

ANGUS COUNCIL

08 DECEMBER 2016

**PLANNING APPLICATION - LAND BETWEEN MEAN LOW WATER MARK AT CARNOUSTIE BEACH
AND TEALING SUBSTATION TEALING ANGUS**

GRID REF: 340464 : 737009

REPORT BY HEAD OF PLANNING AND PLACE

Abstract:

This report deals with planning application No. 16/00520/EIAN for the Formation of onshore electrical transmission infrastructure between Carnoustie and Tealing to service Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms, comprising 19km of underground electricity transmission cables, a new substation/convertor station at Tealing and formation of associated vehicular access and temporary and permanent ancillary works at Land Between Mean Low Water Mark at Carnoustie Beach and Tealing Substation Tealing, Angus. This application is recommended for conditional approval.

1. RECOMMENDATION

It is recommended that the application be approved for the reasons and subject to the conditions given in Section 10 of this report.

**2. ALIGNMENT TO THE ANGUS COMMUNITY PLAN/SINGLE OUTCOME AGREEMENT/
CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Community Plan and Single Outcome Agreement 2013-2016:

- We have a sustainable economy with good employment opportunities
- Our communities are developed in a sustainable manner
- Our natural and built environment is protected and enjoyed
- Our Carbon footprint is reduced

3. INTRODUCTION

3.1 The applicant seeks planning permission in principle for the formation of onshore electrical transmission infrastructure between Carnoustie and Tealing to service Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms, comprising 19km of underground electricity transmission cables, a new substation/convertor station at Tealing and formation of associated vehicular access and temporary and permanent ancillary works at Land between Mean Low Water Mark at Carnoustie Beach and Tealing Substation Tealing, Angus.

3.2 The application site, which measures some 347 hectares, stretches from the Mean Low Water Springs (MLWS) Mark at Carnoustie Beach to the existing electrical substation at Tealing and covers a distance of 19km. The full extent of the application site is shown on the plan that is attached to this report as Appendix 1. The site runs from Carnoustie seafront, over Carnoustie Golf Links towards Barry before extending to the A92 in the vicinity of Mains of Ardestie. From Mains of Ardestie the site extends towards Newbigging Toll and runs in a westerly direction to the south of Drumsturdy Road for approximately 2.5km. At a point to the west of the junction of Drumsturdy Road with the minor road leading to Murroes the site runs in a westerly direction (to

the south of Murroes and to the west of Kellas) to West Mains of Gagie. The site then extends in a westerly direction for a distance of approximately 3.25km (to the south of Murroes Primary School) joining the A90(T) to the south of Inveraldie. The site crosses the A90(T) and runs in a westerly direction to an area adjacent to the existing electricity substation at Tealing Airfield and terminates at the public road to the west of the Airfield. Approximately 141 hectares of the application site is agricultural land and the site is located within 20 metres of approximately 102 residential properties.

- 3.3 The proposal involves the provision of the onshore infrastructure required to connect the Seagreen Alpha and Seagreen Bravo offshore wind farms to the onshore electrical grid. This includes the installation of underground cables from the Mean Low Water Springs (MLWS) at Carnoustie to a location adjacent to the existing electricity substation at Tealing where a new substation would be constructed.
- 3.4 As this is an application for planning permission in principle the precise cable route and detailed design of the substation are not known and these matters will be affected by the transmission technology (HVDC or HVAC) that is eventually used. However, it is indicated that the cable trench would typically be in the region of 30 metres (m) wide over a length of approximately 19km. The substation site would measure in the region of 122,200sqm and it is indicated that the design of the resultant structure will be dependent upon the transmission technology. The HVDC substation would potentially include convertor building of up to 110m x 110m x 20m height, or two buildings of up to 80m x 60m x 20m height. The HVAC substation would include exterior main electrical equipment up to 18m in height. Cable joint bays, road crossings, construction compounds and associated accesses would be required as part of the overall development.
- 3.5 It is indicated that the maximum duration of installation works to lay the onshore cable will be up to 100 weeks, based on 6 days per week and 12 hours working per day. The estimated duration of works to build the new substation at Tealing is up to 100 weeks on a similar basis. The applicant suggests that all works are expected to be completed by the end of 2022.
- 3.6 The application is supported by an Environmental Statement (ES). The application and ES have been advertised as required by legislation. The application has not been subject of variation. Some Committee Members may recall that a development of a very similar nature was previously approved under application ref: 13/00496/PPPM with a subsequent variation to a section of the route at Balhungie Farm near Barry amended under application ref: 14/00918/PPPN.
- 3.7 Since the time of the initial grant of planning permission for the development, Judicial Review proceedings have been raised against the consents issued in respect of the offshore elements of the wider development. The resultant delay caused by these proceedings requires the applicants to seek an alternative planning permission that would secure the principle of the development beyond the 04 December 2016 expiry of the existing planning permissions. The current application is a consolidation of the cable route approved as detailed above and the section of the original cable route at Balhungie is therefore no longer required. In light of the foregoing, the applicant now seeks a planning permission in principle that will account for both the uncertainty caused by ongoing legal proceedings in relation to the offshore element, and which will be more reflective of the scale of the overall project which is a national scale development of a complex nature. To these ends, a longer duration of planning permission in principle is sought. It is indicated that a planning permission that allows 5 years for the submission of Matters Specified in Conditions (MSC) applications and 3 years for commencement of development is sought rather than the 3 years for MSC and 2 years for commencement as is generally the case.
- 3.8 Angus Council has an interest in the application as part of the application site is owned by the Council (primarily Carnoustie Golf Links). The application falls to be considered as a 'national' development in terms of Town & Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 as the enhancement of the high voltage transmission network is a national development identified in National Planning Framework (NPF3). As such, the application must be determined by the Angus Council.

- 3.9 The application has not been subject of variation. The application was advertised in the Courier and the Edinburgh Gazette and a site notice was also placed adjacent to the site in the Murroes Conservation Area.
- 4. RELEVANT PLANNING HISTORY**
- 4.1 At its meeting of 26 November 2013 the Development Standards Committee considered Report No 643/13 (appn: 13/00496/PPPM) and resolved to grant Planning Permission in Principle (PPP) for a development comprising the formation of onshore electrical transmission infrastructure between Carnoustie and Tealing to service Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms, comprising of 19km of underground electricity transmission cables, a new substation/convertor station adjacent to existing electricity substation at Tealing and formation of associated vehicular access and temporary and permanent ancillary works.
- 4.2 At its meeting of 25 November 2014 the Development Standards Committee considered Report No 485/14 (appn: 14/00428/FULM) and resolved to grant Planning Permission for the installation and operation of a 31MW Solar Park and ancillary infrastructure, including internal site access tracks, inverter housing units and a security fence at land at the Former Airfield, Tealing.
- 4.3 At its meeting of 24 February 2015 Angus Council considered Report No 109/15 (appn: 14/00918/PPPN) and resolved to grant Planning Permission in Principle (PPP) for a development comprising onshore electrical transmission infrastructure to service Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms, comprising of underground electricity transmission cables and ancillary works at land between A930 and Balhungie Farm.
- 5. APPLICANT'S CASE**
- 5.1 An Environmental Statement (ES) along with a Non-Technical Summary (NTS) has been submitted in support of the application. Chapters 1-6 describe the Project and the legal and policy framework within which the application will be determined and the process of site selection. Chapters 7 to 15 are classed as technical chapters which are informed by specialist studies and surveys; these contain the specific assessments undertaken for the identified environmental issues. The ES comprises the following chapters:
1. Introduction
 2. Need for the Project
 3. Project Description
 4. The EIA Process
 5. Site Selection & Alternatives
 6. Planning Policy Context
 7. Landscape & Visual Impact
 8. Cultural Heritage
 9. Ecology and Ornithology
 10. Geology and Soils
 11. Hydrology & Hydrogeology
 12. Traffic & Access
 13. Noise & Vibration
 14. Air Quality
 15. Socio Economics, Land Use & Recreation
 16. Statement of Residual Impacts
- 5.2 The NTS provides a summary of the ES and outlines the proposed development, its potential environmental effects and proposed mitigation measures. A copy of the NTS is attached as Appendix 2 to this report.
- 5.3 A Pre-Application Consultation Report has been provided as part of the applicant's submission. This report documents the consultation undertaken with the public prior to the submission of the planning application.

- 5.4 A Planning Statement has been submitted and sets out the case for granting permission for the project in the context of relevant national and local planning policies. It concludes that the development complies with relevant policies.
- 5.5 A Habitat Regulations Appraisal Screening Report (HRA) has been submitted. This document aims to provide the necessary information to enable the Competent Authority (Angus Council) to discharge its obligations under Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (the 'Habitats Directive').
- 5.6 The ES, including the NTS is available to view in the Members Information Hub and on the Council's Public Access portal.

6. CONSULTATIONS

- 6.1 **Ministry Of Defence** - There was no response from this consultee at the time of report preparation.
- 6.2 **Tealing Community Council** – The Tealing Community Council objects to the proposal as it considers that the applicant has not satisfactorily demonstrated that the proposed siting of a substation at Tealing has been demonstrated to be the best connection point.
- 6.3 **Scottish Water** – There was no response from this consultee.
- 6.4 **Dundee City Council** - No objection. Dundee City Council recognises the importance of this project within the National Planning Framework and Scottish Planning Policy. DCC confirm that it is satisfied with the approach to minimise the visual and environmental impacts of the proposals and that there are no planning issues which it would wish to raise at this time.
- 6.5 **Marine Scotland** – There was no response from this consultee.
- 6.6 **Scottish Government** - No remit. ES copy sent to Scottish Government on 10 August 2016 for information.
- 6.7 **National Grid Plant Protection** – A holding objection has been received however this objection is not in relation to the principle of the development but rather in respect of establishing development parameters with the developer at the detailed stage.
- 6.8 **Aberdeenshire Council Archaeology Service** - Programme of archaeological works to be secured by condition.
- 6.9 **Network Rail** – Advisory notes to developer to be attached to any planning permission.
- 6.10 **Angus Council Economic Development Unit** - No objection. The benefits of off shore wind for the Angus and wider north east economy are recognised.
- 6.11 **Angus Council Environmental Health** - The Environmental Health Service has considered the proposals in relation to noise and vibration, electromagnetic interference, contaminated land and waste management, private water supplies and air quality impacts. Potential impacts have been considered and addressed in the ES and the Service is satisfied that any adverse impacts can be suitably mitigated by appropriate planning conditions and by the mitigation measures identified in the ES.
- 6.12 **Angus Council Roads** – The proposed development has been considered in terms of the traffic likely to be generated by it and its impact on the public road network. No objection is raised however conditions are suggested relating to the minimisation of disruption on the roads network and road safety. The Roads Service, in its capacity as Flood Prevention Authority, has offered no objection subject to conditions relating to coastal protection and the restoration of flood plain levels at Tealing.

- 6.13 **Angus Council Parks and Burial Grounds** - has considered the application in relation to possible impacts on the golf courses at Barry Links. No objection is offered subject to the timing of works in the vicinity of the golf courses being agreed to minimise impacts on their use.
- 6.14 **Historic Environment Scotland** - Historic Environment Scotland is content that the application does not raise issues of national importance for its historic environment remit and does not object to the proposed development.
- 6.15 **Health & Safety Executive** - No comment.
- 6.16 **Scottish Environment Protection Agency** - has considered the application and accompanying ES in relation to matters that fall within its remit, including flood risk and ground water impacts, and has offered no objection subject to a number of conditions. SEPA also indicate that further consideration in relation to Radioactive Contaminated Land (RCL) would need to be addressed in relation to the part of the site relating to the former Tealing Airfield.
- 6.17 **RSPB Scotland** - RSPB Scotland does not object to the proposal as it is satisfied that the Environmental Statement (ES) adequately addresses the potential impacts on designated sites and their features within and in close proximity to the proposal site. RSPB request a condition to require the implementation of the mitigation measures set out in Chapter 9 of the ES is attached.
- 6.18 **Scottish Natural Heritage** - This proposal is likely to have a significant, albeit temporary effect on the natural heritage interests of international importance of the Firth of Tay and Eden Estuary Special Protection Area (SPA). However, it is SNH's view that the proposal will not adversely affect the integrity of the SPA.
- 6.19 **Transport Scotland** – No objection subject to suggested condition.
- 6.20 **Carnoustie, Monikie & Newbigging, Murroes & Wellbank and Letham and District Community Councils** have also been consulted on the proposal and offered no objections or comments.

7. REPRESENTATIONS

Seven letters of representation were received in objection to the proposal. The letters of representation will be circulated to Members of the Committee. The letters are also available to view on the council's Public Access website. The main issues raised relate to:

- **Road safety during the construction phase; particularly around Drumsturdy Road** - Consultants acting on behalf of Transport Scotland and Angus Council Roads Service have both reviewed the submitted ES which includes assessment of traffic impacts. Both have indicated that they are satisfied with the assessment provided by the ES and offer no objection to the application. The concerns raised by third parties regarding the number of vehicle movements are noted but this issue has been discussed directly by the Roads Service and the applicant. The Roads Service has indicated that it considers the submitted assessment to be robust and conservative as it has been prepared on a worst case scenario.
- **Effects of vibrations from a nearby quarry operations on the cables** - The cables would be secured and undergrounded. There is no reason to consider that the cables would be any more affected by quarry blasting than any other infrastructure in the immediate area of the quarry. Quarries at Ardownie, Cunmont and Ethiebeaton are all in the region of 1km from the cable route.
- **Effects of excavation works on private drainage systems, land drainage patterns and water supplies** - a detailed hydrological assessment has been completed as part of the ES. This has confirmed that using the proposed installation methodology, no significant impacts are predicted on surface water drainage patterns as a result of the ongoing operation of the cables. The applicant has indicated that further survey work and discussion with landowners would be undertaken during the detailed design stage of the project to ensure that the development would not have any detrimental impact to the continued use of the land and it is

pointed out that these matters are currently dealt with by conditions of the planning permission issued under ref: 13/00496/PPPM. SEPA and the Council's Roads Service (in its capacity as Flood Prevention Authority) have reviewed the submitted ES and have raised no objection in relation to impacts on ground water, drainage or flood risk. Planning conditions are proposed that require the submission of information in relation to existing drainage systems in support of any application for approval of matters specified in condition. These conditions also require a scheme to ensure repair/reinstatement of any drainage systems adversely affected by the development. Similarly, Environmental Health has considered the contents of the ES in terms of impacts on private water supplies and is satisfied that any impact on established supplies will not be significant subject to the attachment of a condition relating to the protection of such supplies.

