

Eastern Link Torness to County Durham Transmission Works: EIA Scoping Opinion

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 – Scoping Opinion



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4 August 2021

0.0 Introduction

0.1 Claire Duffy of S P Energy Networks (the 'requestor') on 30 June 2021 has requested a Scoping Opinion under Regulation 17 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the "Regulations") 2017 on their behalf. This Scoping Opinion is given under the terms of those regulations only. The Scoping Request and Report states that the project comprises a new subsea High Voltage Direct Current (HVDC) link, with the following components:

- Northern Point of Connection: Onshore electrical infrastructure in the Torness area in East Lothian;
- Marine Cable Route: Subsea electrical cables in Scottish and English waters; and
- Southern Point of Connection: Onshore electrical infrastructure near to Hawthorn Pit substation, near Seaham, County Durham.

The requestor states that the Scoping Request is for the North Point of Connection, being works in East Lothian. References below to paragraph, Table or Figure numbers are to those of the Scoping Report, unless otherwise stated.

Validation

0.2 Under Regulation 17 (2) of the regulations a request under paragraph (1) must include—

- (a) a description of the location of the development, including a plan sufficient to identify the land;
- (b) a brief description of the nature and purpose of the development and of its likely significant effects on the environment; and
- (c) such other information or representations as the developer may wish to provide or make.

A description of the location has been given and a plan submitted showing the location of the Northern Point of Connection works, namely the cable route corridor and site boundary of the converter station and substation. The land in this case is not precisely identified, and nor is a plan of the whole project submitted, however this is considered to be sufficient to allow a Scoping Opinion to be issued. A Scoping Report has been submitted which contains a

description of the nature and purpose of the development and its likely significant effects on the environment. The Scoping Request is therefore considered valid.

Screening process

- 0.3 A Screening Request has previously been made to East Lothian Council and the Screening Opinion was issued on 2 March 2021 indicating that the project was Environmental Impact Assessment (EIA) development. The requester did not seek a Screening Direction from Scottish Ministers. A separate Screening Request was made to Marine Scotland and the Marine Management Organisation in respect of the offshore elements of the Project, and to Durham County Council for works in their area. All three bodies considered that there were no significant environmental effects of the works under their jurisdiction and therefore the works were not EIA development.

Consultation

- 0.4 The Regulations require that the planning authority consults the ‘consultation bodies’ before issuing a Scoping Opinion. These are any adjoining planning authority, where the development is likely to affect land in their area; Scottish Natural Heritage (SNH); Scottish Water (SW); Scottish Environment Protection Agency (SEPA) and Historic Environment Scotland (HES). Scottish Borders Council have therefore been consulted for their views as East Lothian Council considered it was possible the proposal could affect land in their area.
- 0.5 The Health and Safety Executive must be consulted where it would be required to be consulted under paragraph 3 or 4 of Schedule 5 of the Development Management Procedure Regulations in relation to an application for planning permission. This includes cases where the development is within an area which has been notified to the planning authority because of the presence within the vicinity of toxic, highly reactive, explosive or inflammable substances which is likely to result in a material increase in the number of persons working within the notified area. The proposed works are in such an area, due to their proximity to Torness nuclear power station, and during construction there could be a material increase in the number of persons working within the area. The views of the HSE have therefore been sought.
- 0.6 The Council must also consult any other public body which the planning authority considers is likely to have an interest in the proposed development by reason of that body’s specific environmental responsibilities or local and regional competencies. The Council has therefore also consulted:

- Marine Scotland as they have shared interest in the intertidal area and an interest in the marine area opposite the proposal
- Network Rail for their interest in the East Coast Mainline Railway that crosses the area
- Transport Scotland for their interest in the A1 trunk road that crosses the area
- Office for the Nuclear Regulator as the proposal is within the planning consultation distance of Torness nuclear power station.

- 0.7 Consultations have also been carried out with relevant departments within East Lothian Council. Consultation responses have been incorporated into the Scoping Opinion as appropriate.
- 0.8 The issuing of this Scoping Opinion does not preclude the planning authority from requesting further information at a later stage under Regulation 17(11), if required.
- 0.9 Unless otherwise noted below, the Council supports the proposals for EIA set out in the Scoping Report. Comments given in this Scoping Opinion are without prejudice to consideration of any decision the planning authority may take in relation to this project or related development, or responses of the Council to other bodies regarding this or related proposals.
- 0.10 Regulation 17(5) requires the planning authority to take into account the information provided by the developer, in particular as regards the specific characteristics of the development, including its location and technical capacity and its likely impact on the environment. The information supplied, along with consultation responses, have been taken into account in providing this Scoping Opinion.

Coordination with Habitat Regulations Appraisal

- 0.11 Section 53 of the Regulations requires that where assessment under regulation 48 of the Conservation (Natural Habitats &c) Regulations 1994, commonly known as 'Habitat Regulation Appraisal (HRA)' is required as well as EIA, the planning authority should where appropriate ensure that the HRA and the EIA are coordinated. The Screening Report notes at para 5.5.3 that a Habitat Regulation Appraisal (HRA) screening will be prepared and submitted for the Proposed Development.
- 0.12 The report states that this is due to the presence of internationally designated sites within 10km of the works area. NatureScot note and welcome the production of a screening report. Selecting designated sites based on whether they are within 10km is an arbitrary distance that doesn't necessarily consider whether there is ecological/hydrological connectivity between

the proposed works and the qualifying interests of each site. For example, the Scoping Report notes that two common bottlenose dolphins were recorded offshore. Works will take place in the intertidal zone and consideration should perhaps be given to likely significant effects on the Moray Firth Special Area of Conservation at the screening stage. The report to inform the HRA must include consideration of all European Sites with which there may be an ecological connection, regardless of distance.

0.13 This assessment should be coordinated with the EIA process. The findings of the HRA and Appropriate Assessment (if required) should be reported in the Environmental Impact Assessment Report (EIAR). If there is an adverse impact on the integrity of any internationally designated site this would be considered a significant effect and a summary should be reported in the EIAR. As a note, Table 2.1 and the following paragraph, regarding key and relevant East Lothian Local Development Plan 2018 (ELLDP) policy, does not include Policy NH1 Internationally Designated Sites. This is a whole plan policy, and reflects legislation protecting such sites which must be complied with.

0.14 The Habitat Regulation Appraisal Appropriate Assessment of the East Lothian Local Plan is available here:

https://www.eastlothian.gov.uk/downloads/file/27700/habitats_regulations_appraisal_-_ldp_2018 . This document identified that “A study of existing visitor numbers and

disturbance arising from these should be initiated. This information should be used to identify areas of coast where measures are required to reduce disturbance, such as through introduction of barriers, fences, ditches, or planting.” This study, which would add to understanding of recreational pressures at this site, has not yet been carried out.

0.15 Details of designated sites can be found at SNH’s website

<http://gateway.snh.gov.uk/sitelink/> , and of legislative requirements at

<http://www.snh.gov.uk/docs/A423286.pdf> .

1.0 General Environmental Impact Assessment Report (EIAR) Issues

Interaction with the whole project

1.1 The requestor has asked for a Scoping Opinion on the Northern Point of Connection. These works, together with the Marine Cable Route and Southern Point of Connection, are considered to be an integral part of a larger project, the Eastern Link. Without any part of these works, the development cannot function as intended (if at all). The location of any one section influences the remainder.

