

Firth of Forth Offshore Wind Farm Phase 1 (Onshore Infrastructure Works) Compulsory Purchase Order 2019

Statement of Reasons for making the Order

1 EXECUTIVE SUMMARY

1.1 This Statement of Reasons has been prepared by Seagreen Alpha Wind Energy Limited (“SAWEL”), to explain the reasons and justification for making the Firth of Forth Offshore Wind Farm Phase 1 (Onshore Infrastructure Works) Compulsory Purchase Order 2019 (“the Order”).

1.2 The Order is made under the provisions of the Electricity Act 1989 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and is required to facilitate the construction and operation of onshore transmission infrastructure to connect the electricity generated by up to 150 offshore wind turbines in the Firth of Forth to the existing Scottish Hydro Electric Transmission plc (“SHET”) substation at Tealing.

1.3 The Order is sought to acquire the land and rights over land necessary to deliver the following onshore transmission infrastructure:

- The shore end export cables;
- The transition joint bays (where the offshore cables are joined to the onshore cables);
- The onshore cables, associated apparatus and jointing bays;
- A new substation adjacent to the existing SHET substation at Tealing; and
- Associated vehicular accesses and temporary and permanent ancillary works, including construction compounds;
- A new permanent access road to the new substation.

1.4 Section 36 consents and Marine licences for Seagreen Alpha Wind Farm and Seagreen Bravo Wind Farm were granted on 10 October 2014. Applications to vary the s.36 Consents to remove the maximum installed capacity and revised marine licences were granted on 28 August 2018. As described below the entire project (comprising both consents/licences) will now be taken forward by SAWEL.

1.5 Planning Permission in Principle (“PPP”) was granted for the onshore transmission infrastructure on 5 January 2017. There is a compelling case in the public interest for confirmation of the Order as a means of enabling the first phase of the Firth of Forth Offshore Wind Farm which; having an anticipated generating capacity of 1,075MW will in itself make a significant contribution to the achievement of the Scottish Government’s carbon reduction and renewable energy policy targets. Furthermore, as the first phase of the wider Round 3 Zone 2 Firth of Forth Zone, it will play a crucial role in the delivery of up to 3,500 MW of renewable energy.

2 INTRODUCTION

2.1 This is the Statement of Reasons of SAWEL for the Firth of Forth Offshore Wind Farm Phase 1

(Onshore Infrastructure Works) Compulsory Purchase Order 2019 (“the Order”). The Order is made under the provisions of the Electricity Act 1989 and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 in order to acquire land and rights over land (including the creation of new rights) for the purpose of surveying, constructing, installing, maintaining, repairing, replacing and operating electricity transmission infrastructure between a landfall point at Carnoustie and a proposed new substation site adjacent to the existing substation site at Tealing (“the Scheme”). These works form the onshore elements of Phase 1 of the proposed Firth of Forth Offshore Wind Farm (“the Project”) and are necessary to connect the electricity generated by up to 150 offshore wind turbines in the Firth of Forth having an anticipated generating capacity of 1,075MW to the existing 275/132kV SHET Substation at Tealing, Angus.

2.2 This Statement of Reasons:

- (a) sets out the background against which the Order is made, and provides a description of the wider Firth of Forth project;
- (b) describes the Order lands and rights;
- (c) provides a statement of the statutory authority for the proposed acquisition of land and rights by SAWEL;
- (d) explains the need for Phase 1 of the Firth of Forth Project;
- (e) describes the proposals for the development and use of the Order land;
- (f) sets out the policy background to the making of the Order;
- (g) explains the relationship between the Order and the Human Rights Act 1998;
- (h) considers alternatives to compulsory acquisition and sets out Seagreen’s justification for making the Order;
- (i) refers to special categories of land;
- (j) considers the views of Government departments;
- (k) describes the nature of related consent/applications which will be required for the Scheme;
- (l) describes the case for acquisition of individual interests and rights and explains Seagreen’s engagement with affected landowners and third parties;
- (m) outlines potential barriers to implementation; and
- (n) considers the funding and financial implications of the Scheme.

2.3 The Order will be submitted to the Scottish Ministers for confirmation.

3 BACKGROUND TO THE ORDER: THE FIRTH OF FORTH OFFSHORE WIND FARM PROJECT

- 3.1 Seagreen Wind Energy Limited (“SWEL”) is a wholly owned subsidiary of SSE Renewables Developments (UK) Limited. SAWEL and SBWEL are wholly owned subsidiaries of SWEL. All companies are collectively referred to in this statement of reasons as “Seagreen”, which reflects the fact that the project is coordinated as a single scheme.
- 3.2 In December 2009 Seagreen was awarded exclusive development rights by The Crown Estate (“TCE”) to the Round 3 Zone 2 Firth of Forth offshore wind farm. The target generating capacity of the Firth of Forth Zone is 3,500 MW. This makes Firth of Forth offshore wind farm the largest renewable energy project in Scotland.
- 3.3 Seagreen intends to develop the Firth of Forth Zone in phases. Three phases of development are planned. Phase 1 comprises two offshore wind farms, Seagreen Alpha and Seagreen Bravo which are together comprised within Project Seagreen. This phase of the project (for brevity hereinafter “the Project”) has a target generating capacity of 1075MW.
- 3.4 SAWEL will be the owner and operator of the wind farms once constructed. SAWEL holds a generation licence issued on 19 March 2012 under the Electricity Act 1989¹ (Documents 1 and 2). That licence confers on SAWEL the powers and rights contained in Schedule 3 to the Electricity Act 1989, i.e. the power of compulsory acquisition of land and rights in land.
- 3.5 In October 2012 SAWEL and SBWEL submitted section 36 consent and associated marine licence applications to the Marine Scotland Licensing Operations Team (“MS-LOT”) for Seagreen Alpha and Seagreen Bravo respectively. A joint marine licence application in the names of SAWEL and SBWEL was also submitted to consent the offshore transmission infrastructure, including offshore platforms and the offshore export cables. This application covers works up to mean high water springs (“MHWS”). The s.36 consents and marine licences were granted on 10 October 2014. Applications to vary the section 36 Consents to remove the maximum installed capacity were granted on 28 August 2018 (Document number 3). Revised marine licences were issued on 28 August 2018 (Document numbers 5 and 6).
- 3.6 SBWEL is currently in the process of assigning the s.36 Consents and marine licences, together with various other contracts connected with the first phase of the Firth of Forth Offshore Wind Farm, to SAWEL. SWEL has co-ordinated the Project being delivered through the two subsidiary companies. Following a recent review it was decided to take forward both the projects currently referred to as Seagreen Alpha and Seagreen Bravo under one subsidiary company. In anticipation of the assignments being granted, SAWEL is therefore the company promoting the Order. It is anticipated that the company structure will be kept under further review, but this is not expected to have any impact on delivery of the Scheme or the purpose for which compulsory powers are being exercised.
- 3.7 An application for PPP for the Scheme, which covers works down to MLWS, was submitted to Angus Council as local planning authority under the Town and Country Planning (Scotland)

¹ Documents 1 and 2

Act 1997 (“1997 Act”) on 22 July 2016. The applicant sought permission for development comprising 19km of underground electricity transmission cables, a new substation/convertor station at Tealing and formation of associated vehicular access and temporary and permanent ancillary works, including construction compounds. The permission was granted by the council subject to 18 conditions. The decision notice (Ref. 16/00520/EIAN) was issued on 5 January 2017.