- **Health implications arising from electro-magnetic forces emitting from the cables** - the applicant has considered potential impacts from Electro Magnetic Field (EMF) emissions within the information provided to support the planning application. Electromagnetic fields are measured in micro Tesla (μT) and schemes such as the development proposed are required to comply with emissions limits set by the National Radiological Protection Board (NRPB). The limit for general public exposure (up to 24hrs/day) is 100 μT measured at 1m above ground level. The applicant estimates that EMF emissions will be significantly less than the 100 μT limit at ground level.
- **Residential amenity impacts from construction activity and loss of privacy** - this application is for planning permission in principle only and therefore the specific location of the working corridor and the final position of the cables are not known at this stage. The final position would require to be subject of a further application for approval of matters specified in conditions attached to this permission and potential impacts on nearby residential properties would be fully assessed at that time. However, at this stage, and having regard to consultation responses, I am satisfied that planning conditions controlling noise, vibration, dust, working hours etc would be capable of protecting the amenity of nearby properties. Whilst it is appreciated that work would take place close to residential properties in the construction phase, this would take place over a relatively short timescale and would be a temporary impact. It is relevant to note that, once the cables are installed, the land within the working corridor would be reinstated to its previous condition and would be available to revert to its original use.
- **Lack of information relating to dimensions of trenches and the exact route of the cable and the nature and location of jointing bays** - this application is for planning permission in principle only therefore the precise route, dimensions of trenches and the timing of the project is not known at this stage. However, these matters will require the submission of further applications for approval by the Planning Authority and there will be opportunity for third parties to comment on that detail. Any environmental impacts arising from the specific detail of the proposals that have not been fully addressed at this stage will be considered in the context of the further applications. This matter is discussed further under Planning Considerations.
- **Reduced crop yields as a result of electromagnetic influences from underground cables and effects on prime agricultural land** - the applicant has indicated that there would not be any permanent loss of agricultural land other than at the proposed substation site. The land affected by the cable installation would be reinstated and returned to its previous use following installation and cable depths in relation to agricultural activity would be considered as part of any detailed design. The placing of cables and pipes in agricultural land is a well-established process, and it is likely that some of the land affected by this development will already have a number of electricity and other cables or pipes located within it. The applicant has indicated that best practice site management techniques would be used to ensure soils are protected and managed. This would include removing and storing topsoil and sub-soil separately for use in the reinstatement in order to allow the land to be returned to a condition as close as possible to the original. Planning conditions requiring the provision of a Soil Management Plan and restoration of agricultural land affected by the cable route to its former

condition are proposed. In addition planning conditions would require the depth of the cable to be approved as part of any subsequent applications for approval of specified matters.

- **Insufficient compensation offers and effects on property values** – The matter of compensation would be settled through the compulsory purchase regime should the developer and any land owner be unable to reach an agreement on the appropriate level of compensation. This matter is not relevant to the consideration of the principle of the land use. Beyond the construction phase, there would be very little in the way of impact on the vast majority of properties located along the route as the land would be reinstated and very limited visual evidence of the works would be apparent. Notwithstanding this members will be aware that effect on property value is not a valid planning objection.
- **Biosecurity issues arising from soil movement on vehicle wheels during construction** - planning conditions are proposed that require the submission of Soil Management and Construction Environmental Management Plans and these would be required to address issues in relation to bio-security. In addition the applicant has indicated that screening and sampling of soils would be undertaken prior to commencement of development in order to confirm the current soil condition and presence of any disease causing organisms within the soil. The applicant has indicated that management procedures and processes would have reference to the Scottish Government Code of Recommendations for the Welfare of Livestock: Animal Health and Bio-security.
- **The submitted ES does not provide an objective independent assessment of the impacts associated with the proposed development** – A formal scoping opinion was issued by Angus Council for the original planning application associated with the development (13/00496/PPPM) under the EIA Regulations in order to establish the key environmental issues to be included within the assessment and to establish the methodologies to be used. That scoping opinion was prepared in association with key consultees in order that appropriate methodologies for assessments could be established. The ES has been updated to take account of any changes since that time in relation to the current proposal. The ES has been subject of extensive consultation and none of the key consultees have raised concern regarding the methodologies or information used in the assessment of the environmental impacts associated with the development.

8. PLANNING CONSIDERATIONS

- 8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 requires that in considering whether to grant planning permission for development which affects a listed building or its setting special regard shall be paid to the desirability of preserving the building or its setting. Section 64 of that Act also requires the Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 8.3 In this case the development plan comprises:-
- TAYplan (Approved 2012)
 - Angus Local Development Plan (Adopted September 2016)
- 8.4 The development plan policies relevant to consideration of this application are provided in Appendix 3 and have been taken into account in the preparation of this report.
- 8.5 In addition to the Development Plan a number of other matters, including government policy, are also relevant to the consideration of the application and these include:
- National Planning Framework for Scotland (NPF3);

- Scottish Planning Policy (SPP);
 - Tayside Landscape Character Assessment;
 - Tayside Local Biodiversity Action Plan;
 - Angus Shoreline Management Plan;
 - Planning Advice Note 1/2011: Planning and Noise;
 - The Environmental Statement and supporting documentation submitted in respect of this application and environmental information and representations provided by third parties and consultees.
- 8.6 NPF3 has identified 14 national developments that are needed to help deliver the Scottish Government's spatial strategy. Whilst national development status establishes the need for a project, it does not grant development consent. Planning permission and any other necessary assessments and consents will still be required at the consenting stage. One of these projects is the provision of an Enhanced High Voltage Energy Transmission Network to facilitate renewable electricity development and its export. The NPF3 indicates Government support for the provision of new infrastructure, whilst acknowledging that full consideration of routes and development components will be required at the consenting stage. As part of NPF3, the Government wants to see planning enabling development of onshore links to support offshore renewable energy development. A strategy for the marine grid, connecting with the onshore network, will help to provide greater clarity on the offshore projects required.
- 8.7 The publication of NPF3 confirms that the onshore grid connection works associated with the Seagreen Alpha and Seagreen Bravo offshore wind farms constitute national development. Accordingly, this application, which provides for the onshore grid connection associated with the offshore wind farms, constitutes a national development. The need for the development is therefore established and the relevant considerations associated with the determination of this application relate to the acceptability of the proposal having regard to amenity impacts, including landscape and visual impact; impact on natural and built heritage; transport and access; socio-economic impacts, including impacts on other land uses; and flood risk.
- 8.8 The **Scottish Planning Policy** (SPP, June 2014) represents a statement of government policy on land use planning. The SPP recognises that Scotland has significant renewable energy resources, both onshore and offshore and that terrestrial and marine planning facilitate development of renewable energy technologies, link generation with consumers and guide new infrastructure to appropriate locations. It is further recognised that renewable energy also presents a significant opportunity for associated development, investment and growth of the supply chain, particularly for ports and harbours. SPP states that the planning system should support the transformational change to a low carbon economy, consistent with national objectives and targets, including deriving 30% of overall energy demand from renewable sources by 2020 and the equivalent of 100% of electricity demand from renewable sources by 2020. Support is given for the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity.
- 8.9 The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 detail the information that should be contained within an Environmental Statement. The Council provided a scoping opinion in respect of the proposal approved under ref: 13/00496/PPPM in order to identify the key areas that should be addressed through the environmental impact assessment process. Having regard to responses from statutory consultees at that time. It was later agreed that in respect of any subsequent application for a similar development the scope of information previously agreed was sufficient subject to updates being provided as necessary. I am satisfied that the submitted Environmental Statement (ES) complies with the requirements of the EIA Regulations in terms of the information included therein.
- 8.10 The development plan framework does not provide policies that deal specifically with applications for electricity grid connections or for the development of substations. However, policies of both TAYplan and the ALDP support proposals for renewable energy proposal and associated development. In this case the proposed development is an essential element of the development of the Seagreen Alpha and Seagreen Bravo offshore wind farms. That offshore development would accommodate up to 150 wind turbines and the applicant indicates that annual production

would be sufficient to meet the electricity demand of 670,000 average homes which is significant in a national context. The ALDP recognises that all renewable energy production requires some processing, generating or transmission infrastructure and indicates that these will be assessed in accordance with Policy PV9. As the current application is intrinsically linked to and essential for the offshore wind turbine development, I consider that the general principle of the proposal is compatible with development plan policy which seeks to support renewable energy development and associated infrastructure.

8.11 In that context the following matters are considered to be the key considerations arising from development plan policy: -

1. Amenity impacts
2. Landscape and visual impact (including cumulative impacts)
3. Impact on natural and built heritage
4. Transport and access
5. Socio-economic impacts, including impacts on other land uses
6. Flood Risk
7. Material considerations

Amenity Impacts

8.12 Development plan policy requires consideration of the impact of development on residential amenity and seeks to prevent unacceptable impacts that would adversely affect the occupants of residential property. In this case the main amenity impacts associated with the development relate to noise, air quality, vibration and disturbance from traffic and construction activity. Visual impacts associated with the development are considered further below in relation to Landscape and Visual Impacts. Issues in relation to health impacts have been discussed above in relation to representations.

8.13 In terms of noise the potential impacts are associated with the construction and operation of the substation and from the construction of the cable route. There are a number of residential properties and other noise sensitive receptors that would be affected by the construction works associated with the development. The Environmental Health Service has reviewed the ES and has indicated that appropriate planning conditions can be used to control predicted construction levels in line with guidance in BS5228. Conditions are proposed to safeguard amenity during the construction phase of the development and proposed working hours would also be controlled by condition. Specific noise limits are proposed in relation to Murroes Primary School. In areas such as Barry Links where there are significant separation distances to residential properties, it may be appropriate to allow extended hours of working in order to allow works to be completed in a shorter timescale which would minimise the duration of impacts on users of the recreational facilities.

8.14 In relation to operational noise from the substation, noise limits are proposed by condition and the Environmental Health Service has indicated that adherence to these levels would prevent unacceptable impacts on the residential amenity of the closest receptors.

8.15 Air quality impacts have been assessed in the ES and emissions from vehicles as well as emissions from construction and earthworks are considered. The Environmental Health Service has confirmed that impacts can be mitigated by appropriate planning conditions and a condition requiring a Construction Environment Management & Monitoring Plan (CEMP) is proposed. That condition requires amongst other things a dust and air quality management plan including detailed measures for the mitigation of dust arising from construction activities and a complaint investigation and resolution procedure. The CEMP would also require the submission of a vibration management plan and conditions set vibration limits at sensitive properties.

8.16 The proposal would result in additional vehicle movements across the public road network but the Roads Service has reviewed the proposals and confirmed that the development can be accommodated within the existing network. The Environmental Health Service has confirmed that offsite construction traffic noise has been assessed using an appropriate methodology and has offered no objection in this respect. Movement and activity associated with the development

would have some impact on the amenity of the occupants of property in the vicinity of the development site during the construction phase. However, the appropriate control of the finalised cable route, the setting of noise and vibration limits, and the controls that would be provided by the CEMP should minimise impacts on amenity. The cable route would be developed on a phased, sectional basis and the phasing is proposed to be controlled by planning condition. This should ensure that impacts at any particular location are temporary and relatively short-term.

- 8.17 The development also has potential to impact on recreational amenity in the vicinity of Barry Links and also at other locations enjoyed for recreation in the vicinity of the application site. Again the proposed conditions are considered to provide sufficient mitigation to safeguard amenity. Specific impacts on other land uses, including impacts on the Carnoustie Golf Courses are discussed in relation to socio-economic impacts below. With the exception of the substation element of the proposal, it is acknowledged that many of the amenity impacts associated with the development will be temporary, construction related and relatively short lived.
- 8.18 Overall whilst it is accepted that the proposal will give rise to some impacts on amenity particularly during the construction phase, I consider that, subject to the proposed conditions, those impacts can be mitigated to ensure that any impacts are not unacceptable.

Landscape and Visual Impacts (including Cumulative Impacts)

- 8.19 Policy 6 of TAYplan indicates that in determining proposals for electricity infrastructure consideration should be given to landscape sensitivity. ALDP Policy PV6 (Development in the Landscape) requires development proposals to take account of the guidance provided by the Tayside Landscape Character Assessment (TLCA), prepared for Scottish Natural Heritage (SNH) in 1999, and indicates that, where appropriate, sites selected should be capable of absorbing the proposed development to ensure that it fits into the landscape. Policy PV9 of the ALDP indicates that proposals for renewable energy development will be assessed on the basis of a range of matters including, there being no unacceptable adverse impact either individually or cumulatively with other existing or proposed development on landscape character, setting within the immediate wider landscape, sensitive viewpoints and public access routes.
- 8.20 The TLCA identifies that the application site encompasses two Landscape Character Types (LCT) namely Coastal LCT and Dipslope Farmland LCT. The landing point for the cables is within Barry Links which is described as a Coast with Sand Landscape which is characterised by, amongst other things, sand dunes and golf courses. There will be landscape and visual impacts during the construction phase through amongst other things, the introduction of a landfill construction compound close to the cable landing point, temporary site offices and welfare facilities within the construction compounds, construction of a temporary drill rig compound, excavation of trenches, machinery and material storage, vehicle and plant movements on site and construction and security site lighting. These will be uncommon features in the landscape and given its open nature these will be noticeable in views from nearby settlements/residential properties, roads, a small section of the East Coast Railway Line, National Cycle Route 1, Carnoustie Golf Links, Panmure Golf Course and Carnoustie Beach. However the landscape and visual impacts will be temporary and removed once construction works have been completed. In terms of the operational phase, after completion of the construction works the onshore export cables, cable joint bays, transition joint bays and shore end cables will be buried underground and the impacts will not be significant.
- 8.21 To the north of the A930 the cable route crosses from the Coastal LCT into the Dipslope Farmland LCT. The TLCA indicates this LCT is dominated by productive agricultural land, low woodland cover with a dispersed settlement pattern. The TLCA indicates that the overall aim of any strategy for this landscape type should be to conserve and restore the rural character and to reduce the range of urban influences upon it. Within this LCT the landscape and visual impacts associated with the construction works related to the installation of the cable would be similar to those discussed above and given the temporary nature of the impacts I do not find them unacceptable. In reaching this conclusion I accept that the visual impact experienced by some residential properties will potentially be significant during the construction phase but such impact is temporary and not uncommon with large-scale infrastructure projects with, for example, similar impacts experienced by properties during the dualling of the A92.

