

ANGUS COUNCIL

11 MARCH 2021

PLANNING APPLICATION – SEAGREEN BALHUNGIE SITE,  
BALHUNGIE, MONIFIETH

GRID REF: 351097 : 733931

REPORT BY SERVICE LEADER – PLANNING & COMMUNITIES

**Abstract:**

This report deals with planning application No. [20/00692/FULN](#) for the formation of underground electricity transmission cables and associated temporary and permanent ancillary works to service the Seagreen Phase 1 Offshore Wind Farms (realignment of approved cable route from applications 16/00520/EIAN and 20/00190/MSC) for Seagreen Wind Energy Ltd on land at Seagreen Balhungie Site, Balhungie, Monifieth. 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 (Ref: [16/00520/EIAN](#) and Report No. [433/16](#) refer) was granted on 5 January 2017 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 at Tealing, and formation of associated vehicular access and temporary and permanent ancillary works.
- 3.2 Further approvals have subsequently been granted for the Tealing substation ([19/00534/MSC](#)) and for the 19km cable route between Carnoustie and Tealing, including a section in the vicinity of Balhungie Farm ([20/00120/MSC](#) and [20/00190/MSC](#) (Reports [169/20](#) and [170/20](#) refer)).
- 3.3 This application seeks planning permission for an alternative cable route to that previously approved in the vicinity of Balhungie Farm, between Woodhill Cottage, Barry in the east and White House, Balhungie in the west. The revised route would avoid agricultural irrigation infrastructure and generally seeks relocation to land closer to field margins. The application site is linear in nature and measures

approximately 1.9km in length, generally varying from around 70 to 110 metres (m) in width. It comprises land predominantly in arable use. Appendix 1 shows the approved route and the proposed route. The proposed route is located to the south and west of the approved route. The proposed route reconnects with the approved route to the west of Woodhill Cottage and to the east of White House.

- 3.4 The application seeks consent for the provision of a three circuit 220kv High Voltage Alternating Current (HVAC) system. This would involve the formation of three trenches at 5.5m centres, each of approximately 1.6m width and 1.7m depth. Each duct would contain five underground ducts accommodating three HVAC cables, a Distributing Temperature Sensing cable and a Fibre Optic Cable. Most of the ducts would be installed through the excavation of individual trenches with horizontal directional drilling (HDD) used for the installation across the Buddon Burn. The ducting within which the cables are housed would be located a minimum of 1.225m below ground level. Three underground joint bays would be formed with two manhole covers present at each joint bay with timber post and rail fencing erected as enclosures where required. Cable maker poles/blocks would be inserted into the ground at land boundaries and where the cable changes direction. 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 A930 public road.
- 3.5 The application has not been subject of variation.
- 3.6 The application constitutes a national development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and is supported by an Environmental Impact Assessment Report (EIA Report) and. The application and the 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 ([13/00496/PPPM](#) and Report [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 ([14/00918/PPPN](#) and Report [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 ([16/00520/EIAN](#) and Report [433/16](#) refer). That permission remains extant and, as detailed below, approval has been granted for matters specified in conditions.
- 4.4 Approval was granted on 18 June 2020 for the matters specified in conditions 1(a) and 2(a) and (c) of the planning permission in principle ([20/00120/MSC](#) and [20/00190/MSC](#) and Reports [169/20](#) and [170/20](#) refer). Those approvals provided for the formation of electricity transmission infrastructure between the Mean Low Water

Mark at Carnoustie and Tealing Substation. The approved works are now underway.

- 4.5 Several other planning permissions have been granted to assist with the provision of the onshore electrical transmission infrastructure but those have no direct bearing on the determination of the current application.

## 5. APPLICANTS CASE

- 5.1 An EIA Report along with a Non-Technical Summary (NTS) has been submitted in support of the application. The EIA Report includes several technical appendices that include detailed mitigation measures. It comprises the following chapters: -

1. Introduction;
2. EIA Process;
3. Project Description (Including site selection / alternatives);
4. Planning and Policy Context;
5. Landscape and Visual Impact Assessment;
6. Archaeology and Cultural Heritage;
7. Ecology and Nature Conservation;
8. Hydrology and Hydrogeology;
9. Noise and Vibration;
10. Air Quality; and
11. In-combination Effects;
12. Summary of Mitigation and Residual Impacts; and
13. Comparison with 2016 Environmental Statement.