- 1.2 The works described in the Scoping Request also include a substation intended to connect Berwick Bank Offshore windfarm. This substation and any cable works intended to serve that windfarm alone are considered an integral part of that project.
- 1.3 Paragraph 1.4.4 states that two planning applications will be submitted for the onshore works, each with its own EIA. It is not clear how the project will be separated. It does appear possible that the works to connect the Berwick Bank offshore windfarm could be considered a separate project (together with the offshore windfarm itself and related cables), and the Eastern Link connection cable a second project. If this is the proposed split, it would be acceptable to submit a separate EIA for each (including the information on the remainder of each project). However, if this is done a new screening process may be carried out for the works subject of each planning application.
- 1.4 Scottish Government Circular 2017/1 notes that the EIA should be a 'single and accessible compilation'. The EIA should therefore include a description of all parts of the project, and note all significant environmental impacts. Where other works which are part of the project as a whole are subject to consent by other authorities, the EIA should also include a clear reference as to where further information including any EIA carried out on the remainder of the project(s), can be found.
- 1.5 For offshore windfarms subject to EIA, it has previously been accepted by the Council that it is an acceptable approach to consider impacts from different parts of a project (the offshore and onshore works) cumulatively rather than from the project as a whole. This approach is therefore considered acceptable with regard to the treatment of the impacts of the substation and associated works with the Berwick Bank Offshore windfarm. Both of these projects will be subject to their own EIA process.
- 1.6 However, the offshore (and County Durham) Eastern Link works will not be subject to separate EIA. The EIA should therefore include, for all likely significant effects relevant receptors identified below, any impacts that arise from the works within East Lothian and the remainder of the works. This is most likely to be relevant for those works in Scottish Territorial Waters; both the onshore and offshore works may for example have an impact on the Outer Firth of Forth and St Andrews Bay Complex, and potentially other European Sites.

Experts

- 1.7 Regulation 5 (5)(a) requires that to ensure the completeness and quality of the EIA, the developer must ensure that it is carried out by competent experts. The Report should include a statement outlining the relevant expertise and qualifications of those involved in its

production. Where surveys or assessments are done, the qualifications and experience of the person(s) carrying out the survey or assessment should be included. Comments may be made below on particular experience or qualifications that are considered to be required to carry out specialist study.

Significance

- 1.8 The assessment should be focussed on the **significant** impacts of the proposal on the environment. Less attention should be paid to impacts which are not significant, and where the impact is of little or no significance a short paragraph outlining a particular aspect to show that its possible relevance has been considered will be sufficient. To allow focus on significant impacts of the proposal the developer is encouraged to submit separately any information they wish to include in support of the planning application, but which is not required for EIA.
- 1.9 The Scoping Report includes an impact matrix at Table 4.1 showing how the significance of effects will be categorised. This includes that moderate effects such as a High magnitude of change on a low sensitivity receptor will be considered significant. This is acceptable for all receptors other than Landscape, where a matrix including a 'very high' component for both magnitude and sensitivity is preferred (see below).
- 1.10 Mitigation can be taken into account to decide whether or not a receptor needs to be considered through EIA. This approach is acceptable where the mitigation is plainly and easily achievable. Where the outcome is uncertain and the mitigation would prevent a significant effect, this should be examined in the EIAR. Schedule 4 of the EIA Regulations includes a requirement for a description of measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment, and where appropriate, and proposed monitoring arrangements. This should be clearly set out, either in a separate section or at the end of each topic chapter.

Administrative issues

- 1.11 Developers should be aware that on receipt of a planning application accompanied by an EIAR, the Council will require to make the EIAR available for public viewing and also to place it on its website. The EIAR should therefore be submitted in a suitable electronic format, preferably as a pdf, as well as in hard copy. If the EIAR is less than 10MB it should be submitted as one document. If not, it would be helpful if it is split into parts of less than 10MB each, with the parts clearly labelled so it is obvious what each contains. If the EIAR contains any confidential information, such as the location of breeding sites of rare birds, this must be

submitted as a separate document and clearly marked as confidential. The Council must comply with data protection legislation, and therefore no personal information that the Council is unable to publish should be included in the EIAR. Such information includes personal email or home addresses, signatures, and photographs of recognisable people.

- 1.12 For the hard copy, diagrams and photographic material should be reproduced at an appropriate size. It would be appreciated however if any large continuous sections of text are presented on portrait A4 sheets. Consideration should be given to ease of reading the document online. Text should be in a clear font and have good contrast with background colour; multiple columns on one sheet should be avoided.

2.0 Description of the development and alternatives

- 2.1 The Regulations in 5 (2) and Schedule 4 set out information for inclusion in EIARs.

- 2.2 A description of the development must be given comprising information on the site, design, size and other relevant features of the development must be given. The description of the development should include:

- (a) a description of the location of the development which should include a specific location plan with all elements included;
- (b) a description of the physical characteristics of the whole development, including any requisite demolition works, construction compounds, and the land-use requirements during the construction, decommissioning and operational phases;
- (c) a description of the main characteristics of the operational phase of the development for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used
- (d) an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation and decommissioning phases.

- 2.3 The description of the development should include all parts of the project. No significant effects are anticipated from those parts of the Eastern Link project that are below the low water mark or in Durham County Council area, as shown by the negative Screening Opinions given by those authorities for the works in their area. Parts of this development are also part of the Berwick Bank Offshore Windfarm Project. This second project is likely to have

significant effects. The works of both of these larger projects are part of this development and should therefore be described.

- 2.4 For the Eastern Link project, for the works outwith East Lothian it is sufficient to provide an A3 map showing the general location of the balance of the works, along with a clear link as to where further more detailed information on these works can be found. Information about the Berwick Bank Offshore Windfarm, offshore connection works and any onshore connection works not included in this application should be included. Where this information is available elsewhere, for example in the EIAR of the Berwick Bank Offshore Windfarm project, this can be by means of a clear link in the EIAR to where this information can be found. If more detailed information is not publicly available elsewhere, this more detailed information is likely to be required to be included in the EIAR and this should be discussed with the Council prior to submission.
- 2.5 Some aspects of the larger projects may be required to be described for particular topics so that enough information is available to understand the significant environmental effects. This is noted were relevant under those topic areas.
- 2.6 Where the size, type or position of any structure or cable route is not yet fixed, the description should include the worst case scenario (the Rochdale Envelope approach) including the total height, length and width of any structure or route. The worst case may be different for different receptors. For example the worst case for landscape impact may be different from the worst case for cultural heritage impact.
- 2.7 Information should be included on the proposed depth and location of the cable route and pits. Details of proposed drainage should also be included. Access routes and working compounds for vehicles during construction should be specified. Principle materials should be specified. The EIAR should describe device and cable installation method and duration, maintenance schedule, recovery method and duration of works. Proposed locations of any stockpiles of excavated material should be included on a plan.
- 2.8 All maps must be based on an adequate scale with which to assess the information. This could range from OS 1: 10,000 to a more detailed scale in more sensitive locations. Each of the maps below must detail all proposed temporary and permanent site infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements.
- 2.9 In addition to the details given in the Scoping Report, the following details of the development should specifically be included:

- For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system. The means of treatment of surface water should be given.
- The proposed access routes of heavy machinery to the intertidal zone should be shown.
- Details on how deep the cable is buried and the dimensions of its tunnel/hole should be given
- Temporary and permanent access tracks or side accesses
- Temporary construction compound; this is not included in the Scoping Request though it is mentioned; it is considered an integral part of the project, as without this it would not be possible to construct it.
- Paragraph 1.2.6 of the Scoping Report notes that ‘the requirement for consent for works relating to overhead lines under Section 37 of the Electricity Act 1989 ...will be considered once design of the project is further progressed’. If these works are an integral part of either larger project (for example if it could not function without this) they should also be covered by the EIAR. If the details are not known the Rochdale Envelope approach can be used.
- Details of the requirements of any necessary wayleaves (e.g. land required to be kept permanently clear of trees or shrubs)
- Information on existing and proposed ground levels should be included using OS DTM 5 metre contour data and site surveys.
- Borrow pits are not mentioned but if required should be included

2.10 If there are other changes required as a consequence of or to enable the development, these should also be included (for example grid strengthening).

2.11 The expected lifetime of the development should be included.

2.12 Some alternative locations have been considered by the applicant, and there are also potential differences of design or technology used. The reason for the choice of site and design should be given, along with a comparison of the significant environmental effects.