Offshore Transmission Licence Holder (OFTO)

- 3.8 Once the Project is commissioned and fully operational Ofgem will appoint an offshore transmission owner (OFTO) to own and operate the electricity apparatus within the Scheme in accordance with The Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations 2015 (Document 9)
- 3.9 The grid transmission infrastructure to be constructed will serve both wind farms, Seagreen Alpha and Seagreen Bravo.
- 3.10 Two transmission technologies have been considered by Seagreen: HVDC and HVAC. A harmonics analysis has been carried out as a preliminary step in the technology choice process, and shown that HVAC is viable, so HVAC is now the preferred option. A connection agreement has been signed for an HVAC solution.
- 3.11 Section 4 of the Electricity Act 1989 prohibits a person from carrying out electricity transmission activities without a licence. Section 6C of the Electricity Act 1989 and the Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations 2013 (“The Tender Regulations”) prescribe the procedure for the granting of offshore transmission licences.
- 3.12 A person to whom an offshore transmission licence is granted must be certified as being independent pursuant to section 10A of the Electricity Act 1989 before that licence is granted. Following the construction phase Seagreen cannot be the transmission licence holder in respect of the transmission assets which include the onshore export cables and onshore substation due to these independence requirements.
- 3.13 An offshore transmission licence owner (OFTO) will ultimately take ownership of and responsibility for the transmission assets from the time the offshore transmission licence is granted. The OFTO will be selected by Ofgem through a competitive tendering exercise and not by Seagreen. The identity of the OFTO therefore cannot be established until that process has been undertaken. Once the OFTO has been selected Seagreen will enter into asset transfer agreements with the OFTO to transfer the transmission infrastructure including the onshore works to which the Order relates.
- 3.14 Seagreen have confirmed to National Grid and SSE Networks (SSEN) that they intend to use the “generator build” option for delivery of the transmission infrastructure. That means that Seagreen will retain responsibility for the consenting and construction of the transmission infrastructure. Transfer to the OFTO will occur once the transmission infrastructure has been fully commissioned.

4 DESCRIPTION OF ORDER LAND

- 4.1 This section of the Statement of Reasons describes the land required by SAWEL and identifies the existing nature and use of the land.
- 4.2 The Scheme (more particularly described at Section 9 below) comprises a landfall point at Carnoustie, an export cable corridor approximately 19km in length from mean low water springs ("MLWS") in which the electricity transmission cables will be located, and a new substation (including construction of a car park, internal roads, plant, building to house electrical equipment, control building, lighting, fencing and drainage) adjacent to the existing substation at Tealing ("the Order Land"). The Scheme includes ancillary development including transition bays between the offshore and onshore cables, joint bays, construction compounds and lay down areas, access tracks and junctions to the public road network.
- 4.3 Details of known interests and rights to be acquired are listed in the Schedule to the Order, which has been prepared based upon information gathered including through searching and reviewing the Land Register of Scotland/title documents, site visits and discussions with landowners. There are two private landowners and one Electricity Act licence holder from whom land will be acquired and around thirty private land owners (or groups of owners) who will have servitude rights created over their land. There are also a number of statutory undertakers (including Network Rail) with landholdings/apparatus within the Order Land. The route passes through land owned by a local authority, Angus Council, and land held by the Secretary of State for Defence. A number of public roads are crossed although these are to be the subject of separate applications under specific legislation (e.g. the New Roads and Street Works Act 1991).
- 4.4 The Land use on and immediately adjacent to the foreshore is recreational including part of the Buddon Links Golf Course and the public links. From landfall the route generally follows a track along the southern boundary of the golf course for approximately 1.5km. The route then runs northwest through Ministry of Defence land to the crossing of the East Coast Main Line west of Barry Links station. Following the rail crossing the cable route runs directly north through mostly agricultural land as far as the A930. The route runs west for 2.5km following the A930 then north for 2.5km crossing the A92 to the east of the Ardestie interchange. The route then continues to run through agricultural land for approximately 2.5km before heading northwest for approximately 2km, avoiding Murroes Village. The route then passes to the west of Kellas village, running north for 1km then west for 3.5km. The route then passes under the A90 and continues northwest for another 2km to the substation site at Tealing.
- 4.5 Cables will be installed under the rail line and major roads (A90, A92 and A930) using Horizontal Directional Drilling or similar trenchless techniques ("HDD") and no disturbance of the use of the line or roads should be caused. Similarly HDD will be used to cross certain watercourses (Tealing, Murroes and Barry Burn). The majority of the Order Land will necessitate only temporary works and will be returned to its existing use once the cables have been installed, subject to residual rights of access for e.g. maintenance. The main exception to this is the substation land (Plots 38a, 40b, 41b and 43a) which will be required permanently. These plots form part of the

former Tealing airfield and are partly used for agriculture but, for the most part, is uncultivated. A small area of land along the route of the cables will have restrictions on use for the safeguarding of the cables and occupiers, but this should not prevent normal agricultural use. Certain small areas of land, particularly at cable joints, and generally of no more than 10m x 5m x 2m will require the installation of plant and associated structures for access and protection that will result in the area becoming unusable; as discussed below Seagreen intends to work with landowners to minimise the impact of these areas.

5 EXPLANATION OF THE USE OF ENABLING POWERS

5.1 Powers of compulsory acquisition are available to the holders of generation licences, subject to confirmation from the Scottish Ministers, by virtue of section 10 and schedule 3 of the Electricity Act 1989.

5.2 SAWEL have been issued with a generation licence which is subject to Standard Condition 14. Standard Condition 14.2 provides:-

“The powers and rights conferred by or under the provisions of Schedule 3 to the Act (Compulsory Acquisition of Land etc. by Licence Holders) shall have effect in relation to the licensee to enable the licensee to carry on the activities authorised by this licence and which relate to:

(a) the construction or extension of a generating station;

(b) the operation of a generating station; and/or

(c) the installation, inspection, maintenance, adjustment, repair, alteration, replacement or removal of electric lines, and electrical plant associated with them, and any structures for housing or coverings such lines or plant, connecting a generating station with:

(i) the national electricity transmission system; or

(ii) a distribution system,

including, for the avoidance of doubt, whether these activities in sub-paragraph (c) are to be carried out by the licensee or another licence holder.

5.3 The scheme is necessary to connect the offshore generating system to the authorised Grid connection point at Tealing and is accordingly within the activities set out in Condition 14.2(c).

5.4 OFGEM guidance² (Document 10) confirms that the powers contained in Standard Condition 14 allow the holder of a generation licence to compulsorily acquire land and rights needed for the construction of the onshore transmission assets required for an offshore wind farm. The Scottish Ministers have confirmed the use of such powers on other offshore wind projects; for

² Offshore Transmission Coordination Project Conclusions Report (March 2012)

example the Neart Na Gaoithe Offshore Wind Farm (Onshore Works) Compulsory Purchase Order 2013 was confirmed by the Scottish Ministers on 26 June 2015.