- 5.2 The EIA Report advises that the duration of the works is expected to be around 8 weeks for the trench digging and cable duct installation. The trenches would be backfilled, leaving limited above ground infrastructure visible. In a second phase lasting around 4-weeks, the cables would be pulled through the ducting, prior to use for carrying electricity. The report advises that the development has been designed in such a way to ensure that environmental effects have been minimised through the use of technology and enhanced, best practice management measures. Where a potential risk to the surrounding environment has been identified, appropriate mitigation has been proposed where practicable.

- 5.3 The following supporting information has also been submitted: -

- Planning Statement;
- Pre-application Consultation Report;
- Habitat Management Plan; and
- Schedule of Impacted Landscape Features.

- 5.4 The EIA Report, NTS, and supporting documents are available on the [Public Access](#) system. A copy of the NTS is provided at Appendix 2 and the supporting information is summarised at Appendix 3.

## 6. CONSULTATIONS

- 6.1 **Angus Council – Roads** – has offered no objection.

- 6.2 **Angus Council – Environmental Health Service** – has offered no objection.

- 6.3 **SEPA** – has offered no objection.

- 6.4 **NatureScot (SNH)** – has offered no objection.

- 6.5 **Historic Environment Scotland** – has offered no objection. 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 **Aberdeenshire Archaeological Service** – has offered no objection. It has confirmed that an archaeological written scheme of investigation is in place for the consented development however specific mitigation for the proposed cable route would need to be outlined and agreed and has requested a condition to deal with the matter and any subsequent additional work that might prove necessary.
- 6.7 **Scottish Water** – has offered no objection.
- 6.8 **National Grid** – has offered no objection.
- 6.9 **Health & Safety Executive** – has indicated that it does not advise against the granting of planning permission on safety grounds.
- 6.10 **Community Council** – has made no comment on the application.

## 7. REPRESENTATIONS

- 7.1 One letter of representation has been received which offers support to the proposal. The letter is provided at Appendix 4 and is available to view on the council's [Public Access](#) website.
- 7.2 The representation advises that the proposed cable route realignment would help mitigate or minimise potential adverse impacts on farming operations at Balhungie Farm. That matter is 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 considered in preparing this report.
- 8.4 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. 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. The position set out in NPF3 confirms that the onshore grid connection works associated with the Seagreen offshore wind farms constitute national development. Accordingly, this application, which provides for a section of the onshore grid connection associated with the offshore wind farms, constitutes a national development. The need for the development is therefore established.
- 8.5 As indicated above Council has previously granted planning permission in principle for the formation of an underground electrical transmission connection between Carnoustie and Tealing to service the Seagreen offshore wind farms, including a

section in the vicinity of Balhungie Farm. Approval for the detail of that route, as required by conditions attached to the permission in principle, was granted by the Development Standards Committee in June 2020 (Appn [20/00190/MSC](#) and Report [170/20](#) refer to the area that includes the current application site). Works have commenced to form that connection. The existing permission is extant, and it has been implemented. It therefore constitutes a significant material consideration. It also establishes a baseline for consideration of this application and its associated impacts.