- 8.22 The greatest impact on the Dipslope LCT would result from the proposed substation building which would add to the influence of Tealing substation and would result in a high magnitude of change to the landscape of the site and its immediate surroundings. The precise detail of substation is not known at this stage and would be affected by the transmission technology that is ultimately selected. Notwithstanding this, the resultant development would be large and would give rise to significant landscape and visual impacts. The applicant has prepared the ES on the basis of a 'worst case' scenario which would involve a sizeable building on the site. Although the indicative buildings would have the visual appearance of agricultural warehouses, the structures would be proportionately of a much larger scale. Whilst SNH has not commented on landscape impacts in relation to the current application, they have previously expressed the view in relation to the previous application that the impact of the buildings could be mitigated by careful choice of colour and that copses of trees, particular in the vicinity of any buildings would also be effective. I consider that introducing some faster growing tree species into these copses would also provide more effective mitigation at an earlier date. The ES indicates that planting would be undertaken around the substation. Indicative visualisations have been provided which show that at 15 years the planting would be well established and at a height of 8-10 metres and this would help to integrate the development into the landscape. The possibility of reducing ground levels for the substation has been considered however as the site is located on land that is at risk of flooding this would be unlikely to be supported by SEPA. It is potentially possible to provide some bunding around the substation and localised re-profiling of ground levels would assist in minimising visual impacts. There are a number of residential properties in the vicinity of the substation site and they will experience significant visual impacts. However, subject to the careful design of any structures and the provision of effective landscaping, I consider that the visual impacts can be successfully mitigated. These matters would require the submission of a further application/s for approval.
- 8.23 The introduction of the substation would add to the developed nature of this landscape and would increase visual impacts in the local area. However, the area does have a developed nature as it contains the existing substation and large agricultural style sheds. In addition I recognise that there are limitations in terms of the grid connection options available to the applicant and also accept that providing an initial connection for two phases of a major offshore wind turbine development with the potential to deliver renewable electricity equivalent to the requirements of 670,000 homes is significant and in the wider public interest.
- 8.24 Whilst the proposal would give rise to some significant landscape and visual impacts during the construction phase these would be temporary impacts. The impacts associated with the substation would be long-term but subject to appropriate design, detailing and landscaping I consider that adverse impacts can be successfully mitigated. Further applications would be required for the detailed design of the substation and for the associated landscaping and these matters can be subject of further detailed consideration at that time.

Impact on natural and built heritage

- 8.25 Policy 3: Managing TAYplans Assets provides policy guidance on understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through safeguarding various assets, including habitats, forestry, watercourses, species and wildlife corridors and to allow development where it does not adversely impact upon these assets. The ALDP includes policies that seek to protect sites of natural heritage importance. Policy PV4 indicates that Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development likely to have significant effect either alone or in combination with other proposals under on a RAMSAR site or a designated or proposed site under the Birds or Habitats Directive (Special Areas of Conservation or Special Protection Areas) where development is not connected with or necessary to the management of the site must undergo an appropriate assessment as required by Regulation 48 of the Conservation (Natural habitats etc) Regulations 1994. The policy indicates that development will only be permitted exceptionally and where the assessment indicates that it will not adversely affect the integrity of the site, or that there are no alternative solutions and there are imperative reasons of overriding public interest, including those of a social or economic nature and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

- 8.26 In this case there are a number of designated sites that could potentially be affected as a result of the cable landing point being located adjacent to Barry Links. At this location there are a number of international and national sites of conservation importance. The Firth of Tay and Eden Estuary Special Protection Area (SPA) is of international conservation importance and is located between the edge of Barry Links and the Mean Low Water Springs mark. The site is designated for regularly supporting nationally important breeding populations of marsh harrier and little tern, together with an internationally important wintering population of bartailed godwit. In addition, it also regularly supports over 20,000 waterfowl in winter, including internationally important wintering populations of pink-footed goose and graylag goose, and nationally important wintering populations of cormorant, shelduck, eider, long-tailed duck, common scoter, velvet scoter, goldeneye, red-breasted merganser, goosander, oystercatcher, grey plover, sanderling, dunlin and black-tailed godwit. The Firth of Tay and Eden Estuary is also designated as a Ramsar site for regularly supporting over 20,000 waterfowl in winter and for supporting internationally important wintering populations of pinkfooted goose, greylag goose, bar-tailed godwit and redshank.
- 8.27 The Firth of Tay and Eden Estuary is also designated as a Special Area of Conservation (SAC) for its habitats, including Estuaries, Sandbanks which are in part covered by sea water all the time and mudflats and sandflats not covered by seawater at low tide. It is also designated for its population of common seal. Barry Links is designated as a SAC and as such is of international conservation importance. This designation is due to its complex of sand dune habitats, including embryonic shifting dunes, shifting dunes along the shoreline with *Ammophila arenaria* (white dunes), fixed dunes with herbaceous vegetation (grey dunes), Atlantic decalcified fixed dunes and humid dune slacks. Barry Links is also designated as a Site of Special Scientific Interest and as such is of national conservation importance. The designation is for geological reasons which relate to coastal geomorphology and for its parabolic dune system. The designation is also for ecological reasons due to its sand dune habitats, together with bryophyte (mosses and liverworts) and invertebrate assemblages. It is relevant to note that the boundaries of the Barry Links SAC and SSSI are not identical as the SSSI designation also forms part of the Firth of Tay and Eden Estuary SAC and SPA.
- 8.28 The ES includes ecological surveys and reports on potential impacts on various species. The applicant has also provided a Habitat Regulations Appraisal Screening Report which aims to provide the necessary information to enable the Competent Authority (Angus Council) to discharge its obligations under Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna (the 'Habitats Directive').
- 8.29 SNH has indicated that the proposal is likely to have a significant effect on the qualifying interests of the SPA by virtue of potential disturbance to SPA birds through construction activities. However, SNH considers the proposal will not adversely affect site integrity. An 'Appropriate Assessment' has been undertaken in relation to potential impact on the SPA and is attached as Appendix 4 to this report. SNH has confirmed that the development is unlikely to have a significant effect on any of the qualifying interests of the SACs, either directly or indirectly. Similarly SNH has confirmed that the natural heritage interests of the SSSI will not be significantly affected by the cable laying operations. Other potential impacts from the development can be addressed at detailed design stage through appropriate micro siting.
- 8.30 SEPA has reviewed the submitted ES and considered the potential impact of the development on ecological matters within its remit. Groundwater Dependent Terrestrial Ecosystems (wetlands fed by groundwater) are protected under the Water Framework Directive) and SEPA has indicated that one may be affected by the development. SEPA has confirmed that it has no objection to the application subject to the provision of a Construction Environmental Management and Monitoring Plan. SEPA has also indicated a Habitat Management Plan should be incorporated to aim to enhance the local biodiversity of the land impacted by the scheme.
- 8.31 In respect of impacts on other ecological interests across the remainder of the application site an Extended Phase 1 Habitat Survey was conducted along with protected species surveys. These surveys indicate that the proposal could have impacts on habitat and species however the ES proposes specific mitigation measures to ensure there are no significant impacts as a result of the development. SNH and RSPB have offered no objections in respect of any protected species that

may be present across the application site. On this basis I am satisfied that the development will not result in any significant adverse impact on ecology, natural heritage or biodiversity outwith the international or nationally important sites.

- 8.32 The proposal will give rise to some impacts on natural heritage interests. However, having regard to the information contained within the ES and the responses received from consultees I consider that these impacts can be suitably mitigated subject to conditions as detailed below. In reaching this conclusion I have had regard to the wider public interest associated with the proposed development.
- 8.33 Development plan policy seeks to safeguard built heritage interests including listed buildings conservation areas and sites of archaeological interest. These matters are addressed in the submitted ES which considers potential impacts of the development on a range of built heritage interests.
- 8.34 Historic Environment Scotland (HES) has indicated that there would be no direct impacts as a result of the development on assets within its statutory remit. In respect of indirect impacts HES has considered assets within the surrounding area of the Shore End Export Cable Works, the Export Cable and the proposed substation. HES has confirmed that potential indirect impacts on interests including the former Tealing Parish Church (including churchyard), Tealing Souterrain and Dovecot are not unacceptable. HES had previously requested that a condition be attached requiring fencing around Downie Mill Scheduled Ancient Monument in order to avoid potential accidental damage. The updated ES does however make provision for such protection. HES does however highlight the need for such fencing to be installed outwith scheduled areas to avoid damage to the scheduled asset. Other scheduled assets are highlighted that raise similar concerns (Mains of Ardestie, souterrains ESE of (SM6939 and Westhall souterrain 200m SE of (SM6511)). Given that the final cable route has not been established, and in order to safeguard against any adverse impacts it is considered appropriate to attach a condition that a scheme of protective measures be implemented should the proposed cable route pass within 50m of any scheduled archaeological asset. Such a scheme would require to be approved by the planning authority in consultation with HES in order to ensure that it was sufficient to afford protection to any potentially affected asset.
- 8.35 Murroes conservation area and a number of listed buildings are located within the vicinity of the application site. HES have offered no objection to the application and regard has been given to the potential impact of the development on nearby listed buildings and Murroes conservation area. Having taken account of all relevant information I am content that the development would not have an adverse impact on the setting of any site of cultural heritage to a magnitude that would merit refusal of the application.
- 8.36 The submitted ES indicates there are a number of other sites of archaeological interest located within and in close proximity to the application site boundary. The ES indicates that through a programme of mitigation all potential impacts on sites of archaeological interest will be reduced to minor significance. The Council's Archaeological Advisor has reviewed the ES and has indicated no objection to the application subject to a programme of archaeological works in accordance with a written scheme of investigation and a condition to this effect is proposed. On this basis I am satisfied that the proposal will not give rise to any unacceptable impacts on the built or cultural heritage interests.

Transport and access

- 8.37 The submitted ES considers the issues surrounding the impacts of traffic generated by the proposed development. The main impacts arise from traffic during the construction phase of the proposals and include construction vehicle movements and vehicle movements associated with the importation of sand to bed the cables. The ES indicates that the project is expected to generate 170 two-way vehicular movements daily (24hrs period) at the busiest times during the development, which includes 85HGV and 85 general traffic movements. This equates to approximately 7 vehicles per hour if spread evenly across a 24 hour period. The Roads Service and the Scottish Government Trunk Roads and Bus Operations Directorate have confirmed that vehicle movements associated with the development can be accommodated on the existing road

network. Total vehicle movements associated with the development are high but the project would take place over a number of years and consequentially the daily increase in vehicle movements that would be experienced would not be significant in terms of road traffic safety. Network Rail has considered the requirement for the construction traffic route to utilise the Barry West Level Crossing and has indicated that a traffic management plan would be required. This is addressed by a proposed planning condition.

- 8.38 In order for the export cables to reach the new substation the cable would need to cross major pieces of infrastructure including the East Coast Main Railway Line (ECMRL), the A90(T) trunk road and the A92 dual carriageway. In addition the cable route would require to cross a number of other local roads including the A930 Dundee – Carnoustie road. The applicant proposes to pass the cables under the ECMRL, A90 (T) and A92 using horizontal directional drilling (HDD). The Roads Service considers that this approach should also be used to cross the A930 Dundee – Carnoustie road.
- 8.39 On the basis of consultation responses I am satisfied that the proposal does not give rise to any unacceptable impacts in terms of road traffic safety subject to the proposed conditions.

Socio-economic impacts, including impacts on other land uses

- 8.40 The proposed development is an essential component in the delivery of the offshore wind turbine developments at Seagreen Alpha and Bravo. These would each accommodate up to 75 wind turbines and the applicant indicates that annual production would be sufficient to meet the electricity demand of 670,000 average homes. It is indicated that the capital expenditure estimated in the construction and operational phases is £1.575 billion with over £75 million per year operational expenditure over the 25 year life of the offshore developments, providing up to 200 jobs. This represents significant socio-economic benefits.
- 8.41 The development has potential to give rise to other socio-economic impacts largely by virtue of impacts on other land uses, in particular impacts on recreation/tourism, impacts on the MoD facility at Barry Buddon and impacts on agriculture in and around the application site.
- 8.42 The cable route would affect Carnoustie beach and would cross Carnoustie Golf Links. Both are of significant recreational/tourist value and the championship golf course is internationally renowned and is significant in economic development terms. I accept the applicant's rationale for the selection of the proposed landing point and in this respect the key consideration is how to minimise impact from works on the recreational and sporting value of the area. I understand that the applicant has had dialogue with the Carnoustie Links Management Committee in order to seek agreement on the timing of works on or in the vicinity of the golf courses. The applicant would need to reach agreement on the timing of works with the landowner but in addition, a planning condition is proposed that requires approval of the phasing of works associated with the development. Conditions of the permission would allow potential for commencement of works in advance of the grant of consent for the offshore works in exceptional circumstances should this be desirable to minimise disruption to the golf courses. Similarly conditions also require approval of details for reinstatement following completion of works.
- 8.43 The cable route has potential to impact on the MoD Barry Buddon Training Camp. The construction phase of the development has potential to impact on MoD operations however potential impacts during the operation phase would be more limited as the cable is underground and the site is restored to its former condition. MoD has been consulted on the application but has not commented. The proposed planning conditions require the precise route of the cable and its phasing to be approved through the submission of a further application and this would allow further consultation with MoD once further information is available.
- 8.44 The ALDP recognises that soils are a valuable resource. In the context of the current application, Policy PV20 states that development on prime agricultural land should not be permitted unless it would support the delivery of the development strategy and the policies of the LDP or it constitutes renewable energy development supported by a commitment to a bond commensurate with restoration requirements.