Decommissioning

2.13 Proposals for decommissioning and restoration, including a detailed method statement on the restoration of the landscape should be included. Decommissioning is likely to take place 40 – 50 years in the future or even beyond. It is not possible now to predict what best practice will be at that time. Paragraph 3.5.2 and 3.5.3 suggest that for assessment purposes, it will be assumed that the foundations of the converter station and substation will remain, as will the

cables. Although at the present time it appears likely that best practice would be for the cables and foundations would remain in situ after decommissioning, this cannot be certain. The description and assessment of decommissioning should therefore include as an option that all parts of the project are removed. Detailed information on site levels should be included to inform the final decommissioning plan.

3.0 Significant effects on the environment

- 3.1 The Regulations require that a description of the likely significant effects of the development on the environment is given. This includes a description of the relevant aspects of the current state of the environment (the 'baseline') and an outline of how it would have evolved without the development as far as natural changes can be assessed according to current information and knowledge with reasonable effort. The baseline should include information on the factors given in regulation 4(3) that are likely to be significantly affected by the development, unless they have been scoped out (see Table 1 below). These aspects are: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape.
- 3.2 Schedule 4 of the regulations notes that the EIAR must include a description of the likely significant effects of the development on the environment, including any direct effects and any indirect, secondary, cumulative, short, medium and long-term, permanent and temporary, positive and negative effects of the development which result from:
- (a) the construction and existence of the development, including, where relevant, demolition works;
 - (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
 - (c) the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
 - (d) the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
 - (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
 - (f) the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
 - (g) the technologies and the substances used.
- 3.3 Where forecasting methods are used a description of the method is also required (this could be a reference to a published methodology).

3.4 Not all of these factors need to be covered in detail. The aspects of the environment where there is the potential for a significant effect and are thus ‘Scoped in’ are set out below as relevant to the onshore part of the works.

EIA issue	Scoped in?	Reason
Population and human health	Yes	<p>Noise and vibration – as Scoping Report section 10.6</p> <p>Section 14.7 is acceptable other than impacts on recreational users during the operational phase should be scoped in and increase in population during construction/decommissioning should be considered if a large additional number of people are within the Torness consultation zone</p> <p>EMF – Scoped out unless mitigation is complex (see below)</p> <p>It is agreed a separate chapter on health is not needed.</p>
Biodiversity	Yes	<p>Construction Phase and Decommissioning Phases</p> <ul style="list-style-type: none"> • potential temporary and permanent impacts on designated sites (see note on site screening) • potential temporary and permanent impacts on habitats; and • potential temporary and permanent impacts on protected species, including birds. <p>The effects of pre-construction activities should also be considered</p> <p>Operation Phase</p> <ul style="list-style-type: none"> • potential impacts on species due to new levels of noise and lighting from the convertor station and substation. Include bats in the assessment.
Soil	Yes	As Scoping Report section 8.6 and 13.6 other than impact on soil of temporary land uses (e.g. compaction)

		Potential impact of contamination Potential impact from accidental pollution
Water	Yes	As Scoping Report section 9.6 plus Flood risk to proposal itself
Air	No	There is likely to be some emissions (dust, emissions related to traffic movement), in particular during construction and decommissioning however this is not expected to be significant and is not anticipated to lead to exceedance of any air quality standards.
Climatic factors	Yes	Enabling of export of renewable generation Materials and transportation used in construction
Material Assets	Potentially	Assessment of impact on Network Rail infrastructure as per Scoping Report and Scottish Water's infrastructure. Roads as section 12.8 other than decommissioning and operational effects should be indicated
Cultural Heritage	Yes	Construction Phase and Decommissioning Phase <ul style="list-style-type: none"> • Direct permanent physical impacts on known or previously unidentified heritage assets. Operation Phase <ul style="list-style-type: none"> • Impacts on the setting of designated heritage assets within the two study areas • operational impacts upon the setting of key undesignated sites (to be identified through the EIA assessment process) are scoped into the assessment.
Landscape	Yes	As Scoping Report other than; Assessment of night lighting should be included The interaction with coastal processes and possible exposure of the cable should be considered
Major accidents and hazards	No	Scoped out as per section 16.5

Population and human health

Noise and vibration

- 3.5 The proposed methodology in the Scoping Report for assessment of noise and vibration impacts during construction and operational phases of the development is satisfactory. For noise, the Construction Environment Management Plan (CEMP) should outline control measures to minimise impacts of noise upon sensitive receptors during the construction phase and adopt “Best Practice Guidance” as recommended BS 5228-1:2009+A1:2014 “Code of practice for noise and vibration control on construction and open sites. – Part 1: Noise. With regards to vibration, With regards to Vibration, the CEMP shall specify any mitigation measures required to control impacts of vibration and have regard to best practice guidance described in BS 5228-2:2009+A1:2014 - Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration.
- 3.6 Note for the Noise and Vibration study, where there is consent for a noise sensitive use that has not yet been built, this should be treated as if it is in existence. Information is available on current and past planning applications at https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12214/search_for_planning_applications
- 3.7 Noise mapping and Action Planning has been carried out to meet the terms of the European Noise Directive (see <https://noise.environment.gov.scot/index.html>). This contains some background information about road and rail noise. Reference should be made to the Transportation Noise Action Plan if the works could affect its aims.

Amenity, Tourism and Socio-economics

- 3.8 There are some existing communities and residents in proximity to the development. It is unlikely that the development will affect the structure or location of population. However there may be amenity and health effects which could be significant. The Scoping Report identifies amenity effects for them are identified as landscape and visual impact, access, traffic, noise and vibration. Noise and vibration and potentially significant in terms of population and health as if it is severe people may consider leaving their homes or suffer health effects.

Electromagnetic Fields (EMFs)

- 3.9 The Scoping Report states that an EMF will not cause any significant effects as the UK government requires compliance with relevant exposure limits. The Scoping Report proposes

that a separate technical report on EMF will be prepared, and included as a stand-alone document, and submitted alongside the EIAR. The Scoping Report suggests that EMF effects during operation will be scoped in, although no significant effects are expected.

- 3.10 It is agreed that compliance with UK government standards is required. If this is achieved in standard way – one that is standard and certain to be effective – then this issue can be scoped out, with a brief summary included to show that the issue has been considered. However if mitigation to achieve the standards is complex this should be considered through the EIAR.

Recreation

- 3.11 NatureScot note the inclusion of recreation assets and users as receptors, and the proposal to assess impacts upon them.
- 3.12 Outdoor recreation supports good physical and mental health. The Scoping Report notes that both direct and indirect impacts on recreation receptors will be considered. The EIAR should consider whether recreational experience of the area around the proposal, including Core Paths, the John Muir Way, Thorntonloch Beach and Skateraw, will be affected and whether users will be displaced to other areas, or deterred. If it is anticipated there will be displacement to other areas, consideration should be given to whether that displacement has any significant effects on the area to which that recreational use has been displaced.
- 3.13 The inclusion of operational effects on amenity is welcomed. The impact on recreational users during the operational phase should also be included due to the interaction with landscape.

Biodiversity (flora and fauna)

- 3.14 Other than where noted below, the scope and methodology in the Scoping Report for biodiversity is acceptable.
- 3.15 As noted above, an adverse impact on the integrity of any European Site would be considered a significant effect. Such effects should be summarised in the EIAR, including any that arise from the Eastern Link project as a whole.
- 3.16 The preliminary ecological appraisal should be undertaken in accordance with best practice guidelines (see CIEEM: <https://cieem.net/resource/guidance-on-preliminary-ecological-appraisal-gpea/>). Consideration should be given to the impacts at each phase of the proposed development – including pre-construction activities.
- 3.17 Operation (Section 5.5, page 5-12); Operational environmental effects relating to ecology and ornithology are generally expected to be minimal based on the proposed reinstatement of habitat. Mitigation in the form of a habitat management plan will be required; this should

include appropriate and relevant habitat enhancement. Para 5.4.4 concerns lighting. Lighting may be unavoidable, however it may still give rise to significant adverse effects on species, notably bats. The proposed lighting strategy should make reference to the 'Artificial Lighting Guidance' available from Bat Conservation Trust: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

