

Inch Cape Onshore Transmission Works

Regulation 11 Further Application

Planning Statement

November 2021



Inch Cape
OFFSHORE LIMITED

SDIC 
Red Rock Power Limited

ESB Energy for generations



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Table of Contents

Table of Contents	iii
Glossary	v
Abbreviations and Acronyms	vii
1 Planning Statement	8
1.1 Introduction	8
1.2 The Applicant and Inch Cape Offshore Wind Farm	9
1.3 Background	9
1.4 Structure of the Planning Statement	11
2 The Proposed Development	12
3 The Application Site	13
4 Development Plan Assessment	14
4.1 Introduction	14
4.2 Strategic Development Plan for Edinburgh and South East Scotland (SESplan) 2013	15
4.3 East Lothian Local Development Plan 2018	18
4.3.1 <i>PROP EGT1: Land at Former Cockenzie Power Station</i>	19
4.3.2 <i>PROP EGT3: Forth Coast Area of Co-ordinated Action</i>	21
4.3.3 <i>Policy EGT4: Enhanced High Voltage Electricity Transmission Network</i>	21
4.3.4 <i>Landscape and Visual Impact Policies</i>	22
4.4 Conclusions on Development Plan Policies	24
5 Energy Policy Considerations	26
5.1 Introduction	26
5.2 UK Energy Policy	27
5.2.1 <i>Introduction</i>	27
5.2.2 <i>Climate Change Act 2008</i>	27
5.2.3 <i>Energy White Paper – Powering our Net Zero Future</i>	27
5.2.4 <i>Committee on Climate Change – Net Zero, The UKs contribution to stopping global warming and The Sixth Carbon Budget</i>	27

5.2.5	<i>The Climate Change Act 2008 (2050 Target Amendment) Order 2019</i>	28
5.3	Scottish Government Energy Policy	28
5.3.1	<i>Climate Change (Emissions Reduction Targets) (Scotland) Act (2019)</i>	28
5.3.2	<i>Reducing Emissions in Scotland – 2020 Progress Report to the Scottish Parliament (2020)</i>	29
5.3.3	<i>Climate Change Plan: The Third Report on Proposals and Policies 2018 – 2032</i>	29
5.3.4	<i>Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery on a Path to Net Zero</i>	29
5.3.5	<i>The Scottish Energy Strategy (SES) 2017</i>	30
5.3.6	<i>The Scottish Government’s Offshore Wind Policy Statement (OWPS) (2020)</i>	30
5.3.7	<i>Sectoral Marine Plan for Offshore Wind Energy (2020)</i>	30
5.4	Conclusions on Energy Policy Considerations	31
6	Other Material Considerations	32
6.1	Introduction	32
6.2	National Planning Framework 3 (2014)	32
6.3	Draft Scotland 2045: Our Fourth National Planning Framework (November 2021)	36
6.4	Scottish Planning Policy (2014)	37
6.5	Former Cockenzie Power Station and Surrounding Area Masterplan (November 2017)	42
6.6	ClimatEvolution – Climate Change Resilience Zone Strategy and Action Plan (2020)	43
6.7	Conclusions on Other Material Considerations	43
7	Planning Balance and Conclusions	45

Glossary

Defined Term	Meaning
AMSC	Application for Approval of Matters Subject to Condition
Application Site	The area within the red line planning boundary comprising the Consented Onshore Transmission Works (OnTW).
Consented OnTW	The OnTW, as was granted planning permission in principle on 22 February 2019 by the Scottish Ministers.
EIA Regulations	Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017
EIA Report	A Report presenting the findings of an Environmental Impact Assessment (EIA).
2018 EIA Report	The Environmental Impact Assessment Report that was submitted to support the application for the Consented OnTW
2021 EIA Report	This document. The Environmental Impact Assessment Report prepared to support the Regulation 11 Further Application
Landfall	Point where Offshore Export Cables from ICOL's Offshore Wind Farm will be brought ashore.
Onshore Export Cables	Electricity cables running from transition joint pits to the Onshore Substation and from the Onshore Substation to the grid connection point at Cockenzie substation
Onshore Export Cable Corridor	The area within the Application Site where the Onshore Export Cables will be laid.
Onshore Substation	The proposed electrical substation comprising of all the equipment and associated infrastructure required to enable connection to the electrical transmission grid
Onshore Transmission Works (OnTW)	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
Offshore Transmission Works (OfTW)	Offshore substation platforms (OSPs) and their foundations and substructures, interconnector cables and offshore export cables.
Offshore Wind Farm (OWF)	The Inch Cape OWF includes proposed wind turbine generators, foundations and substructures and inter-array cables.

Regulation 11 Further Application	A planning application submitted under Regulation 11 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013) in respect of the Consented OnTW
Seagreen 1A 2021 OnTW	The consented onshore transmission works associated with the consented Seagreen 1A Offshore Wind Farm comprising of all the equipment and associated infrastructure required to enable connection of the offshore wind farm to the electrical transmission grid.

Abbreviations and Acronyms

AMSC	Application for Approval of Matters Specified in Conditions
EIA	Environmental Impact Assessment
EIA Report	Environmental Impact Assessment Report
ELC	East Lothian Council
EPD	Environmental Product Declaration
GHG	Greenhouse Gases
ICOL	Inch Cape Offshore Limited
LCA	Life Cycle Analysis or Assessment
LDP	East Lothian Local Development Plan 2018
MW, MWh; kW, kWh	Megawatt and megawatt hour; kilowatt and kilowatt hour – measures of electrical power
NETS	National Electricity Transmission System
NPF3	National Planning Framework 3
NPF4	Draft National Planning Framework 4
NTS	Non-Technical Summary
OfTW	Offshore Transmission Works
OnTW	Onshore Transmission Works
PAC	Pre-application consultation
PAN	Proposal of Application Notice
PPP	Planning Permission in Principle
SLA	Special Landscape Area
SPP	Scottish Planning Policy
tCO ₂ e	Tonnes of carbon dioxide equivalent – greenhouse gases expressed as carbon dioxide based on their global warming potential
ZTV	Zone of Theoretical Visibility



1 Planning Statement

1.1 Introduction

- 1 This Planning Statement has been prepared by Savills (UK) Limited on behalf of Inch Cape Offshore Limited (ICOL) to accompany its Further Application (under Regulation 11 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013) for the Inchcape Onshore Transmission Works (OnTW) for a substation, electricity cables and associated infrastructure, required to connect Inch Cape Offshore Wind Farm (the Offshore Wind Farm) to the National Electricity Transmission System (NETS).
- 2 Planning Permission in Principle (PPP) for the OnTW was granted by Scottish Ministers in February 2019 following a call-in and public local inquiry (PLI), decision notice reference CIN-ELN-001 (East Lothian Council reference: 18/00189/PPM)¹. Due to delays caused by the Covid-19 pandemic, it has not been possible to progress detailed design and engineering matters sufficiently to allow the submission of applications for approval of matters specified in conditions (AMSCs) attached to the PPP within the required timescale.
- 3 ICOL is therefore applying to East Lothian Council (ELC) for a new PPP for the same OnTW on the same site as the extant PPP, in order to allow for additional time to prepare the AMSCs.
- 4 This Planning Statement assesses the OnTW in light of national, regional and local planning policy, energy policy documents and legislation, as well as emerging planning policy documents, and other material considerations where relevant. The Statement concludes with substantiated comments about the extent to which the OnTW complies with the Development Plan and the relevance and weight to be attached to other material considerations in the planning balance exercise.
- 5 A significant consideration for this Further Application is the previous grant of PPP, as referenced above, the Reporter's handling of that application and recommendation to Scottish Ministers. The Reporter assessed the 2018 PPP application for the OnTW to be policy compliant and reflected this in her recommendations which were then adopted by Ministers for the purpose of their own decision to grant PPP (paragraph 4 of the Ministers' decision letter). This is particularly relevant as this Further Application is for the same description of development on the same Application Site which is to be considered within the same planning policy context.
- 6 This Planning Statement accompanies an Environmental Impact Assessment Report (EIA Report) submitted in support of the Further Application. Further details of the EIA process are included in section 1.3 below. The Planning Statement does not form part of the EIA Report but should be read in tandem with that document.
- 7 The Further Application for the OnTW has been subject to Environmental Impact Assessment (EIA) and this has been undertaken in accordance with the provisions of the Town and Country

¹ Scottish Ministers Decision Letter and Conditions Attached to the Grant of Planning Permission in Principle (Reference CIN-ELN-00 22nd February 2019)



Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, (the EIA Regulations). This Planning Statement forms an integral component of the package of documents accompanying the Further Application, which also comprises: -

- EIA Report including Non-Technical Summary (NTS) and Technical Appendices; and
- A Pre-Application Consultation Report (PAC).

8 The OnTW are classed as a National Development in National Planning Framework 3 (NPF3), under National Development 4 'High Voltage Electricity Transmission Network'. As such, statutory pre-application consultation is required prior to submission of the Further Application. ICOL has complied with the various pre-application consultation requirements associated with this National Development including publication of a Proposal of Application Notice (PAN) to ELC, undertaking statutory pre-application consultation and associated follow-up reporting activities, as presented in the PAC report accompanying this submission.

1.2 The Applicant and Inch Cape Offshore Wind Farm

9 ICOL was established to develop, finance, construct, operate, maintain and decommission the Inch Cape Offshore Wind Farm.

10 The Inch Cape Offshore Wind Farm and Offshore Transmission Works (OfTW) were originally granted consent in 2014. Following a lengthy legal process, subsequent to the original consenting date, as of May 2017 ICOL held a legally valid offshore consent for the Offshore Wind Farm and OfTW. Since then ICOL applied for and was granted a new consent for a Revised Offshore Wind Farm and OfTW in June 2019. The reason that ICOL decided to progress with a new application for the Revised Offshore Wind Farm and OfTW was due to the advances in turbine technology that had taken place since the Offshore Wind Farm was first consented in October 2014. These consents were supplemented in July 2020 by a non-material Section 36C variation to increase the generating capacity from 700MW to 1000MW without changing any physical parameters of the turbines. A further Section 36C Variation (s36C) was submitted in January 2021 to remove the generating capacity limit obtained in the prior s36C consent. This application was granted consent on July 22nd, 2021.

11 The currently consented Offshore Wind Farm comprises up to 72 turbines of up to 291 metres (m) to blade tip compared to up to 110 turbines of 215m to blade tip for the original consented scheme. Although fewer turbines than the original scheme, the current Offshore Wind Farm will have the capacity to generate over one gigawatt (GW) of renewable electricity rather than the previously consented level of up to 700 megawatts (MW) of renewable electricity generation. ICOL aims to have the Offshore Wind Farm constructed and operating within the next five years, around 2025-2026.

1.3 Background

12 ICOL submitted the 2018 PPP application for the OnTW under the Town and Country Planning (Scotland) Act 1997 (as amended) to ELC on 23 February 2018, ELC ref. 18/00189/PPM.

13 The description of the development as applied for was:



'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'.