- 8.45 The majority of the application site encompasses agricultural land, including prime quality land. The applicant has indicated that there would not be any permanent loss of agricultural land other than at the proposed substation site as the land affected by the cable installation would be reinstated and returned to its previous use following installation of the cable. Chapter 10 of the ES indicates that a Soil Management Plan would be provided in order to ensure there is no loss of agricultural land or loss of productivity across the cable corridor. It is indicated that the Soil Management Plan would include provision for topsoil within the working corridor to be stripped and stored within the working corridor and pre and post soil condition surveys to be undertaken to identify appropriate forms of management, monitoring and reinstatement following recommended practices.
- 8.46 I note that representations have been received from agricultural land owners affected by the proposed cable route that raise concern in respect of both electromagnetic impacts as a result of cable depth and biosecurity. The applicant has sought to address these issues both in the ES and in direct response to such concerns. As indicated elsewhere in this report schemes such as the development proposed are required to comply with emissions limits set by the National Radiological Protection Board (NRPB). The biosecurity issues are noted and it is recognised that such issues can emerge with large-scale, linear, infrastructure projects such as the dualling of the A92 but these can be successfully mitigated. I have had regard to the contents of the ES and to the consultation response received from SEPA in so far as it relates to ground water impacts. I have also had regard to the necessity to provide a grid connection for the offshore wind turbine development and consider that the wider public interest lies in allowing that development. I acknowledge that at this PPP stage, further detailed design will be required to allow full understanding of the impact of the development on agricultural activity in terms of cable depth and position of jointing bays. Planning conditions are proposed that require the detail of the cable route, including the depth of the cable to be subject of further applications. Conditions are also proposed that require the provision of a Construction Environmental Management & Monitoring Plan which would include biosecurity measures and a specific requirement for a Soil Management Plan and for the agricultural land subject of the grid connection corridor to be reinstated. A phasing programme is also required. In these circumstances I consider that the principal impacts associated with the cable route can be suitably mitigated in order to minimise impact on farming activities. On that basis, I consider that the proposal would be in accordance with Policy PV20 requirements.

Flood Risk

- 8.47 The ES undertook preliminary and specific flood risk assessment and identified that sections of the application site are at risk of flooding. SEPA and the Roads Service (in its capacity as Flood Prevention Authority) have reviewed the ES and have offered no objection to the application subject to appropriate mitigation as detailed in the ES and as required by proposed planning conditions.
- 8.48 The cable route would require to be drilled under the rock armour at Carnoustie beach. A planning condition seeks to ensure the integrity of the rock armour following installation of the cabling in order to minimise potential for increased coastal erosion. Whilst this is an area of undeveloped coast the landfall for the export cable for the offshore development clearly requires a coastal location and I accept that the development will not give rise to significant impacts on the undeveloped coast during its operational phase.
- 8.49 The substation at Tealing is located within an area of known flood risk. The ES indicates that mitigation would require to be provided in order to ensure that the essential infrastructure to be provided would not be at unacceptable risk from flooding. SEPA has indicated that whilst existing properties in the area are currently at risk of flooding, the proposed development should not increase the risk of those properties flooding. Further information regarding flooding and drainage at the substation is required by the proposed planning conditions.

Material Considerations

- 8.50 Angus Council has previously found a similar proposal acceptable through the grant of planning permissions for the development proposed in applications 13/00496/PPPM and 14/00918/PPP.

The development plan position has been updated in the period since the grant of those planning permissions but the basic policy position in so far as it relates to the acceptability of the proposed development has not changed; the proposal was compatible with policies in the Angus Local Plan Review and it is compatible with policies in the Angus Local Development Plan. As noted above, planning permission was granted in November 2014 for the installation and operation of a 31MW Solar Park and ancillary infrastructure at the Former Airfield, Tealing. In approving that application the Development Standards Committee concluded that the solar park development would not impede the previously approved development (13/00469/PPPM) on the site and was therefore compliant with NPF3 and with the development plan. The basic physical characteristics of the proposed grid connection corridor and the proposed site for the substation/convertor station remain largely unchanged since the grant of those previous permissions. Therefore the Council's conclusions and decisions in relation to those applications constitute significant material planning considerations. In addition, the publication of NPF3 confirms that the onshore grid connection works associated with the Seagreen Alpha and Seagreen Bravo offshore wind farms constitute national development and again this is a material consideration that lends weight to supporting the development.

Conclusion

- 8.51 This is a large scale infrastructure proposal associated with the development of a sizeable offshore renewable energy project. A project of this size will inevitably give rise to significant environmental and amenity impacts. Whilst the planning system does not regulate off-shore development, it is essential that account is given to the infrastructure and grid connection needs of the off-shore renewable energy generation industry. The wider development proposal, including the offshore element, has potential to deliver significant economic and environmental benefits of national importance and I consider that facilitating the onshore infrastructure subject of this application is in the wider public interest.
- 8.52 I have had regard to the environmental information provided in relation to the application and comments received from consultees. I have also taken account of all relevant representations made in opposition to the proposal. Whilst the development will give rise to a number of environmental and amenity impacts, consultees have advised that potential adverse impacts can be mitigated and that amenity impacts can be controlled by condition. I consider that the benefit derived from allowing a development that will assist in the transfer of offshore renewable energy to the national grid outweighs the resultant harm associated with the installation of the onshore infrastructure. I have also had regard to the relevant planning history associated with the development proposal, in particular the previous approval of a similar scheme by the Council which is a consideration of significant material weight. There have been some changes in circumstance since the grant of the previous permissions as the Angus Local Development Plan has been adopted and the site differs slightly from that approved under application ref: 13/00496/PPPM. However, the adoption of the Angus Local Development Plan does not alter the acceptability of the proposal and the alteration to the site now incorporates the diversion approved by Council under application ref: 14/00918/PPPN and deletes the original section at Balhungie. The proposal accords with the development plan subject to appropriate planning conditions and there are no material considerations that justify refusal of the application.
- 8.53 The application involves land in which the council has a financial interest as land owner. However, the application is not significantly contrary to the development plan and there is therefore no requirement to notify Scottish Ministers in the event that committee determines to approve the application.
- 8.54 In addition Committee will note the request that has been made by the applicant as detailed at Section 3.7 above regarding the duration of any planning permission granted. As the application is for PPP the typical timescale for the submission of Matters Specified by Conditions is three years with a further two years allowed for commencement of development upon the approval of the final specified matter. Section 59 (5) of the Town and Country Planning (Scotland) Act 1997 (As amended) makes provision for a planning authority to make a direction that standard time limits for commencement of development are not to apply; but that the permission is to lapse on the expiration of a period, whether longer or shorter than 3 years, specified in the direction unless the development to which the permission relates is begun before that expiration. Section 59(8) of

the same act does however require an authority considering whether to exercise their powers under Section 59(5) to have regard to the provisions of the development plan and other material considerations. It has already been concluded that the Development Plan offers general support for the development. The LDP is newly adopted. It is material that the proposed development is a national development in terms of the priorities contained in NPF3 and in determining to grant planning permission, the planning authority would be expressing a desire to see the development delivered and a commitment to the potential implementation of the planning permission. On the basis of the relative uncertainty of the timing of the legal proceedings in respect of the offshore element that would be out of the control of either the applicant or the planning authority and in light of the complex nature and scale of the overall development (both onshore and offshore), it is considered appropriate in this case to make a direction that the applicant be allowed a longer time period in which to commence development. It is suggested therefore that a period of 5 years be allowed in which to submit a matters specified application or applications and a further 3 years in which to commence development upon the approval of the final specified matter.

9. OTHER MATTERS

HUMAN RIGHTS IMPLICATIONS

The recommendation in this report for grant of planning permission, subject to conditions, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in this report justifying this recommendation in planning terms, it is considered that any actual or apprehended infringement of such Convention Rights, is justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

EQUALITIES IMPLICATIONS

The issues contained in this report fall within an approved category that has been confirmed as exempt from an equalities perspective.

10. CONCLUSION

It is recommended that the application be approved for the following reasons, and subject to the following condition(s):

Reason(s) for Approval:

1. The environmental impacts of the proposals as reported in the Environmental Statement and as identified by consultees are considered to be acceptable.
2. The proposals are compatible with the development plan.
3. The proposal will contribute towards the enhancement of the high voltage transmission network which is a national project as defined in National Planning Framework (NPF3) and will facilitate the transmission of renewable energy from offshore renewable energy development;
4. There are no material planning considerations that justify refusal of the application.

Direction under Section 59(5) of the Town and County Planning (Scotland) Act 1997 (as amended):

The period of 3 years referred to in section 59(2)(a)(i) and (3) is substituted with a period of 5 years and the period of 3 years referred to in section 59(4) is substituted with a period of 3 years.

Conditions:

1. That plans and particulars of the matters listed below shall be submitted for consideration by the Planning Authority in accordance with the timescales and other limitations in Section 59(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin on any distinct zone or agreed phase of the development until details of that distinct zone or phase have been submitted to, and approved in writing by, the Planning Authority, in consultation where relevant (as specified below for each particular criterion). The development shall be carried out in accordance with that approval:-

(a) Substation (Zone)

- (a) (i) The siting of the substation building(s) and structures, including any associated plant and machinery;
- (a) (ii) The design of the substation building(s) and structures, including any associated plant and machinery;
- (a) (iii) The external appearance of the substation building(s) and structures, including any associated plant and machinery;
- (a) (iv) The layout of the substation site including all permanent above ground features; boundary enclosures; existing and proposed ground levels and floor levels of the substation buildings relative to a fixed ordnance datum point;
- (a) (v) Details of all hard and soft landscaping works, planting and screening associated with the development of the substation site;
- (a) (vi) Full details of the means of disposal of surface water from the substation site during the construction and operational phases (which shall be by means of SUDS) along with measures to limit the post-development discharge rate from the site to pre-development runoff rates and evidence that potential flood risk will not be increased in the area;
- (a) (vii) A phasing plan for the development of the substation site;
- (a) (viii) The means of access to the substation site.

(b) Cable Route (Zone) or phase thereof as may be agreed with the Planning Authority (outwith the substation compound)

- (b) (i) Full details of the specific route, depth, ducting, jointing bays and number of cables to be installed within the cable route corridor or phase thereof. This shall include confirmation of the transmission technology to be used unless otherwise agreed with the Planning Authority;
- (b) (ii) The siting, design and external appearance of any other permanent above ground features associated with the cable route or phase thereof;
- (b) (iii) Details of all hard and soft landscaping works, planting and screening associated with the cable route or phase thereof;
- (b) (iv) Full details of the location and number of construction compounds associated with the cable route or phase thereof and the associated means of access together with a programme for their phasing, removal and restoration;
- (b) (v) A phasing plan for the cable route including specific details of the timing of works across Carnoustie Golf Links;
- (b) (vi) Full details of all road and waterway crossings associated with the cable route or phase thereof.

Reason: To ensure that the matters referred to are given full consideration.

2. That any application for approval of matters specified above in respect of: -

(a) The substation and/or the cable route (or phase thereof) shall be accompanied by:-

- (a) (i) A Construction Traffic Management and Routing Plan (CTMRP) for each distinct zone or phase that shall be subject of consultation with the Trunk Roads Authority, and Network Rail in respect of construction vehicle movements across Barry Links (also known as Barry West) Level Crossing as appropriate. For the avoidance of doubt the CTRMP shall include but not be limited to:-

- An Abnormal Loads Assessment including routing details for abnormal loads;
- Details of the timing of any works within the boundary of the A90 (T) Road;
- The type and volume of vehicles to be utilised in the delivery of construction materials;
- Assessment of the suitability of the proposed construction vehicle routes, including assessment of bridge capacities, to accommodate the type and volume of traffic to be generated by the development. The assessment shall include details of swept path analyses and include before and after DVD video route condition surveys;
- Mitigating measures on public roads, including, carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street furniture;
- The restriction of delivery traffic to agreed routes;
- Measures to minimise traffic impacts on existing road users including timing of construction traffic to minimise impacts on local communities and a code of conduct for HGV drivers to allow for queuing traffic to pass;
- Liaison with the roads authority regarding winter maintenance;
- Contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;
- A dust and dirt management strategy, including sheeting and wheel cleaning, prior to departure from the site;
- The location, design, erection and maintenance of warning/information signs for the duration of the works, at site accesses and crossovers on private haul roads or tracks used by construction traffic and pedestrians, cyclists or equestrians;
- Contingencies for unobstructed access for emergency services;
- Traffic management in the vicinity of temporary construction compounds, including, the provision of temporary signage, maintenance of signage and removal of signage upon completion of the works;
- Arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and procedures for dealing with noncompliance with the approved plan;
- Details of all movements of construction traffic over Barry Links Level Crossing.

Thereafter the development shall be undertaken in accordance with the details in the approved CTMRP for that distinct zone or phase unless otherwise agreed in writing with the Planning Authority.