- 3.18 Pages 5.13 include information on cumulative Impacts (page 5-13). Consideration should be given to works associated with Neart na Gaoithe OnTW, as well as cabling associated with Berwick Bank Offshore windfarm. It is unlikely but possible these works may coincide with works to decommission Torness and if this is possible it should be considered.
- 3.19 There is the potential for adverse impact on coastal processes, including from the offshore component. If this occurs, it could affect sediment mobilisation in the intertidal area, with a consequent adverse effect on the function of the intertidal habitat and species distribution. It is proposed to undertake an intertidal survey at the landfall site, which will include taking core samples for particle size and macrofauna analysis. Consideration should be given to direct intertidal habitat disturbance; increases in suspended sediment concentrations and sediment deposition; heating effects; and habitat change.
- 3.20 The proposed desk study and ecological and ornithological surveys should provide a full and accurate assessment of the habitats within the development site, and how the site is used by species, including protected species. The wintering bird survey work has already been carried out at the cable landfall location between August 2020 and March 2021 inclusive and breeding bird surveys (underway) are noted.
- 3.21 The consideration of Biodiversity Net Gain (or 'Positive Effects for Biodiversity') is welcomed. NatureScot advise that this may become a legal requirement in the future via the next National Planning Framework and commend the applicants for including it in this EIA process.
- 3.22 NatureScot further advise that the Scottish Government are still considering the merits of different metric based approaches to securing Positive Effects for Biodiversity, but have not yet reached a position. Given this situation they suggest that individual projects such as this one can adopt one of the existing systems as they will help ensure an assessment of baseline and the delivery of added value. The proposed use of use of Biodiversity Metric 2.0. is acceptable.

Ground water dependent terrestrial ecosystems

- 3.23 The area is not known for peatlands or wetlands however the Scoping Report notes that early vegetation surveys have identified a number of potential groundwater dependent terrestrial ecosystems within the boundary. Further surveys are proposed to investigate. If there are

such eco-system impacts on these should be reported in the EIAR, if not a reference to the study and its finding is sufficient. Please refer to [Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems](#) .

Soil

Contamination

- 3.24 The Scoping Report considers the potential for contaminated land at 8.3.19 and following. It identifies some landfill areas. Given the large extent of the development (both for the substation and converter station sites as well as the route of the underground HVDC cables) there is the possibility that areas of made ground may be encountered, including ones of which there is no record. A Desk Study is to be carried out to assess the ground conditions on the proposed sites. This should incorporate a Phase I Contaminated Land Assessment to ascertain if there are any potential pollutant linkages that could impact on the development proposals. This will allow made ground to be identified. The Council is not aware of any specific issues with contaminated land in the area proposed. If any significant contamination (large areas, ground containing contaminants where there is a significant risk of harm to people or biodiversity due to disturbance of the land or soil) is encountered during ground investigations this should be reported in the EIAR (or where appropriate as supplementary information). As mitigation planning conditions can be applied in order to address contamination issues which arise during development.
- 3.25 The EIAR should consider the possibility of radioactive contaminated land given proximity to Torness nuclear power station.

Geodiversity

- 3.26 The assessment of geodiversity interest including the Barns Ness Coast SSSI and Geoconservation Review Site, Pease Bay Coast SSSI, and Thorntonloch Local Geodiversity Site is generally supported. Note, the assessment should include any impacts on the receptors in Table 8.3 from the works in the marine area as they are part of the whole project. The EIAR should consider the potential for coastal processes to interact with the project over its lifetime and how this might affect the designated geodiversity sites. Para 8.4.5 includes the impact of the development on geological and hydrogeological and ground condition receptors. This should include considering how any hydrogeological changes from the development may affect geodiversity sites at the operation stage as well as at construction.

3.27 Cumulative effects with onshore works required for Berwick Bank Offshore windfarm are to be considered as noted in para 8.5.5. Consideration should also be given to the possibility of cumulative impacts with Neart na Gaoithe transmission works and Torness nuclear power station, including decommissioning.

Prime agricultural land

3.28 The Scoping Report notes that the study area is predominantly agricultural land. Any loss of prime agricultural land should be considered and the impact of this included. Where agricultural land is lost, the EIAR should include any proposals for mitigation such as re-use of the topsoil.

Water

3.29 The proposed assessment of Water is generally acceptable, subject to comments below.

Drinking Water and Private Water Supplies

3.30 Scottish Water have reviewed their records and indicate that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity within the Scoping boundary in Figure 5.1.

3.31 Para 9.3.8 states that two private water supplies have been identified within 2km of the scoping boundary based on a review of the East Lothian Private water supply register. Any impacts upon private water supplies within the vicinity of the proposed development should be assessed, and any necessary mitigation measures identified and implemented.

Bathing Waters

3.32 Table 9.2 notes that both Whitesands and Thorntonloch are Bathing Waters within 2km of the Scoping Boundary. The EIAR should include information on whether the proposed works will affect the water quality of these bathing water. If so, any mitigation such as carrying out works outwith the Bathing Water Season (1 June to 15 September) should be included. Further information on bathing waters can be found at

<https://www2.sepa.org.uk/bathingwaters/Locations.aspx> . SEPA produces bathing waters reports based on sampling and therefore the sampling should be representative. The EIAR should report how this will be coordinated. Cumulative impact with other relevant development should be considered. The potential of coastal processes to interact with the development and affect the use of the beach as bathing waters should also be considered.

Flood Risk

- 3.33 Flooding should be included in the EIAR. SEPA’s latest Flood Hazard Maps show that areas of Flood Risk both River (Fluvial) and Surface Water are shown on the application site.
- 3.34 A small part of the area is shown as at risk of fluvial flooding, and the coastal area as at risk of coastal flooding. The proposals could be classed as ‘essential utility infrastructure’ so an exemption to the risk matrix in Scottish Planning Policy. This means they could be located in medium to high risk areas providing that they are designed and constructed to remain operational during floods and not impede flow.
- 3.35 Appropriate regional climate change allowances are recommended for the development, and guidance is published on the SEPA website https://www.sepa.org.uk/media/426913/lups_cc1.pdf showing the recommended coastal and fluvial values for the area.
- 3.36 SEPA has published [Standing Advice](#) flood risk, as well as [Technical flood risk guidance for stakeholders](#) , and [Controlled Activities Regulations \(CAR\) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities](#). These documents may be helpful.

Air

- 3.37 It is not expected that the proposed development to have any significant impacts upon Local Air Quality Management Objectives. There are no Air Quality Management Areas (AQMA) within the immediate vicinity of the proposed site.
- 3.38 With regards to dust the CEMP should include details regarding practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary. Control measures to be considered are identified in Section 8 of the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014).
- 3.39 Paragraph 11.5.4 states “Embedded mitigation for the Proposed Development will include standard and best practice measures during the construction and decommissioning phase which will be detailed within a Construction Environmental Management Plan (CEMP)”. This mitigation is detailed in Scoping Report Section 11.6 and includes a stakeholder communication plan, dust management, site management and monitoring. It is accepted that this embedded mitigation is standard and likely to be effective in avoiding significant effects. Subject to the implementation of the mitigation outlined above further assessment of air quality impacts can be scoped out. A brief explanation of the issues considered and reasons for scoping out impacts on air should be included.