- 14 On 9 April 2018 the Scottish Government called in the PPP application by direction under Section 46 of the Town and Country Planning (Scotland) Act 1997 (as amended) as it was considered that:
- 'the application raised matters which were 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'².*
- 15 Following a public local inquiry in October 2018, the Scottish Ministers granted PPP for the OnTW on 22 February 2019 in line with the Reporters recommendations. The PPP is subject to 14 conditions, several of which require the submission of AMSCs prior to the commencement of development.
- 16 In accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) these AMSCs must be made within 3 years of the date of the PPP, i.e. by 21 February 2022, although this date has since been extended by the latest of the Scottish Government's Covid related measures to 30 September 2022³. ICOL has submitted this Further Application to ELC under Regulation 11 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 to extend the time for submission of the AMSCs beyond September 2022.
- 17 The OnTW will receive and transmit renewable electricity generated by the Inch Cape Offshore Wind Farm and is classified as a National Development within National Planning Framework 3 (NPF3). It is also subject to the EIA Regulations. The previous planning application submitted in February 2018 was also accompanied by an EIA Report. This Further Application for the OnTW is also considered a National Development and is subject to the same EIA Regulations.
- 18 ICOL volunteered to submit a new EIA Report with the Further Application to enable ELC to satisfy themselves that any reasoned conclusion on the significant effects of the Further Application on the environment, takes into account *'current knowledge and methods of assessment'*. This is in accordance with Regulation 5 (3) of the EIA Regulations, and Scottish Government EIA Planning Guidance⁴.
- 19 A request for a Scoping Opinion was submitted to ELC in August 2021. ICOL considered the contents of the 2018 EIA Report alongside a review of the current baseline environment, legislation, policies, guidance and current assessment methods to consider any changes which

² Call in letter from the Scottish Ministers to ELC dated 9th April 2018

³ The Town and Country Planning (Miscellaneous Temporary Modifications)(Coronavirus)(Scotland) Regulations 2021

⁴ Planning Circular 1/2017 Guidance on The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. <https://www.gov.scot/publications/planning-circular-1-2017-environmental-impact-assessment-regulations-2017/documents/>



may have occurred in the intervening period. This approach was adopted for each of the environmental and technical areas. Where changes were identified these were considered by each of the competent experts to come to an informed view on what matters should be scoped into the EIA Report to support the Further Application and those which can be 'scoped out', based on the likelihood for significant effects.

- 20 A Scoping Opinion dated 27th September 2021 was subsequently received from ELC. This Scoping Opinion agreed that the conclusions of the 2018 EIA Report for the OnTW remained largely valid and that this allows for the majority of technical and environmental matters presented in the Scoping Report to be 'scoped out', on the basis that there is no potential for significant environment effects associated with the Further Application. Exceptions to this are landscape and visual effects and impacts on climatic factors, which have been assessed as part of the Further Application EIA. Further detail on the EIA Scoping process and discussions with ELC are set out in Chapter 3 of the EIA Report.

1.4 Structure of the Planning Statement

- 21 This Planning Statement comprises the following sections: -
- The Proposed Development;
 - The Application Site;
 - Development Plan Assessment;
 - Energy Policy Considerations;
 - Other Material Considerations; and
 - Planning Balance and Conclusions.



2 The Proposed Development

- 22 As described in the Introduction, this Planning Statement accompanies a Further Application under Regulation 11 relating to the previous planning permission for the same development. Therefore (with regard to Regulation 11 (3)), reference to the previous grant of planning permission applies, namely the PPP for the OnTW subject to conditions detailed in decision notice reference CIN-ELN-001 (ELC reference 18/00189/PPM).
- 23 The description of development therefore remains the same as for the 2018 PPP application for the OnTW and as described previously in Section 1.3. Three key elements are involved:-
- Indicative landfall location for the OfTW;
 - Indicative Onshore substation site; and
 - Onshore Export Cables from the Onshore Substation to the grid connection point.
- 24 The proposed OnTW will involve other works such as security fencing, areas of earthworks and associated landscape planting, as described below.
- 25 The description of development presented in the EIA Report and summarised below provides as much detail as possible about the OnTW at this stage in the process. To ensure the EIA is carried out on a worst-case scenario, certain assumptions about the OnTW have been built into the assessment process thus ensuring the EIA is based around pre-defined parameters for all elements of the OnTW.
- 26 The OnTW comprises the following main elements:-
- Landfall where two Offshore Export Cables from the Inch Cape Offshore Wind Farm will be brought ashore and will run underground to the Cable Transition Pits.
 - Cable Transition Pits where two Offshore Export Cables interface with two sets of Onshore Export Cables;
 - Onshore Export Cables running from the Cable Transition Pits to the Onshore Substation, laid in two trenches for running between the Cable Transition Pits and the Onshore Substation;
 - If the Onshore Export Cables are installed in sections, jointing pits will be required to join the sections together;
 - Onshore Substation: which is required to process the electricity from the Offshore Wind Farm and to comply with the requirements of the NETS;
 - 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; and
 - Application Site Access will be via a new access from the B1348.



3 The Application Site

- 27 The Application Site for the OnTW for the purposes of the Further Application has not changed and is located on the site of the former Cockenzie Power Station and adjacent land, as shown by Figure 1 below. The site extends to approximately 10.2 hectares (ha) in area and incorporates land on both the north and south sides of the B1348. The Application Site comprises vacant brownfield land, mostly concrete, following the demolition of the former Cockenzie Power Station. An area of grassland in front of the existing Cockenzie Substation also forms part of the Application Site. Preston Links to the west is an undulating landscape which was formed by the South of Scotland Electricity Board over the original links surface and is used as an informal area of open space.
- 28 To the north of the Application Site is the Firth of Forth and the route of the coastal path, incorporating part of the John Muir Way. The Application Site is bisected by the B1348, to the south of which there is the existing 275Kv Cockenzie substation, which forms ICOL's grid connection point. To the immediate east is remediated land associated with the former Cockenzie Power Station. Beyond that further to the east is the settlement of Cockenzie. Residential properties are located to the south and south east of the Application Site, the closest being approximately 180m away.
- 29 The proximity of the grid connection point was a key factor in ICOL's site selection process for the OnTW as this reduces the extent of environmental disruption associated with the laying of cables and also reduces construction costs. The favourable local planning policy designation and national policy considerations were also factors behind the decision to choose the Application Site, as discussed further in Sections 4, 5 and 6 of this Planning Statement.



Figure 1: The Application Site



4 Development Plan Assessment

4.1 Introduction

30 The primacy of the Development Plan in determining planning applications is established by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended). These provisions require decision makers to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise. This Section of the Planning Statement assesses the proposed OnTW against the relevant provisions of the Development Plan, with other material considerations assessed in Section 6.

31 The Planning Statement that accompanied the 2018 PPP application set out a full assessment of the proposed OnTW against relevant adopted and draft Development Plan policies applicable at the time. In her 2019 Report to Scottish Ministers following the 2018 PLI, the Reporter concluded that:

'I consider that the proposal is in accordance with the development plan and the National Planning Framework 3. 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.'

32 At the time the 2018 OnTW PPP application was submitted in February 2018, the approved Development Plan comprised the South East Scotland Strategic Development Plan (SESplan) approved by Scottish Ministers in June 2013 and the East Lothian Local Plan adopted by ELC in October 2008. The Proposed ELC Local Development Plan (LDP) was in draft format and that was considered within the accompanying Planning Statement. The LDP was subsequently adopted in September 2018 by ELC and this was considered in the Reporter's report and recommendations to Scottish Ministers in January 2019.

33 The current approved Development Plan continues to include the SESPlan⁵ (approved 2013), the Proposed 2016 SESPlan having been rejected, and the now adopted LDP 2018⁶. In that regard, the Development Plan applicable to this Further Application is identical to that considered by the Reporter in her January 2019 report and also that considered by Ministers when they granted PPP in February 2019.

34 In respect of this being a Further Application for the OnTW it is useful to note a decision by the Court of Session in January 2021, Ogilvie Homes Limited against The Scottish Ministers⁷. That case centred around a challenge to a Reporter's decision to refuse planning permission for a housing development in North Lanarkshire, where there have been previous decisions relating to the same site and similar developments. One of the key issues in that case was

⁵ <https://esescityregiondeal.org.uk/sesregionalplanning>

⁶ https://www.eastlothian.gov.uk/downloads/file/27791/local_development_plan_2018_adopted_270918

⁷ <https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2021csih08.pdf?sfvrsn=0>



whether the Reporter, in deciding to refuse planning permission, had failed to take proper account of previous planning decisions covering the same site.

- 35 While that case related to a housing development in a different Council area, the Court's comments relating to the need to take proper account of previous planning decisions is of relevance to consideration of the OnTW. In paragraph 39 of the decision, the Court noted that:

'perhaps of the greatest concern in the general context of the planning process, there is the failure of the reporter to take proper account of the previous planning decisions and to explain why he reached a decision which differed from them'.

- 36 A key issue emerging from this decision is the need for consistency in decision making and in paragraph 39 the Court concluded:

'If a reporter seeks to depart from the reasoning in an earlier decision relating to the same site and on the same issue, it is incumbent upon him to explain clearly why he is departing from it. It is not sufficient to recognise the existence of the earlier decision and to state that he or she must reconsider the proposal on its merits.' (page 18).

- 37 This ruling of the Court of Session underlines the need for decision-makers to recognise and take account of previous planning decisions, where relevant to an application that is under consideration. In this instance, the previous decision to grant PPP for the OnTW in 2019 is directly relevant to this Further Application. This Planning Statement emphasises that the policy basis upon which the OnTW was previously granted PPP remains the same (as does the development description and Application Site) and should therefore continue to be the basis upon which a positive decision for this Further Application is reached.

- 38 More recently ELC granted PPP for the Seagreen 1A OnTW in August 2021, located to the south of the Application Site on the opposite side of the B1348. The EIA Report that accompanied the Seagreen application considered the ICOL OnTW as part of the cumulative assessment, which ELC assessed as being acceptable when it granted PPP for the Seagreen application.

- 39 This recent planning decision is relevant to the consideration of the Further Application for the OnTW in that ELC has already considered cumulative matters between both developments to be acceptable. It is relevant to note that the majority of the Seagreen site is also covered by the same PROP EGT1 LDP policy zoning that the Application Site is covered by. The ruling of the Court of Session in the Ogilvie case also has relevance as far as the Seagreen application is concerned; the relevance being that ELC has granted PPP very recently for a very similar development to the ICOL OnTW, within the same policy area as the Further Application.