- 5.5 Section 10 and paragraph 1 of Schedule 3 to the 1989 Act gives SAWEL power to compulsorily acquire not only land, but also rights in land, required for any purpose connected with the carrying on of the activities which they are authorised by their generation licence to carry on. The authorised purpose will include any use ancillary or incidental thereto and the creation and use of compounds, accesses and other ancillary rights is sought in order to enable the installation, maintenance and renewal of the cables. This power also enables SAWEL to acquire land required for the construction and operation of the substation to connect to the national electricity transmission system.
- 5.6 In making this Order Seagreen has taken full account of the aforementioned OFGEM guidance, Scottish Government Circular 6/2011, its duties under the 1989 Act and all other relevant laws and guidance and have been mindful of the requirement to use the most specific compulsory acquisition power available to it (paragraph 19, Circular 6/2011). Seagreen accordingly considers that the power contained within section 10 and Schedule 3 of the 1989 Act is the most appropriate. Further details of the alternative powers considered are given in paragraph 8 below.

6 THE PURPOSE OF THE ORDER AND THE NEED FOR CPO

The purpose of the Order

- 6.1 The central aim of the UK Government's energy policy is to establish a portfolio of energy supplies that is diverse, sustainable and secure and is offered at competitive prices. Underpinning this policy goal is a commitment to reduction of greenhouse gas emissions (GHG) by 80% by 2050. The development of renewable energy plays a fundamental role in UK Government strategy for delivering reduced emissions. This is reflected in the fact that the proportion of electricity generated from renewables increased from 12% in 2012 to 30% in 2017.
- 6.2 The Scottish Government has gone much further than any other European Union country in support of renewable energy and committed to generating an equivalent of 100% of electricity demand from renewable sources by 2020. Furthermore, the Scottish Government has made legally binding commitments through the Climate Change (Scotland) Act 2009, which sets a GHG target for a reduction of 80% from 1990 levels by the year 2050. In 2018 Scotland published its third Climate Change Plan, setting out proposals and policies to lower emissions by 66% by 2032. On 28 April 2019 the First Minister declared there is a climate emergency. A Climate Change Bill is going through the Scottish Parliament. Following the declaration of the climate emergency the Scottish Government has indicated its intent to amend the Bill to adopt the Committee on Climate Change (CCC)'s target of net-zero greenhouse gas emissions by 2045, and increase the staged targets for 2030 and 2040.
- 6.3 The Project (of which the scheme associated with the Order forms an essential component) will add to the mix of low carbon energy sources and, having an anticipated generating capacity

of 1,075MW will, in itself, make a significant contribution to the achievement of the Scottish Government's carbon reduction and renewable energy policy targets. Furthermore, the Phase 1 Project, as the first phase of the wider Firth of Forth Zone, will play a crucial role in the delivery of up to 3,500 MW of renewable energy.

- 6.4 There is a compelling case in the public interest for confirmation of the Order as a means of enabling the Phase 1 Project which would make a significant contribution towards the achievement of the Government's economic and environmental goals.

Cable Route Selection- Overarching Considerations

- 6.5 The onshore cable corridor has been subject to investigation and analysis. Overarching considerations are set out below.

Technical Constraints: Grid connection location/landfall points

- 6.6 Determining suitable grid connection points is ultimately the responsibility of National Grid Electricity Transmission plc ("NGET") on receipt of the developer's grid connection application. NGET assesses potential grid connection points against certain criteria, including cost efficiency, technical (including environmental) and operational opportunities / constraints and consenting risk. Following these assessments, NGET selected the existing 275kV substation at Tealing as the most suitable location for connecting the Project to the grid. Offers were made to Seagreen on 21st April 2010. Seagreen subsequently accepted these offers in August 2010 with an agreed connection date of 22nd June 2015. Following this, in January 2018 a revised connection date of October 2022 was agreed. Seagreen is looking at opportunities to accelerate that date.

Technical Constraints: Substation site selection

- 6.7 Once NGET had identified the grid connection point at Tealing, Seagreen undertook a site selection exercise to consider the substation technical requirements and the identified environmental constraints to determine the preferred site. The site selection process also included consultation with a range of stakeholders, including Angus Council, Scottish Environmental Protection Agency ("SEPA"), Scottish Natural Heritage (SNH), the local Community Council and SSE Networks, the operator of the existing substation at Tealing.

- 6.8 Based on the substation technical requirements four potential substation sites were identified in the immediate vicinity of the existing Tealing Substation. The final site selection was informed by an assessment of environmental constraints. The preferred site, located on the former Tealing Airfield immediately to the east of the existing substation, was selected on the basis of:

- access availability to substation site;
- sufficient area for HVAC electrical solution;
- Sufficient area for additional bays within the SHET substation;
- existing natural screening due to the lay of the land; and

- potential screening provided by the existing Tealing Substation.
- 6.9 It was considered that, while there were constraints present on the preferred site, the potential impacts that may arise from locating the proposed substation there were less than on other sites and such impacts could be mitigated.
- 6.10 Following further engineering work an outline alignment of the cable route has been finalised and the main access to the site has been identified. Further refinement of the cable route and alignment will be made upon receipt of site survey information and detailed design. A location for the temporary construction compound has been identified.

Technical Constraints: Landfall location

- 6.11 A landfall point must provide sufficient accessibility to allow for installation of the cable transition pits at landfall and to allow the offshore cables to be brought ashore. This includes providing sufficient accessibility for necessary plant and machinery needed for these works.
- 6.12 The physical environment of possible landfall locations is also critical and any location must be capable of accommodating the offshore cables. Areas of hard bedrock are not preferred for cable landing as they provide little or no protection to the cables leaving them vulnerable to being damaged.
- 6.13 Marine/ land use and environmental considerations (including designated sites) are also relevant to the choice of landfall location. Areas which are heavily used by other sea users should be avoided if possible. Impacts on sites designated for environmental considerations should be minimised.
- 6.14 Initially five possible landfall locations were identified on the Angus coast. Following preliminary assessment potential locations at Arbroath, East Haven and Carnoustie were taken forward for detailed consideration.

Arbroath

- 6.15 After initial consideration of the key constraints the initial landfall search area at Arbroath was refined down to a potential landfall point in the vicinity of Hatton Waste Water Treatment Works south of Arbroath Golf Course. However a number of construction access difficulties were identified. Following geophysical surveys of the potential offshore cable corridor a subsea rock platform was identified in the nearshore area, extending to a distance of approximately 3.5km offshore. Standard cable burial techniques were not considered feasible due to the presence of the rock. This would present significant challenges in achieving the desired level of cable protection in the high energy, near shore area. Alternative cable burial methods, such as rock placement or mechanical rock trenching, were considered technically risky and presenting an unacceptable consent risk. Use of horizontal directional drilling (“HDD”) to install the export cables beneath the rock platform in the nearshore area was also considered

but the distance required to be drilled presented significant technical risks and challenges. The potential extent of disturbance to the sensitive dune habitat was considered a significant further consent risk.

- 6.16 Further onshore constraints were identified, such as other proposed developments introducing further consenting risk. Due to the number and nature of issues associated with the Arbroath route, particularly the lack of appropriate methods for the construction works required offshore, presented significant difficulties. The route was also the longest considered during the onshore route planning process. For these reasons the Applicants determined to exclude the Arbroath route option from further consideration.

