site investigation to inform the detailed site design and use of construction drainage systems, and a Sustainable Drainage System (SuDS).

With this mitigation no significant impacts or cumulative impacts during construction or operation of the proposal have been identified. There is nothing in the consultation responses or representations that leads me to a different conclusion. I have covered the issue of flooding in Chapter 7 of my report. I note the response of SEPA in relation to the proposed gravity outfall to the Firth of Forth and that consideration should be given to the size and location of the outfall including the impacts of it being submerged and not able to discharge surface water and groundwater from the application site. In that respect I consider that this matter could be addressed by a slight revision to proposed Condition 10 to require further details of the outfall and of the proposed Sustainable Urban Drainage System. Subject to the appropriate mitigation I consider that significant environmental effects would be avoided.

Noise and Vibration (Chapter 10 of the Environment Report)

The noise and vibration assessment has indicated that the potential construction, operational and decommissioning effects associated with the OnTW are considered to be not significant. Embedded mitigation, in the form of a landscape mitigation plan (see *Chapter 8: Landscape and Visual*), has been incorporated into the assessment of noise effects. In addition, some components of the Onshore Substation will be enclosed, namely the transformer tanks and shunt reactor tanks, providing noise attenuation in relation to these sources. Existing topography within the Study Area has also been incorporated. I note that in relation to vibration East Lothian Council have not raised concerns but reference the need for updated assessment to assess impacts from any subsurface tunnelling methods at the Landfall and open trenching or horizontal drilling for the onshore and offshore export cables. Any

assessment to take account of BS 5228-1:2009 +A1:2014 Code of Practice for noise and vibration control on construction and open sites.

With respect to construction noise and vibration, the assessment was based on the guidance of BS5228:2009+A1:2014. This concluded that noise associated with the construction phase would not exceed adopted daytime and night-time noise limits.

With regards to vibration, it is unlikely that the proposed construction methods would give rise to significant vibration impacts and levels are expected to be below the threshold limits within BS5228-2:2009+A1:2014 for vibration impact.

The predicted operational noise levels are no more than 5 dB above the measured background noise levels, and within daytime and night-time limits as set by the World Health Organisation. Potential impacts associated with the decommissioning phase of the Onshore Substation would be similar to, and no worse than, those presented for the overall construction phase.

There is considered to be no significant noise or vibration effects with other projects, namely the new settlement at Blindwells and at Longniddry South.

With regards to effects associated with construction activities, it is unlikely that the proposal and these future residential-led developments would be under construction at the same time. Furthermore, these developments are not considered as 'noise-generating' and therefore would not have significant noise sources associated with their operation with the potential to affect the receptors within the study area for the OnTW.

In the same respect, due to the developments being 'noise-sensitive', it is considered that the operation of the proposal would not have a significant impact on the future residential properties. It has been demonstrated that for nearby receptors close no significant impact has been predicted and this would also be the case at receptors located further away as noise decreases with increased distance from the source.

With respect to the consented car wash at the former gas holder site, this is a temporary consent for a period of one year only; therefore, based on the anticipated timescales for consent associated with the OnTW, it is not likely that the car wash and Onshore Substation would be operational at the same time. There are no other known noise-generating developments with the potential to significantly affect cumulative noise levels in the vicinity.

The assessment of noise impacts is therefore dependent on the results of the Traffic and Transport assessment (see *Chapter 11: Traffic and Transport*), which quantifies the number of vehicle movements during the construction phase. However, the potential effects of this impact interaction are not considered to be significant, whereby the total increase in traffic flows is predicted to be less than 25 per cent resulting in increases to existing noise levels of less than 1 dB.

I note that the council's Environmental Health Section raised no concerns about noise subject to a construction noise management plan for the construction phase and a noise impact assessment for the operational phase. This is to include specific mitigation including the design and location of acoustic bounds and enclosures. The assessment of operational noise shall be carried out in accordance with BS4142: 2014 "Methods for rating and assessing industrial and commercial sound" and any mitigation measures specified shall

consider both “with bund” and “without bund” scenarios. Based on the available information and subject to the referenced mitigation to be secured as appropriate through condition I am satisfied that significant effects would be avoided. Noise in the construction period would also be addressed through appropriate restriction of the hours of operation as included in recommended condition 11.