- 8.6 The key consideration in relation to this application is whether the revised route is acceptable having regard to relevant development plan policy, and impacts associated with the approved route. The main development plan issues in relation to this application are: -
1. Amenity impacts;
  2. Landscape and visual impacts;
  3. Natural, built and cultural heritage impacts;
  4. Infrastructure impacts, including transport, access and pipelines; and
  5. Socio-economic impacts, including impacts on other land uses and benefits derived from the development.
- 8.7 Development plan policy requires consideration of the impact of proposals on amenity. It seeks to ensure that impacts on amenity are minimised and to prevent unacceptable amenity impacts that would adversely affect an area and those within it. Policy indicates that planning conditions or obligations may be used to mitigate or compensate for amenity impacts in appropriate circumstances.
- 8.8 The submitted EIA Report and in the applicants supporting statement indicate that the main amenity impacts associated with the development relate to noise, vibration, air quality, and disturbance from traffic and construction activity, predominantly during formation and restoration of the trenches that would house the cables. Those documents indicate that the proposal has potential to impact amenity during the construction phase, but that subject to appropriate mitigation those impacts could be controlled such that they are within the limits set by conditions attached to the existing planning permission that provides for the formation of the grid connection. It is indicated that construction works in this area would be for limited duration and therefore any amenity impacts would be short-term. The documents indicate that the proposal would not have any significant impacts during the operational phase.
- 8.9 There are several residential properties and other sensitive receptors that would be affected by the construction works. However, impacts associated with construction activity would largely be limited to an 8-week period. It would generally involve machinery that might otherwise be found working in an agricultural landscape. Impacts would generally not be untypical or significantly greater than those that might be experienced for short duration in association with normal farming practices. The impacts would be short-term and the relationship between receptors and the proposed cable route is not untypical of that which exists elsewhere along the approved route. In granting planning permission for the wider cable route council has determined that those impacts are acceptable. The planning permission for the approved cable route is subject to planning conditions that limit noise and vibration levels, and that seek to ensure appropriate mitigation measures are deployed to ensure those limits are met and to minimise the potential for air quality issues to arise. Those measures include adherence to both an approved noise and vibration management plan, and a dust and air quality management plan. The noise and vibration management plan details hours of operation for all construction related activities, best practicable means for mitigation construction noise and vibration, monitoring procedures, and complaint investigation and resolution procedures. The dust and air quality management plan makes provision for the storage of soils away from sensitive receptors, use of dust suppression methods such as water sprays where necessary, ensuring plant and machinery is well maintained, and includes

complaint investigation and resolution procedures. The applicant has provided detailed information to demonstrate that limits set by the council for the approved cable route could be met for the revised route. The council's environmental health service has confirmed that the limits identified in the planning permission for the approved route remain appropriate, and that the proposal can comply with those limits subject to appropriate mitigation.

- 8.10 The proposal would result in additional vehicle movement on the public road network, but the impacts associated with this would not be materially different from those that would occur if the previously approved cable route was formed.
- 8.11 The existing planning permission provides for the formation of the cable route at this general location. The revised cable route would be closer to properties in this area, but available information indicates that it could be formed in a manner that would comply with suitable noise and vibration limits, and in a manner that would not give rise to unacceptable amenity impacts subject to compliance with appropriate planning conditions.
- 8.12 Development plan policy generally seeks to ensure that development is undertaken in a manner that minimises its landscape and visual impact. It seeks to safeguard important viewpoints and landmarks, as well as woodland, trees and hedges that contribute to nature conservation, heritage, amenity or landscape value. Policy also seeks to ensure development does not give rise to unacceptable impacts on visual amenity.
- 8.13 The supporting EIA Report considers landscape and visual impact and the issue is discussed in the submitted planning statement. Those documents conclude that while the proposed development would result in some significant landscape effects during the construction works, these would be short-term and reversible. It is reported that visual impact would be significant during the construction phase but following restoration both landscape and visual impacts would be negligible. The applicant proposes planning conditions, similar to those attached to the approved cable route, to mitigate landscape impacts, and to ensure appropriate restoration, monitoring and aftercare.
- 8.14 The construction of the cable route would result in alteration to existing landform and additional movement and activity in the landscape. It would result in visual impact during the construction period by virtue of that landform change and through the presence, movement and activity of construction machinery and equipment. The landscape and visual impact during the construction period would be evident and reasonably significant, particularly for those living in the closest residential properties and those using tourism and recreational facilities in the area. However, those impacts would be over a limited duration and would not be untypical of similar impacts that commonly arise in a working agricultural landscape. 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.
- 8.15 The relationship between receptors and the proposed cable route is not untypical of that which exists elsewhere along the approved route. In granting planning permission for the wider cable route council has determined that those impacts are acceptable. The planning permission for the approved cable route is subject to conditions that seek to minimise the impact of the development on existing landscape features; that require reinstatement of landform following installation of the ducts; and that require replacement or compensatory planting where necessary. The landscape and visual impact associated with the revised route would not be unacceptable subject to compliance with mitigation measures similar to those attached to the approved route. Those measures can be secured by planning conditions.