East Haven

- 6.17 Engineering investigations established the likely presence of shallow and exposed bedrock at landfall and extending up to 3km offshore from East Haven. This is a major constraint to achieving the necessary cable burial and protection. It has also been confirmed by Network Rail that no acceptable, safe and viable access for construction vehicles and equipment to cross the East Coast Main Line (ECML) railway currently exists at East Haven. Further, the use of HDD to pass the export cables beneath the ECML was considered unacceptable due to likely impacts on local residents from the proximity of construction plant. The East Haven landfall option was therefore considered to be unviable and it was not considered further.

Carnoustie

- 6.18 Following detailed investigations, it was determined that, although there were some constraints associated with the Carnoustie landfall and cable route option, through careful design and mitigation these could all be overcome. The absence of any visible rock and good sand cover across the whole length of the beach at Carnoustie suggested that standard cable installation methods would be able to be used for installation of cables. Offshore geophysical survey results subsequently confirmed shallow water depths on the approach to the Carnoustie landfall with the 10m depth contour located approximately 3km offshore and that the seabed has a smooth gradient. The smooth gradients and presence of soft sediments and sands on the seabed mean the use of common burial tools such as a cable plough or jetting lance are suitable for installation to achieve cable burial with no need for additional protection of the cable. Although working within the intertidal area would be partly restricted by tidal conditions this was not considered to be a significant constraint and access is satisfactory onshore and is acceptable offshore. Initial Engineering studies suggested that HDD was a construction method which could be used to pass the export cables beneath the coastal defence system protecting the shoreline at Carnoustie Golf Course. As part of the detailed assessment and design work, Seagreen are exploring alternative construction method options along with HDD. The route is close to the Defence Infrastructure Organisation ("DIO") danger area but through consultation it was agreed that the issues could be mitigated and made acceptable through the implementation of an operating procedure and protocol.
- 6.19 Careful routing of the export cables and use of appropriate mitigation measures will ensure no significant impacts upon terrestrial ecology locally, particularly on designated sites.

- 6.20 It was accordingly determined that the Carnoustie landfall location presented the most favourable conditions and fewest constraints, all of which could be overcome through careful design and mitigation. This option for the export cables was therefore selected for the Project.
- 6.21 As outlined at 6.18, Seagreen are undertaking a detailed assessment and design for HDD at landfall whilst also looking at an alternative construction method. This alternative method is a trenched solution through the coastal defence system which would involve removing a section of the existing rock revetment system, installing ducts followed by reinstating with an improved coastal defence system consisting of a two-layer solution. This method is currently unconsented and Seagreen is in the process of submitting applications to seek the relevant consents for this proposed construction method.
- 6.22 Discussions have taken place with Carnoustie Golf Links Management Committee to discuss the preferred cable route alignment and installation methods at landfall and inland across the golf course. Discussions have also taken place with the MoD/DIO to seek agreement on the preferred cable route alignment and installation method, including details of crossings of access roads and use of temporary access roads for construction. Access across the ECML level crossing has been agreed in principle with Network Rail, outwith the scope of the Order. Detailed HDD design and installation methodology across the ECML for the cable route alignment has still to be agreed with Network Rail.

Technical Constraints: Selection of Construction Compound locations

- 6.23 Potential construction compound locations were identified from broad search areas between the landfall location and the substation site at Tealing. The construction compounds are required to service the onshore cable route installation activities as well as the substation site. Assessment of the size and number of compounds along the route was carried out based on consideration of the cable installation and substation construction works including cable length and specifications, calculation of the potential size and number of cable drums and vehicle and equipment requirements. This assessment assumed that all drilling rigs, cable pulling winches and associated equipment would be delivered to, stored and used at working locations only within separate HDD compound areas.
- 6.24 The initial assessment of areas along the route which were potentially suitable to accommodate the construction compounds was then carried out based on factors including but not limited to access, health and safety, environmental factors, ground conditions and land use.
- 6.25 From the initial broad search areas, five potential sites for locating the necessary construction compounds were identified. These were included as indicative locations with the ES submitted with PPP and comprised:-
- a landfall construction compound close to the cable landing point south of Carnoustie (a potential alternative laydown or storage area was also identified close to the beach for the equipment required during the landfall works);

- a main compound and two further satellite compounds distributed along the cable route; and
- a substation construction compound.

6.26 Initial assessment identified a potential requirement for a further satellite compound on the east side of the A90 however was not included as a location within the ES. However, following discussions with Transport Scotland / Bear Scotland they have advised that construction traffic would not be permitted to cross the A90. As a result this compound location has been included within the Order bringing the total to six. This will reduce traffic movements on the A90 and local road network. While a full compound was not required at the alternative site mentioned at 6.24 above, rights including to set down vehicles, plant and machinery and provide temporary welfare accommodation during the construction period have been identified as necessary.

Cable Route Selection

6.27 PPP for the onshore transmission infrastructure was granted on 5 January 2017. While Seagreen has a high level of confidence in the overall design of the onshore transmission infrastructure in terms of land take, the PPP was granted on a realistic basis, to ensure sufficient land was available to allow the detailed design of the onshore infrastructure to be finalised and approved by way of matters specified by condition once the choice of transmission technology (High Voltage Alternating Current- “HVAC” or High Voltage Direct Current- “HVDC”) had been confirmed. HVAC has now been confirmed and Seagreen are undertaking detailed assessment and design on that basis. As with any project of this scale, evolving assessment and design may result in planning permission being sought in limited additional areas, but no significant alteration of the cable route is anticipated. For example, additional areas may be sought to minimise disruption where it is intended to cross statutory undertakers’ apparatus.

Visual Impacts

6.28 The most technically straightforward means of connecting between the landfall point at Carnoustie and the grid connection point at Tealing would be via overhead lines; either on steel lattice towers (i.e. pylons) or wooden poles. However, due to the potential for adverse landscape and visual impacts this option was discounted very early in the process. A buried cable is considered to be the most appropriate option as it will result in the least practical inconvenience in the long term, allowing the land to be returned to agricultural use. However, installation of underground cabling necessitates considerable engineering works and thus the compulsory purchase of sufficient land and rights to accommodate and undertake them.

Avoidance of sensitive habitats/designated areas

6.29 The cable route/corridor has been designed to avoid, so far as reasonably possible, impact on trees, hedgerows, watercourses and other environmental constraints, by maintaining suitable clearances from any environmentally sensitive features. Further detail is contained in Chapter 9 of the Environmental Statement submitted for the PPP application (Document 11).

Site Specific Constraints

- 6.30 In order to minimise land take so far as possible, Seagreen sought to identify the most direct route between the connection point at Tealing and the most technically feasible/appropriate landfall point at Carnoustie. However, site specific constraints had to be taken into account and necessary adjustments made.

Railway/Roads/Watercourses

- 6.31 The cable route has been chosen to minimise the number of crossings of railways, major roads/other infrastructure and watercourses and runs predominantly thorough agricultural fields. While a certain number of crossings are unavoidable, the use of Horizontal Directional Drilling and similar trenchless technologies enable cables to be installed beneath the infrastructure and watercourses without the requirement to excavate trenches. Seagreen has been in consultation with key stakeholders, including Network Rail and the relevant Roads Authorities, and these crossings are not an impediment to the Scheme. The required width at the crossing point location is to provide the flexibility required for the identification and agreement of the cable route crossing alignment. Future site information (e.g. ground investigation) and the assessment and design process will inform and confirm the required HDD alignment and entry/exit points and will reduce the final corridor width required.

