

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 18 JUNE 2020

PLANNING APPLICATION – LAND BETWEEN TEMPLEHALL AND TEALING  
SUBSTATION TEALING

GRID REF: 345347 : 735842

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

**Abstract:**

This report deals with application No. [20/00120/MSC](#) which seeks approval of Matters Specified in Conditions relevant to condition 1(b) and condition 2(a) and (c) of Planning Permission in Principle 16/00520/EIAN resulting in the formation of underground electricity transmission cables and associated temporary and permanent ancillary works to service the Seagreen Phase 1 Offshore Wind Farms for Seagreen Wind Energy Ltd on land between Templehall, Newbigging and Tealing Substation, Tealing. This application is recommended for conditional approval.

**1. RECOMMENDATION**

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

**2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN/CORPORATE PLAN**

This report contributes to the following local outcome(s) contained within the Angus Local Outcomes Improvement Plan and Locality Plans:

- Safe, secure, vibrant and sustainable communities
- A reduced carbon footprint
- An enhanced, protected and enjoyed natural and built environment

**3. INTRODUCTION**

3.1 Planning permission in principle (Application Ref: [16/00520/EIAN](#) and Report No. [433/16](#) refers) was granted on 5 January 2017 for the formation of onshore electrical transmission infrastructure between Carnoustie and Tealing to service Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms. That permission provided for 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. A copy of the conditions attached to that permission are provided at Appendix 1.

3.2 The planning permission in principle requires the submission of further applications for the approval of matters specified in condition 1 along with information to assist in the determination of those matters as detailed in condition 2. This application seeks approval of the matters detailed in condition 1(b) and the supporting information required by condition 2(a) and (c) for that section of underground transmission cables that run between Templehall, Newbigging and Tealing Substation. The site measures around 10km in length with a total area in the region of 171.5ha. A plan showing the location and extent of the site is provided at Appendix 2.

- 3.3 A separate application (Ref: [20/00190/MSC](#)) has been submitted for that section of the underground electricity transmission cables that runs between Templehall, Newbigging and the Mean Low Water Mark at Carnoustie. That application is subject of a separate report to this committee.
- 3.4 The application seeks consent for the provision of a three circuit 220kv HVAC (High Voltage Alternating Current) system. This would involve the formation of three trenches each accommodating five underground ducts at 5.5m centres with each circuit comprising three HVAC cables, a Distributing Temperature Sensing cable and a Fibre Optic Cable. The majority of the ducts would be installed through the excavation of individual trenches with horizontal directional drilling (HDD) used for the installation at major road and watercourse crossings. The ducting within which the cables are housed would be located a minimum of 1.225m below ground level. Along the cable route six underground joint bays would be formed with two manhole covers present at each joint bay location and timber post and rail fencing erected around them where appropriate. Cable maker poles/blocks would be inserted into the ground at land boundaries and where the cable changes direction. Two construction compound areas are proposed within this phase along with three storage areas. The construction corridor would be enclosed by temporary fencing and would generally be in the region of 30m in width. It would accommodate the plant, equipment and materials associated with the installation of the cable. A temporary haul road would be formed adjacent to the cable excavation with access to this taken from a combination of existing and temporary tracks connecting to the public road network.
- 3.5 The application is supported by a supplementary Environmental Impact Assessment Report (EIA Report). This considers the effects of the proposed development on the social and economic environment having regard to any likely associated restrictions it may place on the future use of land.
- 3.6 The application has been varied to amend the location of a temporary vehicular access and position of a temporary access track.
- 3.7 The application and the supplementary EIA Report have been subject of statutory advertisement.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 Planning permission in principle was granted on 26 November 2013 for the formation of onshore electrical transmission infrastructure between Carnoustie and Tealing to service the Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms. That permission provided for 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 (Application Ref: [13/00496/PPPM](#) and Report No. [643/13](#) refer).
- 4.2 Planning permission in principle was granted on 24 February 2015 for the formation of onshore electrical transmission infrastructure to service Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms at Balhungie Farm. That permission provided for a variation to a section of the cable route (Application Ref: [14/00918/PPPN](#) and Report No. [109/15](#) refer).
- 4.3 Planning permission in principle was granted on 5 January 2017 for the formation of onshore electrical transmission infrastructure between Carnoustie and Tealing to service Seagreen Alpha and Seagreen Bravo Phase 1 Offshore Wind Farms. That permission provided for 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 (Application Ref: [16/00520/EIAN](#) and Report No. [433/16](#) refers). That planning permission in principle remains extant.
- 4.4 Matters specified in condition application (Ref: [19/00534/MSC](#)) relevant to the

matters contained in condition 1 (a) and condition 2 (a) - (b) of the planning permission in principle for the formation of a new substation/convertor station at the former Tealing Airfield was approved on 21 January 2020. The approved works are now underway.