- 8.16 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. In relation to acceptability of impact on sites of national interest it indicates that consideration will be given to the economic and social benefits associated with the development proposal, and the proposed mitigation and restoration measures.
- 8.17 The supporting EIA Report considers ecology and nature conservation and the issue is discussed in the submitted planning statement. It is reported that the application site does not lie within any statutory or non-statutory nature conservation designations, and that the development would not result in any significant impacts on designated sites located in the wider area. It is reported that habitat and species surveys have been undertaken and it is indicated that the proposal has potential to impact on badger populations. However, the applicant has provided habitat and species protection plans, and it is concluded that subject to appropriate mitigation, the development would not give rise to unacceptable adverse impacts on any ecological or ornithological receptors.
- 8.18 The proposal does not directly affect any site designated for its natural heritage interest, but it does have potential to impact on the Buddon Burn and on protected species. The application has been subject of consultation and relevant bodies have not identified any concern regarding the EIA Report, the adequacy of the proposed mitigation measures it sets out, or its overall conclusion that the proposal would not give rise to unacceptable adverse impacts on natural heritage interests. The realigned cable route would have potential to give rise to similar impacts as the route that is approved at this location, and consistent with the existing permission this proposal makes provision for the Buddon Burn to be crossed by HDD in order to minimise potential impact. Council has accepted that natural heritage impacts associated with the formation of a cable route at this general location are acceptable subject to appropriate mitigation measures, including the compliance with the approved habitat and species protection plans. Consistent with that general conclusion, it is considered that the natural heritage impacts associated with the revised cable route would not be unacceptable subject to compliance with appropriate mitigation measures that can be secured by planning conditions.
- 8.19 Development plan policy seeks to safeguard built and cultural heritage interests including scheduled monuments, listed buildings, historic or designed landscapes, conservation areas and sites of archaeological interest. In relation to acceptability of impact on sites of local historic interest it indicates that consideration will be given to the economic and social benefits associated with the development proposal.
- 8.20 The supporting EIA Report considers built and cultural heritage issues and this topic is discussed in the submitted planning statement. It is reported that the application site does not contain and is not within the boundary of any scheduled ancient monuments, listed buildings, historic or designed landscapes, or conservation areas, and that the development would not significantly affect any such interest. The documents indicate that the proposal has potential to affect sites of archaeological interest and that, consistent with the approved grid connection route, it is proposed to implement a programme of archaeological works to record any features found during works. The EIA Report indicates that, subject to the proposed mitigation during construction, the potential impact on sites of archaeological interest would not be significant.
- 8.21 The proposal does not directly affect any site designated for built or cultural heritage interest, but it does have potential to impact archaeological interest. The application has been subject of consultation and relevant bodies have not identified any concern regarding the EIA Report, the adequacy of the proposed mitigation measures it sets out, or its overall conclusion that the proposal would not give rise to unacceptable adverse impacts on built or cultural heritage interest. The realigned cable route would

have potential to give rise to similar impacts as the route that is approved at this location. Council has accepted that heritage impacts associated with the formation of a cable route at this general location are acceptable subject to appropriate mitigation measures, including compliance with an approved programme of archaeological work. Consistent with that general conclusion, it is considered that the built and cultural heritage impacts associated with the revised cable route would not be unacceptable subject to compliance with appropriate mitigation measures that can be secured by planning conditions.