(a) (ii) A Construction Environmental Management & Monitoring Plan (CEMP) for each distinct zone or phase which shall be subject of consultation with SEPA and SNH. For the avoidance of doubt the CEMP shall include but not be limited to:-

- A dust and air quality management plan including detailed measures for the mitigation of dust arising from construction activities and a complaint investigation and resolution procedure;
- A construction noise and vibration management plan including the hours of operation for construction related activities, detailed measures for the mitigation of construction noise and vibration and a routine noise monitoring and complaint investigation and resolution procedure;
- A Site Waste Management Plan (SWMP) including details for the management of pollution prevention monitoring and mitigation measures for all construction activities;
- A Soil Management Plan including a map showing locations of stockpiles of excavated materials, details of use and/or disposal of unsuitable subsoil, details of the management and mitigation of soil resources in accordance with biosecurity best practice;
- A scheme for the identification of drainage systems (including field drains, culverts, septic tanks and soakaways) and private water supplies, and measures for their protection during development and/or mitigation of impacts associated with the development including the temporary of alternative facilities as required;

- A scheme for the reinstatement following the completion of the construction of the cable route (or phase thereof) including the reinstatement of agricultural land, drainage systems and private water supplies and landscape resources.

Thereafter the development shall be undertaken in accordance with the details in the approved CEMP for that distinct zone or phase unless otherwise agreed in writing with the Planning Authority.

- (a) (iii) Evidence to confirm that the scheme has been designed to comply with Electro Magnetic Field (EMF) emission limits set by the National Radiological Protection Board (NRPB) or such other limit as may, at the time of application be set by Government.
- (b) The substation shall be accompanied by: -
- (b) (i) A Design Statement in accordance with the requirements of Part 3 Regulation 13 (4) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- (c) The cable route (or phase thereof) shall be accompanied by: -
- (c) (i) An Access Management Plan (AMP). For the avoidance of doubt the AMP shall include but not be limited to:-
- Proposals for management of public access on core paths, rights of way, Carnoustie Beach/Seafront and Barry Links during construction works;
 - Details of the extent and timing of any closures and proposed diversions;
 - Proposals for reinstatement of any core paths or other public access route and public access infrastructure (including steps, ramps, bridges and gates) which may be disturbed during construction and the timing for the completion of any works.

Thereafter the development shall be undertaken in accordance with the details in the approved AMP for that zone or phase unless otherwise agreed in writing with the Planning Authority.

- (c) (ii) A scheme to ensure the protection of that section of the coastal rock armour as highlighted in blue (and referenced as Mean High Water Springs) on drawing number A4MRSEAGZ-GRD530-SMP-0005 approved as part of this planning permission in principle (or such section of the aforementioned area as may be agreed in writing with the Planning Authority) for the duration of any works required for the installation of ducts and/or cables between the intertidal area and the location where the marine and landward cables will be jointed (“the transition joint bays”) on the landward side of the rock armour. This scheme shall include but not be limited to:-
- A pre-construction condition survey of the rock armour;
 - Full details of the proposed location and depth of cables below the rock armour;
 - Full details of any cable joint locations between the mean low water mark and the transition joint bays on the landward side of the rock armour;
 - Arrangements for the monitoring, review, reporting and repair of any damage (which shall be as soon as reasonably practicable after identification of the damage) to the rock armour during construction works.

For the avoidance of doubt within 3 months of the installation of the cable under the rock armour at the foreshore, a post construction condition survey of the rock armour shall be submitted for the written approval of the Planning Authority. The post construction survey shall include:-

- Record drawings illustrating the exact depth of the cable and any joint locations between the mean low water mark and the transition joint bays on the landward side of the rock armour;

- Proposals for the implementation and timing of any remedial works, to reinstate the rock armour to its pre-construction survey condition if it is identified in the post condition survey that damage has been caused to the rock armour by the works or activities associated with the development.

Thereafter any remedial works to the rock armour shall be undertaken in accordance with a programme/phasing schedule approved in writing by the Planning Authority.

Reason: In order to ensure the provision of adequate information for the planning authority to consider the matters detailed in condition 1 above, in the interests of road and rail safety; in the interests of amenity, environmental quality, environmental protection, site restoration and drainage; in the interests of public health; in the interests of design quality; in the interests of safeguarding public access; and in order to ensure the integrity of the coastal rock armour.

3. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with the provisions of the Seagreen Phase 1 Onshore Transmission Works Environmental Statement dated June 2016. Specifically the development shall be undertaken in accordance with the mitigation measures identified in the Environmental Statement and with the mitigation identified in Chapter 16 of the Environmental Statement.

Reason: To ensure that the development is undertaken in accordance with the Environmental Statement in order to mitigate impact of the development on the environment.

4. For the avoidance of doubt there shall be no commencement of the Development until it can be demonstrated to the Planning Authority that consent under Section 36 of the Electricity Act 1989 has been granted by the Scottish Ministers for the Seagreen Alpha and/or Seagreen Bravo Phase 1 Offshore Wind Farms, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure there is an operational requirement for the onshore electrical transmission infrastructure.

5. Prior to the commencement of the development hereby approved, an appropriately experienced and qualified Ecological Clerk of Works (ECoW) shall be appointed by the applicant/developer following consultation with the Planning Authority and SNH. An ECoW appointed in accordance with this condition shall be in post during appropriate stages of the construction phase of the development, as agreed in writing with the Planning Authority. The ECoW's scope of work shall include monitoring compliance with the mitigation measures within the Environmental Statement and the conditions of this planning permission.

Reason: To minimise environmental impacts during the construction phase of the development.

6. Within 24 months of the permanent cessation of generation of electricity at the offshore wind farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall have due regard to the Decommissioning Programme prepared in respect of the offshore wind farm and shall include details of:

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

The development shall thereafter be decommissioned and the site restored in accordance with the approved Demolition and Restoration Scheme unless a further planning permission

for retention of the development has been granted within the 24 month period identified above.

Reason: To ensure that the land is restored to its previous condition in the event that the development is no longer required in interests of the environmental quality and amenity of the area.

7. There shall be no piling or blasting carried out as part of the development unless otherwise approved in writing by the Planning Authority.

Reason: In order that any residential amenity impacts associated with piling and blasting can be considered and mitigated.

8. Except at Murroes Primary School, Duntrune and unless otherwise approved in writing by the Planning Authority, construction noise levels measured at the façade of existing nearby noise sensitive properties as detailed in the construction noise and vibration management plan required by condition 2 above shall not exceed the following limits:-

- (a) 70 dba Leq 12 hours between 0800hrs and 2000hrs
- (b) 45 dba Leq 12 hours between 2000hrs and 0800hrs

At Murroes Primary school Duntrune unless agreed in writing by the Planning Authority construction noise levels shall not exceed the following limit:-

- (a) 65 dba Leq 8 hours between 0800hrs and 1600hrs

Reason: In order to safeguard the amenity of occupants of noise sensitive property located close to the development.

9. Vibration levels associated with construction or maintenance activities shall not exceed the following limits unless otherwise approved in writing by the Planning Authority:-

- (a) At existing residential or educational properties 1mms-1 PPV
- (b) At existing commercial or industrial properties 3mms-1 PPV

The above vibration limits relate to maximum PPV ground borne vibration occurring in any one of three mutually perpendicular axes. Vibration is to be measured on the foundation or on an external façade no more than 1m above ground level or on solid ground as near the façade as possible.

Reason: In order to safeguard the amenity of occupants of nearby properties that may be affected by vibration.

10. The substation operational noise levels shall not exceed the rating noise levels specified in the table below as measured and assessed in accordance with BS4142; Method for rating industrial noise affecting mixed residential and industrial areas:

Address	Period	Rating Noise Level
Myreton of Claverhouse	0700hrs-2300hrs	37db LA eq 1hr
	2300hrs-0700hrs	36db LA eq 5mins
Balnuith	0700hrs-2300hrs	39db LA eq 1hr
	2300hrs-0700hrs	38db LA eq 5mins
Muir of Pert/Moatmill	0700hrs-2300hrs	37db LA eq 1hr
	2300hrs-0700hrs	34db LA eq 5mins
And		

Address	Period	Noise Limit
Myreton of Claverhouse	0700hrs-2300hrs	NR CURVE 30
	2300hrs-0700hrs	NR CURVE 20
Balnuith	0700hrs-2300hrs	NR CURVE 30

	2300hrs-0700hrs	NR CURVE 20
Muir of Pert/Moatmill	0700hrs-2300hrs	NR CURVE 30
	2300hrs-0700hrs	NR CURVE 20

Reason: In order to safeguard the amenity of occupants of noise sensitive property located close to the development.

11. No development shall take place within any distinct zone or phase until a written scheme of archaeological investigation for that distinct zone or phase (including a timetable) has been submitted to and approved in writing by the Planning Authority in consultation with Aberdeenshire Council Archaeology Service. Thereafter the development within that distinct zone or phase shall be undertaken in accordance with the approved scheme.

Reason: In order to record items of archaeological interest and finds.

12. No works within 50 metres of Scheduled Ancient Monument shall take place unless protective fencing, in accordance with a scheme approved in writing by the Planning Authority in consultation with Historic Environment Scotland, has been erected around; and outwith the designated asset to protect it from accidental damage during construction works. The protective fencing shall remain in place during any works within 50 metres of the designated asset and no works shall take place within the area protected by the fencing.

Reason: In order to safeguard historic features within close proximity to the application site.

13. That any storage of materials, plant or machinery within any functional flood plain identified on SEPA flood maps shall be undertaken only in accordance with details, including a flood mitigation scheme, that has been approved in writing by the Planning Authority in consultation with SEPA. There shall be no storage in association with this development within any functional flood plain other than in accordance with the aforementioned approved scheme. For the avoidance of doubt following the completion of works associated with the installation of the underground cabling within the functional floodplain the existing ground levels shall be restored.

Reason: In order to reduce the potential of flooding within and outwith the application site.

14. That prior to commencement of any works on the cable route (or phase thereof) a Habitat Management Plan (HMP) for the cable route (or phase thereof) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH. Thereafter the development of the cable route (or phase thereof) shall be undertaken in accordance with the details in the approved HMP unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of minimising adverse impacts on the biodiversity of the site and to enhance habitats.

15. That no vehicular access or egress in association with this development shall be taken from a public road until that access/egress has been formed and constructed in accordance with the Design Manual for Roads and Bridges or Angus Council Roads Standards as appropriate and as approved in writing by the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt this will include: -

(i) Provision of visibility splays at the junction of any works accesses with the respective public road in accordance with details approved in writing by the Planning Authority. Within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel for the duration of the works for any existing access or until that junction is closed/blocked for any new access;

(ii) Provision of turning space within the respective works areas to allow vehicles to enter and leave in a forward gear in accordance with details approved in writing by the Planning

Authority. Thereafter the approved turning space shall be maintained for the duration of use of the works area.

(iii) Provision of access tracks leading from the public road to the construction areas that are formed and constructed in accordance with a specification that has been approved in writing by the Planning Authority. For the avoidance of doubt all accesses shall be designed so as to prevent the discharge of surface water onto the public road.

Reason: In the interests of road safety and pedestrian safety.

16. For the avoidance of doubt there shall be no open excavation undertaken on the A90, A92 and A930 principal classified roads. Any crossing of these public roads shall be undertaken by horizontal directional drilling (HDD) unless otherwise approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: To minimise disruption to public transport and road users.

17. That, no works shall take place within any distinct zone or phase of the development until the applicant has agreed haul routes and provided written evidence of a maintenance agreement with the Roads Authority under Section 96 of the Roads (Scotland) Act 1984.

Reason: To ensure the integrity of the public road network is protected.

18. That prior to the commencement of any development on any part of the site that falls within the parameters of the former Tealing Airfield, a comprehensive gamma radiation survey shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The survey shall include a remediation strategy and shall be undertaken in accordance with a method statement that has been approved in writing by the Planning Authority. For the avoidance of doubt the Gamma Radiation Survey investigation shall be completed in accordance with The Radioactive Contaminated Land (Scotland) Regulations 2007 (as amended) and The Radioactive Substances (Basic Safety Standards) (Scotland) Direction 2000. Any wastes arising shall be addressed in accordance with the Radioactive Substances Act 1993 (and the associated exemption orders).

Reason: In order to ensure that any residual gamma radiation that exists within the site as a result of its former use as an airfield is identified and remediated in the interests of public safety and the amenity of the area.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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DATE: 28 NOVEMBER 2016

Appendix 1 : Location Plan
Appendix 2 : Environmental Statement Non-Technical Summary
Appendix 3 : Relevant Development Plan Policies
Appendix 4 : Habitats Regulations Appropriate Assessment

Appendix 3 : Development Plan Policies

TAYplan 2012

Policy 2: Shaping Better Quality Places

Ensure that climate change resilience is built into the natural and built environments through:

- i. a presumption against development in areas vulnerable to coastal erosion, flood risk and rising sea levels; including the undeveloped coast. To ensure flood risk is not exacerbated, mitigation and management measures; such as those envisaged by Scottish Planning Policy, should be promoted;
- ii. reducing surface runoff including through use of sustainable drainage systems;
- iii. protecting and utilising the water and carbon storage capacity of soils, such as peatlands, and woodland/other vegetation; and,
- iv. Identifying, retaining and enhancing existing green infrastructure and spaces whilst making the best use of their multiple roles.

Integrate new development with existing community infrastructure and work with other delivery bodies to integrate, concentrate and co-locate additional new infrastructure to optimise its coverage and capability.

Ensure the integration of transport and land use to: reduce the need to travel and improve accessibility by foot, cycle and public transport; make the best use of existing infrastructure to achieve a walkable environment combining different land uses with green space; and, support land use and transport development by transport assessments/appraisals and travel plans where appropriate, including necessary on and offsite infrastructure.

Ensure that waste management solutions are incorporated into development to allow users/occupants to contribute to the aims of the Scottish Government's Zero Waste Plan.