- 4.5 An application (Ref: [20/00190/MSC](#)) for approval of matters specified in Conditions 1(a) and 2(a) and (c) of the planning permission in principle for the formation of electricity transmission infrastructure between The Mean Low Water Mark at Carnoustie and Templehall has been submitted and is subject of a separate report to this Development Standards Committee.
- 4.6 Planning application [19/00637/FULL](#) which provides for an alternative cable installation technique at the coastal landfall point at Carnoustie is currently under consideration but is likely to be determined under delegated powers.
- 4.7 Two further applications for planning permission to assist with the provision of the onshore electrical transmission infrastructure (Refs: [19/00883/FULL](#) and [20/00015/FULL](#)) have been approved. Application 19/00883/FULL provides for a temporary bridge and road improvements to the U319 at Moatmill while application 20/00015/FULL provides for road improvements to the U319 and private track to Tealing Airfield as well as the provision of drainage infrastructure.

## 5. APPLICANTS CASE

- 5.1 The applicant has submitted the following documents in relation to matters specified in condition 1(b) of the planning permission in principle: -

- Cable Pulling Method Statement (condition 1(b)(i));
- Cable Route Permanent Above Ground Features (condition 1(b)(ii));
- Cable Route Landscape Statement Parts 1 and 2 (condition 1(b)(iii));
- Compound Phasing Plan (condition 1(b)(iv)); and
- Cable Route Phasing Plan (Zone 2) (condition 1(b)(v)).

- 5.2 The applicant has submitted the following documents as required by condition 2 of the planning permission in principle: -

- A Construction Traffic Management and Routing Plan (CTMRP) (condition 2(a)(i));
- A Construction Environmental Management & Monitoring Plan (CEMP) (condition 2(a)(ii)) incorporating:
  - Dust and Air Quality Management Plan;
  - Noise and Vibration Management Plan; and
  - Pre and Post Construction Drainage Report.
- An Electromagnetic Field Report (condition 2(a)(iii)); and
- An Access Management Plan (AMP) (condition 2(c)(i)).

- 5.3 In addition, the applicant has provided a supplementary Environmental Impact Assessment Report (EIA Report). This considers the effects of the proposed development on the social and economic environment having regard to any likely associated restrictions it may place on the future use of land.

- 5.4 The following has also been submitted: -

- PPP Condition Tracker;
- Flood Risk Mitigation Plan;
- Habitat Management Plan.

- 5.5 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 3 below.

## 6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has reviewed the submitted information and offered no objection to the application. No objection is offered in relation to flooding and drainage.
- 6.2 **Angus Council – Environmental Health Service** – has reviewed the submitted information and offered no objection.
- 6.3 **SEPA** – has reviewed the submitted information and offered no objection.
- 6.4 **Scottish Natural Heritage** – has reviewed the submitted information and offered no objection.
- 6.5 **Historic Environment Scotland** – has offered no comment on the application. Impacts on scheduled monuments from the onshore cable are subject to a standalone condition on application 16/00520/EIAN. HES has confirmed the information submitted in relation to that condition is acceptable and it has been discharged.
- 6.6 **Transport Scotland** – has reviewed the submitted information and offered no objection.
- 6.7 **Scottish Water** – offers no objection to the application.
- 6.8 **Tealing Community Council** – has offered its support to the application as it considers the development vital to the future power infrastructure of Scotland. *The full representation from the community council is provided at Appendix 4 and is available to view on the council's [Public Access](#) system.*
- 6.9 **Murroes & Wellbank Community Council** – has offered no comments on the application.