- 8.22 Development plan policy seeks to ensure that proposals do not give rise to unacceptable impacts on infrastructure, including the road network, recreational access, and pipelines.
- 8.23 The planning statement submitted in support of the application indicates there would be no change to the total number of construction vehicles associated with the proposed cable route variation to that of the consented cable route. It suggests that although the proposed new access points may result in a small increase in vehicle movements across the public road network within the proximity of the application site, it is not considered that they would result in any material changes to impacts upon residential amenity over those of the consented cable route. It further suggests that the daily increase in vehicle movements that would be experienced on the A930 because of the proposed development would not be significant in terms of road traffic safety. It concludes that the proposed realigned section of cable route would not give rise to any significant issues in terms of impacts on the road network or associated indirect effects upon residential amenity. It indicates that a construction traffic management and routing plan would be implemented to mitigate impacts on the road network.
- 8.24 The council's roads service has reviewed the submitted information and has confirmed that it finds the proposed access arrangements from the A930 public road acceptable subject to conditions that require appropriate sightlines to be provided. It has indicated no objection in relation to increased vehicle movement on the public road network. In that regard it is relevant to note that the proposed realignment of the approved cable route is unlikely to result in any material increase in vehicle movement in comparison to that which would be associated with construction of the approved cable route at this location. Impacts on the road network would largely be limited to the construction phase and in approving the cable route in the wider area council has found those impacts to be acceptable. A planning condition can be attached to the permission to ensure compliance with the construction traffic management and routing plan to mitigate impacts.
- 8.25 The proposed cable route would cross an existing high-pressure pipeline in the vicinity of Balhungie. Detailed information has been provided to demonstrate how that crossing would be achieved and relevant consultation bodies have offered no objection. The approved cable route involves a similar crossing and while the exact location of that crossing has changed it does not affect the acceptability of the proposal.
- 8.26 The proposal will not give rise to materially different impacts on existing infrastructure than the approved cable route and the anticipated impacts are not unacceptable subject to planning conditions requiring appropriate mitigation.
- 8.27 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. It seeks to protect tourism and recreation interests. Policy allows development on prime agricultural land where it supports renewable energy and where it provides for restoration of the land. It indicates that consideration may be given to factors such as contribution to targets for energy generation and emissions, and local socio-economic impact.



- 8.28 Information submitted with the planning application indicates that the development has potential to impact tourism and recreational uses in the area, including the caravan site and associated facilities at Barry Downs, riding stables and associated uses at Rowanlea, and Panmure and Monifieth golf courses. It is suggested that those uses might experience some impacts from the construction phase of the development but that those would be short-term and would have no discernible impact on visitor numbers or the tourist economy.
- 8.29 The proposed realignment to the cable route would bring it closer to neighbouring tourism and recreational uses at this location. However, noise and vibration limits that seek to safeguard the amenity of nearby residential properties would also provide some control in relation to levels experienced at other nearby premises. Construction activities would be undertaken over a limited duration and any impacts would be short-term with no significant impact during the operational phase. Impacts on tourism and recreational uses are not considered unacceptable and must be balanced against the benefits associated with the proposal that are considered below.
- 8.30 The submitted planning statement advises that the cable route would affect prime quality agricultural land. However, it indicates that the council's policies allow development on prime quality agricultural land where it is required to facilitate renewable energy development. A construction environment management plan has been submitted and it 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. That document also provides details of how impacts on the water environment are to be managed and mitigated.
- 8.31 Impacts on agricultural land are not materially different than those associated with the approved cable route and are considered acceptable subject to compliance with relevant conditions. It is relevant to note that the realignment is being proposed to reduce impact on agricultural land at this specific location.
- 8.32 The applicant has highlighted that the Seagreen development represents a £3billion capital investment project and will be Scotland's largest wind farm once complete, generating enough electricity to power over 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.
- 8.33 The proposed formation of the cable route on a revised alignment at this location is compatible with development plan policy subject to appropriate mitigation measures that can be secured by planning conditions.
- 8.34 In addition to development plan policy it is relevant to have regard to other material planning considerations. In this case that includes the material planning issues raised in the letter of representation, and the recent planning history.
- 8.35 The letter of representation offers support for the proposal. It advises that the proposed cable route realignment would help mitigate or minimise potential adverse impacts on farming operations at Balhungie Farm. That letter supports the conclusion

that this proposal is compatible with development plan policy in so far as it relates to impacts on existing land uses.