Socio-Economic, Tourism, Land Use and Recreation (Chapter 12 of the Environment Report).

The effects on local visitor and recreational attractions are assessed and a tourism assessment is included in Chapter 12 of the Environment Report. I have reported on the economic impacts and benefits of the proposal in my conclusion within the main report. No significant adverse effects are identified.

Where public access along the John Muir Way will be temporarily disrupted during construction, maintenance or decommissioning activities, a suitable diversion that minimises the length of path affected will be put in place along with signage at each end of the route where the route is diverted. Following the adoption of these mitigation measures, no significant effects are predicted upon this or any other public access routes.

The construction phase has the potential to directly disrupt tourists using the Golf Coast Road which crosses through the application site. A local traffic management plan will be put in place to minimise any potential disruption to visitors using the Golf Coast Road during construction. With this mitigation in place, no significant effects are predicted to occur on visitor numbers using this route during construction. No potential for significant effects upon other tourism resources are identified during construction, operation and decommissioning.

It is considered that the addition of the Offshore Wind Farm and the on-shore works will result in no greater effects on socio-economic, land use, recreation and tourism than those predicted to occur during the construction of the transmission works in isolation.

Should the proposal be constructed in parallel or in close succession with the proposed Blindwells New Settlement there may be a potential for a significant temporary effect on local employment and the economy. There is no identified potential for any other significant cumulative effects on land use, recreation and tourism as a result of other development proposals are predicted. I find nothing in the submissions and representations to lead me to a different conclusion. Mitigation in relation to design and layout and the inclusion of landscaping and provision for temporary path disruption lead me to conclude that significant effects would be avoided.

Traffic and Transport (Chapter 11 of the Environment Report)

This issue is covered to some extent in the main report above through my conclusions on the relevant local development plan Policy TR2 where I have also considered the views of the council as roads authority and the proposed mitigation. This supports the conclusion below that subject to mitigation there would be no significant effects in terms of traffic and transport.

The assessment of significant effects resulting from the construction vehicles was undertaken along the access route, consisting of the A1, A198, B6371 and B1348 Edinburgh Road. The assessment identified that receptors that were considered sensitive to changes in traffic flow were only present within the built-up area of Cockenzie on the B6371 East

Lorimer Place and the B1348 Edinburgh Road. All other locations were considered to have receptors that were not sensitive to changes in traffic flow. The assessment considered the change in traffic flows as well as severance, driver delay, pedestrian delay, pedestrian amenity, accidents and safety and hazardous loads effects were all found to be Negligible / Minor.

The cumulative assessment of significant effects was undertaken with the construction vehicles generated by the OnTW plus the construction vehicles generated by the Proposed New Settlement, Blindwells. There were no other developments in the surrounding area that would generate traffic along the access route. The cumulative assessment considered the change in traffic flows along the access route as a result of the construction and the severance, driver delay, pedestrian delay, pedestrian amenity, accidents and safety and hazardous loads effects were all deemed to be Negligible / Minor.

Increases in traffic flows generated through construction could interact with other disciplines to have an effect from a noise and vibration, visual, air quality, dust and dirt, ecology or heritage and conservation perspective. However none of these were identified to result in any significant effect.

Air Quality Impact Assessment (Chapter 13 of the Environment Report)

The air quality assessment indicates that the potential effects associated with the release of dust during construction and vehicular emissions during both construction and operation of the OnTW are considered to be 'not significant' with the adoption of a range of good practice mitigation measures. Typical measures include:

- provision of adequate water supply for use as dust suppression as necessary;
- imposition of a speed limit on site;
- minimisation of double handling of materials;
- rapid re-vegetation of earthworks and bunds; and
- cleaning of haul roads and vehicle wheels exiting site to minimise trackout.