## 7. REPRESENTATIONS

- 7.1 Two letters of representation have been received, one is in support of the proposal with one raising objection. The letters of representation are provided at Appendix 4 and are available to view on the council's [Public Access](#) website.
- 7.2 The following matters have been raised as objections to the application: -
- **Unacceptable impacts on human health from electromagnetic fields; and**
  - **Disruption to access during construction works.**

The following matters have been raised in support to the application:-

- **Approval of the onshore infrastructure would have significant economic benefits for the local area as the applicant's offshore Operations and Maintenance base is to be located at Montrose Port.**

These issues are discussed under Planning Considerations.

## 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 In this case the development plan comprises:-

- [TAYplan](#) (Approved 2017)
- [Angus Local Development Plan](#) (ALDP) (Adopted 2016)

- 8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 5 and have been taken into account in preparing this report.
- 8.4 As indicated above, planning permission in principle has been granted for the provision of underground electricity transmission cabling from the Mean Low Water Mark (MLWM) at Carnoustie Beach to Tealing Substation along with the provision of a new substation/convertor station at Tealing. The principle of the development has therefore been established. This application seeks approval for a section of the cable route zone and accordingly consideration of the application is limited to the matters set out in condition 1(b) along with the detailed information provided in relation to conditions 2(a) and (c) of the permission in principle.
- 8.5 The submitted information confirms that HVAC transmission technology is to be used. The drawings identify the specific cable route within the corridor approved under the terms of the planning permission in principle. The development provides for the formation of a three circuit 220kv HVAC system that would comprise the installation of five underground ducts (15 in total) within each circuit. Each circuit would accommodate three HVAC cables, a Distributing Temperature Sensing cable and a Fibre Optic Cable. The ducting within which the cables are housed would be located a minimum of 1.225m below ground level with the circuits installed at 5.5m centres.
- 8.6 A construction corridor that is generally in the region of 30m wide would be formed to accommodate a temporary 4m wide haul road as well as the plant, equipment and materials associated with the installation of the cables. Installation of the cable ducts would predominantly be undertaken through the excavation of three individual trenches. Each trench would be around 1.89m in depth and 1.56m in width at the top of the excavation and 0.55m at its base. The trenches would be formed, the ducting installed and trenches backfilled with excavated material. HDD would be used to install ducts to cross the A90(T) public road and the Tealing and Murroes Burns.
- 8.7 Underground cable jointing bays would be formed at regular intervals along the cable route with six cable jointing bay locations (18 individual joint bays) proposed within this zone. Cables would be installed into the ducts using a cable pulling method and seven pulling pit locations (21 individual pulling pits) are proposed within this zone. Once cables are installed the jointing bays would be restored with two manhole covers remaining at each location enclosed by timber post and rail fencing. Cable maker poles/blocks would be inserted into the ground at land boundaries and where the cable changes direction.
- 8.8 Two construction compounds are proposed as part of this application. One to the south of the B961 Drumsturdy Road in the proximity of the Mattocks Road junction. The other would be located to the east of the A90(T) and to the south of Shielhill road in the proximity of Shielhill Cottages. In addition, three storage areas are proposed, comprising two areas to the south of Murroes, and one area around 200m to the east of Shielhill.
- 8.9 In broad terms the general arrangement proposed by this application is consistent with information provided and considered acceptable in approval of the application for planning permission in principle. The key development plan issues in relation to this application and the acceptability of the specified matters are: -
1. Amenity impacts
  2. Landscape and visual impact
  3. Impact on natural and built heritage