- 8.36 There is an extant planning permission for the formation of the grid connection in this general location. The impacts associated with that permission have been determined to be acceptable subject to appropriate mitigation and the development can be undertaken in accordance with that permission irrespective of the outcome of this application. This proposal would see the grid route move closer to some sensitive receptors, including dwellings. However, the relationship between the proposed cable route and those sensitive receptors would not be untypical of those that have been determined to be acceptable elsewhere on the approved cable route. Available information indicates that the revised cable route could be formed in a manner that would not give rise to unacceptable impacts.
- 8.37 Some concern was raised regarding potential electro-magnetic field emissions during consideration of previous applications for the grid connection. In that respect information was provided to confirm that the development had 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 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 engaged independent consultants to review that information and they confirmed that the predicted levels are reasonable and significantly below the recommended limit.
- 8.38 In conclusion this proposal provides for construction of an integral part of the onshore grid connection associated with the Seagreen Alpha and Seagreen Bravo offshore wind farms on a revised alignment. The acceptability of the principle of the wider grid connection has been established by the National Planning Framework 3. Council has previously granted permission for the formation of the grid connection route at this general location and this proposal provides for realignment of that route to reduce impact on agricultural activity.
- 8.39 The information submitted with the application suggests that the development would not give rise to unacceptable amenity, landscape or visual impact, and that it can be undertaken in a manner that does not adversely affect natural, built or cultural heritage interests, infrastructure or other land uses in the area, all subject to compliance with the appropriate mitigation. The application is accompanied by detailed information to demonstrate how impacts could effectively be mitigated. Consultation with relevant bodies has identified that the detailed mitigation measures proposed are appropriate and that the development should not give rise to unacceptable impacts subject to compliance with those measures.
- 8.40 The impacts associated with the proposed realignment of the cable route are not materially different from impacts that council has determined are acceptable elsewhere along the wider cable route. The letter of representation provides support for the proposed realignment to reduce impact on agricultural activity. The proposal is an integral part of a larger development that will deliver significant economic and environmental benefits. It is compatible with development plan policy and there are no material considerations that justify refusal.

## **9. OTHER MATTERS**

### **HUMAN RIGHTS IMPLICATIONS**

The recommendation in this report for grant of 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.

## 10. CONCLUSION

It is recommended that the application be approved for the following reason:

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

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. The environmental impacts of the proposal as reported in Environmental Impact Assessment Report and as identified by consultees are acceptable subject to the mitigation measures set out in that report, in the documents that accompany this application, and in conditions attached to this planning permission. It will assist in the delivery of significant economic and environmental benefits in a manner that would not give rise to unacceptable impacts on amenity, landscape, built, cultural or natural heritage interests, infrastructure, other land uses or other environment interests 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 planning permission.

### **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 Seagreen Wind Energy, Balhungie Farm Cable Diversion Environmental Impact Assessment Report Limited dated October 2020 (Doc Ref: LF000009-CST-ON-LIC-REP-0006 Rev: 0.1). Specifically, the development shall be undertaken in accordance with the mitigation identified in Chapter 12 of the 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 on the environment.*

2. That except as otherwise provided for and amended by the terms of this permission, the Volume III Technical Appendices of the Seagreen Wind Energy, Balhungie Farm Cable Diversion Environmental Impact Assessment Report Limited dated October 2020 (Doc Ref: LF000009-CST-ON-LIC-REP-0006 Rev: 0.1), shall be implemented upon the commencement of development and all mitigation measures identified in the Technical Appendices shall be implemented at the appropriate and necessary stage of the development.

*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 in the interests of amenity; road safety and environmental protection.*

3. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken only in accordance with the provisions of the Seagreen Wind Energy Onshore Habitat Management Plan by Atmos Consulting Ltd dated 21 October 2019 (Doc Ref: LF000009-CST-ON-PLN-0006 Rev. 2.0) and those provisions shall be adhered to at all times during the development.