Ensure that high resource efficiency is incorporated within development through the orientation and design of buildings, the choice of materials and the use of low and zero carbon energy generating technologies to reduce carbon emissions and energy consumption to meet the Scottish Government's standards.

Ensure that the arrangement, layout, design, density and mix of development and its connections are the result of understanding, incorporating and enhancing present natural and historic assets*, the multiple roles of infrastructure and networks and local design context, and meet the requirements of Scottish Government's Designing Places and Designing Streets and provide additional green infrastructure where necessary.

Policy 3: Managing TAYplan's Assets

Understanding and respecting the regional distinctiveness and scenic value of the TAYplan area through:-

- ensuring development likely to have a significant effect on a designated or proposed Natura 2000 sites (either alone or in combination with other sites or projects), will be subject to an appropriate assessment. Appropriate mitigation requires to be identified where necessary to ensure there will be no adverse effect on the integrity of Natura 2000 sites in accordance with Scottish Planning Policy;
- safeguarding habitats, sensitive green spaces, forestry, watercourses, wetlands, floodplains (in-line with the water framework directive), carbon sinks, species and wildlife corridors, geo-diversity, landscapes, parks, townscapes, archaeology, historic buildings and monuments and allow development where it does not adversely impact upon or preferably enhances these assets; and,
- identifying and safeguarding parts of the undeveloped coastline along the River Tay Estuary and in Angus and North Fife, that are unsuitable for development and set out policies for their management; identifying areas at risk from flooding and sea level rise and develop policies to manage retreat and realignment, as appropriate.

Policy 6: Energy and Waste/Resource Management Infrastructure

Local Development Plans should identify areas that are suitable for different forms of renewable heat and electricity infrastructure and for waste/resource management infrastructure or criteria to support this; including, where appropriate, land for process industries (e.g. the co-location/proximity of surplus heat producers with heat users).

Local Development Plans and development proposals should ensure that all areas of search, allocated sites, routes and decisions on development proposals for energy and waste/resource management infrastructure have been justified, at a minimum, on the basis of these considerations:-

- The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones where appropriate;
- Waste/resource management proposals are justified against the Scottish Government's Zero Waste Plan and support the delivery of the waste/resource management hierarchy;
- Proximity of resources (e.g. woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials and waste products, where appropriate;
- Anticipated effects of construction and operation on air quality, emissions, noise, odour, surface and ground water pollution, drainage, waste disposal, radar installations and flight paths, and, of nuisance impacts on of-site properties;
- Sensitivity of landscapes (informed by landscape character assessments and other work), the water environment, biodiversity, geo-diversity, habitats, tourism, recreational access and listed/scheduled buildings and structures;
- Impacts of associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure;
- Impacts upon neighbouring planning authorities (both within and outwith TAYplan); and,
- Consistency with the National Planning Framework and its Action Programme.

Angus Local Development Plan 2016

Policy DS1 : Development Boundaries and Priorities

All proposals will be expected to support delivery of the Development Strategy.

The focus of development will be sites allocated or otherwise identified for development within the Angus Local Development Plan, which will be safeguarded for the use(s) set out. Proposals for alternative uses will only be acceptable if they do not undermine the provision of a range of sites to meet the development needs of the plan area.

Proposals on sites not allocated or otherwise identified for development, but within development boundaries will be supported where they are of an appropriate scale and nature and are in accordance with relevant policies of the ALDP.

Proposals for sites outwith but contiguous* with a development boundary will only be acceptable where it is in the public interest and social, economic, environmental or operational considerations confirm there is a need for the proposed development that cannot be met within a development boundary.

Outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP.

In all locations, proposals that re-use or make better use of vacant, derelict or under-used brownfield land or buildings will be supported where they are in accordance with relevant policies of the ALDP.

Development of greenfield sites (with the exception of sites allocated, identified or considered appropriate for development by policies in the ALDP) will only be supported where there are no suitable and available brownfield sites capable of accommodating the proposed development.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

*Sharing an edge or boundary, neighbouring or adjacent

Policy DS2 : Accessible Development

Development proposals will require to demonstrate, according to scale, type and location, that they:

- are or can be made accessible to existing or proposed public transport networks;
- make provision for suitably located public transport infrastructure such as bus stops, shelters, lay-bys, turning areas which minimise walking distances;
- allow easy access for people with restricted mobility;
- provide and/or enhance safe and pleasant paths for walking and cycling which are suitable for use by all, and link existing and proposed path networks; and
- are located where there is adequate local road network capacity or where capacity can be made available.

Where proposals involve significant travel generation by road, rail, bus, foot and/or cycle, Angus Council will require:

- the submission of a Travel Plan and/or a Transport Assessment.
- appropriate planning obligations in line with Policy DS5 Developer Contributions.

Policy DS3 : Design Quality and Placemaking

Development proposals should deliver a high design standard and draw upon those aspects of landscape or townscape that contribute positively to the character and sense of place of the area in which they are to be located. Development proposals should create buildings and places which are:

- **Distinct in Character and Identity:** Where development fits with the character and pattern of development in the surrounding area, provides a coherent structure of streets, spaces and buildings and retains and sensitively integrates important townscape and landscape features.
- **Safe and Pleasant:** Where all buildings, public spaces and routes are designed to be accessible, safe and attractive, where public and private spaces are clearly defined and appropriate new areas of landscaping and open space are incorporated and linked to existing green space wherever possible.
- **Well Connected:** Where development connects pedestrians, cyclists and vehicles with the surrounding area and public transport, the access and parking requirements of the Roads Authority are met and the principles set out in 'Designing Streets' are addressed.
- **Adaptable:** Where development is designed to support a mix of compatible uses and accommodate changing needs.
- **Resource Efficient:** Where development makes good use of existing resources and is sited and designed to minimise environmental impacts and maximise the use of local climate and landform.

Supplementary guidance will set out the principles expected in all development, more detailed guidance on the design aspects of different proposals and how to achieve the qualities set out above. Further details on the type of developments requiring a design statement and the issues that should be addressed will also be set out in supplementary guidance.

Policy DS4 : Amenity

All proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties.

Angus Council will consider the impacts of development on:

- Air quality;
- Noise and vibration levels and times when such disturbances are likely to occur;
- Levels of light pollution;
- Levels of odours, fumes and dust;
- Suitable provision for refuse collection / storage and recycling;
- The effect and timing of traffic movement to, from and within the site, car parking and impacts on highway safety; and
- Residential amenity in relation to overlooking and loss of privacy, outlook, sunlight, daylight and overshadowing.

Angus Council may support development which is considered to have an impact on such considerations, if the use of conditions or planning obligations will ensure that appropriate mitigation and / or compensatory measures are secured.

Applicants may be required to submit detailed assessments in relation to any of the above criteria to the Council for consideration.

Where a site is known or suspected to be contaminated, applicants will be required to undertake investigation and, where appropriate, remediation measures relevant to the current or proposed use to prevent unacceptable risks to human health.

Policy TC15 : Employment Development

Proposals for new employment development (consisting of Class 4, 5, or 6) will be directed to employment land allocations or existing employment areas within development boundaries, subject to the application of the sequential approach required by Policy TC19 Retail and Town Centre Uses for office developments of over 1,000 square metres gross floorspace.

Proposals for employment development outside of employment land allocations or existing employment areas, but within the development boundaries of the towns and the settlements within the rural area will be supported where:

- there are no suitable or viable sites available within an employment land allocation or existing employment area; or
- the use is considered to be acceptable in that location; and
- there is no unacceptable impact on the built and natural environment, surrounding amenity, access and infrastructure.

Proposals for employment development (consisting of Class 4, 5, or 6) outwith development boundaries will only be supported where:

- the criteria relating to employment development within development boundaries are met;
- the scale and nature of the development is in keeping with the character of the local landscape and pattern of development; and
- the proposal constitutes rural diversification where:
 - the development is to be used directly for agricultural, equestrian, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
 - the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the location.

Policy PV1 : Green Networks and Green Infrastructure

Angus Council will seek to protect, enhance and extend the wildlife, recreational, amenity, landscape, access and flood management value of the Green Network. Development proposals that are likely to erode or have a damaging effect on the connectivity and functionality of the Green Network will not be permitted unless appropriate mitigation or replacement can be secured. In some cases a developer contribution towards enhancement of the wider Green Network may be appropriate.

Green infrastructure (including open space) will require to be provided as part of new development. Proposals should identify the location and nature of the green network in the area and seek to enhance linkages wherever possible.

The location and function of green networks in Angus will be mapped in a Planning Advice Note.

Policy PV2 : Open Space Protection and Provision within Settlements

Angus Council will seek to protect and enhance existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. Development involving the loss of open space (including smaller spaces not identified on the Proposals Map) will only be permitted where:

- the proposed development is ancillary to the principal use of the site as a recreational resource; or
- it is demonstrated that there is an identified excess of open space of that type (backed up through an open space audit and strategy) to meet existing and future requirements taking account of the sporting, recreational and amenity value of the site; or
- the retention or enhancement of existing facilities in the area can best be achieved by the redevelopment of part of the site where this would not affect its sporting, recreational, amenity or biodiversity value, its contribution to a green network, or compromise its setting; or
- replacement open space of a similar type and of at least equal quality, community benefit and accessibility to that being lost will be provided within the local area.

Development proposals for 10 or more residential units or a site equal to or exceeding 0.5 hectares will be required to provide and /or enhance open space and make provision for its future maintenance. Other types of development may also need to contribute towards open space provision.

Angus Council will seek to ensure that 2.43 hectares of open space per 1000 head of population is provided*. The specific requirements of any development will be assessed on a site by site basis and this standard may be relaxed taking account of the level, quality and location of existing provision in the local area. In circumstances where open space provision is not made on site in accordance with the relevant standards, a financial contribution in line with Policy DS5 Developer Contributions may be required.

All new open spaces should incorporate the principles of Policy DS3 Design Quality and Placemaking, be publicly accessible and contribute to the enhancement and connectivity of the wider Green Network wherever possible.

*In line with the Six Acre Standard (National Playing Fields Association)

Policy PV3 : Access and Informal Recreation

New development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made.

New development should incorporate provision for public access including, where possible, links to green space, path networks, green networks and the wider countryside.

Where adequate provision cannot be made on site, and where the development results in a loss of existing access opportunities or an increased need for recreational access, a financial contribution may be sought for alternative provision.

Policy PV4 : Sites Designated for Natural Heritage and Biodiversity Value

Angus Council will work with partner agencies and developers to protect and enhance habitats of natural heritage value. Development proposals which are likely to affect protected sites will be assessed to ensure compatibility with the appropriate regulatory regime.

International Designations

Development proposals or land use change which alone or in combination with other proposals could have a significant effect on a Ramsar site or a site designated or proposed under the Birds or Habitats Directive (Special Areas for Conservation and Special Protection Areas) and which is not directly connected with or necessary to the management of the site, will only be permitted where:

- an appropriate assessment demonstrates the proposal will not adversely affect the integrity of the site; or
- there are no alternative solutions; and
- there are imperative reasons of overriding public interest, including those of social or economic nature; and
- compensatory measures are provided to ensure that the overall coherence of the Natura Network is protected.

The Council will seek to protect and enhance the nature conservation interests within the River Tay and River South Esk Catchment areas. In order to ensure no adverse effects on the River Tay SAC or the River South Esk SAC, development proposals should take account of the detailed advice* on the types of appropriate information and safeguards to be provided in support of planning applications.

National Designations

Development proposals which affect Sites of Special Scientific Interest will only be permitted where:

- the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals; or
- any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance; and
- mitigation and restoration measures are provided.

Development affecting sites and species protected by national or international legislation may require to be accompanied by an Environmental Impact Assessment and/or a Habitats Regulation Appraisal.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

* "River Tay Special Area of Conservation (2011)" and "River South Esk Special Area of Conservation (2011)" guidance produced jointly by SNH, Angus Council and SEPA, available on SNH website at www.snh.gov.uk

Policy PV5 : Protected Species

Angus Council will work with partner agencies and developers to protect and enhance all wildlife including its habitats, important roost or nesting places. Development proposals which are likely to affect protected species will be assessed to ensure compatibility with the appropriate regulatory regime.

European Protected Species

Development proposals that would, either individually or cumulatively, be likely to have an unacceptable adverse impact on European protected species as defined by Annex 1V of the Habitats Directive (Directive 92/24/EEC) will only be permitted where it can be demonstrated to the satisfaction of Angus Council as planning authority that:

- there is no satisfactory alternative; and
- there are imperative reasons of overriding public health and/or safety, nature, social or economic

- interest and beneficial consequences for the environment, and
- the development would not be detrimental to the maintenance of the population of a European protected species at a favourable conservation status in its natural range

Other Protected Species

Development proposals that would be likely to have an unacceptable adverse effect on protected species unless justified in accordance with relevant species legislation (Wildlife and Countryside Act 1981 and the Protection of Badgers Act 1992) subject to any consequent amendment or replacement.

Further information on protected sites and species and their influence on proposed development will be set out in a Planning Advice Note.

Policy PV6 : Development in the Landscape

Angus Council will seek to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks.

Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, any formal designations and special landscape areas to be identified within Angus. Within the areas shown on the proposals map as being part of 'wild land', as identified in maps published by Scottish Natural Heritage in 2014, development proposals will be considered in the context of Scottish Planning Policy's provisions in relation to safeguarding the character of wild land.

Development which has an adverse effect on landscape will only be permitted where:

- the site selected is capable of accommodating the proposed development;
- the siting and design integrate with the landscape context and minimise adverse impacts on the local landscape;
- potential cumulative effects with any other relevant proposal are considered to be acceptable; and
- mitigation measures and/or reinstatement are proposed where appropriate.

Landscape impact of specific types of development is addressed in more detail in other policies in this plan and work involving development which is required for the maintenance of strategic transport and communications infrastructure should avoid, minimise or mitigate any adverse impact on the landscape.