4. Transport and access

5. Socio-economic impacts, including impacts on other land uses

- 8.10 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. Those matters were addressed in the Environmental Statement submitted in relation to the application for planning permission in principle and were considered in the determination of that application. Conditions of the planning permission in principle seek to minimise impact on amenity of the area and residents in the vicinity of the development.
- 8.11 The cable route proposed is within the corridor approved by the planning permission in principle with construction indicated to last around 23 months. The proposed cable route is generally remote from houses but there are areas where it would be in the vicinity of houses. However, the proposed cable route and haul road are generally a minimum of 20m from the boundary of residential property and around 50m from the closest house itself. The proposed temporary compounds are located at least 60m from the closest houses. Works associated with the construction of the cable route have potential to affect the amenity of those that live in the vicinity but conditions of the planning permission in principle provide controls for noise and vibration limits. The Cable Route Phasing plan submitted with the application indicates that works associated with the formation and reinstatement of the cable trenches between each joint bay would generally be completed in a period of around 2-months, thus limiting the duration of impacts. Similarly, the cable pull within each joint bay section would be for a duration of around 3-weeks in total although that would be spread across a period of time as each cable is laid separately. In addition, the submitted Construction Environment Management Plan provides site-specific procedures and mitigation measures to monitor and control environmental impacts throughout the construction phase of the cable route. This includes restrictions on the hours of operation which would generally be limited to 07:00 – 19:00 Monday to Friday and 08:00 – 13:00 on Saturdays. The Environmental Health Service has reviewed the submitted information in the context of the conditions attached to the planning permission in principle and is satisfied that the proposed mitigation measures should ensure that construction activities do not result in unacceptable impacts on occupants of nearby sensitive properties. A condition is proposed that requires precise details of the siting and extent of the construction compounds along with further details of site specific mitigation for each before it is formed.
- 8.12 The proposal would result in additional vehicle movements across the public road network and this was considered in the Environmental Statement that accompanied the application for planning permission in principle. At that time it was accepted that movement and activity associated with the construction phase would have some impact on the amenity of occupants of property in the area. However, it was also accepted that such impact would not be unacceptable having regard to the nature of the project, the duration of impacts and the potential for such impacts to be mitigated. A Construction Traffic Management and Routing Plan has been submitted as required by the conditions of the planning permission in principle. Amongst other things, it identifies measures to manage and minimise the impact of construction traffic associated with the cable route development. That document has been reviewed by the Roads Service and updated to address a number of issues raised. The Roads Service has reviewed the proposals and confirmed that the development can be accommodated within the existing network and that it finds the identified mitigation acceptable. In addition, the applicants Cable Route Phasing plan identifies that construction activity will be phased over the length of the cable route. This phasing would ensure that activity is staggered to minimise the potential for disruption in one area due to cumulative activity within different sections of the overall development.

- 8.13 A condition attached to the planning permission in principle requires the provision of evidence to demonstrate that the scheme has been designed to comply with relevant Electro Magnetic Field (EMF) emission limits. This application is accompanied by a report that confirms the scheme has been designed to comply with the maximum exposure limit stated in the 1998 ICNIRP guidelines and 1999 EU recommendation of 100 micro Tesla ( $\mu\text{T}$ ); it is indicated that the predicted level at ground level based on the shallowest burial arrangement along the cable route would be 25  $\mu\text{T}$ . The council has engaged independent consultants to review that document and they have confirmed that the predicted levels are reasonable and significantly below the recommended limit.
- 8.14 Conditions of the planning permission in principle provide specific controls to minimise the impact of the development on amenity. They also require the development to be undertaken in accordance with the specific mitigation measures identified in the Environmental Statement that accompanied that application. The detailed design of the proposal has had regard to those conditions and the mitigation measures identified in the Environmental Statement. In addition, the documents required by the planning permission in principle that have been submitted in support of this application provide further mitigation measures that should minimise the impact of the development on the amenity of the area.
- 8.15 Development plan policy generally seeks to ensure that development is undertaken in a manner that minimises its landscape and visual impact. These matters were addressed in the Environmental Statement submitted with the application for planning permission in principle and considered in the determination of that application. It was concluded that the cable route and its associated development would not give rise to unacceptable landscape or visual impacts subject to specified conditions and the mitigation measures identified in the Environmental Statement.
- 8.16 The construction of the cable route has the potential to result in impacts on the landscape and features in the landscape particularly existing landform, trees, hedges and field boundaries. The submitted Cable Route Landscape Design Statement indicates the existing landform would be reinstated following the installation of the ducting. That statement, along with the Habitat Management Plan indicates the reinstatement works include provision for replanting of trees and hedging as well as the reinstatement of field boundaries. Short-term impacts associated with the construction of the cable route would be reasonably significant with localised alteration of landform and construction machinery, equipment, compounds and activity evident. However, those impacts will be over a limited duration and following restoration, the landscape and visual impact associated with the underground cable route would be insignificant. The permanent above ground structures would be limited to manhole covers set within fenced enclosures and marker poles to denote the cable route. Those would have limited landscape or visual impact.
- 8.17 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. These matters were addressed in the Environmental Statement which provided an Extended Phase 1 Habitat Survey and protected species surveys. Those surveys indicated that the proposal could have impacts on habitat and species however the Environmental Statement proposed specific mitigation measures to ensure there would be no significant impacts as a result of the development. It was concluded that the cable route and its associated development would not give rise to unacceptable impacts on natural heritage interests subject to specified conditions and the mitigation measures identified in the Environmental Statement.
- 8.18 The proposal does not directly affect any site designated for its natural heritage interest. However, it does have potential to impact on water courses and on protected species. As required by the planning permission in principle, the applicant has submitted a Construction Environment Management Plan and a Habitat Management Plan. Amongst other things those documents provide site-specific procedures and