There is considered to be no significant risk of cumulative air quality effects with other projects, namely the Blindwells New Settlement. There is the potential for short term interactive effects to arise as a result of general disturbance and nuisance on local residents within the Study Area resulting from the combined effects of air quality and noise resulting from construction machinery and from vehicle movements. The potential effects as a result of these impact interactions are not considered to be significant with the adoption of good practice mitigation measures. I find no basis to differ from these conclusions.

Overall Conclusion

Subject to the proposed mitigation measures and that which could be secured through condition, aside from landscape and visual, the Environment Report did not identify any potentially significant residual effects (in terms of the EIA Regulations) on any environmental or human receptors during the construction, operation and decommissioning of the proposal. I find nothing in the submitted environmental information nor the responses of the consultation authorities or any other party to lead me to a different conclusion.

Final assessment will fall to Ministers. However, the above assessment is made on the basis that the proposal is for planning permission in principle and that whilst the detail is yet to be confirmed, through reserved matters approval, the worst case assumptions have enabled identification of all likely significant effects based on the currently available information. It is also made on the premise that the project wide implications are sufficiently addressed as accepted by the consultation authorities.

Appendix 4: Draft Habitats Regulation Appraisal (HRA)

If it cannot be ascertained beyond reasonable scientific doubt that the proposal will not adversely affect the integrity of a European Designated Site, the proposal can only proceed if there are no alternative solutions; there are imperative reasons of over-riding public interest for doing so; and any necessary compensatory measures are taken to secure the coherence of the Natura 2000 network, to ensure the long term survival of Europe's most valuable and threatened species and habitats.

An HRA Screening Report and Information had been already provided for the Consented Offshore Wind Farm, Consented Offshore Transmission Works and the Original Onshore Transmission Works. These are referred to within the applicant's submitted HRA as the Approved Scheme.

This was submitted to Marine Scotland on 3 July 2013 along with the EIA in support of applications for marine licences and consents under Section 36 of the Electricity Act 1989 for Consented Offshore Wind Farm and its associated infrastructure. At the time of writing that assessment, two cable landfall options were under consideration, including the one at Cockenzie which has now been selected as the Landfall and which has been assessed as part of this current Environmental Impact Assessment. The HRA for the Approved Scheme therefore covers the landfall area to be assessed in relation to the onshore works.

In response to this current application Scottish Natural Heritage state that the original proposal was supported by baseline intertidal and near-shore bird survey data from survey seasons 2012 and 2013. In 2016, in discussion with the applicant, it was agreed that this baseline data would remain valid until autumn 2018. As a precaution the applicant also examined bird data from more recent years (to 2015), which showed no significant changes from the baseline data. Scottish Natural Heritage support the applicant's position that these datasets are sufficient in the context of the current application. Whilst there are some differences between the original proposal and the current proposal, these do not affect the HRA process. Specifically, the 300 metre difference in the location of the cable landfall point does not affect the process or previous conclusions.

Of the Special Protection Areas considered during the screening process seven sites in total were identified to require an Appropriate Assessment. These SPAs were agreed with Scottish Natural Heritage. Of the seven SPAs where LSE was identified, two (the Slamannan Plateau, and the Upper Solway Flats and Marshes) were designated solely for their over-wintering qualifying interests. The third, (the Firth of Forth) is designated for its over-wintering bird species and Sandwich tern on passage. The remaining four were designated due to their qualifying interests in the breeding season (Forth Islands, Fowlsheugh, St Abb's Head to Fast Castle, and Buchan Ness to Collieston Coast). In addition a number of proposed new Special Protection Areas were screened. Of all of these likely significant effects were identified in relation to the following designations:

Firth of Forth SPA

This SPA is designated for its over-wintering bird species which include waders, wildfowl, seaducks and grebes and Sandwich tern on passage.