4.2 Strategic Development Plan for Edinburgh and South East Scotland (SESplan) 2013

- 40 SESplan was approved by Scottish Ministers in June 2013 and sets out the spatial strategy for the development of the City Region in the period to 2023. While SESplan is now over 8 years old and does not reflect current policy objectives and legislation with regards to combat-



- ing the climate emergency (see Section 5), it remains part of the Development Plan and requires discussion. However, in term of Scottish Planning Policy (SPP), paragraph 33 SESplan is considered to be out of date.
- 41 SESplan provides the strategic policy context for development within the City of Edinburgh, East Lothian, Fife, Midlothian, Scottish Borders and West Lothian. Much of the focus in SESplan is on the future provision of housing land, both in terms of strategic requirements and the locations of the main development areas. These discussions are not considered relevant to the proposed OnTW. However, in discussing the overall vision for the SESplan area, paragraph 15 states that both the urban and rural environments will need to withstand and respond to the effects of climate change in the period to 2032. One of the aims of SESplan as outlined in paragraph 17 is to *'contribute to the response to climate change through mitigation and adaptation and promote high quality design/development'*.
- 42 Response(s) to climate change could be taken to mean a number of measures including responding to increased river and sea levels, directing new development to areas at least risk of flooding and also accepting changes in the landscape as a result of new developments linked directly with efforts to combat the climate emergency (at the time PPP was granted for the OnTW in February 2019, the term generally used was 'climate change', since when the term 'climate emergency' is used more frequently, including by ELC, to reflect the scale and severity of the issue and the need for urgent action, as discussed further in Section 5). The OnTW could therefore be seen as one direct consequence of the acknowledged need for change in the urban and rural environments to address issues raised by the climate emergency.
- 43 The SESplan Spatial Strategy identifies five sub-regional areas within which specific actions, growth targets and strategic development allocations are identified. The Application Site is located within an area referred to in SESplan as the 'East Coast' as shown on Figure 4 of SESplan. Commentary on issues affecting the East Coast are set out in paragraphs 48-59 of SESplan; however, there is no specific mention of offshore renewables or associated onshore infrastructure in these paragraphs.
- 44 Figure 2 of SESplan does, however, identify key strategic improvements to transport and other infrastructure which are required for existing and future development. Within the accompanying narrative on the East Coast, Figure 2 identifies the requirement for electricity grid reinforcements.
- 45 Figure 4 of SESplan identifies land at Cockenzie as a location for a new non-nuclear base electricity generating facility, reflective of the 'national development' status of that project in National Planning Framework 2 at that time. The current NPF3 does still identify land at Cockenzie as suitable for a potential thermal generation plant or carbon capture and storage facility and this is reflected in National Development 3; however, Cockenzie is also recognised in NPF3 as a location that may offer *'significant opportunities for renewable energy-related investment'*. This issue is discussed further in Section 6.
- 46 Energy is discussed as a topic in paragraphs 124-125 of SESplan and the accompanying Policy 10 'Sustainable Energy Technologies'. Paragraph 124 recognises the need to derive a



- higher proportion of heating and energy requirements from renewable sources and to reduce overall energy consumption. SESplan requires that LDPs promote the use of renewable energy and encourage development that will contribute to achievement of various 2020 specified renewable energy targets. These targets have been increased and updated to reflect the passage of time and the urgency with which the climate emergency needs to be addressed and Section 5 discusses these more recent targets further.
- 47 Paragraph 125 of SESplan recognises that there are a range of renewable energy technologies with varied impacts. For onshore developments, SESplan states that key issues to be considered include location, landscape, environmental quality and community impacts. SESplan Policy 10 seeks to promote sustainable energy sources by requiring Local Development Plans to set a framework for the encouragement of renewable energy proposals that aim to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations. Policy 10 also requires Local Development Plans to support the future development and associated infrastructure requirements of Longannet and Cocksenzie power stations in relation to their role as non-nuclear baseload capacity. These SESplan requirements have since been addressed by ELC in the 2018 LDP, specifically in terms of Policies EGT1 and EGT3 which are discussed below.
- 48 There are no recent or current proposals for any other forms of energy generation or electricity transmission on the Application Site and the 2019 extant PPP remains the only energy related proposal covering the Application Site. The existence of the 2019 OnTW PPP is a relevant consideration in assessing this Further Application as is the Reporter's comments on the relevance of SESplan in her January 2019 report where she noted in paragraph 7.12 that whilst SESplan '*lacks specific reference to Cocksenzie for this type of proposal it does provide general support through paragraphs 124-125 and through Policy 10 part b) on sustainable energy technologies*'.
- 49 Ultimately, the Reporter concluded that SESplan offered some support in terms of renewable energy development and that the relevant provisions of SESplan would not result in conflict overall with the Development Plan (para 7.98).
- 50 The OnTW will assist in achieving national renewable energy targets by transmitting renewable electricity generated by the Offshore Wind Farm to the NETS for onward transmission to end users. The extended generating capacity of the Revised Offshore Wind Farm of up to 1GW now means that this Further Application for the OnTW has the ability to support an even greater output of renewable energy. The currently consented Offshore Wind Farm has the potential to provide renewable electricity for the equivalent of the annual consumption of approximately 1,000,000 Scottish households, which represents more than 36% of households (as measured by their 'domestic MPAN' metering point), and the proposed OnTW therefore have a key role to play in this strategically significant Offshore Wind Farm. The proposed OnTW are considered to be consistent with the wider aims and aspirations of SESplan, both in terms of matters relating specifically to energy issues as well as the wider SESplan spatial strategy.
- 51 Overall, therefore, the OnTW is still considered to be in accordance with the relevant strategic aims and objectives of SESplan as far as these remain relevant, noting that the document is



now over 5 years old and is technically out of date. The most up to date part of the Development Plan that should be used to determine this application is therefore the LDP, as noted by the Reporter in paragraph 7.12 of her report, as this has been prepared within the context of NPF3, which post-dates approval of SESplan in 2013.

4.3 East Lothian Local Development Plan 2018

52 The East Lothian LDP 2018 replaced the East Lothian Local Plan 2008 when it was adopted in September 2018. The 2008 Local Plan was the adopted Local Plan at the time the PPP application was made for the OnTW in 2018. At the time of the Reporter's Report, however, the LDP 2018 had been adopted and so formed an integral part of the Reporter's reasoned conclusions and recommendations to Scottish Ministers.

53 Many of the relevant technical and environmental policies within LDP 2018 are very similar to their predecessor equivalents within 2008 Local Plan. The two most relevant LDP policies which are discussed in this Planning Statement are PROP EGT1 and PROP EGT3, which are discussed in detail in the following paragraphs. There are a number of other LDP planning policies that were considered previously, relating to topics such as flooding, biodiversity, open space, transport, cultural heritage, amongst others.

54 The relevant policies in LDP 2018 include the following:-

- NH4: European Protected Species;
- NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species;
- NH9: Water Environment;
- NH10: Sustainable Drainage Systems;
- CH2: Development Affecting Conservation Area;
- CH4: Scheduled Monuments and Archaeological Sites;
- T2: General Transport Impact;
- NH11: Flood Risk;
- NH12: Air Quality;
- NH13: Noise;
- RCA1: Residential Character and Amenity;
- DP2: Design; and
- W4: Construction Waste.

55 In her report to Scottish Ministers the Reporter considered the 2018 OnTW application against these policies where relevant. The Reporter's Report states on page 8 that '*aside from landscape and visual impact I have identified no other significant environmental effects*' associated with the OnTW. In the concluding paragraph 7.105 the Reporter concluded that the OnTW complied with or could be compliant with a range of LDP policies, subject to consideration of further detailed design matters. Overall, The Reporter concluded in paragraph 7.106 that:



'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 renewable energy targets and priorities. I find no other material considerations sufficient to over-ride this considerable support.'

56 These conclusions and the findings of the 2018 EIA Report helped inform ICOL's scoping request to ELC for the 2021 EIA, and also subsequently ELC's Scoping Opinion. ELC agreed that with the exception of landscape and visual considerations and climatic factors, no other issue needed to be considered in the Further Application EIA, as there was no potential for significant environmental effects on these other topic areas.

57 Given that the Application Site and description of development remain the same and the Reporter was able to consider the policies of the newly adopted LDP 2018 in making her recommendation to Ministers in January 2019, there is no planning reason why the Further Application for the OnTW should not continue to be viewed favourably in Development Plan policy terms.

58 The EIA Report accompanying the Further Application contains assessments relating to landscape and visual assessment matters and climate change impact. Therefore this section relating to Development Plan policy focuses on policy matters relating to these topics, as well as addressing the LDP 2018 key policies of relevance, PROP EGT1, PROP EGT3 and policy EGT4. Previous assessments relating to issues such as flood risk, transport etc are not replicated here.

4.3.1 PROP EGT1: Land at Former Cockenzie Power Station

59 PROP EGT1 states:-

1 *'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.*

2 *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.*

3 *Development proposals must avoid unacceptable impact on the amenity of the surrounding area, including residential development.*

4 *Proposals will be subject to a Habitats Regulations Appraisal and an Appropriate Assessment under the Habitats Regulations as required.'*

60 The preceding LDP paragraph 4.88 to PROP EGT1 states that *'the council endorses the support expressed in NPF3 for onshore links to offshore renewable energy installations, including at Cockenzie and the Forth coast extending to Torness, as part of National Development 4: High Voltage Energy Transmission Network.'* This links with the statement in PROP EGT1



above that significant opportunities exist for using land at Cockenzie for renewable energy related development.

- 61 The Further Application for the OnTW fits entirely with the aims of PROP EGT1. With regard to the reference to competing proposals and making best use of the location's assets, this point was considered in detail by the Reporter in relation to the 2018 OnTW PPP application. Page 7 of the Reporter's Report states that:

'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....My conclusion is that there is currently no competing use for the site.' (sic)

- 62 The Reporter also considered the question of best use of the location's assets and noted in paragraph 7.103 that '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'. The Reporter noted that there was an opportunity to shape the final design and location of the OnTW within the Application Site and considered that with further detailed design and landscaping that 'the best use of the site in the current planning context could be secured' (para. 7.100).

- 63 The current planning context remains the same as that in 2019 and it is considered that the Further Application for the OnTW would continue to make best use of the site. In this regard it is noted that several of the conditions attached to the PPP will influence the location, footprint, and design of the Onshore Substation in particular. If PPP were to be granted for this Further Application, it is anticipated that a similar suite of conditions would also be attached to that new PPP, thus ensuring best use is made of the Application Site.

- 64 Since the Reporter considered this matter there have not been any proposals put forward which would compete for the use of the site under the terms of PROP EGT1. In this regard the Further Application continues to comply with the terms of PROP EGT1 and is in accordance with its aims and objectives.

- 65 It is acknowledged that PPP has since been granted by ELC to Seagreen 1A for its onshore substation, on the opposite side of the B1348. However, this is not a competing use. In addition, it is noted that ELC has prepared ClimatEvolution, a visionary document for an area around Prestonpans, Tranent, Blindwells and also including the Application Site. ClimatEvolution is discussed further in Section 6.

- 66 In terms of PROP EGT1, the Reporter concluded in paragraph 7.105 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.'

- 67 Given these factors, the Further Application for the OnTW is also considered to accord with PROP EGT1.



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

68 PROP EGT3 supports the principle of electricity grid connections on the Forth coast from Cockenzie to Torness, to facilitate offshore energy production and 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.'* (page 113)

69 Following on from the commentary above, which demonstrates the compliance of the Further Application with PROP EGT1, it is clear that the OnTW also complies with the related policy objectives of PROP EGT3. The Further Application for the OnTW is aimed entirely at facilitating the transmission of renewable electricity generated offshore, the key aim of PROP EGT3, and there is no discord with any of the criteria listed. Of particular relevance, the proposed OnTW would make use of existing infrastructure at Cockenzie, notably the coastal location of the Application Site and proximity to the grid connection on the opposite side of the B1348. Making use of this existing infrastructure has clear environmental benefits, significantly reducing the length of underground and/or overhead cables required between landfall and an alternative site, and also back to the grid connection.