mitigation measures to deal with construction activities in the proximity of watercourse and identifies specific measures to deal with protected species. Submitted information confirms that the baseline position set out in the Environmental Statement has not changed to any material extent. It is indicated that HDD would be used to cross the Murroes and Tealing Burns with trench excavations used to cross other minor water courses. SEPA and SNH have reviewed the information submitted with this application and neither has offered objection in relation to impact on watercourses, habitats or protected species. The Roads Service and SEPA have reviewed information provided to address issues of flood risk and are satisfied that the proposal should not give rise to significant issue subject to the identified mitigation measures.

- 8.19 Conditions of the planning permission in principle provide specific controls to minimise the impact of the development on natural heritage interests. They also require the development to be undertaken in accordance with the specific mitigation measures identified in the Environmental Statement that accompanied that application. The detailed design of the proposal has had regard to those conditions and the mitigation measures identified in the Environmental Statement. In addition, the documents required by the planning permission in principle that have been submitted in support of this application provide further mitigation measures that should ensure there is no unacceptable impact on the natural environment.
- 8.20 Development plan policy seeks to safeguard built heritage interests including listed buildings conservation areas and sites of archaeological interest. These matters were addressed in the Environmental Statement submitted with the application for planning permission in principle and considered in the determination of that application. It was concluded that the cable route and its associated development would not give rise to unacceptable impacts on built heritage interests subject to specified conditions and the mitigation measures identified in the Environmental Statement.
- 8.21 There are a number of built heritage interests along the length of the cable route. These include archaeological sites, Murroes conservation area, and a number of listed buildings. Conditions of the planning permission in principle provide specific controls to minimise the impact of the development on archaeological interests. They also require the development to be undertaken in accordance with the specific mitigation measures identified in the Environmental Statement that accompanied that application. The detailed design of the proposal has had regard to those conditions and the mitigation measures identified in the Environmental Statement. Historic Environment Scotland has confirmed that it has no objection to the application and the permanent above ground structures associated with this proposal would not give rise to any significant impact on built heritage interests.
- 8.22 Development plan policy seeks to ensure that proposals do not give rise to unacceptable impacts on the road network or on recreational access. These matters were addressed in the Environmental Statement submitted with the application for planning permission in principle and considered in the determination of that application. It was concluded that the cable route and its associated development would not give rise to unacceptable impacts on the road network or on recreational access subject to specified conditions and the mitigation measures identified in the Environmental Statement.
- 8.23 The applicant has submitted a Construction Traffic Management and Routing Plan (CTMRP) as required by the conditions of the planning permission in principle. The CTMRP identifies the measures to be implemented in order to manage and minimise the impact of construction traffic. Detailed technical drawings and supporting information has been submitted which confirms the A90(T) would be crossed by HDD while minor roads would be crossed by trench excavation. Transport Scotland has confirmed it has no objection to the application. The Roads Service has advised that the content of the CTMRP is acceptable and makes provision for appropriate monitoring and review for the duration of the construction of the cable route. The



Roads Authority has granted consent for the formation of new vehicular access points for the development, the haul routes have been agreed and a formal maintenance agreement Under Section 96 of the Roads (Scotland) Act has been entered with the applicant. The proposal does not give rise to any unacceptable issues in terms of road traffic or pedestrian safety.