It was concluded that the 2012/2013 baseline survey data (used to inform the Original HRA) continues to be an accurate representation of the typical occurrence and abundance of water birds along this section of the coastline. This was agreed through consultation with Scottish Natural Heritage.

The intertidal and near-shore habitats adjacent to the Application Site continue to support a number of species which occur in significant numbers compared to their respective Firth of Forth SPA population estimates (i.e. >1 per cent). Therefore, as there would be no increase in impact from the proposal and there have been no changes to SPA designations (such as the boundary or associated qualifying interests the conclusions from the original Habitat Regulations Appraisal. No adverse impacts on the integrity of the Firth of Forth SPA are identified.

Forth Islands Special Protection Area

Contrary to the advice of Scottish Natural Heritage this designation was screened out of the assessment process as there were not considered to be any likely significant effects. However in applying a precautionary approach I agree with Scottish Natural Heritage that if any doubt applies then a position of a likely significant effect should apply. In any event in this case the evidence from the data sets and the advice of Scottish Natural Heritage supports a conclusion of no adverse effects upon the integrity of the site reflecting the conclusion for the Firth of Forth Special Protection Area.

Outer Firth of Forth and St. Andrews Bay Complex pSPA

The Outer Firth of Forth and St. Andrews Bay Complex pSPA stretches from Arbroath in Angus to St. Abb's Head in the Scottish Borders encompassing the Firth of Forth, the outer Firth of Tay and St. Andrews Bay and extending over 12 nautical miles offshore (SNH, 2016).

The site is recognised for supporting one of the largest and most diverse concentrations of marine birds in Scotland, representing important breeding grounds for seabirds and wintering grounds for seabirds, seaducks, divers and grebes.

Although there will be no direct loss of habitat from within the Outer Firth of Forth and St. Andrews Bay Complex pSPA itself, the Offshore Export Cables will be brought ashore through a small (approximately 0.2 ha) area of intertidal rock and boulder shoreline within the north western corner of the application site which may be used by some of the species associated with the pSPA. This could either be achieved by Open Cut Trenching or Horizontal Directional Drilling (HDD), of which the former would result in temporary, reversible disturbance to the habitat.

However, the extent of intertidal habitat which could be affected by the works is considered to be negligible and inconsequential (approximately 0.2 ha) in relation to the availability of similar habitat close to the Application Site and in the wider Forth Estuary. There are alternative areas of equivalent intertidal foraging and roosting habitat elsewhere along the immediately adjacent shoreline, to which qualifying wader species could be temporarily displaced. Given the limited tidal range and the relatively small area of habitat affected, it is considered highly unlikely that the Application Site would be of particular value to other qualifying species of the pSPA. Therefore, installation works in the intertidal zone are unlikely to cause significant deterioration of habitats used by species associated with the pSPA.

There is the potential for fuel or chemical spillage during cable installation, which may result in the contamination of near-shore waters used by qualifying species. However, the risk of any pollution incidents will be minimised through the implementation of best practice methods of working and pollution prevention measures prescribed in the Construction Environmental Management Plan (CEMP). Therefore, deterioration of the habitats through by pollution incidents would not be significant, if not avoided altogether.

In terms of cumulative habitat deterioration impacts, it is expected that construction of ICOL's Offshore Wind Farm and OfTW would be carried out under similarly strict environmental protection measures and would therefore not be significant. There are not expected to be any in combination effects with the Blindwells Settlement, given that it is located approximately one kilometre inland from the coast.

The main sources of disturbance to qualifying species will be unpredictable noise events associated with construction activities, particularly those associated with cable installation, although the presence of construction workers may also cause localised disturbance. The exact degree of disturbance to qualifying species will depend on the construction and installation methods used and the duration and timing of activities.

At worst this might result in the temporary displacement of the qualifying species most susceptible to disturbance to alternative areas of intertidal or near-shore waters located along the adjacent coastline, where foraging and roosting habitat is expected to be of equivalent quality. Furthermore, those qualifying species which utilise the habitats adjacent to the application site are expected to be habituated to relatively high levels of disturbance from both the historical operation and recent demolition of the former Cockenzie Power Station as well as regular human disturbance from public walking behind the seawall.

