

Planning & Environment Reception
East Lothian Council
John Muir House
Brewery Park
HADDINGTON
East Lothian
EH41 3HA

FAO Keith Dingwall

28 July 2015

Dear Mr Dingwall,

APPLICATION UNDER SECTION 42 OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) FOR AMENDMENT OF CONDITIONS 4, 7, 8, 9, 10, 11, 12, AND 15 OF PLANNING PERMISSION REFERENCE 12/00922/PM TO ALLOW PHASED DEVELOPMENT WORKS, IN RESPECT OF THE FORMATION OF ONSHORE ELECTRICAL TRANSMISSION INFRASTRUCTURE BETWEEN THORNTONLOCH AND CRYSTAL RIG II

Please find enclosed a planning application under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended), to allow phased development works in respect of the onshore infrastructure associated with the Neart Na Gaoithe Offshore Wind Farm.

The application proposes amendments to a number of conditions (numbers 4, 7-12 inclusive and 15) of planning permission reference 12/00922/PM, dated 18 June 2013 ('the planning permission'), for "*Formation of onshore electrical transmission infrastructure between Thorntonloch and Crystal Rig II, comprising 12.3km of buried cable and new substation at Crystal Rig II*", at land between Thorntonloch and Crystal Rig Wind Farm, Dunbar, East Lothian.

The content of this application and specific proposed alternative wording of a number of conditions has been discussed with representatives of East Lothian Council's Planning & Environment department.

Background

In 2009 Neart Na Gaoithe Offshore Wind Farm Limited ("the Applicant") was awarded by The Crown Estate the exclusive right to develop the Neart na Gaoithe Offshore Wind Farm in Scottish territorial waters. With a capacity of 450MW, the project is located in the outer Firth of Forth, approximately 29km north of Torness. The Applicant secured its offshore consents in October 2014, whilst the planning permission relates to proposed onshore infrastructure, namely a new substation and 12.3km of underground cabling and associated works.

Subsequent to securing its offshore consents, the Applicant was awarded a 15-year Contract for Difference (CfD), the only offshore wind farm off Scotland's coast, and one of only two in the UK, to be awarded a CfD. With offshore wind a key element of the Scottish Government's energy policy and strategy, the award of the CfD is acknowledgement of the crucial role that Neart na Gaoithe Offshore Wind Farm will perform in helping to secure energy supply for both Scotland and the UK.

In order to deliver an already challenging development programme required by the CfD award, the Applicant is required to commence development works in early-2016. The Applicant recognises that a series of conditions attached to the planning permission have to be 'discharged' by East Lothian Council, prior to the commencement of development works. A number of these conditions require extensive surveys to be carried out, which requires access to the relevant land. A significant extent of the land involved has already been surveyed and in other areas the Applicant has reached agreement with landowners to undertake surveys in the near future.

The Applicant determined that it was not appropriate to pursue access to the remaining area for the purpose of surveys as this area was the subject of an application for compulsory purchase powers. Although on 26 June 2015 the Scottish Ministers confirmed the compulsory purchase order in respect of this area, this will not ensure access for surveys in a timeframe that is consistent with the current programme for discharging the conditions. In the absence of access to this remaining area for the purpose of undertaking survey work required by the conditions, the Applicant is required to undertake a phased approach to onshore development works in order meet the challenging development and construction programme.

As such, the Applicant proposes, via this Section 42 application, the amendment of a number of conditions attached to the planning permission to facilitate a phased approach to construction works.

Proposed Amendments

The proposed approach focusses upon delineation of the site into three distinct areas:

- Area S – within which the proposed new substation will be located, where the commencement of initial development works in early-2016 is a priority and where surveys have commenced;
- Area A – the majority of the proposed cable route, which is likely to form part of an initial phase of development works and where surveys have commenced; and
- Area B – the remaining part of the cable route, which is likely to form part of a second phase of development works and where surveys have not yet commenced.

These Areas are illustrated on drawing reference '*Neart na Gaoithe Onshore Infrastructure – Planning Conditions: Illustration of Areas A, B and S'* (Revision C) , to which it is requested that reference is made on the decision letter in the event of the application being approved. In doing so, it is also requested that modification of the drawing is allowed, in agreement with East Lothian Council, to enable amendment of the extents of Areas A and B within the site boundary, as may be required to reflect the extent of ongoing survey work. Wording to address the proposed amendments is included within the enclosed documentation.

The proposed amendment of conditions 4, 7, 9, 11, 12 and 15 allows for the potential phased submission of the details required in respect of each condition, and thereafter the associated phased commencement of development works. The approach would enable relevant details to be submitted and agreed in relation to Areas A and S, with development works thereon commencing thereafter, prior to such details having been submitted and agreed in respect of Area B. In such instances, development works would not commence within Area B without such details as required by each condition having been submitted to and agreed with East Lothian Council in relation to Area B.

Proposed amendments of conditions 8 and 10 reflect those conditions relating specifically to the proposed substation area, namely Area S.

For the avoidance of doubt, the proposed amendments to the conditions relate exclusively to the phasing of development works. The Applicant proposes no amendment to the scope of information to be provided in discharging the conditions or to the development works. No development work would commence within any specific area without the requirement of all relevant conditions, as those details relate to the area in question, first having been discharged.

Planning Application Documentation

Please find enclosed the following documentation which comprises this planning application:

- Duly completed planning application form and land ownership certificate;
- Site Location Plan;
- Proposed Amendments to Conditions document ('track changes' and 'clean' versions provided);
- Drawing '*Neart na Gaoithe Onshore Infrastructure – Planning Conditions: Illustration of Areas A, B and S*' (Revision C), showing Areas A, B and S, as referenced within the proposed amendments to the conditions; and
- A payment of £202.00 has been made electronically and confirmation reference details will be provided as required.

I trust the enclosures are in order and look forward to receiving your receipt of the application at your earliest opportunity. Should you have any queries or require any additional information please do not hesitate to contact me.

Yours faithfully,



Rosie Scurr
Environment Manager
Neart na Gaoithe Offshore Wind Ltd