- 8.24 The development also has potential to impact on recreational access in the area, particularly where the cable route crosses footpaths and tracks. An Access Management Plan (AMP) has been submitted which identifies the measures to be implemented in order to manage and minimise the impact on public access during the construction of the cable route. The measures identified in the AMP are considered to be acceptable and should ensure there would be no unacceptable loss of access during the construction of the cable. Where obstruction or restriction of public access is necessary appropriate diversions would be put in place and would be for relatively short duration given the phased nature of the works. The proposal is not considered to give rise to unacceptable impacts on access and associated recreational amenity.
- 8.25 Development plan policy provides general support to renewable energy development but requires consideration of the impact of development on existing land uses and consideration of socio-economic matters. These matters were addressed in the Environmental Statement submitted with the application for planning permission in principle and considered in the determination of that application. It was recognised that the cable route and its associated development was an essential component in the delivery of the offshore wind turbine developments at Seagreen Alpha and Bravo. It was also recognised that the overall Seagreen development would deliver significant social and economic benefits to the area through the provision of jobs and investment. It was accepted that the cable route would result in some impact on other land uses, including agricultural activity but impacts would largely be temporary during the construction process. It was concluded that the development would not give rise to unacceptable impacts on the social or economic environment of the area subject to specified conditions and the mitigation measures identified in the Environmental Statement.
- 8.26 The current application is accompanied by a supplementary Environmental Impact Assessment Report (EIA Report). This considers the effects of the proposed development on the social and economic environment having regard to any likely associated restrictions it may place on the future use of land. The submitted EIA Report for this phase of the cable route zone indicates there would be short-term impacts on agricultural land during the construction phase however during the operational phase the cable would be installed at a depth that would not disrupt or restrict agricultural operations with joint bays installed at the side of fields to minimise disruption to agricultural operations. It suggests that the development would not give rise to any permanent restrictions or impacts on other existing land uses in the area, including business operations at Moatmill and Tealing.
- 8.27 The submitted Construction Environment Management Plan includes a Soil Management Plan. Amongst other things that plan identifies measures to minimise the impact of development on agricultural land and includes a requirement for the implementation of appropriate biosecurity measures. It is indicated that baseline soil surveys have been commissioned along the cable route and that land will be restored in accordance with those survey findings. The CEMP also provides details of how impacts on the water environment are to be managed and mitigated. In relation to potential impacts on existing drainage systems the Roads Service has advised that the management and mitigation measures detailed are appropriate and should ensure there would be no deterioration in the existing land drainage regimes.
- 8.28 The detailed information and supporting documentation that has been submitted to address the matters specified in conditions attached to the planning permission in

principle is compatible with development plan policy subject to the proposed conditions.

- 8.29 In addition, it is relevant to have regard to the material planning issues raised in the letters of representation. The letter of objection raises concern regarding potential impact on human health from electromagnetic fields and disruption to access during construction works. The issue of electromagnetic fields was considered in the determination of the application for planning permission in principle and a condition was attached requiring evidence that the scheme had been designed to comply with relevant standards. As indicated above, that evidence has been submitted and it has been reviewed and confirmed on behalf of the council by an independent consultant. Some disruption to access would occur during construction works where trenching is proposed to cross roads. However, appropriate traffic control and/or diversions would be put in place and would be for relatively short duration with approval of the Roads Authority where it would affect public roads, and with the agreement of landowners where it crosses private tracks. The nature of any disruption would be similar to that experienced when any utilities company undertakes works within the confines of a roadway and must be balanced against the overall benefit associated with the delivery of this significant infrastructure project. The support offered in the other letter of representation is noted and the economic benefits associated with the proposal have been taken into account in the approval of planning permission in principle and in the preparation of this report.

### **Conclusion**

- 8.30 National Planning Framework 3 has identified 14 national developments that are needed to help deliver the Scottish Government's spatial strategy. One of those projects is the provision of an Enhanced High Voltage Energy Transmission Network to facilitate renewable electricity development and its export. 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.
- 8.31 The Seagreen development represents a £3billion capital investment project and will be Scotland's largest wind farm once complete, generating enough electricity to power 1 million homes. It will be one of the largest construction projects ever undertaken in Scotland, bringing opportunity for businesses of all sizes across a wide range of disciplines and will support a significant number of jobs during construction and through its operational life. Consent has been granted for the offshore wind farm, and construction work is underway on an £83.5million investment to provide the necessary substation improvement at Tealing. The provision of the grid connection between the offshore wind farm and Tealing substation is an essential element of the overall development. The grid connection represents a £70million investment project.
- 8.32 The principle of an underground cable within the identified corridor route has been established through the grant of planning permission in principle by Council in December 2016. At that time the project was subject of Environmental Impact Assessment and consideration was given to all relevant matters, including impacts on amenity, environment, infrastructure and other land uses. Council determined that the development would not give rise to unacceptable impacts subject to conditions set out in the planning permission in principle, including conditions that required further approval of matters of detail and approval of further detailed mitigation measures.
- 8.33 This application provides the necessary detail and includes mitigation measures for a section of the cable route as required by the planning permission in principle. The submitted detail is consistent with the Environmental Statement for the project and the baseline environment has not changed materially in the period since that Environment Statement was undertaken. Where appropriate surveys have been