Further information on development in the landscape, including identification of special landscape and conservation areas in Angus will be set out in a Planning Advice Note.

Policy PV7 : Woodland, Trees and Hedges

Ancient semi-natural woodland is an irreplaceable resource and should be protected from removal and potential adverse impacts of development. The council will identify and seek to enhance woodlands of high nature conservation value. Individual trees, especially veteran trees or small groups of trees which contribute to landscape and townscape settings may be protected through the application of Tree Preservation Orders (TPO).

Woodland, trees and hedges that contribute to the nature conservation, heritage, amenity, townscape or landscape value of Angus will be protected and enhanced. Development and planting proposals should:

- protect and retain woodland, trees and hedges to avoid fragmentation of existing provision;
- be considered within the context of the Angus Woodland and Forestry Framework where woodland planting and management is planned;
- ensure new planting enhances biodiversity and landscape value through integration with and contribution to improving connectivity with existing and proposed green infrastructure and use appropriate species;
- ensure new woodland is established in advance of major developments;
- undertake a Tree Survey where appropriate; and

- identify and agree appropriate mitigation, implementation of an approved woodland management plan and re-instatement or alternative planting.

Angus Council will follow the Scottish Government Control of Woodland Removal Policy when considering proposals for the felling of woodland.

Policy PV8 : Built and Cultural Heritage

Angus Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

National Sites

Development proposals which affect Scheduled Monuments, Listed Buildings and Inventory Gardens and Designed Landscapes will only be supported where:

- the proposed development will not adversely affect the integrity of the site or the reasons for which it was designated;
- any significant adverse effects on the site or its setting are significantly outweighed by social, environmental and/or economic benefits; and
- appropriate measures are provided to mitigate any identified adverse impacts.

Proposals for enabling development which is necessary to secure the preservation of a listed building may be acceptable where it can be clearly shown to be the only means of preventing its loss and securing its long term future. Any development should be the minimum necessary to achieve these aims. The resultant development should be designed and sited carefully in order to preserve or enhance the character and setting of the listed building.

Regional and Local Sites

Development proposals which affect local historic environment sites as identified by Angus Council (such as Conservation Areas, sites of archaeological interest) will only be permitted where:

- supporting information commensurate with the site's status demonstrates that the integrity of the historic environment value of the site will not be compromised; or
- the economic and social benefits significantly outweigh the historic environment value of the site.

Angus Council will continue to review Conservation Area boundaries and will include Conservation Area Appraisals and further information on planning and the built and cultural heritage in a Planning Advice Note.

Policy PV9 : Renewable and Low Carbon Energy Development

Proposals for renewable and low carbon energy development* will be supported in principle where they meet the following criteria:

- the location, siting and appearance of apparatus, and any associated works and infrastructure have been chosen and/or designed to minimise impact on amenity, landscape and environment, while respecting operational efficiency;
- access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable change to the environment and landscape;
- the site has been designed to make links to the national grid and/or other users of renewable energy and heat generated on site;
- there will be no unacceptable impact on existing or proposed aviation, defence, seismological or telecommunications facilities;
- there will be no unacceptable adverse impact individually or cumulatively with other existing or proposed development on:
- landscape character, setting within the immediate and wider landscape (including cross boundary or regional features and landscapes), sensitive viewpoints and public access routes;

- sites designated for natural heritage (including birds), scientific, historic, cultural or archaeological reasons;
- any populations of protected species; and
- the amenity of communities or individual dwellings including visual impact, noise, shadow flicker.
- during construction, operation and decommissioning of the energy plant there will be no unacceptable impacts on:
 - groundwater;
 - surface water resources; or
 - carbon rich soils, deep peat and priority peatland habitat or geodiversity.

Where appropriate mitigation measures must be supported by commitment to a bond commensurate with site restoration requirements.

Consideration may be given to additional factors such as contribution to targets for energy generation and emissions, and/or local socio-economic economic impact.

Supplementary guidance will be prepared to set out a spatial framework to guide the location of onshore wind farm developments, consistent with the approach set out in Table 1 of Scottish Planning Policy. It will also provide further detail on the factors which should be taken into account in considering and advising on proposals for all types of renewable energy development.

Prior to the adoption of that supplementary guidance, the Council will apply the principles and considerations set out in Scottish Planning Policy in assessing the acceptability of any planning applications for onshore wind farms.

*infrastructure, activity and materials required for generation, storage or transmission of energy where it is within the remit of the council as local planning authority (or other duty). Includes new sites, extensions and/or repowering of established sites for onshore wind.

Policy PV12 : Managing Flood Risk

To reduce potential risk from flooding there will be a general presumption against built development proposals:

- on the functional floodplain;
- which involve land raising resulting in the loss of the functional flood plain; or
- which would materially increase the probability of flooding to existing or planned development.

Development in areas known or suspected to be at the upper end of low to medium risk or of medium to high flood risk (as defined in Scottish Planning Policy (2014), see Table 4) may be required to undertake a flood risk assessment. This should demonstrate:

- that flood risk can be adequately managed both within and outwith the site;
- that a freeboard allowance of at least 500-600mm in all circumstances can be provided;
- access and egress to the site can be provided that is free of flood risk; and
- where appropriate that water-resistant materials and construction will be utilised.

Where appropriate development proposals will be:

- assessed within the context of the Shoreline Management Plan, Strategic Flood Risk Assessments and Flood Management Plans; and
- considered within the context of SEPA flood maps to assess and mitigate surface water flood potential.

Built development should avoid areas of ground instability (landslip) coastal erosion and storm surges. In areas prone to landslip a geomorphological assessment may be requested in support of a planning application to assess degree of risk and any remediation measures if required to make the site suitable for use.

Policy PV13 : Resilience and Adaptation

Development should not require an increase in the provision and / or maintenance of flood defences.

To increase resilience to the effects of climate change such as flood and drought, extreme weather events and rising sea levels Angus Council may require development proposals to incorporate adaptation measures including:

- use of flood resistant materials and construction techniques;
- removal of culverts and other engineering works where opportunity arises and avoidance of development over or requiring new culverts or other unnecessary engineering works unless there is no practical alternative;
- minimising the area of impermeable surfaces by using permeable surfaces where possible for car parking and hard landscaping and where appropriate, green roofs and green infrastructure; and
- natural flood management measures which reduce water flow and enhance biodiversity and the quality of the water environment. Such schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Policy PV14 : Water Quality

To protect and enhance the quality of the water environment, development proposals will be assessed within the context of:

- the National Marine Plan;
- the Scotland River Basin Management Plan and associated Area Management Plans;
- relevant guidance on controlling the impact of development and associated works;
- relevant guidance on engineering works affecting water courses; and
- potential mitigation measures.

Development proposals which do not maintain or enhance the water environment will not be supported. Mitigation measures must be agreed with SEPA and Angus Council.

Development proposals must not pollute surface or underground water including water supply catchment areas due to discharge, leachates or disturbance of contaminated land.

Policy PV15 : Drainage Infrastructure

Development proposals within Development Boundaries will be required to connect to the public sewer where available.

Where there is limited capacity at the treatment works Scottish Water will provide additional wastewater capacity to accommodate development if the Developer can meet the 5 Criteria*. Scottish Water will instigate a growth project upon receipt of the 5 Criteria and will work with the developer, SEPA and Angus Council to identify solutions for the development to proceed.

Outwith areas served by public sewers or where there is no viable connection for economic or technical reasons private provision of waste water treatment must meet the requirements of SEPA and/or The Building Standards (Scotland) Regulations. A private drainage system will only be considered as a means towards achieving connection to the public sewer system, and when it forms part of a specific development proposal which meets the necessary criteria to trigger a Scottish Water growth project.

All new development (except single dwelling and developments that discharge directly to coastal waters) will be required to provide Sustainable Drainage Systems (SUDs) to accommodate surface water drainage and long term maintenance must be agreed with the local authority. SUDs schemes can contribute to local green networks, biodiversity and provision of amenity open space and should form an integral part of the design process.

Drainage Impact Assessment (DIA) will be required for new development where appropriate to identify potential network issues and minimise any reduction in existing levels of service.

Policy PV16 : Coastal Planning

The Coast is subject to natural and human pressures ranging from climate change to caravan parks. The environmental, economic and defensive role of the coast will be protected by Angus Council and development proposals will be assessed within the context of the Shoreline Management Plan (SMP) and relevant landscape capacity studies.

Development requiring new sea defences will not be supported and proposals should be directed to the developed coast or be associated with existing development.

Within the undeveloped coast proposals will only be supported where there is:

- a justifiable locational requirement for the development;
- no conflict with designated or proposed marine heritage sites; and
- no conflict with existing coastal protection works.

Areas liable to ground instability and at risk from current or future inundation as identified in the second SMP for Angus will be considered for managed realignment.

Angus Council will work with adjacent terrestrial and marine authorities as appropriate to promote co-ordinated coastal planning on and offshore and will consider development proposals within this context.

Development proposals should not result in adverse impacts, either alone or in combination with other proposals or projects, on the integrity of any European designated site, in accordance with Policy PV4 Sites Designated for Natural Heritage and Biodiversity Value.

Policy PV18 : Waste Management in New Development

Proposals for new retail, residential, commercial, business and industrial development should seek to minimise the production of demolition and construction waste and incorporate recycled waste into the development.

Where appropriate, Angus Council will require the submission of a Site Waste Management Plan to demonstrate how the generation of waste will be minimised during the construction and operational phases of the development.

Development proposals that are likely to generate waste when operational will be expected to include appropriate facilities for the segregation, storage and collection of waste. This will include provision for the separate collection and storage of recyclates within the curtilage of individual houses.

Policy PV20 : Soils and Geodiversity

Development proposals on prime agricultural land will only be supported where they:

- support delivery of the development strategy and policies in this local plan;
- are small scale and directly related to a rural business or mineral extraction; or
- constitute renewable energy development and are supported by a commitment to a bond commensurate with site restoration requirements.

Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

Development proposals affecting deep peat or carbon rich soils will not be allowed unless there is an overwhelming social or economic need that cannot be met elsewhere. Where peat and carbon rich soils are present, applicants should assess the likely effects of development proposals on carbon dioxide emissions.

All development proposals will incorporate measures to manage, protect and reinstate valuable soils, groundwater and soil biodiversity during construction.

Policy PV21 : Pipeline Consultation Zones

Decisions on whether to grant planning permission for development proposals within the pipeline consultation zones shown on the proposals map will be taken in light of the views and advice of the Health and Safety Executive.



ANGUS COUNCIL

APPROPRIATE ASSESSMENT OF DEVELOPMENT PROPOSALS WHICH ARE LIKELY TO HAVE A SIGNIFICANT EFFECT ON A EUROPEAN SITE UNDER THE CONSERVATION OF NATURAL HABITATS, &C REGULATIONS 1994 (AS AMENDED)

**FOR
FORMATION OF ONSHORE ELECTRICAL TRANSMISSION INFRASTRUCTURE BETWEEN CARNOUSTIE AND TEALING TO SERVICE SEAGREEN ALPHA AND SEAGREEN BRAVO PHASE 1 OFFSHORE WIND FARMS, COMPRISING 19KM OF UNDERGROUND ELECTRICITY TRANSMISSION CABLES, A NEW SUBSTATION/CONVERTOR STATION AT TEALING AND FORMATION OF ASSOCIATED VEHICULAR ACCESS AND TEMPORARY AND PERMANENT ANCILLARY WORKS**

FOR

SEAGREEN ALPHA WIND ENERGY LTD SEAGREEN BRAVO WIND ENERGY LTD

AT

**LAND BETWEEN MEAN LOW WATER MARK
AT CARNOUSTIE BEACH
AND TEALING SUBSTATION
TEALING**

PLANNING APPLICATION REFERENCE: 16/00520/EIAN

1. INTRODUCTION

This is a record of the assessment under regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) for planning application 16/00520/EIAN submitted by Seagreen Alpha Wind Energy Ltd Seagreen Bravo Wind Energy Ltd. These regulations are otherwise known as “the habitat regulations”. It is the purpose of this assessment to inform the decision making body (Angus Council) on the effects of the above development upon the relevant Natura sites to allow them to determine the application in accordance with the European Habitat Directive 92/43/EEC.

European Directive 92/43/EEC is transposed into law in Scotland by the habitat regulations. This requires that plans and projects considered by competent authorities that could have a likely significant effect on a Natura site, should be subject to an assessment of their potential impacts upon the site. Regulation 48 directs that:

“48 – (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which –

- (a) is likely to have a significant effect on a European site in Great Britain (either alone or in combination with other plans or projects), and
- (b) is not directly connected with or necessary to the management of the site, shall make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.”

It further states that:

“48 – (5) In the light of the conclusions of the assessment, and subject to regulation 49, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.”

Angus Council, as the competent authority, is therefore required in law to undertake this assessment in order to comply with the aforementioned regulations.

The proposal for the formation of onshore electrical transmission infrastructure between Carnoustie and Tealing to service Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms, comprising 19km of underground electricity transmission cables, a new substation/convertor station at Tealing and formation of associated vehicular access and temporary and permanent ancillary works is close to a Natura site and is within the definition of a project under Regulation 54 of the Natura regulations. Regulation 54 states that:

“Regulations 48 and 49 (requirement to consider effect on European site) apply, in Scotland, in relation to –

- (a) granting planning permission on an application under Part III of the Town and Country Planning (Scotland) Act 1972.”

The proposed development is not wholly concerned with the necessary management of a European site for nature conservation and requires planning permission and so the plans must be subject to assessment under the terms of Directive 92/43/EEC.