Climatic factors

Climate change Mitigation

- 3.40 The Scoping Report contents page includes a section called ‘Air Quality and Climate Change’ although the section itself only appears to cover Air Quality. Climate overall is a worldwide receptor, on which any proposal however locally significant is likely to have a negligible effect. However, the receptor is sensitive in that it has already exceeded a threshold where change is inevitable. Addressing climate change is likely to require many actions that are a very small proportion of the overall action needed.
- 3.41 The project may impact on national and local climate change targets. The EIAR should include information on the climate impacts of the proposal, in construction, operation and decommissioning. This should include:
- What the most important climate change mitigation issues are for this project, considering circular economy, use of materials and what happens to them after use, soil and vegetation removal or disturbance, traffic and transport emissions.
 - Any alternatives to how or where the proposal is constructed and how this would affect the climate
 - How the proposal aligns with the East Lothian Climate Change Strategy
 - Any proposals for mitigating greenhouse gas emissions.
- 3.42 Section 1.3 on project need notes that the capability of the electricity transmission network will need to be increased to move energy generated by offshore windfarms into people’s homes and businesses. The Eastern Link is part of this upgrade.
- 3.43 The judgement in *Abraham v Wallonia* (case C2/07; [2008] (para 43), which concerned whether or not the effects of use of a runway should be included in the environmental assessment states that “It would be simplistic and contrary [...] to take account, when assessing the environmental impact of a project or of its modification, only of the direct effects of the works envisaged themselves, and not of the environmental impact liable to result from the use and exploitation of the end product of those works”. However, the judgement in *R (Finch) v. Surrey County* (Horsehill case on need to assess climate effects of combustion of oil when consenting an oil well) noted in paragraph 111 that “Indirect effects” cover these consequences which are less immediate, but they must, nevertheless, be effects which *the development itself* has on the environment”. The judgement continues in paragraph 112 “Essentially, development control and the EIA process are concerned with the use of land for development and the effects of that use. They are not directed at the environmental

effects which result from the consumption, or use, of an end product [..]”. The interaction of the project with generators and consumers is clearly complex. It would appear that it is unlikely that the indirect climate effects of the greening of the electricity system, which the Scoping Report states will occur as a result of the project – and are indeed part of its purpose – can be quantified and reported. However, if there are indirect effects on climate which are an effect of the development, this should be indicated, even if it is only at the level of direction of travel.

Adaptation

- 3.44 Climate predictions are available from the Met Office, here: <https://www.metoffice.gov.uk/research/approach/collaboration/ukcp/index> . The EIAR should include a brief summary of how the climate is expected to change in this area. Both warmer temperatures and heavier rainfall are predicted. Sea level rise is also a potential result of climate change, while coastal change is an ongoing process which may be altered by climate changes. Information on coastal changes is available from Our Dynamic Coast, a multi-agency project, here: <http://www.dynamiccoast.com/> .
- 3.45 The EIAR should cover any measures that are included to allow the project to be resilient to predicted changes. More intense rainfall could also lead to greater erosion. If this could affect the project, a description of the potential effects and the implications for the proposal, as well as any proposed mitigation, should be included in the EIAR. Sea level rise may also lead to coastal erosion. The EIAR should briefly cover any effect the proposal could have on coastal process, but also possible effects that coastal processes could have on the development, taking future scenarios into account where relevant for the lifetime of the project. Temperatures of a higher peak, and longer periods of warmer temperatures are also predicted. The EIAR should describe whether this will have any effect on the proposal. Flooding is considered above under Water; it is expected that this assessment will take account of accepted predictions for climate for the lifetime of the proposal.

Material Assets

Network Rail

- 3.46 The east coast mainline railway is a material asset. The proposal will require to pass under this, which it is proposed to do by horizontal direct drilling. Network rail do not consider there will be a significant effect on the railway or its operation. The information to be provided noted in the Scoping Report is considered sufficient.

Road Network

3.47 The road network is a material asset. The methodology proposed in the Scoping report with respect to the EIA Transport & Access chapter is acceptable. The proposed traffic and transport study area network and proposed approach is acceptable. It is agreed that operational and decommissioning impacts will be less significant than those associated with construction. However, reference should be made to the number and type of vehicle movements for the operational and decommissioning phases but a full assessment of impacts will not be required.

3.48 For clarity, the following matters should be covered in the EIA/Transport Statement / CTMP:-

- Detail of all construction delivery vehicle types and loads to and from the sites including number of trips.
- Detail of all site traffic (i.e. employees) including construction traffic and delivery of equipment for all onsite works (i.e. cranes, excavators etc.). This will need to be specific to each area and include details of all access/egress connection to the public road.
- Number and type of vehicle movements for day-to-day operation of the onshore aspects.
- Timescales and construction period for all works and management of abnormal loads including traffic management on the public road. Potential road closures may be required for road crossings.
- Detailed and accurate swept path analysis of the construction routes (i.e. between the A1 and the sites) to include vertical and horizontal alignments of the existing public roads for the 'worst case' delivery vehicles. This will inform the required remedial works.
- Accurate layout plans for any required remedial works to the public road and any required access junctions.
- Proposed mitigation must include a detailed condition survey of the road to be undertaken by the developer to cover the full construction route from/to the A1 (once identified). Damage to the route during the period of construction shall be repaired by the applicant at no expense to the Council as Roads Authority

Scottish Water Assets

- 3.49 For reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.
- 3.50 According to Scottish Water records, the development proposals impact on existing Scottish Water assets. The developer should identify any potential conflicts with Scottish Water assets. The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Where diversions of Scottish Water assets are required this should be included in the Project Description.

Minerals

- 3.51 Parts of the study area may also contain mineral reserves in particular limestone and sand and gravel. If there is likely to be a significant impact on this resource, such as sterilisation of a workable resource, this should be reported in the EIAR.

Cultural Heritage

- 3.52 The cultural heritage includes designated aspects of the cultural heritage such as Scheduled Monuments, Listed Buildings, items on the Inventory of Historic Gardens and Designed Landscapes, Battlefields and Conservation Areas as well non-designated features such as undiscovered archaeological remains and non-inventory historic gardens and landscapes. Information on Listed Buildings, Conservation Areas, Inventory Gardens and Designed Landscapes, Inventory Battlefields and Scheduled Monuments can be found on Historic Environment Scotland's Pastmap at <https://www.historicenvironment.scot/archives-and-research/archives-and-collections/pastmap/> . Further information on Conservation Areas, Local Gardens and Designed Landscapes and items on the Historic Environment Record can be obtained from East Lothian Council Heritage Service.
- 3.53 Historic Environment Scotland have identified four designated cultural heritage assets within their remit which appear to be in the study area, namely:
- SM5849 Castledene, enclosure SW of
 - SM5958 Branxton, enclosure 350m NNW of
 - SM5890 Branxton Cottage, enclosure 300m E of
 - BTL7 Battle of Dunbar II

The information provided in the Scoping Report is not detailed, and therefore they consider that there is the potential for direct physical impacts on all of these assets. In addition, there is

the potential for setting impacts on other designated heritage assets in the vicinity of the development.

- 3.54 Regarding direct impacts, Historic Environment Scotland’s policy for scheduled monuments seeks to preserve them and to avoid harm to their cultural significance. The proposed excavation of a cable route and the requirements for construction compounds, storage areas and welfare facilities that accompany it have the potential to cause disturbance to archaeological remains within the affected monuments. This may be contrary to their policy. Historic Environment Scotland recommend, in the first instance, that mitigation be adopted to ensure that all aspects of the development avoid the scheduled monuments. Historic Environment Scotland give further advice on this in Appendix 1.
- 3.55 The potential for adverse impacts on the Inventory Battlefield of Dunbar II should be carefully assessed. We recommend you refer to our guidance note on Historic Battlefields in doing so, which you can find here: [Managing Change in the Historic Environment: Historic Battlefields](#). Any proposed development should avoid, or minimise, direct impacts on the special qualities of the Battlefield. Assessment may need to include archaeological survey and evaluation to test the archaeological potential of any affected areas.
- 3.56 The parameters for the Study Area B (section 6.4.1 of the Scoping Report) are not clear. For the avoidance of doubt, consideration should be given to potential impacts on setting of the historic environment designated assets within the 5km zone. A Zone of Theoretical Visibility (ZTV) study within the 5km zone in this instance would be appropriate and this will prove beneficial in focussing the assessment. Historic Environment Scotland and the Council’s Heritage Officer should be consulted on which assets require to be included in this assessment once this ZTV has been produced.
- 3.57 Further information on the appropriate assessment of the historic environment can be found in Managing Change in the Historic Environment Guidance Note on Setting at: <https://pub-prod-sdk.azurewebsites.net/api/file/3c15b3e9-b447-4b4e-801f-a67800be22c5> . Note that this Guidance Note has been updated since the 2016 edition. Note also the other documents in the Managing Change Guidance Notes suite including [Historic Battlefields](#) and [Gardens and Designed Landscapes](#) which will be of benefit when considering impacts on these assets.
- 3.58 Section 6.5.2-6.5.3 of the Scoping Report covers the issue of cumulative impact. There are similar schemes nearby (Berwick Bank Offshore wind connection, and Neart na Gaoithe onshore transmission works). The EIA Report should address the impact of multiple

schemes on designated assets, such as Castledene enclosure (SM5849), and include potential mitigation.