Golf Course

- 6.32 The Scheme passes through Carnoustie Golf Links. The cable route in this area is being designed and developed in conjunction with the Golf Links Management Committee. Three separate golf courses make up the links at Carnoustie including the Championship Course, the Burnside Course and the Buddon Links Course. Buddon Links Course will be interrupted by the works. Seagreen is continuing to engage with the Golf Links Management Committee as the design work progresses.

Defence Infrastructure Organisation Land

- 6.33 The Scheme utilises land held by the Secretary of State for Defence managed by the Defence Infrastructure Organisation (DIO) (previously Defence Estates) at Barry Buddon. The training area at Barry Buddon is primarily used for infantry training and with full bore live firing ranges including the existing Barry North Range which is located close to the northern boundary of the site adjacent to the golf links. Seagreen is in discussion with DIO and expects to reach agreement with the DIO to utilise land needed for the Scheme.

Crown Land

- 6.34 The Scheme utilises a section of the foreshore at Carnoustie which forms part of The Crown Estate ("TCE"). This land does not form part of the Order Land. TCE is Seagreen's development partner and a signatory to the Firth of Forth Zone Development Agreement and is fully supportive of the use of the foreshore to enable the Project. Seagreen have entered into an Agreement for Lease with The Crown Estate for the use of the foreshore to the extent of the land owned by The Crown Estate.

- 6.35 No plots are known to be in the ownership of the Queen's Lord Treasurer and Remembrancer.
- 6.36 The Scheme also utilises land held by the Scottish Ministers (in their capacity as Trunk Roads Authority) and plots with this ownership have not been included in this Order. This will be the subject of separate agreement or use of specific powers to carry out works in relation to public roads.
- 6.37 Crown land held for defence purposes is dealt with above.

7 PURPOSE OF ACQUISITION OF INDIVIDUAL PLOTS

Landfall location

- 7.1 Plots 1a, 2a, 2b, 2e and 2f comprise of land which extends over the landward and seaward side of the existing coastal rock armour, including part of a public car park, roadways, hardstanding area, bridges across the Barry Burn and an existing concrete access slipway to the beach at the southern extent of plot 1a. Plot 1a comprises of part of the Black Slab car park which is required as a temporary laydown area and storage compound for equipment and plant during works on the beach at the subsea cable landfall area. It will also be utilised as a secondary storage compound for materials and equipment required for construction and installation works at the transition joint bay area at the southeast corner of the golf course.
- 7.2 The remainder of the land is required to provide landward and seaward access routes to the transition pits and subsea cable landfall areas respectively. The landward access will mainly be used as a secondary access to the transition joint bay area at the southeast corner of the golf course in the event of any disruption to the main route across Barry Links station level crossing to the northwest.
- 7.3 The access across the beach on the seaward side between the laydown/storage area in the carpark (plot 1a) and the subsea cable landfall area to the south will be the main access for any work on the beach. This will include works in conjunction with survey and installation of the subsea cables across the intertidal area. It is intended to access the beach from the landward side by means of the existing slipway which crosses the coastal rock armour.
- 7.4 An access management plan will be agreed with Angus Council to ensure that public access across the golf course and beach will be maintained subject to appropriate measures, including provision of temporary alternative routes where necessary to separate the golf course and general public users from the construction route. It will also include agreement on a reinstatement once all works are completed.
- 7.5 Rights are required over plots 1a, 1b, 1c, 1d and 2a, 2c, 2d, 2e and 2g to access the land with or without vehicles and equipment, lay down and remove hard standing, erect temporary bridges and to fell and replant trees.
- 7.6 Plot 3a extends from the intertidal area at the southern end of the beach to land forming part of

the Buddon Links Golf Course, bounded to the south by the Barry Buddon training area. The subsea cables will fall to land at the eastern extent of plot 3a and will be laid through this plot under the rock armour to the transition joint bays on the landward side of the rock armour at the southeast edge of the Buddon Golf Course. The transition joint bays will be positioned a short distance inland from where the shore end cables make landfall.

- 7.7 Rights to lay, replace and use cables and associated equipment together with protection measures and safety measures, fell trees, erect temporary signage and measures to effect public safety, enter the land with vehicles and equipment for the purposes of surveying, laying and removing cables, alter apparatus of statutory undertakers, carry out environmental mitigation works use directional drilling or similar trenchless techniques to install and replace the cables are sought over plot 3a.
- 7.8 Plots 3a to 7a, extending from the area of the transition joint bays up to and including the East Coast Main Line comprise the initial section of the cable route. Along this section of the route the cables run through land forming part the golf links (plots 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h and 3i) and land managed by DIO forming part of Barry Buddon (plots 4a, 4b, 4c and 4d). The route also crosses part of the Dundee-Arbroath section of the National Cycle Network owned by Angus Council (plots 5a and 5b) which runs along the south side of the rail line adjacent to plots 6a and 7a which is situated under the rail line. Beyond the rail line the main section of the cable route extending from the north side of the rail line to the substation at Tealing (plots 8a - 42a) runs predominantly through agricultural land. This is described in more detail below.

Cable Route

- 7.9 Over the cable route generally, the full range of cable installation and maintenance rights are sought to lay, replace and use cables and associated equipment. While described fully in the Order the rights include to fell trees, erect temporary signage and measures to effect public safety, install, maintain and remove marker posts, carry out environmental mitigation works, store materials, provide continuous vertical and lateral support, enter the land with vehicles and equipment for the purposes of surveying, laying and removing cables, erect fencing and create secure work compounds, construct, use and remove temporary access roads, install, use and replace drainage or culverts, alter apparatus of statutory undertakers, remove fences, hedges and other barriers (to be replaced post the exercise of the rights), use directional drilling or similar trenchless techniques to install and replace the cables, carry out environmental surveys and erect and remove noise alleviation measures and barriers for the protection of fauna.
- 7.10 Where plots required for the cable route are proximate to a public road, rights have been sought at certain points to effect access to and from that road.
- 7.11 Where the cable route passes under major roads and the rail line the cable will be installed by HDD (or similar trenchless method).
- 7.12 Plots 2a, 2b, 2c, 2d, 2g, 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h and 3i comprise part of the Buddon Links golf course and adjacent land forming part of the wider golf links. Plot 3d comprises of an existing compound / storage area which is used by Carnoustie Golf Links during major golf events. It is

proposed to utilise this as a temporary compound for cable installation work across the golf course and for the transition joint bay works where the onshore and offshore cables will be joined.