70 The 2018 EIA Report and associated Habitats Regulations Assessment concluded that there were no residual significant effects on biodiversity, including in relation to the Firth of Forth Special Protection Area (SPA). That position remains unchanged and ELC conformed this in their recent Scoping Opinion (pages 8-9). Biodiversity was therefore scoped out of the accompanying EIA Report to this Further Application.

71 The Reporter concluded in paragraph 7.101 that the 2018 OnTW application would be compliant with PROP EGT3, provided that certain further details were submitted for further consideration as part of the detailed design process. These conclusions remain just as valid for the Further Application, noting that this Application also seeks PPP and that ELC and other local stakeholders will be able to comment upon detailed design and other proposals as they emerge. The Further Application for the OnTW is therefore compliant with PROP EGT3.

4.3.3 Policy EGT4: Enhanced High Voltage Electricity Transmission Network

72 Policy EGT4 supports enhancement of high voltage electricity transmission networks, subject to various assessment criteria relating to landscape, visual, natural and cultural heritage, for example. The pre-ambule to this policy in paragraph 4.98 notes that NPF3:

'gives national development status to enhancing the high voltage transmission network in order to facilitate offshore renewable energy development and the export of electricity. The Council supports this in principle in appropriate locations'.

73 The principle of the OnTW at this location is already established. This Further Application essentially seeks to re-establish that acceptability. As already discussed, the Development



Plan framework remains the same to when PPP for the OnTW was granted in February 2019 and the Council has accepted through its Scoping Opinion that there is limited potential for significant environmental effects associated with the Further Application.

- 74 The change in baseline environment with the establishment of Special Landscape Areas, which replaced the previous Areas of Great Landscape Value is discussed in the commentary below, but this change does not in any way compromise the continuing suitability of the Application Site for the OnTW. The landscape and visual impact assessment in the EIA Report considers the potential cumulative effects associated with the Seagreen 1A application, which are discussed in the following paragraphs in relation to relevant LDP polices. The findings of these assessments do not question the continuing suitability of the Application Site for the OnTW.
- 75 This Further Application for the OnTW is therefore considered to be compliant with Policy EGT4.

4.3.4 Landscape and Visual Impact Policies

- 76 LDP Policy DP1: Landscape Character, sets out assessment criteria relating to landscape character and appropriate mitigation and seeks to ensure that new development is well integrated into its surroundings and includes landscaping where appropriate.
- 77 In her assessment of the 2018 OnTW application, the Reporter noted that there was an opportunity for an appropriate design solution to be secured for the OnTW through the detailed design process, given the application was for PPP only. While acknowledging that there was a significant landscape impact associated with that application, she considered that with the support expressed through PROP EGT1, consistency with Policy DP1 could be achieved and she found no conflict with this Policy (para. 7.101).
- 78 As shown by EIA Report Figure 6.3, the Application Site sits entirely within the Musselburgh/Prestonpans Coast Landscape Character Area (LCA). Chapter 6 of the EIA Report considers the key characteristics of this LCA and assesses potential impacts upon it as a result of the Further Application, during the construction and operational phases for both the cables and the onshore substation.
- 79 The assessment considers that during construction of the landfall and onshore export cable moderate and therefore significant effects would occur upon the landscape fabric at these construction areas, the same as reported in the 2018 EIA Report. However, these effects would be limited in duration and would be remediated once construction works are complete and areas reinstated (see EIA Report Table 6.5). There would be no effects during the operational phase. Construction impacts upon the character of the LCA were also assessed and are concluded to be of slight magnitude and not significant, as summarised in EIA Report Table 6.7.
- 80 During the construction phase of the onshore substation, significant effects would arise on the landscape fabric of the Application Site, the same as reported in the 2018 EIA Report (see EIA Report Table 6.9). There would be no significant effects upon the LCA resulting from onshore substation construction works, as summarised in EIA Report Table 6.11. During the



operational phase of the onshore substation building significant effects on the LCA would occur. These effects would arise due to the introduction of a large building and associated infrastructure which will alter the character of the greenspaces close to the west and south of Application Site - Preston Links and Atholl View mound, and Edinburgh Road adjacent to the Application Site. These effects would reduce slightly as planting matures, but remain significant.

- 81 In respect of cumulative landscape and visual effects, in their report to Committee for the Seagreen 1A OnTW⁸, ELC concluded that there is no conflict with Policy DP1 when the ICOL and Seagreen OnTWs are considered. The same effects are being assessed here in relation to the Further Application with no change in circumstances having occurred since ELC determined to grant the Seagreen application. ELC's conclusions are considered to be just as applicable to the assessment of this Further Application.
- 82 Overall, therefore, while it is acknowledged that short term effects upon landscape character will arise during the construction phase these effects are temporary and will be remediated once construction works are complete and ground disturbance activities are complete. Operational impacts upon the LCA will also arise as a result of the onshore substation. There is however considered to be no conflict with LDP Policy DC1 given the presence of the extant PPP which was considered against the same LDP policy. In addition, there will be opportunities through the AMSC process, to further integrate the OnTW into the surrounding environment through detailed design and landscaping.
- 83 In coming to conclusions regarding Policy DC1, regard has also been had to the Reporter's report from 2019, where she acknowledged that although significant effects would occur in relation to landscape, she found that through the support of PROP EGT1 compliance with policy DP1 could be achieved. This position remains unchanged for the Further Application, where the same Application Site and development description mean that the findings of the Reporter still stand and compliance with Policy DP1 is achieved, noting also that a detailed design process is still to follow.
- 84 LDP Policy DC9: Special Landscape Areas, is relevant to the Further Application as Special Landscape Area (SLA) 32 'Prestonpans Coast' is located immediately to the west of the Application Site. Policy DC9 lists several criteria where development would be acceptable within SLAs. The Application Site is not within the SLA, however Chapter 6 of the EIA Report assesses the impacts of the construction and operational phases of the OnTW on the special qualities of the SLA. Chapter 6 of the EIA Report concludes that during the construction phase the effects on the SLA are judged to be short term and localised albeit resulting in a temporary major/moderate effect.
- 85 The operation of the OnTW will give rise only to a slight magnitude of change to the SLA which would result in an overall moderate effect (EIA Report Table 6.19 and accompanying text).

⁸ https://www.eastlothian.gov.uk/meetings/meeting/16791/planning_committee



- 86 In their report to Committee for the Seagreen 1A OnTW, ELC concluded that there is no conflict with Policy DC9 and the conclusions of the Further Application EIA Report allow for the same judgement to be made for this Further Application.
- 87 Outwith specific impacts on the SLA, the operational phase of the OnTW would also result in several significant landscape and visual effects, including on residential areas on the western edge of Cockenzie and recreational users of the John Muir Way, Preston Links and several Core Paths as well as users of the B1348. Significant effects on all of these however will reduce as planting matures.
- 88 The main change to the baseline since 2018, in terms of cumulative aspects, is the consented Seagreen 1A OnTW located on the south side of the B1348 (Edinburgh Road) adjacent to the existing Cockenzie substation building and within 500m of the Application Site. This application was granted planning permission by ELC in August 2021.
- 89 As part of the Seagreen 1A OnTW application, the cumulative landscape and visual effects of both the ICOL OnTW and the Seagreen 1A OnTW were considered by ELC. Chapter 6 of the accompanying EIA Report states that cumulative effects with the consented Seagreen 1A OnTW have been considered and only short-term significant effects are anticipated as a result of simultaneous or overlapping construction work on both. These short-term visual effects would be on users of the John Muir Way and Preston Links and recreational users of the B1348. As stated, ELC considered the cumulative effects as part of their assessment of the Seagreen 1A OnTW application and found no policy conflicts. PPP was then granted.
- 90 Given this very recent assessment by ELC of the Seagreen OnTW application, the findings of the Further Application EIA Report and noting the Reporter's conclusions on the 2018 application, it is the case that the Further Application does not conflict with Policy DC9. This is underlined by ELC's acceptance of the Seagreen 1A OnTW proposal, through which the cumulative landscape aspects of both the Seagreen and ICOL OnTW in relation to the SLA were considered and assessed to be policy compliant.

4.4 Conclusions on Development Plan Policies

- 91 Firstly, it is important to note that this Planning Statement is made in support of a Further Application for the already consented OnTW. The acceptability of the OnTW has already been established under the PPP issued by Scottish Ministers in February 2019. In addition the cumulative effects of both the Seagreen and ICOL OnTW have recently been considered acceptable by ELC. The Ogilvie Homes decision, referred to earlier in this Statement, underlines that decision-makers need to have regard to previous planning decisions when determining planning application. In that regard the decision to grant PPP in February 2019 for the OnTW is material to the determination of this Further Application and must be acknowledged by ELC. The same can also be said about the relevance of the Seagreen 1A PPP decision.
- 92 The commentary against the various relevant policies of LDP 2018 set out above demonstrates that the OnTW continue to be acceptable in policy terms, most particularly in relation to key policies PROP EGT1 and PROP EGT3, from which the Further Application can draw



considerable support. Specifically PROP EGT1 recognises the former Cockenzie Power Station Site as being important in the context of future energy related development. The Reporter's previous conclusions relating to the site's suitability for a variety of uses and her conclusions that there is no current competing use for the site still stand true. The basis upon which the Reporter made the previous positive recommendation, and upon which Scottish Ministers resolved to grant consent, for the OnTW in planning policy terms remains the same now.

- 93 The updated LVIA in the EIA Report considers the Further Application in terms of the new SLA designation as well as the changed cumulative picture with the inclusion of the Seagreen 1A Onshore Substation. As with the 2018 EIA, some significant effects have been identified, however these were considered acceptable and did not detract from wider policy support elsewhere in the LDP or NPF3. The Further Application should be considered in similar terms. The Reporter found the 2018 PPP application for the OnTW to be policy compliant, even in light of some significant effects having been identified for landscape matters. No change has occurred in the intervening period to suggest that a different view should be taken in the consideration of the Further Application.