- 3.59 Guidance about national policy can be found in our ‘Managing Change in the Historic Environment’ series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes . Technical advice is available on our Technical Conservation website at <http://conservation.historic-scotland.gov.uk/> .
- 3.60 For cultural heritage within the Council’s remit, the approach outlined in the Scoping Report is generally acceptable. However, operational impacts upon the setting of any key undesignated sites (to be identified through the EIAR assessment process) are scoped into assessment.
- 3.61 The assessment should outline a proposed Scheme of Investigation to mitigate direct impacts (both anticipated and potential).
- 3.62 It may be that the assessment of the indirect impacts leads to the conclusion that design changes need to be made to the scheme. If this is the case then any design changes should seek to minimise the impacts on the historic environment to an acceptable level.

Landscape

- 3.63 NatureScot advise that they are currently only providing landscape and visual advice where the effects of proposals approach or surpass levels that raise issues of national interest or where they affect place-based priorities for NatureScot. They advise that they consider that this proposal does not raise landscape issues of national interest.
- 3.64 Section 7.6 summarises the issues to be Scoped in and out. The operation phase is suggested to be Scoped in. This is supported. The converter and substation will continue to have landscape and visual impacts during the operation phase. There will also be potential for continuing impact of the proposal due to the need for wayleaves. This can leave a noticeable ‘gap’ in the landscape. This could be significant, in particular cumulatively with existing and under construction development, including the 400kV power line and Neart Na Gaoithe onshore transmission works. The effects of lighting in the operational phase should be scoped in (see below). The cable will be buried in the intertidal zone, foreshore and immediately on land. Consideration should be given to the possibility that the cable becomes exposed over its lifetime. If this is possible, this should be considered in the EIAR. If it is not considered possible, the reasoning behind that conclusion should be given.

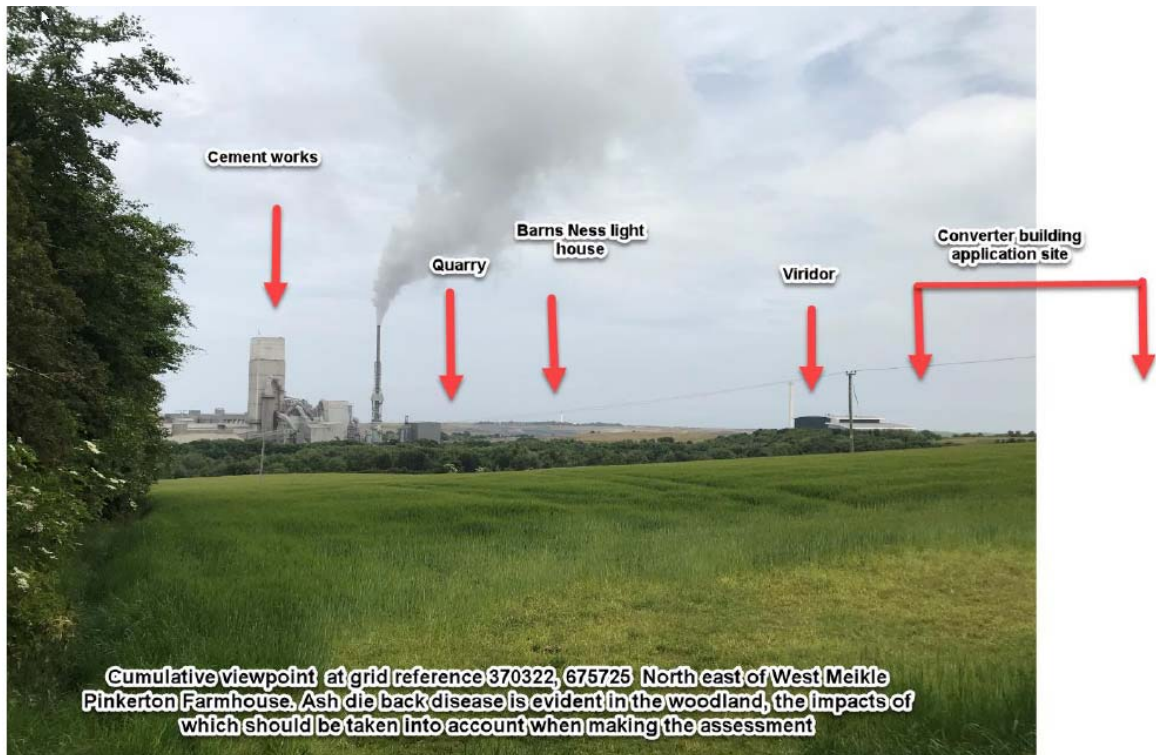
- 3.65 The Scoping boundary is shown outlined in black. Solid blue lines on the plan show transmission cables from Branxton substation to Torness Power Station. It is not clear in the scoping report if these cables are existing or proposed and if they are above or below ground. If they are proposed development, they should be included in the EIAR.
- 3.66 Chapter 7 of the submitted scoping report, provides details of the proposed landscape and visual impact assessment (LVIA) to be carried out for the site and assessment of the application sites.
- 3.67 Ash die back disease is active in the development area, with many mature trees showing signs of imminent decline. The loss of trees to disease will have a residual and significant effect on the landscape setting and visual amenity of both the proposed substation and converter building. In terms of mitigation the EIAR must consider the long term impacts of the loss of mature tree cover such as the ash that the LVIA may rely on for screening proposed developments. Any tree and shrub planting will need to demonstrate a diversity of species sourced from disease free stock of local provenance.
- 3.68 The proposed cable corridor is approximately 6 km with HVAC and HVDC cables proposed to be buried underground in parallel rows approximately 100m apart. The cable will pass under predominantly arable land. It is the Council's understanding from pre-application discussions that no tree or hedgerow planting or development can occur in the area of land occupied by the cable corridor. This limitation will result in limited potential uses of this land other than grazing or arable. The cable corridors will thus potentially have long term adverse residual effect on the landscape character. There will likely be adverse cumulative effects in combination with other OnTW developments. The constructed cable corridors may result in a reduction in features of landscapes and reduction of opportunities to create green network corridors. Where woodland is lost the Council will seek replacement planting in line with the Scottish Government's Control of Woodland Removal Policy. Where trees and or hedgerows are lost to development, mitigation should be included. This should include a scaled (min 1:500) planting plan that clearly identifies areas of land where new native tree and shrub planting can be implemented. The planting areas can be either within or out with the development area. Any new planting should where possible link to other existing areas of planting in order to enhance green networks, biodiversity and visual amenity. Any areas of planting should be shown in the EIAR rather than considered through planning conditions, as it may itself have the potential for significant effects on cultural heritage assets.

- 3.124 Section 3.3.10 of the submitted scoping report states that temporary and permanent access tracks or side accesses may also be required. These elements should be included in the project description and their effects considered. The cumulative assessment should include any relevant works which are carried out under permitted development rights.
- 3.125 In addition to the LVIA, a full topographical analysis survey of the site showing contours, spot heights at no less than 0.5 metre intervals, and boundary features such as the coastal cliff to Mean Low water Springs tide mark should be shown. The topographical survey should not stop at the boundary of the site but include adjacent areas; the extent of the adjacent areas to be included should be discussed and agreed with the Council. The existing and proposed contours should be labelled and that the landscape character areas and Special Landscape Areas are clearly identified with a colour coded key. A scaled north south and east west cross section of the site should be included, clearly showing the existing ground and proposed ground levels and how the proposed development of the substation and converter building will relate to the adjacent landscape setting.
- 3.126 A ZTVI on a 1:25,000 base map should be provided, using the up to date version of the OS Terrain-5 Digital Terrain Model data, with local features such as tree belts, woodland and built form modelled in sufficiently to produce a screening ZTV map. Please provide the ZTVI map to 5km radius from the site centre, and present on an A0 sheet at 1:25,000 scale and the photomontages on minimum A3 fold out format. A ZTVI should be included for the existing site and for the highest roof ridge of the proposed substation and converter building. Please include information in a legend on the ZTVI plan confirming the finished floor level and proposed roof ridge height, upon which the ZTVI has been based. Further photomontages will be needed to fully assess the likely visual impact of the proposed development that are not obvious from the information available at this point. Once the ZTVI information has been submitted further photomontages (if any) should be agreed with the Council.
- 3.127 If it is technically possible it would be helpful if the applicant could supply a copy of the ZTV in shape file format (.shp file extension), emailed to policy&projects@eastlothian.gov.uk to allow information to be loaded onto the Council's GIS.