APPLICATION RECEIVED:	22 July 2016
SNH CONSULTED:	04 August 2016
SNH RESPONSE:	13 September 2016

2(a) DETAILS OF PROPOSAL

LOCATION: LAND BETWEEN MEAN LOW WATER MARK AT CARNOUSTIE BEACH AND TEALING SUBSTATION, TEALING
APPLICANT: SEAGREEN ALPHA WIND ENERGY LTD SEAGREEN BRAVO WIND ENERGY LTD
REFERENCE: 16/00520/EIAN

DESCRIPTION OF PROPOSAL

The proposal involves all of the onshore elements required to connect the Seagreen Alpha and Seagreen Bravo offshore wind farms located approximately 40 to 70km east of Arbroath to the onshore electrical grid. This includes the export cables from the mean low water springs (MLWS) mark to new electrical substation to be constructed adjacent to the existing substation at Tealing in Angus. The design of the Onshore Transmission Works has been progressed to the point where a shore end cable route (from MLWS to landfall), landfall location, onshore cable route, cable route access points, substation location and footprint, are all known. In addition, much of the preferred approach to construction is also known. For some elements of the onshore transmission works, several options remain under consideration. Two transmission technologies are being considered, HVDC and HVAC. The size and nature of the Seagreen Phase 1 Offshore Project means that either approach to the design of the Export Transmission System could be applicable.

3a. Name of the Natura Site affected & current status

Barry Links SAC (Current)
Firth of Tay and Eden Estuary SPA (Current)
Firth of Tay and Eden Estuary SAC (Current)
Outer Firth of Forth and St Andrews Bay Complex SPA (At consultation stage)

3b. Name of component SSSI if relevant

Barry Links SSSI

3c. European qualifying interest(s) & whether priority/non-priority:

Barry Links SAC

Shifting dunes
Humid dune slacks
Shifting dunes with marram
Coastal dune heathland (Priority)
Dune grassland (Priority)

Firth of Tay and Eden Estuary SPA

Marsh harrier (*Circus aeruginosus*)
Common scoter (*Melanitta nigra*)
Cormorant (*Phalacrocorax carbo*)
Eider (*Somateria mollissima*)

Goosander (*Mergus merganser*)
Grey plover (*Pluvialis squatarola*)
Long-tailed duck (*Clangula hyemalis*)
Red-breasted merganser (*Mergus serrator*)
Sanderling (*Calidris alba*)
Velvet scoter (*Melanitta fusca*)
Little tern (*Sternula albifrons*)
Dunlin (*Calidris alpina alpina*)
Greylag goose (*Anser anser*)
Redshank (*Tringa totanus*)
Oystercatcher (*Haematopus ostralegus*)
Waterfowl assemblage
Bar-tailed godwit (*Limosa lapponica*)
Goldeneye (*Bucephala clangula*)
Icelandic Black-tailed godwit (*Limosa limosa islandica*)
Pink-footed goose (*Anser brachyrhynchus*)
Shelduck (*Tadorna tadorna*)

Firth of Tay and Eden Estuary SAC

Subtidal sandbanks
Harbour seal (*Phoca vitulina*)
Estuaries
Intertidal mudflats and sandflats

Outer Firth of Forth and St Andrews Bay Complex SPA

Eider (*Somateria mollissima*)
Velvet scoter (*Melanitta fusca*)
Red-throated diver (*Gavia stellata*)
Goldeneye (*Bucephala clangula*)
Red-breasted merganser (*Mergus serrator*)
Herring gull (*Larus argentatus*)
Kittiwake (*Rissa tridactyla*)
Shag (*Phalacrocorax aristotelis*)
Long-tailed duck (*Clangula hyemalis*)

Arctic tern (*Sterna paradisaea*)
Seabird assemblage
Little gull (*Hydrocoloeus minutus*)
Black-headed gull (*Chroicocephalus ridibundus*)
Seabird assemblage
Guillemot (*Uria aalge*)
Common tern (*Sterna hirundo*)
Guillemot (*Uria aalge*)
Razorbill (*Alca torda*)
Puffin (*Fratercula arctica*)
Common gull (*Larus canus*)
Kittiwake (*Rissa tridactyla*)
Herring gull (*Larus argentatus*)
Slavonian grebe (*Podiceps auritus*)
Waterfowl assemblage
Common scoter (*Melanitta nigra*)
Shag (*Phalacrocorax aristotelis*)
Manx shearwater (*Puffinus puffinus*)
Gannet (*Morus bassanus*)

3d. Conservation objectives for qualifying interests:

Barry Links SAC

To avoid deterioration of the qualifying habitats (listed below), thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying habitats that the following are maintained in the long term:

- Extent of the habitat on site
- Distribution of the habitat within site
- Structure and function of the habitat
- Processes supporting the habitat
- Distribution of typical species of the habitat
- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

Coastal dune heathland (Priority)
Shifting dunes with marram
Humid dune slacks
Dune grassland (Priority)
Shifting dunes

Firth of Tay and Eden Estuary SPA

To avoid deterioration of the habitats of the qualifying species (listed below), or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained; and to ensure for the qualifying species that the following are maintained in the long term:

- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species
- Population of the species as viable component of the site

Redshank (*Tringa totanus*)
Greylag goose (*Anser anser*)
Dunlin (*Calidris alpina alpina*)
Little tern (*Sternula albifrons*)
Velvet scoter (*Melanitta fusca*)
Shelduck (*Tadorna tadorna*)
Sanderling (*Calidris alba*)
Red-breasted merganser (*Mergus serrator*)
Pink-footed goose (*Anser brachyrhynchus*)
Oystercatcher (*Haematopus ostralegus*)
Long-tailed duck (*Clangula hyemalis*)
Icelandic Black-tailed godwit (*Limosa limosa islandica*)
Grey plover (*Pluvialis squatarola*)
Goosander (*Mergus merganser*)
Goldeneye (*Bucephala clangula*)
Eider (*Somateria mollissima*)
Cormorant (*Phalacrocorax carbo*)
Common scoter (*Melanitta nigra*)
Bar-tailed godwit (*Limosa lapponica*)
Marsh harrier (*Circus aeruginosus*)
Waterfowl assemblage

Firth of Tay and Eden Estuary SAC

To avoid deterioration of the qualifying habitats (listed below), thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying habitats that the following are maintained in the long term:

- Extent of the habitat on site
- Distribution of the habitat within site
- Structure and function of the habitat
- Processes supporting the habitat
- Distribution of typical species of the habitat

- Viability of typical species as components of the habitat
- No significant disturbance of typical species of the habitat

Estuaries

Subtidal sandbanks

Intertidal mudflats and sandflats

To avoid deterioration of the habitats of the qualifying species (listed below), or significant disturbance to the qualifying species, thus ensuring that the integrity of the site is maintained and the site makes an appropriate contribution to achieving favourable conservation status for each of the qualifying features; and to ensure for the qualifying species that the following are maintained in the long term:

- Distribution of the species within site
- Distribution and extent of habitats supporting the species
- Structure, function and supporting processes of habitats supporting the species
- No significant disturbance of the species
- Population of the species as viable component of the site

Harbour seal (*Phoca vitulina*)

APPRAISAL IN RELATION TO REGULATION 48

4a. Is the operation directly connected with or necessary to conservation management of the site? YES/NO If YES give details:

No.

If yes and it can be demonstrated that the elements in 3b have been applied to all the interest features in a fully assessed and agreed management plan then consent can be issued but rationale must be provided, including reference to management objectives. If no, or if site has several European qualifying interests and operation is not directly connected with or necessary to the management of all of these then proceed to 4b.

4b. Is the operation likely to have significant effect on the qualifying interest? Consider each qualifying interest in relation to the conservation objectives.

- i) indicate which feature of interest could be affected by the proposed operation and briefly in what way; if none provide a brief justification and then proceed to v), otherwise continue;*
- ii) refer to other plans/projects with similar effects/other relevant evidence;*
- iii) consider scale, longevity, and reversibility of effects;*
- iv) consider whether proposal contributes to cumulative or incremental impacts with other projects competed, underway or proposed;*
- v) give Yes/No conclusion for each interest.*

Yes.

Firth of Tay and Eden Estuary SPA - Yes

The application site boundary is approximately 100m north of the SPA. Bird surveys (coastal vantage point watches and breeding bird surveys along the cable route) were carried out to update the 2011-12 surveys that accompanied the application when previously submitted. The overwintering bird survey 2015-16 states "There is a distinct aggregation of records on the rocky, intertidal habitats towards the

north of the survey area. This area was used as a roost site for cormorant and shag at low tide, and by waders (oystercatcher, ringed plover, dunlin, sanderling, knot, curlew, redshank and turnstone) at high tide. Waders (oystercatcher, ringed plover, dunlin, sanderling and curlew) recorded along the sandy intertidal habitat and along the shoreline were evenly distributed with no distinct clusters of records." Maps of bird activity are provided. Construction activities have the potential to cause disturbance to SPA birds, both within and outwith the SPA. If works were to occur when the qualifying species of the SPA were present, there would be a likely significant effect for all the qualifying interests that have been recorded as having been present within or close to the cable route site boundary.

Firth of Tay and Eden Estuary SAC - No

The onshore grid connection part of the project is occurring outside the site and any issues related to changes in marine sediment movement or sediment supply, affecting maintenance of processes supporting the habitats were covered by the marine part of the proposal. Seals do not haul out or breed in this area and any impacts on seals in the sea have been covered by the marine licence response.

Barry Links SAC - No

No vegetation will be disturbed by cable laying, as the work is occurring outside the site boundary, except in one location, where the cable will pass under the site by directional drilling for approximately 100m. Hydrological impacts that could indirectly impact on vegetation have been ruled out, as the duct will be linked with impermeable material as it is being made, so it cannot act as a drain.

Outer Firth of Tay and St Andrews Bay complex marine dSPA - No

The proposal lies adjacent to the marine dSPA, the boundary of which is the MLWS. Some species of the dSPA might use the onshore area (eg gulls) and construction activities have the potential to cause disturbance, so there is a potential connection. However, the conservation objectives would not be undermined because the species for which the dSPA has been selected are unlikely to be significantly disturbed by the proposed works and the area affected is very small relative to the total size of the dSPA.

If yes, or in cases of doubt, proceed to 4c. If potential significant effects can easily be avoided, go straight to 5 and record modifications required.

Mitigation or modifications required to avoid a likely significant effect & reasons for these:

4c. Appraisal of the implications for the site in view of the site's conservation objectives.

- i) Describe for each European qualifying interest the potential impacts of the proposed operation detailing which aspects of the proposal could impact upon them and their conservation objectives*
- ii) Evaluate the significance of the potential impacts, e.g. whether short/long term, reversible or irreversible, and in relation to the proportion/importance of the interest affected, and the overall effect on the site's conservation objectives. Record if any information or specialist advice has been obtained.*
- iii) In the light of the appraisal, ascertain whether the proposal will not adversely affect the integrity of the site for the qualifying interests. If SAC and/or SPA and/or Ramsar site give separate conclusions. If conditions or modifications are required, proceed to 5.*

Firth of Tay and Eden Estuary SPA See also SNH HRA completed for previous application for these works.

The application site boundary is approximately 100m north of the SPA. The cable coming in from the sea will be fed into a duct which goes under the coastal defences. The duct will be made using directional drilling from an onshore location, under the sea defences with the exit point being below the mean high water mark. The number of birds observed in the 2015-16 winter surveys were broadly similar to those in 2012. No habitat loss is predicted within the SPA and only a small amount outwith it. As the proposal is outwith the SPA, the relevant conservation objectives in this instance are whether the proposal would significantly disturb the qualifying interests within the SPA and or prevent the maintenance of the population and distribution of the qualifying interests within the SPA. Works in the intertidal zone are expected to be completed over a short period of time. Also, cable laying close to shore also has the potential to involve temporary disturbance which could take a maximum of 90 days. The offshore

construction programme is based upon summer working when the wintering species will be absent; however, the appropriate assessment is based on the worst case scenario that all species will be present at the time of the works. Some disturbance already occurs from recreational interests along the beach.

In conclusion, there would be no adverse effect on site integrity because: - the proposed works will be taking place outside the SPA; - the area affected is very small relative to the total size of the SPA; and - the works are temporary; works in the intertidal zone are expected to be completed over a short period of time (days rather than weeks). Cable installation close to shore would last for up to 90 days. In addition, the works on the intertidal are likely to take place in the summer when the qualifying interests are largely absent.

5. Conditions or modifications required.

Indicate conditions/modifications required to ensure adverse effects are avoided, & reasons for these.

Mitigation measures are proposed by the prospective developer to limit the identified impacts including:

An Environmental or Ecological Clerk of Works will be engaged to ensure ecological management is properly carried out during the works.

There are also other ecological receptors that require mitigation measures such as reptiles and breeding birds. These measures should be detailed in the Construction Environmental Management Plan (CEMP). Based on the above considerations planning conditions addressing the following matters would be attached to any planning permission in order to minimise potential impacts on the designated sites and their interests:

A requirement for a site specific Construction Environmental Management & Monitoring Plan (CEMP) for the written approval of the Planning Authority in consultation with SEPA and SNH. For the avoidance of doubt the CEMP would include construction method statements for all activities associated with the development; a Site Waste Management Plan (SWMP); and details of the phasing/timing of all works. Thereafter the works would be required to be undertaken in accordance with the details approved in the CEMP. A requirement for a site specific Habitat Management Plan for the written approval of the Planning Authority in consultation with SEPA and SNH.

A planning condition would also be attached requiring the developer to undertake the development in accordance with the provisions and mitigations of the Seagreen Phase 1 Onshore Transmission Works Environmental Statement dated June 2016 unless otherwise indicated by conditions attached to any planning permission.

5. Advice sought.

Include here details of or clear reference to, advice sought from AS, colleagues etc. If no advice sought give brief reasons/justification

Scottish Natural Heritage (SNH)

Marine Scotland

Scottish Environmental Protection Agency (SEPA)

Royal Society for the Protection of Birds (RSPB)

6. Conclusion

Likely Significant Effect but no adverse effect on site integrity.