5 Energy Policy Considerations

5.1 Introduction

- 94 This section of the Planning Statement considers various energy policy publications considered to be of relevance to the Further Application. This includes a discussion on international, European, UK and Scotland only publications.
- 95 The Planning Statement that accompanied the 2018 OnTW application also addressed energy policy considerations. It is recognised that the OnTW do not generate renewable electricity. They are, however, an important part of the onshore transmission requirements associated with the distribution of significant levels of renewable energy generation from the Offshore Wind Farm. In that respect, consideration of renewable energy and greenhouse gas reduction targets is a relevant consideration for this Further Application, a point that the Reporter agreed with in her report to Ministers on that application, paragraph 7.75. The Reporter stated in page 8 that the OnTW could draw support from national renewable energy targets and priorities.
- 96 Since PPP was granted for the OnTW in February 2019, there has also been a notable change in the everyday language used when discussing climate change – increasingly the term ‘climate emergency’ is being used, including by Governments and local authorities; a reflection of the severity of the current situation worldwide. ELC declared a climate emergency in August 2019⁹, following the Scottish Government’s own declaration of ‘climate emergency’ in May 2019, Scotland being the first country in the world to make such a declaration.
- 97 The Scottish Government very clearly sees projects such as the proposed OnTW as an essential component of the infrastructure needed to meet targets for renewable energy generation, meet statutory climate change targets and increase the UKs security of energy supplies. Further discussion on this point is set out later in the commentary on NPF3, but it is considered appropriate to identify some of the most pertinent and recent policy drivers and directives that set the context for the Further Application for the OnTW.
- 98 In addition to the policy documents below, reference should also be made to the recent COP26 event held in Glasgow during November 2021. Following from the event itself, the Glasgow Climate Pact records almost 200 countries agreeing to continue to pursue efforts to limit global average temperature increases to 1.5°C and is aimed at ensuring that action on climate change increases in pace. All countries agreed to revisit and strengthen their current emissions targets to 2030, known as Nationally Determined Contributions (NDCs), in 2022. This will be combined with a yearly political roundtable to consider a global progress report and a Leaders summit in 2023¹⁰. COP26 is the latest in a series of events that is steadily increasing the global focus on climate change matters, which only serves to further emphasise the importance of securing further renewable energy deployment as part of the action required to meet targets.

⁹ https://www.eastlothian.gov.uk/news/article/13064/climate_emergency_declared

¹⁰ <https://ukcop26.org/cop26-keeps-1-5c-alive-and-finalises-paris-agreement/>



5.2 UK Energy Policy

5.2.1 Introduction

99 Energy policy in Scotland is a matter that is specifically reserved to the UK Parliament. However, as the following paragraphs note, the Scottish Government has published several of its own energy policy and strategy documents that apply to Scotland only and these are material to the determination of this application.

5.2.2 Climate Change Act 2008

100 The Climate Change Act became law on 26 November 2008 and introduced a legally binding target for the UK to reduce CO₂ emissions by at least 80% by 2050, relative to 1990 levels. Efforts to reduce emissions in Scotland would contribute to achievement of UK wide targets, as well as meeting Scotland specific targets as discussed below.

5.2.3 Energy White Paper – Powering our Net Zero Future

101 The UK Government published the above document in December 2020¹¹, which sets out the approach to tackling the inter-generational challenge of climate change.

102 The various actions set out in the White Paper are described as ‘*a strong signal to project developers and the wider investor community about the government’s commitment to delivering clean electricity*’. In the Section ‘Our Key Commitments’, the White Paper notes that ‘*on-shore wind and solar will be key building blocks for the future generation mix, along with off-shore wind*’.

5.2.4 Committee on Climate Change – Net Zero, The UKs contribution to stopping global warming and The Sixth Carbon Budget

103 In December 2020 the CCC published ‘The Sixth Carbon Budget’¹² which comprises three documents; ‘The UK’s path to net Zero’, ‘Methodology Report’ and ‘Policies for the Sixth Carbon Budget and Net Zero’. The 2020 Report builds on the 2019 Report, describing what the potential path options to net-zero look like and details the steps that must be taken to achieve this. A key recommendation of the 2020 Report is that the UK Government requires a reduction in UK GHG emissions of 78% by 2035 relative to 1990, a 63% reduction from 2019 and that this should be coupled with a pledge by 2030 to reduce emissions by at least 68% from 1990.

104 Focussing on electricity generation in Section 4 of ‘The UK’s path to Net Zero’ volume of the 2020 Report, it is stated that reducing emissions from electricity generation to near-zero will require significant expansion of low-carbon generation, particularly in renewables and in tandem with more flexible use of storage. Action to achieve this must recognise an increasing demand for electricity (due to an increasing electrification of the economy) with decreasing carbon intensity of generation. The 2020 Report makes a number of policy recommendations

¹¹ <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>

¹² <https://www.theccc.org.uk/publication/sixth-carbon-budget/>



to support the further deployment of renewable energy generation including the following on page 443, 'Policy should address barriers to the major scale-up required, for example by supporting the coordination of connections from offshore windfarms into the onshore network and greatly strengthening the UK's power grid.'

5.2.5 The Climate Change Act 2008 (2050 Target Amendment) Order 2019

- 105 The UK Government amended the Climate Change Act 2008 in June 2019 to amend the GHG reduction targets for the UK, The Climate Change Act 2008 (2050 Target Amendment) Order 2019¹³ amended the 2008 Act by passing into law the target for UK GHG emissions to be at least 100% lower than the 1990 baseline by 2050 (net zero by 2050).

5.3 Scottish Government Energy Policy

- 106 Like the UK Government, Scotland too has legislated to achieve net-zero carbon emissions. The Scottish Government first declared the 'climate emergency' in April 2019 when, in her speech to the Scottish National Party conference, the First Minister of Scotland stated:

5 'So today, as first Minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it'.

5.3.1 Climate Change (Emissions Reduction Targets) (Scotland) Act (2019)

- 107 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019¹⁴ (the Climate Change Act 2019) commits Scotland to becoming a net-zero society by 2045 (5 years earlier than the rest of the UK). By introducing the Act, Scotland became one of the first countries to legislate support for the aims of the Paris Agreement.

- 108 In addition to setting a target date of 2045 for reaching net-zero emissions, the Climate Change Act 2019 also introduces interim targets and states that the Scottish Ministers must ensure that the net Scottish emissions account for the year:

- 2020 is at least 56% lower than the baseline;
- 2030 is at least 75% lower than the baseline; and
- 2040 is at least 90% lower than the baseline.

- 109 The OnTW can help achieve these statutory targets by facilitating the transmission of renewable energy generated by the Offshore Wind Farm and displacing GHG emissions associated with fossil fuel electricity generation.

¹³ <https://www.legislation.gov.uk/ukdsi/2019/9780111187654>

¹⁴ <http://www.legislation.gov.uk/asp/2019/15/enacted>



5.3.2 Reducing Emissions in Scotland – 2020 Progress Report to the Scottish Parliament (2020)

- 110 Published on 7th October 2020, the 2020 Progress Report to the Scottish Parliament¹⁵ (Committee on Climate Change, October 2020) assesses Scotland's overall progress in achieving its legislated targets to reduce GHG emissions. While there was a reduction in GHG emissions of 31% between 2008 and 2018, there was a 2% increase in emissions in 2018 compared to a 3% reduction in 2017. The Report considers the actions required over the next decade and beyond to help achieve the net zero target by 2045. It notes that the net zero target *'requires a strategic shift in climate policy'* and that the 75% reduction in emissions by 2030 *'will likely be even more challenging to achieve'* (page 25).
- 111 The Report notes that there has been almost full decarbonisation of electricity generation in Scotland over the last decade and that Scotland's progress on this should be commended (page 25). The Report considers that Scotland must now capitalise especially on the potential for inexpensive renewable generation by decarbonising other sectors of the economy via electrification, as well as increasing electricity exports to the rest of the GB system.

5.3.3 Climate Change Plan: The Third Report on Proposals and Policies 2018 – 2032

- 112 The Climate Change (Scotland) Act 2009 requires Scottish Ministers to lay a report in Parliament setting out their proposals and policies for meeting annual emissions reduction targets. The third such report was laid in Parliament on 28 February 2018¹⁶. An update to the Climate Change Plan (CCP) was published in December 2020 and is discussed below.
- 113 Looking to the future, the CCP states that in 2032 Scotland's electricity system will be powered by a *'high penetration of renewables'* and that *'electricity will meet a growing share of Scotland's energy needs'* (page 67).
- 114 The Ministerial Foreword states that *'by 2030 Scotland's electricity system, already largely decarbonised, will be increasingly important as a power source for heat and transport'*.

5.3.4 Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery on a Path to Net Zero

- 115 In December 2020, the 'Update to the Climate Change Plan 2018 – 2032: Securing a Green Recovery' on a Path to Net Zero¹⁷ was published as an update to the Climate Change Plan 2018. This 2020 update focuses on the Scottish Government's legislative commitment to reduce emissions by 75% by 2030 (compared with 1990) and to net zero by 2045, but setting this now within the context of a post-COVID green recovery.
- 116 Part 3: Chapter 1 of the 2020 update focuses on electricity. This part of the report emphasises the rapid growth and success to date of Scotland's renewable energy generation as well as the determination to continue and expand this further. Page 78 of the update states that

¹⁵ <https://www.theccc.org.uk/wp-content/uploads/2020/10/Reducing-emissions-in-Scotland-Progress-Report-to-Parliament-FINAL.pdf>

¹⁶ <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018/pages/17/>

¹⁷ <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/>



'Planning has been, and will remain, a critical enabler of rapid renewables deployment in Scotland'.

5.3.5 The Scottish Energy Strategy (SES) 2017

- 117 The SES was published in December 2017¹⁸ and sets out the Scottish Government's strategy through to 2050, marking a *'major transition'* over the next 3 decades in terms of energy management, demand reduction and generation.
- 118 The Strategy sets a new 2030 'all energy' target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources. The Strategy also targets an increase by 30% in the productivity of energy use across the Scottish economy. Since the time that the SES was published, further government publications seek to achieve even more ambitious targets, which further underlines the need case for the deployment of renewable energy development. The most notable development being the legally binding commitment to deliver net zero GHG emissions by 2045 in Scotland, which is now enshrined in law.
- 119 Supporting the Offshore Wind Farm, the OnTW can help deliver greater security over energy supplies by reducing reliance upon imported fossil fuels, an objective set out in the SES which notes that energy system security and flexibility are one of the six key priorities around which the 2050 Vision is built.

5.3.6 The Scottish Government's Offshore Wind Policy Statement (OWPS) (2020)

- 120 The OWPS states that Scottish offshore generation will play a vital part in helping to meet the challenge to reduce emissions by 75% by 2030. Recognising that offshore wind is one of the lowest cost forms of electricity generation at scale and that Scotland has huge potential resource in this sector, the Scottish Government aims to tackle any barriers to development within this sector, support innovation and maximise the economic benefits to Scotland as a whole.
- 121 The OWPS states that the Scottish Government sees potential for as much as 11GW of offshore wind capacity in Scottish waters by 2030. An annex to the OWPS lists the consented projects, as of the publication date in 2020, with Inch Cape Offshore Wind Farm featuring amongst these projects. This identifies the importance of that project to the continuing success of offshore renewables deployment in Scotland and the OnTW is clearly an integral part in the success of the Offshore Wind Farm and in meeting the challenge of emissions reductions as stated in the OWPS.

5.3.7 Sectoral Marine Plan for Offshore Wind Energy (2020)

- 122 The Scottish Government's purpose in preparing the Sectoral Marine Plan for Offshore Wind Energy is to identify sustainable plan options for the future development of commercial-scale offshore wind energy in Scotland. The Plan reviews a number of options across four different regions. An important backdrop to this Plan are those offshore wind projects that have been

¹⁸ <https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/>



consented and that are progressing through the planning process. Inch Cape Offshore Wind Farm is identified as one such consented project, highlighting the importance of the development pipeline in offshore wind and the pivotal role that this sector has to play in Scotland's energy system over the coming decades.