updated in the preparation of the detailed reports that accompany this application and/or will be undertaken during the construction process. Consultation with relevant bodies has identified that the proposed detail of the cable route and its installation would not give rise to unacceptable impacts subject to compliance with the terms of the planning permission in principle and the detailed mitigation measures proposed in association with this application. The issues raised in the objection to the application have been considered and are addressed by information submitted in support of this application. The representation in support and the comments from Tealing Community Council recognise the wider economic and environmental benefits associated with the proposal and lend support to the approval of this application.

- 8.34 Approval of this application will help deliver the locally and nationally significant economic, social and environmental benefits associated with the overall Seagreen development. This application is compatible with relevant development plan policies subject to the proposed conditions. There are no material considerations that justify refusal of this application.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of permission/consent, 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 reason:

### **Reason(s) for Approval:**

That the detail and additional supporting information and associated mitigation submitted in relation to the requirements of the conditions of the planning permission in principle (ref: 16/00520/EIAN) are consistent with the Environmental Statement submitted in support of that permission. The environmental impacts of the proposals as reported in the Environmental Statement, the Supplementary Environmental Impact Assessment Report and as identified by consultees are acceptable subject to the mitigation measures set out in those documents, in the documents that accompany this application and in conditions attached to the planning permission in principle and this consent. 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 an offshore renewable energy development in a manner that would not give rise to unacceptable impacts on amenity, landscape, environment, built or

natural heritage interests, infrastructure or other land uses subject to identified mitigation. The proposal complies with development plan policy subject to the stated planning conditions and there are no material considerations that justify refusal of the specified matters.

**Conditions: -**

1. 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 Supplementary Environmental Information: Socio-Economics, Land Use and Recreation: Cable Route Zone 2, Rev. 2 by Seagreen Wind Energy Ltd dated March 2020 (Doc Ref: LF000009-CST-ON-REP-0013 Rev: 02). Specifically, the development shall be undertaken in accordance with the mitigation identified in Section 8 of the Supplementary Environmental Impact Assessment Report.

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

2. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with the phasing detailed in the Seagreen Wind Energy Ltd Cable Route (Zone 2) Phasing Plan dated 27 January 2020 (Doc Ref: LF000009-CST-EL-PLN-0002) or such other phasing plan as may be approved in writing by the Planning Authority following the submission of necessary information to demonstrate that it gives rise to the same or lesser impacts on road safety, amenity and the environment.

*Reason: In order to ensure the development is undertaken in accordance with the detail upon which the application has been assessed and determined to be acceptable and in the interests of road safety, amenity, environmental quality and protection.*

3. That the cable pulling installation process shall be undertaken in accordance with the methodology detailed in the Cable Pulling Method Statement by Seagreen Wind Energy Ltd, dated 6 February 2020 (Doc Ref: LF000009-ENG-EL-MST-0001) or such other installation process as may be approved in writing by the Planning Authority following the submission of necessary information to demonstrate that it gives rise to the same or lesser impacts on amenity and the environment.

*Reason: In order to ensure that the development is undertaken in accordance with the detail upon which the application has been assessed and determined to be acceptable and in order to mitigate impact of the development on amenity and the environment.*

4. That the cable ducts, cable joint bays, pulling pits, above ground infrastructure and associated access tracks shall be constructed in the positions shown on the approved drawings (Drawing Ref: LF000009-CST-ON-MAP-0036 Rev. 2, Pages 1 – 7 dated 20 March 2020). The cable ducts, cable joint bays, pulling pits, above ground infrastructure and associated access tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance and in writing by the Planning Authority, micro-siting is subject to the following restrictions: -

- No cable ducts, cable joint bays, pulling pits, above ground infrastructure or associated access shall be moved more than 10m from the position shown on the original approved plans;
- No micro-siting shall take place where cable ducts, cable joint bays, pulling pit, above ground infrastructure or associated access tracks would subsequently be sited both closer to and within 20m of the boundary of any residential property from the position shown on the original approved plans; and

- All micro-siting permissible under this condition must be approved in advance and in writing by the Ecological Clerk of Works (ECoW) and Archaeological Clerk of Works (ACoW).