- 7.13 The majority of the cable route through the golf course follows a track which runs along the southern boundary of the course for approximately 1.5km. To the north of the track are playing areas of the golf course including landscape features (embankments), golf tees and greens, fairways, and rough carry areas at the edge of the fairways. After 1.5km, the route continues 300m south through an area of trees and scrubland before bending in a south-westerly direction from the golf course into DIO Land forming part of the Barry Buddon military training area for 400m.
- 7.14 The route runs north through Barry Buddon (plot 4c,) for approximately 0.5km. This part of the cable corridor is required to take the cables up to the location for crossing the East Coast Main Rail line. Seagreen expect to reach agreement with the DIO to utilise land needed for the Scheme. The drill entry point for crossing of the rail line (and the adjacent National Cycle Network) by HDD will be located on DIO land within the northern end of plot 4c.
- 7.15 Beyond the rail line the route continues across mainly agricultural land towards the A930 crossing to the east of Cotside Quarry (plots 8a, 9a, 9b, 9Aa, 9Ba, 9B, 9Bc). The route continues on the north side of the A930 (plot 9d, 11a and 11b) before approaching Balhungie Farm. The route runs to the south of the farm for approximately 2.5km across the Buddon Burn. This alignment was a change to the previously approved route by Angus Council. Seagreen submitted a new Planning Application for an alignment change to avoid a large area of polytunnels belonging to the land owner.
- 7.16 From Balhungie Farm the route continues through agricultural land plots 11d-40a towards the grid connection point at Tealing. The route was selected following the process outlined in the Environmental Statement submitted with the PPP. In particular it was established that the verges of the A92 contained numerous utilities and Sustainable Drainage System (SuDS) features, making it necessary to consider options that avoided this road and used predominantly agricultural land. Those options were informed by:
- NGET's selection of the Tealing site for grid connection;
 - environmental constraints/consenting risk;
 - electrical engineering feasibility;
 - geotechnical constraints; and
 - land use/availability

and resulted in Seagreen's selection of the route sought in the Order as the best solution overall.

Crossings

- 7.17 The route generally follows the line of existing roads where possible but requires to cross a number of roads along the route between the landfall and to the substation site at Tealing. It will be necessary to pass the export cables beneath a number of A and B class roads including the A92 and A90(T) Dundee Aberdeen Trunk Road. Although this will be achieved under separate

legislation it is outlined here to explain why adjacent land is required. The main East Coast Main Line (ECML) railway also requires to be crossed in the vicinity of Barry Links. Due to heavy traffic flows and rail services, HDD or similar trenchless techniques will be used to avoid disruption when installing the export cables beneath all A class roads and the ECML.

Main Roads / Rail Line

- 7.18 ECML – Plots 6a and 7a will provide the most suitable point for crossing the ECML with Plot 4c providing the HDD entry point and Plot 9a providing the land required for the HDD exit point and subsequent route through agricultural land to the north of the rail line.
- 7.19 A930 - The route runs northwest through agricultural land to the north of the Panmure Golf Course towards the A930 (Plot 9b). A construction compound / storage area (Plot 9c) is located on the west side of the area which will be used for the HDD entry point on the south side of the A930. The area for the HDD exit point on the north side of the A930 is located within a field to the south of Cotside Quarry (plot 9d). The Quarry is screened by a large earth bund which defines the southern extent of the quarry boundary and provides screening of the quarry operations from the A930 to the south. The crossing point on the north side of the A930 is located just to the west of the main access and parking area for the quarry.
- 7.20 A92 – The route runs northwest across agricultural fields up to the A92 crossing point to the east of Mains of Ardestie. The A92 is a dual carriageway with two lanes for each direction of traffic. Each carriageway is approximately 7m wide with a central reservation dividing the opposing carriageways. Adequate space within the agricultural land either side of the A92 is included within Plots 13b-13c for the purposes of undertaking this HDD.
- 7.21 A90(T) Dundee Aberdeen Trunk Road - The route will pass under the A90(T) by means of HDD from agricultural land either side of the trunk road (Plots 32a and 33a). The main access to the substation site is from the east off the A90(T) at the existing Moatmill junction. From this junction access is along the existing road through Muir of Pert to land to the east of the substation site at the former Tealing airfield. Transport Scotland have no objection to the use of the Moatmill junction for construction traffic to the substation site. Further consultation with Transport Scotland will be carried out once the number and type of abnormal loads required for the substation construction is known in order to establish whether any upgrade may be required.

Minor Road crossings

- 7.22 The cables will also require to pass beneath a number of minor roads and private accesses with the most likely method of crossing is by use of open cut trenching. The minor road crossings in sequence from the landfall location to the substation are as follows:-
- 7.23 Burnside Road – to the north of the rail line the route crosses Burnside Road (Plots 9Ba and 9Bb) to the west of Panmure Golf Club
- 7.24 Woodhill – the route crosses the public road (between plots 11a and 11b) which leads from the

A930 to the A92. The crossing location is at the southern extent of the road, close to the junction with the A930.

- 7.25 B962 –The route crosses an access at Balhungie Farm (plot 12a) and the main access road to Balhungie Farm (between plots 13a and 13b) which links to the B962 south of Ardestie Interchange. The route runs through agricultural land either side of the A92 (plots 13b – 13c) up to the B962 crossing point to the north of the A92 (between plot 13c and 15a). A construction compound (plot 13e) is located within agricultural land on the east side of the B962. Once across the B962 the route continues west through agricultural land (plots 15a – 17a) on the south side of the B961 (Drumsturdy Road). The route crosses the public road running south to Laws Farm and Ardownie (between Plots 15a and 15b), a private access track to Laws Farm (plot 16a) and then the public road to Ethiebeaton (between plot 17a and 17c) close to the junction with the B961. A construction compound is located on the south side of the B961 (plot 17b).
- 7.26 B961 - To the west of the minor public road at Ethiebeaton the route requires to cross a disused railway embankment (plot 18a) (between plots 17c and 17d). Immediately to the east of the embankment the route turns North West before crossing the B961 (between plots 17d and 19a) and heads towards Murroes through agricultural land on the south of the public road (plots 19a – 25a) as far as the B978 Kellas Road. Before reaching the B978 the route crosses an access road to Gagie Smallholdings (Plots 23a).
- 7.27 B978 - The route crosses the B978 (between plot 25a and 26a) then continues north over agricultural land and crosses a minor public road from the B978 to Westhall (between plot 26a and 26b) and two private accesses, one to Westhall Farm (between plot 26a and 26b) and one serving a small number of residential properties at West Mains of Gagie (plot 27a). Heading west the route crosses the access road to Valgreen (plot 28a) and crosses the public road (between plot 28a and 29a) immediately to the south of Murroes Primary School. The route then continues west before crossing an access track (plots 31a and 31b) to a Scottish Water treatment works before the route approaches the A90(T).

Compounds

- 7.28 A number of compounds are required (plots 3d, 9c, 13e, 17b and 32e) to facilitate the installation of the onshore cables. In respect of these plots, rights are sought to enter and remain on the land with vehicles and equipment for the purposes of laying and removing cables, erect fencing to form compounds, lay down and remove hard standing, fell trees, store materials, erect bunds and alter the apparatus of statutory undertakers.

Accesses

- 7.29. Plots 1a, 1b, 1c, 1d 2a, 2c, 2d, 2e, 2g, 3b 3c, 3f, 3g, 3h, 3i, 4b, 4d, 5b, 8b, 9Bb, 13d, 15c, 15d, 19b, 22b, 22Aa, 22Ac, 23b, 23c, 24c, 27b, 27c, 28b, 29b, 30b, 31b, 32b, 32c, 32d, 33b, 33c, 33d, 33e, 33f, 33g, 33h, 35b, 35c, 35d, 35e, 35f, 36a, 36b, 36c, 36d, 36e, 36f, 36g, 37b, 37c, 37d, 37e, 37f, 37g, 37h, 39a, 39b, 40d, 40e, 41a, 42a and 42b will be used to form accesses to the cable route. Rights over these plots are sought in summary to access the land with or

without vehicles and equipment, lay down and remove hard standing, erect temporary bridges (including bridging to protect the equipment of statutory undertakers) and lop and replant trees, shrubs and hedges to allow such access all as per the Order. The taking of these accesses will enable safe and efficient working. It will enable the most direct route to working areas to be taken, and reduce construction traffic on public roads. Having a number of accesses allows Seagreen to reduce the overall impact on affected parties. Once construction operations on a plot served by an access are complete Seagreen can cease frequent use of the access; more access points mean each access route is used less intensively than it otherwise would be.