5.4 Conclusions on Energy Policy Considerations

- 123 There can be no doubt that since PPP for the OnTW was granted in February 2019, the issue of global warming has escalated in importance towards the top of the political agenda, culminating recently in the COP26 Conference in Glasgow. There has been a notable change in language used by the UK and Scottish Governments, who now recognise that there is a 'climate emergency' that demands immediate action. ELC has also declared its own climate emergency in 2019. The adoption of a net-zero target for Scotland by 2045 is only part of the response - action on the ground is required if this target is to be met.
- 124 Taking action to deliver these targets will have ramifications for all aspects of society from reducing the demand for energy, to the electrification of transport. It is clear also that the offshore wind sector has an important role to play in helping to deliver Scotland's longer-term climate change targets while also helping to reduce the costs of electricity generation. In facilitating the Offshore Wind Farm, the OnTW can help deliver these objectives by developing a renewable energy facility using a proven technology and one of the lowest cost forms of power generation, including non-renewables.
- 125 In her Report relating to the 2018 PPP application for the OnTW, the Reporter commented at paragraph 4.118 that "...recent expressions of Scottish Government energy policy provide further evidence of the need for the proposal to help achieve the Scottish Government's ambitious...renewable energy targets". Since that Report was written in 2019 there has clearly been yet further support published within various Scottish Government policy documents, containing ever more ambitious targets, underlining once more the importance of the OnTW.
- 126 Significantly, statistics published in June 2021¹⁹ showed that GHG emissions in Scotland reduced by 51.5% between the 1990 (the baseline period) and 2019. The target set by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 specifies a 55.0% reduction over the same period. This means that for the latest reporting period, the GHG reduction target has not been met. This is the third year in a row where Scotland has missed its GHG reduction targets. Considering that the 2030 target set by legislation requires a 75% reduction compared to 1990 levels, it is clear that a significant amount of work remains to be done to achieve these targets. The OnTW can help facilitate achievement of these reductions, by being operational alongside the Offshore Wind Farm by 2025/26.
- 127 The National Development status afforded to the OnTW is even more relevant now than when NPF3 was introduced in 2014.

¹⁹ <https://www.gov.scot/publications/scottish-greenhouse-gas-statistics-1990-2019/documents/>



6 Other Material Considerations

6.1 Introduction

- 128 The 2018 PPP application for the OnTW was also assessed against other material considerations, the majority of which remain the same as when that application was determined. NPF3 and SPP are the most relevant material considerations in the determination of this Further Application. As with the Development Plan policy assessment, and given that the Application Site and description of development remain unaltered, it can reasonably be concluded that the Further Application remains compliant with both NPF3 and SPP. Nevertheless, for completeness the relevant commentary relating to both documents and the Further Application is set out below. The recently published Draft NPF4 (November 2021) has also been considered.
- 129 In addition to these documents, both the Former Cockenzie Power Station and Surrounding Area Masterplan (2017) and the ClimatEvolution – Climate Change Resilience Zone Strategy and Action Plan (2020) are considered below in relation to the Further Application.

6.2 National Planning Framework 3 (2014)

- 130 NPF3²⁰ is a long term strategy for Scotland. Scottish Ministers expect planning decisions to support delivery of the key aims and objectives of NPF3. NPF3 is therefore a visionary document that sets out a spatial strategy for Scotland with associated plans and priorities for investment.
- 131 When taken alongside SPP, NPF3 when applied at the national, strategic and local levels will help the planning system deliver the visions and outcomes for Scotland and will contribute to the Scottish Government's central purpose, which *'is to create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth'*. (Ministerial Foreword).
- 132 While NPF3 can be a material consideration in all planning applications, it was considered of particular relevance to the 2018 PPP application for the OnTW and this remains the case for this Further Application. This is because the OnTW falls within the definition of National Development 4 within NPF3. National Development 4 relates to the development of *'high voltage electricity transmission infrastructure'* and NPF3 states that these classes of development are 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'*. By definition, therefore, the OnTW are of national importance.
- 133 Paragraph 6.8 of NPF3 confirms that where national developments are not location specific, as is the case with the OnTW, site selection will be needed. NPF3 further notes that all developments will require the appropriate level of environmental assessment and public consultation, and will need to demonstrate that environmental impacts can be avoided, or mitigated to

²⁰ <https://www.gov.scot/publications/national-planning-framework-3/documents/>



an acceptable level at the consenting stage. The 2018 EIA Report remains relevant in this regard, along with the accompanying EIA Report to the Further Application. It is also relevant to note that the January 2019 Reporter's report concluded in paragraph 7.105 that *'aside from landscape and visual impact I have identified no other significant environmental effects'*. This is a relevant conclusion overall to this Further Application, but is also pertinent in the context of this section of NPF3.

- 134 While NPF3 does not identify the Application Site as a particular location for National Development 4 projects, the Cockenzie specific commentary in paragraph 3.41 of NPF3 clearly notes that this area will be of interest to developers of offshore wind farms as a location which may present significant opportunities for renewable energy-related investment.
- 135 NPF3 also identifies land, but not a specific site, at Cockenzie as a potential location for another National Development. Cockenzie is one of four potential locations identified in National Development 3 as potentially suitable for *'Carbon Capture and Storage Network and Thermal Generation'*. NPF3 states that these classes of development are needed to support the delivery of a carbon capture and storage network to establish Scotland as a centre of expertise in this technology.
- 136 The potential attractiveness of Cockenzie for such uses is discussed in paragraph 3.41 of NPF3. While land at Cockenzie is safeguarded for a possible National Development 3, NPF3 makes it clear that this is not an inflexible position. If competing proposals emerge in the Cockenzie area, such as those related to offshore wind farm proposals, and there is insufficient land for competing proposals, the Scottish Government wishes to see priority given to those which make best use of this location's assets and which will bring the greatest economic benefits.
- 137 There are currently no competing proposals for alternative land uses within Cockenzie and the OnTW can therefore be viewed as the first stage in a wider redevelopment of this area. In her Report relating to the OnTW 2018 PPP application, the Reporter concluded at paragraph 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.'* This remains the position, with no other competing proposals for the Application site.
- 138 While National Development status does not remove the requirement to obtain the necessary consents, including planning permission, this enhanced status does reflect the importance of these projects to the delivery of the Scottish Government's overall spatial strategy, with associated environmental and economic benefits. With regards to National Development 4, paragraph 6.5 of NPF3 states that the Scottish Government wants *'to see planning enabling development of onshore links to support offshore renewable energy development'*. This is clearly an important statement in the context of this Further Application and NPF3 therefore clearly sets out the need case for the OnTW (see NPF3 para 6.1).
- 139 More generally, the Scottish Government's overall vision for Scotland as set out in paragraph 1.2 of NPF3 contains 4 key elements, the first 3 of which were considered relevant to the 2018



PPP OnTW application, and remain relevant to this Further Application, as summarised in the following paragraphs.

(1) A successful, sustainable place

140 Key to achievement of this element of the vision is a growing low carbon economy which provides opportunities that are more fairly distributed between and within all of Scotland's communities.

141 Paragraph 2.2 of NPF3 identifies energy as one of the key sectors of the Scottish economy while paragraph 2.7 seeks to ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions. Paragraph 2.8 of NPF3 states that much can be gained by focusing on energy resources. With the declaration of the 'climate emergency' and the introduction of net zero legislation since PPP was granted in February 2019, the need to lower greenhouse gas emissions is an even more pressing issue now, than even 3 years ago.

(2) A low carbon place

142 NPF3 (paragraph 1.2) seeks to ensure that '*we seize opportunities arising from our ambition to be a world leader in low carbon energy generation, both onshore and offshore*', (underlining added). There is an acknowledgement in paragraph 3.2 of NPF3 that at present the energy sector accounts for a significant share of our greenhouse gas emissions. Paragraph 3.1 states that planning has a key role to play in delivering on the commitments set out in Low Carbon Scotland, which includes full decarbonisation of electricity supply by 2030.

143 The OnTW will allow renewable electricity generated by the Offshore Wind Farm to be connected to the NETS, potentially supplying the equivalent of over one million Scottish homes with renewable electricity per year. Without the OnTW these renewable energy benefits would not be realised and the Offshore Wind Farm would not be constructed, with significant adverse consequences for renewable energy targets, employment creation and inward investment in Scotland. Crucially, the Offshore Wind Farm and the OnTW will be constructed and operational in time to make a substantial contribution to the various 2030 targets, notably the requirement for at least a 75% reduction in GHG emissions, compared to the baseline. ICOL anticipates that the Offshore Wind Farm and OnTW will be operational in 2025/26. These requirements highlight the essential nature of this Further Application.

144 Paragraph 3.9 confirms that the Scottish Government wants to continue to capitalise on Scotland's wind resource, and for Scotland to be a '*world leader in offshore renewable energy*'; a particularly pertinent statement in this case.

145 Paragraph 3.25 of NPF3 sets out the economic benefits of a growing renewable energy sector noting that there will be job opportunities for manufacturing and servicing to support the sector, as well as providing job opportunities in rural areas. Many of ICOL's principal stakeholders are based in East Lothian due to association with the OnTW and ICOL is engaging with ELC, Community Councils, Edinburgh College and East Lothian MSPs to ensure supply chain, skills, and any other opportunities from Inch Cape and other projects in area are capitalised on throughout the life of the wind farm



146 ICOL is working on a supply chain benefit statement specifically associated with the benefits the OnTW would bring to ELC. This work is linked to the appointment of a contractor for the construction works, which is currently anticipated to be confirmed in March 2022. At that time there will also be a series of supply chain events to coincide with appointment of the contractor and to highlight local employment opportunities. Subject to CfD award, the Offshore Wind Farm is expected to generate local jobs, targeted education and training support, and a form of Community Benefits currently planned to be consulted on in 2022. Confirmation of the detail of these benefits will be provided in the supply chain benefit statement, which will be available early 2022. The OnTW subject of this Further Application are required to realise these significant economic benefits and will bring their own level of investment. These economic benefits must be accorded due weight in the overall planning balance.

(3) A natural, resilient place

147 This component of the NPF3 vision envisages a Scotland where natural and cultural assets are respected, improving in condition, and represent a sustainable economic, environmental and social resource for the nation. There is a further aspiration in paragraph 1.2 that *'our environment and infrastructure have become more resilient to the impacts of climate change'*. Paragraph 4.7 continues that the pressing issue of climate change means that action on the environment must continue to evolve, strengthening longer-term resilience.

148 While the OnTW will not generate renewable electricity, it could make a significant contribution to these aspirations by ensuring that renewable electricity generated by the Offshore Wind Farm reaches consumers on the mainland. NPF3 recognises as much in paragraph 3.28 and states that electricity grid enhancements will facilitate increased renewable electricity generation across Scotland. In recognition of this, National Development 4 was included in NPF3 focusing on enhancing the high voltage transmission network to support this, which will help to facilitate offshore renewable energy developments. The OnTW will therefore help achievement of this third aim by facilitating the transition to a low carbon economy and making a valuable contribution to Scotland's response to the challenges of climate change.