No later than 1-month after the date of completion of the cable route zone subject of this permission, updated site plans must be submitted to the Planning Authority showing the final position of all cable ducts, cable joint bays and above ground infrastructure. For the avoidance of doubt the plans shall specify the locations where micro-siting has taken place and for each instance, be accompanied by copies of the ECoW and ACoW approval.

*Reason: In order to control environmental impacts while taking account of local ground conditions and to ensure a record of the development as constructed.*

5. No compound shall be formed until the following details have been submitted to and approved in writing by the Planning Authority: -

- The precise location and extent of the compound;
- Details of screening to mitigate impact of activities within the compound on the amenity of the surrounding area and occupants of nearby property;
- Details of artificial lighting and measures and controls to mitigate impact of light pollution on the amenity of the surrounding area and occupants of nearby property.

Thereafter the compounds shall be formed and operated in accordance with the approved details and each compound shall be restored to its pre-construction condition no later than 2-months following the expiry of the demobilisation date for that compound indicated in the Seagreen Wind Energy Ltd Compound Phasing Plan dated 25/02/20 (Document Ref: LF000009-CST-EL-PLN-0004 Rev: 01).

*Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of amenity and to ensure restoration of the site.*

6. No landscape features (field boundaries, walls, hedgerows, trees, shrubs or other soft landscaping) shall be removed until a schedule of impacted features within the cable route zone has been submitted to and approved in writing by the Planning Authority. No later than the first available planting season following completion of the cable route zone or as specified in the approved Seagreen Wind Energy Ltd Cable Route (Zone 2) Phasing Plan, the landscape features shall be reinstated in accordance with the measures identified in the Seagreen Offshore Wind Farm Cable Route Addendum: Cable Route Landscape Statement by LDA Design dated 3 July 2019 (Doc Ref: LF000009-CST-ON-REP-0002) and Onshore Habitat Management Plan by Atmos Consulting Ltd dated 21 October 2019 (Doc Ref: LF000009-CST-ON-PLN-0006). Within 2-months of completion of the development, plans identifying the areas and nature of replacement and compensatory landscaping shall be submitted to the Planning Authority.

*Reason: To assist the planning authority to monitor and retain effective control over development operations in the interests of visual amenity, effective landscape management and habitat creation.*

7. That before the date falling 12 months after the date of commencement of development a scheme for the annual monitoring, over a period of 5-years from the date of completion of the development, of all areas where replacement and compensatory landscape has or will take place shall be submitted to and approved in writing by the Planning Authority. That scheme shall include measures for the aftercare, maintenance and replacement of any planting that is damaged, diseased, removed or that has not survived, with a similar number of plants of the same or suitable alternative species within the first available planting season for a period of 5 years.

*Reason: To assist the planning authority to monitor and retain effective control over development operations in the interests of visual amenity, effective landscape management and habitat creation and to ensure adequate measures are put in place to protect the landscaping and planting in the long term.*

8. That before the date falling 12 months after the date of commencement of development and thereafter at 12 monthly intervals until the completion of the works subject to this permission, the applicant shall submit a development progress plan for the written approval of the Planning Authority. Each progress plan shall: -
- i) Provide an up-to-date drawing illustrating the progress of construction along the cable route zone;
  - ii) Identify the exact location of all permanent above ground features formed along the cable route zone;
  - iii) Identify the extent of restored land and implemented landscaping works; and,
  - iv) Identify the projected operations and restoration during the forthcoming 12-month period.

*Reason: To assist the planning authority to monitor and retain effective control over development operations.*

**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: 10 JUNE 2020**

APPENDIX 1: PLANNING PERMISSION IN PRINCIPLE CONDITIONS

APPENDIX 2: LOCATION PLAN

APPENDIX 3: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 4: LETTERS OF REPRESENTATION

APPENDIX 5: DEVELOPMENT PLAN POLICIES

APPENDIX 6: COUNCIL PRESENTATION

APPENDIX 7: APPLICANT PRESENTATION