Viewpoints

- 3.128 Nine viewpoints (VP) are proposed for the substation building. The Council does not consider that viewpoints 6 – 9 are required.
- 3.129 Twelve VP are proposed for the converter building. The Council does not consider that VP 6 – 12 are required. However, in addition to proposed VP 1 – 5, the Council considers a

viewpoint at grid reference 370322, 675725, North east of West Meikle Pinkerton Farmhouse is needed (see picture below for location however the viewpoint photomontage should include the proposal site):



3.130 All viewpoints (VP) are to be shown in a schedule which includes the VP number, six figure grid references and location address. This information is to be shown on the ZTVI plan. Each photomontage is to include a view direction arrow shown on a clearly legible site location map in the corner of the sheet, to help interested parties easily find the viewpoint on site.

3.131 In terms of visuals the photomontages should accurately illustrate the proposed development. The photomontage should show the development in clear view, not behind existing and or proposed landscaping. The built form and how it sits within the receiving landscape should be clearly shown. For some photomontages viewcones at 50cm viewing distance, 45 degree viewcone may be required where the proposed development is difficult to see due to distance. The photomontage should include a legend and labels to identify the buildings illustrated. This helps members of the public to better understand the development and proposed mitigation.

3.132 Details of how photomontages have been prepared should be provided in the methodology statement. This information shall include details of computer software used, photographic details, terrain data used and modelling methodology. Any limitations of the overall methodology shall be clearly stated. Only Ordinance Survey DTM 5-metre Contour Data should be used to create the 3D computer generated terrain model. The use of 10-metre contour Data

will only be permitted in locations where the 5 meter data is not available. Written confirmation to support this should be submitted.

3.133 Birds eye views and longitudinal cross sections are a preferred format for showing the details of any proposed landscaping.

Viewpoint analysis

3.134 The EIAR should include summary tables for the assessment for each VP of the likely significant effects on the VP. For Landscape and Visual effects, the assessment matrix format illustrated below is preferred.

Table 3 Methodology for Assessing Significance					
Magnitude	Sensitivity				
	<i>Very High</i>	<i>High</i>	<i>Medium</i>	<i>Low</i>	<i>Very Low</i>
Very High	Substantial	Major	Major/ Moderate	Moderate	Moderate/ Minor
High	Major	Major/ Moderate	Moderate	Moderate/ Minor	Minor
Medium	Major/ Moderate	Moderate	Moderate/ Minor	Minor	Minor/ Negligible
Low	Moderate	Moderate/ Minor	Minor	Minor/ Negligible	Negligible
Very Low	Moderate/ Minor	Minor	Minor/ Negligible	Negligible	Negligible/ None

3.135 Additional information may be required if the submitted information does not sufficiently show the range of significant effects of the proposal.

Night lighting

3.136 In chapter 7 of the submitted scoping opinion night lighting has been scoped out. No information has been submitted about the likely visual impacts of lighting on the immediate and long distance landscape. Cumulative impacts in combination with other onshore electric development may result in adverse changes to the night time landscape character and setting. Lighting for safety or security purposes may be unavoidable and may give rise to significant adverse visual effects, in such cases, consideration should be given to different ways of minimising light pollution and reference should be made to appropriate guidance, such as that

provided by the Institution of Lighting Professionals (ILP, 2011). The effect of lighting on landscape should be scoped in.

Cumulative landscape & visual impact (CLVIA)

3.137 The CLVIA should assess the cumulative landscape and visual impacts of the adjacent development site; Berwick Bank OnTW, Neart na Gaoithe OnTW, Torness, Dunbar Energy Recovery Facility and the cement works. If any other OnTW works or larger built developments come forward for scoping and or planning prior to application these should also be included in the CLVIA.

3.138 In addition to the agreed 10 viewpoints, a cumulative viewpoint at grid reference 370322, 675725, North east of West Meikle Pinkerton Farmhouse should be included. Ash die back disease is evident in the woodland, the impacts of which should be taken into account when making the assessment.

Tree survey & arboricultural constraints plan

3.139 In relation to the existing trees and any new trees proposed on or adjacent to the application site, reference should be made to the following documents that are available to download for free from the website <https://www.tdag.org.uk/>; Trees in hard landscapes and Trees in Townscapes.

3.140 In terms of the impact on existing trees on or adjacent to the development site the proposed design layout should comply with ELLDP Policy NH8 and Figure 1 of the British Standard BS5837:2012 Tree in Relation to construction and demolition recommendation.

3.141 All development (above or below ground level) near trees should conform with British Standard BS5837_2012 "Trees in relation to design, demolition and construction ~ Recommendations" sections 4 and 5 and any subsequent revisions" of this standard. East Lothian Council would recommend that reference should be made in particular to section 7 and 8 of BS5837:2012.

3.142 The EIAR should include a plan based on a tree survey showing any trees that are to be removed and proposed replacement or landscape planting.

3.143 **LANDSCAPE PLAN**

3.144 Landscape mitigation for likely direct landscape and visual impacts will be required. A detailed landscape plan will be required when making a planning application. Please refer to the document titled; East Lothian Council Landscape Guidance (supplied separately).

3.145 The masterplan designs for the selected development site should demonstrate strong green links extending from existing shelterbelts, woodlands, riparian zones and hedgerows on or adjacent to the site which would tie in with the aims and objectives of the adopted [Edinburgh](#)

[and Lothians Forestry & Woodland Strategy](#) 2012-17 (currently being updated) and adopted Local Development Plan policies DP1 and DP2, as well as the Council's Green Network Strategy.

Decommissioning & restoration/reinstatement stage

3.146 We require a detailed method statement on the restoration of the landscape.

4 Vulnerability of the development to risks of major accidents and/or disasters

4.124 Torness Nuclear Power Station is close to parts of the project. This remains a very low risk due to the current safety measures in place. Please see advice from East Lothian's Emergency Planning Officer, below.

4.125 The developer should check that the proposed development meets the HSE's land use planning criteria with regard to public protection through use of their Land Use Planning Web App and pre-application advice service. This can be found at <https://pa.hsl.gov.uk/>. The service recommended should be used to check the current position at the time the EIAR is produced for all parts of the project. If the service identifies that a hazardous installation could present a risk to the proposal or otherwise, this should be considered in the EIAR. If the proposal does not present a risk, the EIAR need report only that the service has been used and the issue considered.

4.126 The main risk identified appears to be from accidents which have the potential to cause widespread electrical failure, and the consequences of that. Plans to deal with that are set out in the National Emergency Plan for Downstream Gas and Electricity. The Scoping Report also considers the risk from fire or explosion risk and release of polluting materials, as well as the potential effects of severe weather or collision due to traffic accidents or aircraft, which are considered to be rare. The Scoping Report considers significant effects are unlikely from an unplanned power cut.

4.127 It is agreed that major accidents and hazards can be Scoped Out. However, a summary, based on that in the Scoping Report at section 16 should be included to show the reasoning for this.

5 Cumulative Impacts

5.124 Other projects that should be considered for cumulative and/or in combination effects are Neart na Gaoithe offshore windfarm, and potentially proposed recycling facilities at Oxwellmains (see 20/00001/PAN and 20/00005/PAN).