149 In her Report to Ministers from January 2019 (page 8), the Reporter stated that the OnTW were 'necessary' to enable electricity transmission from the Offshore Wind Farm. This remains the case and the importance of the OnTW is reflected in the National Development status it benefits from in NPF3.

150 The Reporter's Report for the 2018 PPP OnTW application focussed substantially upon the national development status of the site. Paragraph 4.34 of the Reporter's Report states *'The proposal is expressly supported by EGT1 and NPF3: The Application is a renewable energy-related investment (expressly supported at the Cockszie Site by EGT1 and NPF3) and National Development 4 (expressly identified in NPF3).'* The Reporter goes on to state in paragraph 7.37 of her Report that *'...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.'*



151 In conclusion, therefore, it is considered that NPF3 is strongly supportive of this Further Application for the OnTW by specifically identifying high voltage electricity projects as developments of national importance. The National Development status identifies the need for the proposed OnTW and while the Application Site is not specifically identified as an exact location for the proposed OnTW, it is significant to note that NPF3 recognises that Cockszie presents opportunities for works associated with offshore wind farms. The identification of Cockszie as a location potentially suitable for National Development 3 (Carbon Capture and Storage Network and Thermal Generation) projects is acknowledged, but this does not preclude other developments from coming forward at this location, a point recognised by paragraph 3.41 of NPF3. The Reporter agreed with this interpretation of NPF3 in her 2019 Report. The circumstances of that reasoning have not changed and the Further Application should continue to be considered favourably in relation to NPF3.

6.3 Draft Scotland 2045: Our Fourth National Planning Framework²¹ (November 2021)

152 In November 2021 the Scottish Government published its Draft Scotland 2045: Our Fourth National Planning Framework (Draft NPF4). Only limited weight can be given to the policies and proposed national developments in Draft NPF4 at this stage, given it is a consultation document only. However, statements in that document about the climate emergency, the net zero targets and the need for planning to play an important role in reducing carbon emissions are not new ideas. These are consistent messages already contained within key publications, including those referenced in Section 5 and, as such, reference to these important matters in Draft NPF4 represents a continuation of these important messages. While Draft NPF4 may be subject to change through further consultation, it is considered unlikely that the message on these key points will be diluted or changed substantially and some weight can therefore be attached to these parts of Draft NPF4, where the message is entirely consistent with earlier publications.

153 The opening paragraphs of Draft NPF4 (page 3) state *'We have set a target of net zero emissions by 2045, and must make significant progress towards this by 2030. This will require new development and infrastructure across Scotland.'* By defining various types of development as having national development status, is how, in practical terms, the Scottish Government aims to ensure delivery of the overall strategy of achieving net zero by 2045. This is clearly a key driver of Draft NPF4 and one which is relevant to this Further Application.

154 Notwithstanding its draft status, there are some useful points to note from the Draft NPF4 document in relation to the Further Application.

155 Firstly, and perhaps most significantly, Draft NPF4 continues to recognise the OnTW as national development. National Development 12 on page 59 'Strategic Renewable Electricity Generation and Transmission Infrastructure' states that certain types of renewable electricity generation, repowering and grid expansion will be categorised as national development. This includes;

²¹ <https://www.gov.scot/publications/scotland-2045-fourth-national-planning-framework-draft/>



'New and/or replacement high voltage electricity lines and interconnectors of 132kv or more and new and/or upgraded infrastructure directly supporting high voltage electricity lines and interconnectors including converter stations, switching stations and substations.'

156 Under the commentary on National Development 12, there is a specific acknowledgment that:-

'The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond' (underlining added).

157 While Draft NPF4 may be subject to changes it is relevant to notes that it continues to categorise the OnTW, subject of this Further Application, as having national development status. In this regard there is a consistency between NPF3 and the draft NPF4 which reflects the increased urgency of tackling the climate emergency,

158 In general terms Draft NPF4 is very supportive of the ongoing transition to greener energy production, aimed of course at the realisation of net zero GHG emissions by 2045. Policy 2: Climate Emergency states that *'When considering all development proposals significant weight should be given to the Global Climate Emergency'*. There are numerous references through the document to the importance of offshore wind in particular, which necessitates the facilitating onshore elements such the OnTW subject of this Further Application. Within the 'Central Urban Transformation' section on page 34 it is noted that *'...this area can play a central role in supporting expansion of renewable energy, in particular offshore wind energy.'* Page 36 continues this theme and notes that *'...onshore support for offshore renewables, including development that makes use of existing infrastructure at strategic hubs, all provide opportunities for decarbonisation'*. This is an especially relevant statement in the context of this Further Application which will make use of the existing assets at Cockerzie, including the proximity of the grid connection point.

159 Policy 19: Green Energy, on page 90 of draft NPF4 also includes a number of supportive statements relating to how the planning system should support all forms of renewable energy. *'We want our places to support continued expansion of low-carbon and net zero energy technologies as a key contributor to net zero emissions by 2045.....Local development plans should seek to ensure that an area's full potential for electricity....from renewable sources is achieved.'*

160 Draft NPF4 mentions also the opportunity for a Climate Evolution Zone at Cockerzie. This is addressed below in the section relating to ELC's 'ClimatEvolution – Climate Change Resilience Zone Strategy and Action Plan 2020'.

6.4 Scottish Planning Policy (2014)

161 Complementing the NPF3 objectives outlined above, SPP reiterates the importance of the planning system in achieving sustainable development.

162 Paragraph V SPP states that where the term 'must' is used it reflects a legislative requirement to take action. Where 'should' is used it reflects Scottish Ministers' expectations of an efficient



and effective planning system. These definitions are important in considering the weight to be attached to the various sections of SPP.

- 163 In the context of this clarification, it is important to note that in the opening paragraph of the 'Low Carbon Place' section of SPP, paragraph 152 states that '*NPF3 is clear that planning must facilitate the transition to a low carbon economy*' (underlining added). Furthermore, SPP also clarifies in paragraph V that the Principal Policies on Sustainability and Placemaking are overarching and should be applied to all development.

(i) SPP Overview

- 164 SPP outlines the importance of the planning system in achieving sustainable development. The emphasis in the SPP vision to a low-carbon economy, reducing emissions and sustainability are recurring themes throughout the document. The OnTW can make positive contributions to these aspirations, facilitating the transmission of up to 1GW of renewable electricity to the national grid from the Offshore Wind Farm. This will help reduce carbon emissions by potentially displacing the emission of 1.43 million tonnes of CO₂ per annum that would otherwise be emitted should the equivalent amount of electricity be generated from a conventional gas fired power generation.
- 165 The annual renewable energy generation of the Inch Cape Offshore Wind farm would be equivalent to around 9.5% of the total 40,681 GWh generated from offshore wind in the UK in 2020. Or put another way, the wind farm's installed capacity of a little over 1 GW would be equivalent to around 10% of total installed offshore wind capacity in 2020 and would provide 3.3% of the new capacity needed to meet the policy target of 40 GW by 2030 set in the Energy White Paper 2020.
- 166 SPP notes the Climate Change (Scotland) Act 2009 targets for reducing greenhouse gas emissions '*by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020*' (paragraph 18). As noted in Section 5, these targets have since been increased to ensure delivery of net zero GHG by 2045. While the OnTW will not generate renewable electricity of themselves, they will help achieve these new more challenging and legally binding targets as part of the wider Offshore Wind Farm.

(ii) SPP Principal Policies

- 167 SPP provides policy commentary under two key themes (1) Principal Policies and (2) Subject Policies. There are two Principal Policies in SPP (Sustainability and Placemaking) which are underpinned by several policy principles, as discussed in the following paragraphs.
- 168 The first policy principle states that '*This SPP introduces a presumption in favour of development that contributes to sustainable development*', considered to mean a presumption in favour of granting planning permission where it is determined by the decision-maker that the development in question '*contributes to sustainable development*'.



- 169 The OnTW is considered to be a form of development that contributes to sustainable development, as it will facilitate the transmission of renewable energy generated offshore to consumers onshore. It would also assist in delivering the second 'Outcome' of SPP 'A Low Carbon Place', which seeks to reduce carbon emissions and '*particularly by supporting diversification of the energy sector*' (paragraph 17).
- 170 The extent to which the OnTW contributes to sustainable development necessitates consideration of the criteria set out in paragraph 29 of SPP, the most pertinent being:-
- Giving due weight to the net economic benefit of proposals ;
 - Making efficient use of existing capacities of land, building and infrastructure including supporting town centre and regeneration priorities;
 - Supporting delivery of infrastructure, for example transport, education, energy, digital and water;
 - Supporting climate change mitigation and adaptation including taking account of flood risk; and
 - Avoiding over development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.
- 171 An assessment of each of these points was undertaken in detail within the Planning Statement that accompanied the 2018 application for the OnTW. This assessment demonstrated that the OnTW complied with the key principles of SPP paragraph 29 and could be positively considered as a form of development that contributes to sustainable development. In her Report, the Reporter concluded at paragraph 7.74 that '*paragraph 29 (of SPP) provides some clear support for the proposal...*'. The Reporter then concluded in paragraph 7.102 that '*my conclusion is that the proposal contributes to the sustainable development objectives of Scottish Planning Policy*'. Given that the Application Site and development description remain the same for this Further Application, the positive consideration of the OnTW against paragraph 29 of SPP can also be interpreted as remaining unchanged.
- 172 The third policy principle of SPP states '*planning should direct the right development to the right place*' (paragraph 28). This principle has already been accepted through the extant 2019 OnTW PPP. The Application Site is located on a brownfield site, with a past history of energy generation and distribution uses, it is close to the grid connection point and close to the landfall.
- 173 NPF3 paragraph 3.41 recognises that Cnockenzie may present significant opportunities for renewable energy related investment. For ICOL the proximity of the Application Site to the grid connection point is a crucial factor in justifying the choice of site location. When these factors are considered against the findings of the 2018 EIA Report, which identifies very few significant residual impacts, and the EIA Report accompanying the Further Application, it is considered that the proposed OnTW are '*the right development in the right place*' and therefore consistent with the third policy principle of SPP.
- 174 This topic was given significant attention by the Reporter in her 2019 report, under the 'best use' heading. Her assessment looked at the OnTW in the context of NPF3, the LDP, the



Cockenzie Masterplan and other factors such as potentially competing uses for the land. In paragraph 7.37 the Reporter noted that in:-

'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'.

175 This point was reiterated in the concluding paragraph 7.105.

(iii) A Low Carbon Place

176 Within this section of SPP, paragraph 152 recognises that Scotland has significant renewable energy resources, including offshore resources. Paragraph 153 comments on the vital role that an *'efficient supply'* GHG gas emissions. The OnTW will help in exploiting these recognised offshore resources and make a valuable contribution to wider renewable energy and greenhouse gas reduction targets.

177 Paragraph 153 of SPP recognises that the renewable energy industry presents a significant opportunity for supply chain benefits and the OnTW is a case in point.