Scottish Natural Heritage notes in its consultation response that the conservation objectives for the pSPA site have not yet been determined, therefore as an interim position it recommends that the generic conservation objectives found in existing SPA citations are applied. The applicant's approach has followed this recommendation. Section 1.3.2 of the HRA report includes a detailed assessment of the potential impacts of the proposal upon this pSPA. It supports the conclusions of this assessment and advises that there will be no adverse effects upon the integrity of this pSPA.

East Lothian Council's Biodiversity Officer advises that the Habitats Regulations Assessment (HRA) was produced in consultation and agreement with SNH and Marine Scotland. The HRA concluded that the proposal would not affect the integrity of the adjacent European designated sites. As the proposal site corresponds with the site of the previous Cockenzie Power Station, as well as areas of infrastructure immediately to the south this area has limited biodiversity interest. Accordingly there are no biodiversity concerns raised over this application.

The Royal Society for the Protection of Birds advise that they are satisfied with the Habitats Regulations Assessment (HRA) which concludes that the proposal will have no significant impact on the qualifying interests of the Special Protection Areas, notably the Firth of Forth SPA, and the Outer Firth of Forth and St Andrew's Bay Complex SPA. RSPB would wish to see post-construction restoration on the area of rocky intertidal habitat affected by the onshore cabling to revert this area to its original ecological condition with no net loss of habitat to birds or their food resources. They would prefer work to be undertaken outwith

the winter months when the qualifying bird species of the SPA will be at their most numerous.

Those SPAs and qualifying interests identified by Scottish Ministers as having potential connectivity to Inchcape's Offshore Wind Farm are to be considered separately on the submission of a new offshore application.

Conclusion

Ministers in determining this application will be the competent authority in terms of the Habitats Regulations Appraisal. However my assessment drawing on all the above and bearing in mind that this is a planning permission in principle is that the proposal would not adversely affect the integrity of the above referenced sites.

Appendix 6: Documents, Written submissions, Hearing Statements, Appearances

Documents

[Core Document List](#)

[Adopted East Lothian Local Development Plan](#)

[Review of a vision for the Port of Prestonpans](#)

[Greenhills Submission: Masterplan](#)

[East Lothian Local Development Plan Examination Report](#)

[Report Of Examination SESplan2](#)

[Captain J Landells Proposed Ferry Terminal Cockenzie](#) (November 1993)

[Cockenzie Masterplan](#)

Written Submissions

[Applicants response to initial procedure notice](#)

[Council's response to initial procedure notice – committee report](#)

[Historic Environment Scotland comments](#)

[Applicants response to council's written submissions](#)

[Further comments from the council](#)

[Clarification of Scottish Natural Heritage Response](#)

[Response to Procedure Notice 3: Dr Alf Baird](#)

[Response to Procedure Notice 3: Greenhills](#)

[Response to Procedure Notice 3: Council](#)

[Response to Procedure Notice 3: Applicant](#)

[Response to Procedure Notice 3: Prestonpans Community Council](#)

[Response to Procedure Notice 3: Cockenzie and Port Seton Community Council](#)

[Closing comments applicant 27 November](#)

[Closing comments council 27 November](#)

Hearing Statements

[East Lothian Council](#)

[Applicant](#)

[Cockenzie and Port Seaton Community Council](#)

[Prestonpans Community Council](#)

Appearances

For the applicant: Robin Hutchison (planning solicitor CMS Cameron McKenna Nabarro Olswang LLP), Simon Herriot (Savills planning), Lindsey Guthrie SLR Consulting, Ian Johnson Project Manager Red Rock Power.

For the East Lothian Council: Keith Dingwall, Ian McFarlane, Catherine Malloy, Ray Montgomery, Dervilla Gowan.

Cockenzie and Port Seton Community Council: Bryan Hickman

For Prestonpans Community Council: Brian Weddell