*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 minimise adverse impacts on the biodiversity of the site and to enhance habitats.*

4. 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 Limited, dated 6 February 2020 (Doc Ref: LF000009-ENG-EL-MST-0001) forming Technical Appendix TA 3.10 of the Seagreen Wind Energy, Balhungie Farm Cable Diversion Environmental Impact Assessment Report Limited dated October 2020 (Doc Ref: LF000009-CST-ON-LIC-REP-0006 Rev: 0.1) 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.*

5. No landscape features (field boundaries, walls, hedgerows, trees, shrubs or other soft landscaping) other than those identified in the Onshore Export Cable – Schedule of Impacted Features – Planning Zone 1 (Doc Ref: LF000009-NEX002-SCH-C17-001-02 Rev. 02) by Nexans dated 6 October 2020 within the cable route zones shall be removed. No later than the first available planting season following completion of the cable route zone or as specified in the phasing plan required by Condition 7(a), 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) forming Technical Appendix TA 3.11 of the Seagreen Wind Energy, Balhungie Farm Cable Diversion Environmental Impact Assessment Report Limited dated October 2020 (Doc Ref: LF000009-CST-ON-LIC-REP-0006 Rev: 0.1) and Onshore Habitat Management Plan by Atmos Consulting Ltd dated 21 October 2019 (Doc Ref: LF000009-CST-ON-PLN-0006 Rev. 2.0). 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.*

6. 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 the Onshore Construction Environmental Management Plan by Seagreen Wind Energy Limited dated 11 February 2020 (Doc Ref: LF000009-CST-ON-PLN-0002 Rev. 4.0) forming Technical Appendix TA 3.3 of the Seagreen Wind Energy, Balhungie Farm Cable Diversion Environmental Impact Assessment Report Limited dated October 2020 (Doc Ref: LF000009-CST-ON-LIC-REP-0006 Rev: 0.1). 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.*

7. That prior to the commencement of any other development, visibility splays shall be provided at the junction of the proposed accesses with the A930 Dundee – Carnoustie – Muirdrum road giving a minimum sight distance of 160 metres in each direction at a point 2.4 metres from the nearside channel line of the Dundee – Carnoustie – Muirdrum Road. Once formed nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel within the visibility splays.

*Reason: To ensure a safe and suitable access and to provide and maintain adequate sightlines in the interests of road safety.*

8. That no development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority: -
  - (a) Confirmation that the grid connection route approved by this permission shall be the only grid connection route formed or used between Balhungie Farm and any point to the West of the U510 (Woodhill Road) public road. Specifically, the applicant will provide written confirmation that no development associated with the formation of any other grid connection route shall take place between the aforementioned points.
  - (b) A scheme for the phasing of the development which shall include details of the timing and duration of all works associated with the proposed development. Thereafter the development shall be carried out in accordance with the approved phasing plan; and
  - (c) An archaeological written scheme of investigation (WSI) and a programme of archaeological works in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

*Reason: In order to avoid unnecessary environmental and/or amenity impacts associated with development that is not required to provide a grid connection; in order that the planning authority may verify the acceptability of the specified details in the interests of amenity; and to ensure appropriate mitigation of impacts on archaeological interests.*

9. 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-LIC-MAP-0015 dated 22 September 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.*

10. 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.*

11. That before the date falling 6 months after the date of commencement of development and thereafter at 6 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 6-month period.

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

12. Noise from construction works when measured at the façade of any noise sensitive properties as detailed in the construction noise and vibration management plan shall not exceed the noise limits shown below for the times shown.
  - (a) 70 dba Leq 12 hours between 0800hrs and 2000hrs; and
  - (b) 45 dba Leq 12 hours between 2000hrs and 0800hrs.

*Reason: In the interests of safeguarding the amenities of occupants of residential property during the construction of the development.*

13. Vibration levels associated with construction activities shall not exceed the following limits, unless agreed in writing with the Planning Authority: -
- (a) At any residential or educational properties 1 mms-1 PPV; and
  - (b) At any commercial or industrial properties 3 mms-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.*

**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.

**REPORT AUTHOR: KATE COWEY SERVICE LEADER – PLANNING & COMMUNITIES**  
**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**DATE: 3 MARCH 2021**

APPENDIX 1: LOCATION PLAN

APPENDIX 2: EIA REPORT NON-TECHNICAL SUMMARY

APPENDIX 3: SUMMARY OF APPLICANTS SUPPORTING INFORMATION

APPENDIX 4: LETTER OF REPRESENTATION

APPENDIX 5: DEVELOPMENT PLAN POLICIES

APPENDIX 6: PLANNING SERVICE PRESENTATION