178 Paragraph 154 of SPP comments that the planning system should *'support the development of a diverse range of electricity generation from renewable energy technologies'*. The OnTW are associated with an offshore wind farm, and already benefit from an extant PPP. Granting PPP for this Further Application will provide greater comfort to ICOL and other stakeholders that the OnTW continues to represent an acceptable use of the land which will allow further investment in and development of offshore wind which the Scottish Government expects to play an increasingly important role in achieving established renewable energy generation targets.

179 For renewable energy developments to be able to provide an *'efficient supply'* of low carbon electricity they must also be commercially viable. A key consideration in the selection of Cockenzie as a key area of search for the OnTW site was the proximity to the landfall and also the grid connection point. The Application Site provides a number of advantages in this respect as it is located only a short distance from the landfall point to the north, significantly limiting the distance underground cables must travel to the sub-station. ICOL is seeking to re-use as much of the infrastructure left in place by the former Cockenzie Power Station as possible to further reduce costs, e.g. the ducts under the B1348 to the grid connection point. These actions all contribute towards an *'efficient supply'* of low carbon electricity and are supported by SPP.

(iv) Paragraph 169

180 Paragraph 169 of SPP identifies the range of considerations likely to be relevant to the determination of energy infrastructure developments, and is therefore relevant to the OnTW. It covers some of the same issues set out in paragraph 29 of SPP, which, as stated above have already previously been commented upon in detail and considered by the Reporter when assessing the 2018 OnTW application. Paragraph 169 of SPP identifies the following relevant considerations:-



- Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- The scale of contribution to renewable energy generation targets;
- Effect on greenhouse gas emissions;
- Cumulative impacts;
- Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker;
- Landscape and visual impacts, including effects on wild land;
- Effects on the natural heritage, including birds;
- Impacts on carbon rich soils, using the carbon calculator;
- Public access, including impact on long distance walking and cycling routes and scenic routes identified in the NPF3;
- Impacts on the historic environment, including scheduled monuments, listed buildings and their settings;
- Impacts on tourism and recreation;
- Impacts on road traffic;
- Impacts on adjacent trunk roads; and
- Effects on hydrology, the water environment and flood risk.

181 There will be some environmental impacts associated with the proposed OnTW as with all forms of development; however, SPP does not require developers to demonstrate no significant impacts upon each and every receptor in order to comply with policy

182 Following the 2018 PPP application for the OnTW, the Reporter considered in detail the assessment of the relevant criteria listed above and found that the proposal gained support from Scottish Planning Policy (paragraph 7.106 of the Reporter's Report). . Importantly, the Reporter acknowledged in paragraph 7.105 that '*aside from landscape and visual impact I have identified no other significant environmental effects*'. ELC has also acknowledged this point through its Scoping Opinion for this Further Application, by agreeing that the potential for significant environmental effects would likely be limited to landscape and visual and climatic factors only, the two key issues addressed in the Further Application EIA Report.

183 Given that this Further Application uses the same Application Site and the description of development is the same as the 2018 application, it is considered that the OnTW can continue to be positively assessed against paragraph 169 of SPP when all relevant factors are considered.



6.5 Former Cockenzie Power Station and Surrounding Area Masterplan (November 2017)²²

- 184 At the same time as ELC was preparing its replacement LDP, it commenced work on the above document (the Masterplan) for land at Cockenzie, essentially the area within the EGT1 boundary identified on the LDP Proposals Map. The Masterplan sets out a vision for the future of the site over the next 25 years and seeks to maximise the economic benefits and job potential of the site, building upon the site's existing assets to support a flourishing economy.
- 185 ELC 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'*. The masterplan is therefore non-statutory guidance.
- 186 The Masterplan essentially divides the EGT1 area into four. The Application 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 off-shore 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.
- 187 'Zone 2 – Energy Quarter', is located to the south of the B1348 and includes a portion of the Application 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.....'*
- 188 The Reporter's Report for the 2018 PPP application for the OnTW discusses the Masterplan in some detail. The Reporter concludes at paragraph 7.97 of her Report that *'.....this document (the Masterplan).....does not presume against renewable energy infrastructure on this site.'* The Reporter noted that while other uses may come forward in time for the Masterplan area, it needed to be recognised that the OnTW is a National Development proposal, located in a strategic location where NPF3 and the Development Plan recognises potential for uses such as the OnTW (para.7.104). In the conclusions, the Reporter stated in paragraph 7.105 that *'The proposal is in general accordance with the Cockenzie masterplan'*.
- 189 The status of the Masterplan remains unchanged since that time and importantly no further uses for the Application Site have emerged. The Further Application is therefore considered to also be in general accordance with the Masterplan.

²² https://www.eastlothian.gov.uk/downloads/download/12966/cockenzie_masterplan



6.6 ClimatEvolution – Climate Change Resilience Zone Strategy and Action Plan²³ (2020)

- 190 In 2020 ELC produced the ClimatEvolution Vision and Action Plan (the Action Plan) as a place-based response to their Climate Strategy 2020-25²⁴. The aim of the Action Plan is to ensure that a major area of development around the communities of Tranent, Prestonpans, Cockenzie and Port Seton and Longniddry and Macmerry can become a national example of environmentally friendly and inclusive development. This is referred to in the Action Plan as a 'Climate Resilience Zone', which includes the Application Site. The core area of this zone, however, does not include the Application Site.
- 191 The Action Plan is visionary in nature and is not intended to be a fixed masterplan with firm projects for delivery. The Executive Summary states that *"...it is a high-level strategy with many ideas that will help stimulate the debate and guide future decision-making."* The Action Plan demonstrates ELC's commitment to exploring innovative ways of tackling climate change within a defined geographical area.
- 192 In Section 2.1.3 the Action Plan acknowledged that the former Cockenzie Power Station is allocated for energy related uses. This is reflected in the commentary in Section 4.6.1 which also references ICOLs PPP for the OnTW.
- 193 It should also be noted that Draft NPF4 does include mention of this Action Plan. At page 35 of Draft NPF4 it is commented that *'at Cockenzie work is ongoing to develop an opportunity for a Climate Evolution Zone to generate employment and provide essential infrastructure for net zero...'*. Therefore Draft NPF4 recognises the work that ELC is doing in this location and its important link to providing infrastructure necessary to reach net zero, which upholds the policy justification for the OnTW at this location.
- 194 The Action Plan has been subject to public consultation during 2020 but does not currently hold any status in respect of the adopted LDP 2018 and so has limited weight in relation to decision-making. The Action Plan does however have the potential to be used as the basis for the future production of Supplementary Guidance to the LDP 2018 and, in turn, possibly the assessment of relevant planning applications. As far as it is relevant to determination of this Further Application and in the context of the earlier commentary on the Cockenzie Masterplan, there is no conflict between this Further Application and the Action Plan vision.

6.7 Conclusions on Other Material Considerations

- 195 Much of the policy position relating to other relevant material considerations remains the same as when the 2018 PPP application was considered by the Reporter and ultimately granted consent by Scottish Ministers. The clear support of NPF3 and SPP is unaltered, in particular the importance of the OnTW as a National Development is key and a point which the Reporter commented on in her overall conclusions to the 2018 PPP application,

²³ https://www.eastlothian.gov.uk/site_search/results/?q=climate+evolution

²⁴ https://www.eastlothian.gov.uk/downloads/download/13283/climate_change_strategy_2020-25



'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.' (paragraph 7.106)

196 The Reporter's conclusions could not be clearer in relation to these matters and remain just as applicable to this Further Application. The same Application Site and description of development underlines that the Further Application for the OnTW continues to benefit from the support of these national policy documents.



7 Planning Balance and Conclusions

- 197 Planning permission in principle for the OnTW at the Application Site already exists, dated February 2019. The Reporter who considered the 2018 OnTW application recommended that PPP be granted, subsequent to which Scottish Ministers duly granted consent in 2019. This Further Application is on the same Application Site with the same description of development. The planning policy position is unchanged since PPP was granted. The now adopted 2018 LDP was considered by the Reporter in the previous granting of PPP and the strong policy support from both NPF3 and SPP remain in place.
- 198 The addition of the Seagreen 1A OnTW PPP to the baseline is a change that has occurred since PPP was granted to ICOL in February 2019. The addition of this development has been considered in the EIA Report accompanying this Further Application, and discussed previously in relation to LDP policies. Importantly, ELC has already considered potential cumulative impacts between the ICOL and Seagreen OnTW which have been found to be acceptable, resulting in ELC granting PPP to Seagreen in August 2021.
- 199 The 2019 Reporter's Report is very clear in its favourable assessment of the OnTW against LDP policy (both adopted and emerging at that time), specifically PROP ETG1 and PROP ETG3, as well as the national policy position, in particular the definition of the OnTW as a National Development. Draft NPF4 continues to support classification of the OnTW as a National Development and this represents a continuation of national policy support for these crucial developments.
- 200 There have been some very significant developments in energy policy and legislation since February 2019 all of which emphasise ever growing importance of renewable energy in tackling the global climate emergency and the key role that planning has to play in promoting these developments. Paramount amongst these changes is the Scottish Government's legally binding commitment to deliver net zero GHG emissions by 2045, with associated interim targets.
- 201 The 'need case' for the OnTW was outlined in the 2018 PPP application, where it was explained that the OnTW were required to facilitate the Offshore Wind Farm, at which time the expected generating capacity was 700MW. Subsequent revisions to the Offshore Wind Farm now mean that the expected generating capacity will be much greater at up to 1GW. In turn this increases the benefits associated with the OnTW, which will now support a significantly greater renewable energy output from the Offshore Wind Farm.
- 202 Although the OnTW are not an energy generating development, it is essential facilitating infrastructure for the Offshore Wind Farm. ICOL anticipates the Offshore Wind Farm and OnTW to be operational by around 2025-2026, meaning that the renewable energy generated will assist in meeting interim GHG reduction targets for 2030 set out in legislation.
- 203 The 2018 PPP application for the OnTW was considered by the Reporter to be in accordance with the Development Plan and NPF3. Scottish Ministers adopted these findings for their own purposes in deciding to grant PPP in February 2019. These are significant and material factors in support of the Further Application. This Further Application seeks PPP for the same



development on the same site as the 2018 OnTW application. The Development Plan framework is identical to that in place when PPP was granted in 2019, as such the only logical outcome for the Further Application must also be the granting of PPP, noting the requirements of Section 25 of the Planning Act.

- 204 Those material considerations that were relevant to determination of the 2018 PPP application remain in place, crucially NPF3 and SPP and the National Development status afforded to the OnTW in NPF3. There have been changes in energy policy and legislation in the last 3 years which are relevant, and these only serve to increase the support for the Further Application. In this respect, and the uplift of expected generating capacity for the Offshore Wind Farm, the 'need case' for the OnTW is further strengthened.
- 205 All of these factors indicate that this Further Application ought to be granted PPP. The Ogilvie Homes Court of Session decision cited earlier in this Statement is clear in its direction that, in circumstances such as this, previous planning decisions are important considerations for the decision-maker to ensure consistency in decision making. As such the 2019 PPP and Reporters report are material considerations of significant weight in assessing this Further Application.
- 206 For all of the sound planning reasons, it is respectfully requested that PPP be granted for the Further Application.