5.125 There are other potential offshore windfarm sites in the area, which have not yet as far as the Council is aware been offered a connection point, including Marr Bank. These may also

require to be taken into account depending on the stage they are at when application is made. NPF3 expects developers to work together to minimise impacts by combining infrastructure where possible. The EIAR should set out how this has been done.

6 Mitigation

6.124 A description of any measures envisaged preventing, reducing and where possible offset any significant adverse effects on the environment should be given, in particular as noted above. Mitigation measures should be clearly described, and assessed for any environmental effects they may themselves have. The predicted effectiveness of any such measures should be clearly set out, along with an indication of how they will be implemented.

6.125 A schedule of mitigation should be included. This should include reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils at any one time) and regulatory requirements. They should set out the responsibilities of any roles proposed for monitoring such as Ecological Clerk of Works, planning conditions monitoring officer. SEPA has guidance on pollution prevention which should be referred to: [Guidance for Pollution Prevention \(GPPs\)](#)

7 Non-Technical summary

7.124 A summary of the information provided in the EIAR should be given. This should be written in plain English and accurately summarise the main points of the ES. Any significant environmental impacts should be included, along with proposed mitigation.

7.125 The summary should include references to where the full information is contained within the EIAR, to help interested members of the public find more details of any information they are interested in easily.

8 Information gaps

8.124 An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant or appellant in compiling the required information should be given, including any data that has not been available.

9 Information available from government bodies

9.124 Section 19 (5) of the Regulations requires the planning authority and any other body notified under Section 19(1) to enter into consultation with the requestor to determine whether or not they have any information that they consider relevant to the preparation of the Environment Statement.

9.125 East Lothian Council holds a range of information which may be relevant, including details and status of other planning applications which is available at www.eastlothian.gov.uk/Planningonline . Other information includes the location of locally

designated areas such as Conservation Areas, Special Landscape Areas, Local Biodiversity Sites and Local Geodiversity Sites and Local Gardens and Designed Landscapes. The Council also holds information on Historic Environment Records and some bird survey work, which are available on request initially from environment@eastlothian.gov.uk . The Development Plan and Supplementary Planning Guidance documents are on the Council's website at https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12242/local_development_plan/2. The website also has links to other potentially relevant documents such as the Technical Notes produced in support of the plan, Strategic Environmental Assessment, Strategic Flood Risk Assessment and others.

References

East Lothian Local Development Plan 2018, available here:

https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12242/local_development_plan/2

East Lothian Council Supplementary Planning Guidance:

- Countryside and Coast
- Special Landscape Areas
- Green Network Strategy
- Cultural Heritage

All available from here:

https://www.eastlothian.gov.uk/downloads/download/13103/supplementary_planning_guidance_spg

Appendix 1: Advice for the applicant

Advice given for the benefit of the applicant by consultees during the Scoping process is noted below.

Historic Environment Scotland

If the applicant thinks it will not be possible to avoid impacts on a Scheduled monument and that an application for our consent may therefore be necessary, then we advise they seek our advice at an early opportunity.

Any such impacts are likely to require our consent through a process known as Scheduled Monument Consent in addition to any other consents that might be required. You can find out more about Scheduled Monument Consent here: [Scheduled Monument Consent Process | Historic Environment Scotland](#).

Historic Environment Scotland would be happy to engage further with the applicant to ensure adverse impacts on scheduled monuments (SM5849, SM5890 & SM5958) and Dunbar II battlefield (BTL17) are avoided. This should reduce the risk of an application for our consent being refused or us objecting to a planning application because of the potential for adverse impacts on a scheduled monument.

Historic Environment Scotland advise you to contact them if you have any questions. They have provided the name of the relevant officer which is available on request.

Scottish Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

▶ www.sisplan.co.uk

According to our records, the development proposals impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

East Lothian Council – Emergency Planning

The employers, H&S teams must be made aware of the ELC Torness Emergency Response plan and the protective measures that any person within a 3km radius of Torness Nuclear Power station should complete in the event of an unlikely radiation incident. Employers must liaise with ELC re this matter.

East Lothian Council must be contacted if any work is undertaken within a 3km radius of Torness Nuclear Power Station, including vessels landing within this area, known as the Detailed Emergency Planning Zone (DEPZ). The following website contains the nuclear information the contractor should be made aware of: <http://www.onr.org.uk/reppir-2019-update.htm>

East Lothian Council – Landscape

Tree survey

If development is encroaching on the root protection area of a tree to be retained on site, a report from an arboricultural consultant to assess the acceptability of whether encroaching into the tree root protection area would be deleterious to the health, vigour and structure of the tree. We will require a tree survey and arboricultural constraints plan with the location of temporary protective fencing clearly shown including dimensions from a known fixed point to help with setting out on site. This plan drawing is to be clearly illustrated with the aid of a colour coded key.

We require that the tree survey information is submitted in shape file format (.shp file extension), a copy of which is to be emailed to landscape@eastlothian.gov.uk so it may be loaded onto the Council's GIS.

The tree survey information is to be overlaid onto the proposed development layout (all tree tag numbers are to be shown). Any tree that is recommended for removal must meet the terms of ELLDP Policy NH8. We will require mitigation planting for any tree removed in accordance with that policy and the Control of Woodland Removal Policy. This is to be clearly shown on a scaled plan with a colour coded key.

The project engineers are to be made aware of the existence of a tree survey at the earliest stage in the design process. Where there is a likely adverse impact on trees due to development of cable routes, cable wayleave routes, roads, paths, junctions etc. we require that the tree constraints plan information is shown on the engineering layout. The required temporary protective fencing (with setting out dimensions) is to be shown on this drawing and the arborist is to prepare a construction method statement (CMS) in conjunction with the advice of the project roads engineer in order to minimise incursions into the RPA of the trees.

All proposed tree management works required to facilitate the development must be agreed in writing with the Planning Authority and to comply with the British Standard 3998: 2010 "Tree work ~ Recommendations".

Adopted Local Development policy NH8 Trees and Development applies (see below)

Policy NH8: Trees and Development

There is a strong presumption in favour of protecting East Lothian's woodland resources. Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or
(ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.

East Lothian Council – Planning

East Lothian's Supplementary Planning Guidance can be found by following the links from here: https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12242/local_development_plan/5

Relevant to this proposal are:

Countryside and Coast SPG

Cultural Heritage and the Built Environment SPG

Green Network Strategy SPG

Special Landscape Areas (Parts 1 – 3) SPG

Sustainable Drainage Systems (SuDS) SPG

Network Rail

Network Rail requested the following condition is attached to any future consent:

1. No construction work will commence until a construction method statement, which includes plant details and location, is submitted to the council and agreed in conjunction with Network Rail's Asset Protection Engineers.

Reasons: *To ensure construction can be carried out without adversely affecting the safety of, or encroaching upon, the operational railway.*

The following should also be included as advisory notes:

Under-Track

A wayleave agreement will need to be granted prior to the works commencing and will need to be applied for via our clearance process via Easements&wayleaves@networkrail.co.uk. The under-track crossing will need to be designed to our current design standards and requirements including limits on the maximum settlement of the soil and specific distances from our overhead electrified infrastructure; all elements of which are considered live at 25kv. Please note it is also likely that track monitoring will be required for the under-track crossing and the cost of this will need to be covered by the developer.

Access

All existing Network Rail access points are to be maintained and no facilities or plant should be positioned to as to block access for maintenance.

Construction

Details of plant locations and movements in and around the landfall compound are to be included in a construction method statement submitted to Network Rail's Asset Protection Engineer's. Where any part of any plant could fall within 4m of Network Rail's boundary, design and independent check details of the working platforms will be required to be reviewed by Asset Protection.

Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

Our Asset Protection Engineers can be contacted regarding the above matters, on the details below:

Network Rail Asset Protection Engineer

151 St. Vincent Street, GLASGOW, G2 5NW

Tel: 0141 555 4352

E-mail: AssetProtectionScotland@networkrail.co.uk