Main Substation Plots

- 7.30 Plots 38a, 40b, 41b and 43a comprises the site of the substation. The plots represent the extent of the land which is required for the development of the HVAC anticipated design options for the substation including permanent structures, access routes and mitigation purposes. Outright purchase is sought of these plots.

Cable Route to Substation

- 7.31 Plots 38a and 40b are required for the installation and maintenance of the electricity cables from the substation to NGET's Tealing substation. The full range of cable installation and maintenance rights are sought over these plots. Plot 40d is required as a compound to facilitate the construction of the new substation. The size of the plot provides for the area of land which will be necessary for storage of significant volumes of materials, plant and equipment together with all of the relevant site office and welfare facilities required by persons involved in the management and undertaking of the construction activities. Plot 41a is the land required to upgrade the existing SHET substation.

Permanent Access to Substation

- 7.32 The main access to the substation site is from the east off the A90(T) at the existing Moatmill junction. From this junction access is along the existing road through Muir of Pert to land to the east of the substation site at the former Tealing airfield. In order to provide for the possible upgrading of this road to an adoptable standard along its full length and to accommodate abnormal loads during the construction of the substation the existing road will have to be widened. Plots 33c and 33d provide the necessary land to allow for this to be carried out subject to further work to determine the extent of upgrading necessary and the detailed design which will be informed by an abnormal loads assessment and discussions with the Roads Authority and Transport Scotland. These plots currently form part of the existing road, verges and adjacent land including hardstandings. This work is to be the subject of a separate planning application to be brought forward in due course.

Secondary Access to Substation

- 7.33 Although the main access to the substation is from the A90(T) at Moatmill and through Muir of Pert a secondary access to the substation site is also required in the event that the main access is restricted for any reason. The secondary access route is by means of the access to the existing

substation from the west. Plot 41a is required to provide a link between the existing substation by providing an access route, across agricultural land, to the substation site. This would only be used as secondary access in the event that the main access was unavailable for any reason.

- 7.34 The above demonstrates by reference to Plots in the Order that the extent of Land sought in Order is necessary and appropriate.

8 THE NEED FOR CPO – ALTERNATIVE POWERS CONSIDERED

Consideration of the use of Necessary Wayleaves for the installation of the OFTO cable

- 8.1 As a generation licence holder SAWEL has the power to apply to the Scottish Ministers for the grant of a Necessary Wayleave (“NW”) under Schedule 4 paragraph 6 of the Electricity Act 1989. While a NW can be acquired compulsorily and runs with the land, reliance on NWs is considered inappropriate in this case for the following reasons:

- (a) Following installation the cable will be transferred to (and operated and maintained by) an Offshore Transmission Owner (OFTO). The 1989 Act does not envisage a scenario whereby the licence holder would change, so there is no provision for a NW to be assigned. Rights to operate and maintain the cable secured by SAWEL could not therefore be assigned to an OFTO which would need to secure its own rights by means of a voluntary wayleave, lease or servitude. The paragraph 6(1) power to obtain a NW could not be utilised by an OFTO given that it is only available to a licence holder that considers it necessary to install *and* keep a cable installed as the cable would already have been installed by SAWEL. This level of uncertainty would be unacceptable to an OFTO.
- (b) NWs are not registered or recorded against the title to land rendering ongoing management of the rights and the cables more difficult. This also means that the existence and route of NWs are less likely to be communicated to subsequent owners and the chance of accidental damage to the cables is increased through ignorance of their presence.

- 8.2 SAWEL has considered the powers available to them and has selected the most specific and appropriate powers available for the purpose of the delivering the Scheme.

- 8.3 Seagreen remains keen to reach agreement wherever possible to utilise voluntary acquisition. Whilst SAWEL will continue to work with landowners to secure the necessary rights by agreement, only the exercise of CPO powers can deliver the land and the rights required to allow the implementation of the Scheme to proceed with the degree of certainty and security

required. Alternative powers would be inappropriate and jeopardise the delivery of the Scheme. For these and the reasons explained above, it is considered that compulsory purchase of the Order Land is necessary and justifiable in the public interest.

9 DESCRIPTION OF THE SCHEME AND ORDER WORKS

9.1 The key elements of the Scheme are as follows:-

- (a) Shore end export cables (buried): The export cables from the wind farm will cross the MLWS mark from where they will pass through the intertidal area to the transition joint bays at the landfall point south of Carnoustie (Plot 3a);
- (b) Shore end export cables HDD: The shore end cables will cross between the transition joint bays and the MLWS using a combination of HDD and jetting/trenching/ploughing (Plot 3a) also discussed at 6.21 above;
- (c) Transition pit: A simple underground, covered chamber (typically 25m length x 6m width x 2.25m depth) which encloses and protects the joints between the offshore and onshore export cables. The bays will be located a short distance inland of the intertidal zone where the offshore export cables make landfall. A maximum of up to three transition joint bays will be required. An earth link box and fibre box will also be required at each transition joint bay.

9.2 Onshore export corridor: The onshore export cable corridor will vary in width along the length of its route but will generally be 50 metres wide. At its widest point the cable route is approximately 200 metres at certain HDD locations. Additional flexibility in the width of the route is required at HDD locations to ensure that sufficient space to accommodate the drilling rig and associated plant and equipment for undertaking the HDD at the entry point and a similar compound at the exit point is available. Appropriate set back distances will be required from the obstacle which is being passed by HDD and local topography will be an important consideration in establishing the set back which is required in each case. Full HDD site specific geotechnical and ground survey data has not been obtained and flexibility is needed to take account of unfavourable ground conditions and obstacles to be avoided as well as to prevent interference with existing services etc. The precise location for each HDD accordingly needs to be determined on the basis of further site specific survey information and detailed design. Upon gathering of site information and detailed design this will require significantly less width than is currently proposed. The sizing of entry and exit points are generally 50 x 50m and 25 x 25m respectively, however these dimensions can vary depending on site conditions.

9.3 The trenches in which the cables will be located will be within the cable corridor and will individually be a maximum of 5m wide each containing one or two cable circuits.

9.4 The typical trench depth would be 1.5m for all scenarios with the minimum cable depth 1.1m (to

the top of the cables). For each cable trench the installation works would also require a lay down and spoil area, a haul road and access way, safety zones, temporary drainage systems and a topsoil storage area with a construction corridor width of 30m required for the HVAC scenarios with up to three trenches.

- 9.5 The width of the corridor sought at 50m (or above) is greater than that necessary for the 30m construction corridor due to the need to allow some flexibility in locating the construction corridor within the land. This flexibility is required to allow unfavourable ground conditions and obstacles to be avoided, prevent interference with watercourses, and ensure that sufficient land is available to implement habitat and species protection measures. The route of the corridor will be refined upon completion of surveys and site investigation and detailed design. Once finalised, the land take required can be reduced accordingly so that the minimum area of land is affected.
- 9.6 Each continuous onshore cable will be made of smaller sections (approximately 400m to 1800m long) which are joined together.

Joint bays

- 9.7 A simple, underground chamber (typically 10m length x 3m width x 2m depth) which encloses and protects the joints between separate sections of each onshore cable circuit. Joint bays will be located approximately every 400m to 1800m along the onshore cable route. A maximum of 200 joint bays will be required along the cable route, at up to 50 locations. To minimise disruption, Seagreen is committed to taking reasonable endeavours to locate joint bays on corners or next to field boundaries where possible. Above ground an earth link box and fibre box with manhole access and associated protective structures with an approximate area of 3m x 5m will be required at each joint bay.

Substation

- 9.8 Seagreen has a Connection Agreement with NGET to connect the Project into the national electricity transmission system via the existing Tealing substation owned by SHET. Upgrade of the existing substation by SHET will be required to provide the bays for connection of Seagreen's proposed new substation which will need to be constructed to receive power from the wind turbines and export it into the existing onshore electricity Grid. The proposed location of the new substation is immediately east of the existing Substation at National Grid Reference NO402370. Seagreen's proposed new substation has been designed to accommodate the new connection bays and will require a maximum land area of 122,200m². It will take the form of a HVAC substation compound. Infrastructure will comprise:-

- (i) Operational Plant (e.g. switchgear, transformers, reactors, filters busbars);
- (ii) area for car parking and internal road
- (iii) control building
- (iv) lighting
- (v) perimeter security fencing

- (vi) site drainage/oil containment
- (vii) ancillary equipment for metering, protection and substation services
- (viii) landscaping.

Access points to main road

9.9 Access will be required from the road network for the delivery of plant, materials and personnel. Access points either comprise of existing routes (which may require to be upgraded) or new temporary access tracks from the public road which will require to be formed. On completion of the cable installation works new temporary access routes will be removed and the land reinstated back to the original condition.

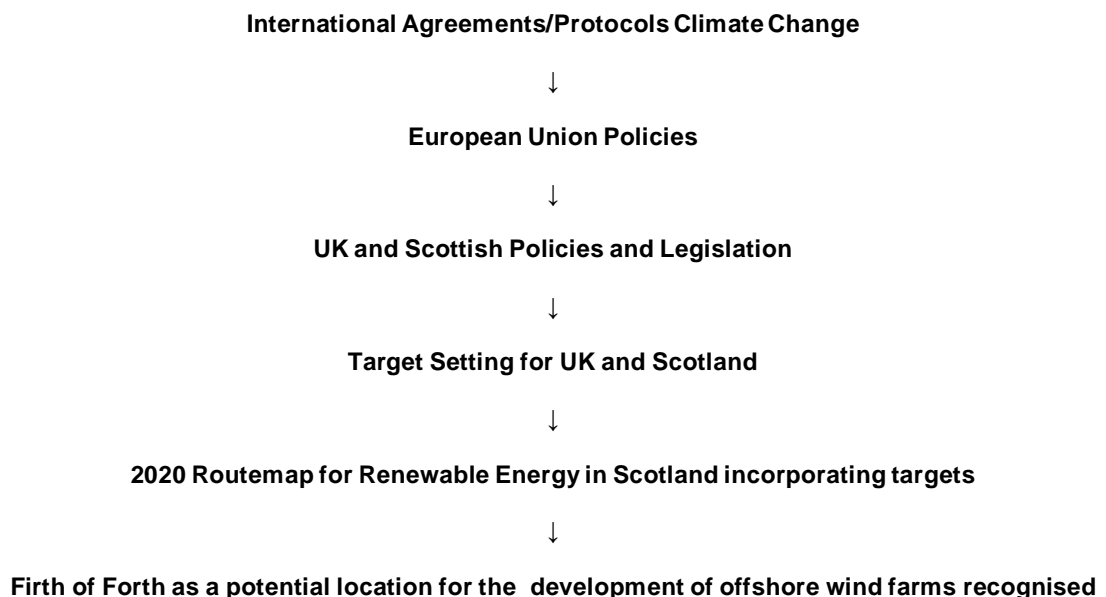
Works compounds

9.10 A total of 6 works compounds are required to facilitate the construction of the works. This includes a main compound at landfall, a main and three satellite compounds at a suitable spacing along the cable route and a substation compound. Smaller works compounds will also require to be formed at certain areas of the route including at HDD locations where specific plant and equipment is required to undertake drilling operations, such as at the transition joint bays.

10 POLICY AND PLANNING JUSTIFICATION

Policy

10.1 There is a cascade of international and national obligations, directives and policy statements that combine to place the UK (including Scotland) on a legally binding path to reduce carbon dioxide emissions on an incremental basis, currently by 80% by 2050 and which have led to development of the Project:-



in National Planning Framework 3 (“NPF3”)



The Project

- 10.2 At the international level The Kyoto Protocol (to the United Nations Framework Convention on Climate Change (1997)) forms the highest level of international agreement on Climate Change across 189 States. The Paris Agreement (2016) and builds upon the Kyoto Protocol targets. It sets out a global action plan towards climate neutrality and stop in increase in global average temperatures to below 2C above pre-industrial levels and to pursue efforts to limit warming to 1.5C.
- 10.3 At the EU level the "20 20 by 2020 package"³ commits the European Union (“EU”) to a 20% reduction in its greenhouse gas emissions by 2020 and sets a target of deriving 20% of the EU’s final energy consumption from renewable sources in that same timeframe. In order to achieve the overall EU renewable energy target of 20% individual targets have been set for each Member State (with the UK’s target being 15%). The Renewable Energy Directive (2009/28/EC) also provides for European Climate Change Opportunity. The European Commission set the emissions reduction target at 20% "rising to 30% if there is an international agreement".
- 10.4 The Climate Change Act 2008 introduced a legal requirement on the UK Government to cut emissions by 80% compared to 1990 levels by 2050. This was taken further in Scotland through the Climate Change (Scotland) Act 2009 which places a legally binding commitment on the Scottish Government to reduce emissions by 42% from 1990 levels by 2020 and, consistent with the rest of the UK, 80% by 2050.
- 10.5 Further details of climate and renewables policy have been explained above. As explained at paragraph 6.3 above, the Phase 1 Project will generate a significant amount of electricity from a renewable resource and thus sits squarely within EU and both the UK and the Scottish Governments’ policies in this regard.

Marine Policy

- 10.6 Marine planning policy has been introduced through a combination of the Marine and Coastal Access Act 2009 (“MCAA”) and the Marine (Scotland) Act 2010 (“MSA”) and provides for the preparation and adoption of a National Marine Plan, Regional Marine Plans and the designation of Marine Protected Areas.
- 10.7 As already noted, the offshore elements of the Project require both a marine licence (under s25 of the MSA) and consent under s36 of the Electricity Act 1989 and when determining applications for a marine licence, the Scottish Ministers must make any authorisation decision in accordance with the appropriate marine plans (unless relevant considerations indicate

³ 20 20 by 2020: Europe’s climate change opportunity, COM (2008 (30) final (Document 12)

otherwise) and take account of any potential impact on Marine Protected Areas. (Part of the Phase 1 Project is located within the Firth of Forth Banks Complex Marine Protected Area) Similar considerations also apply to the Scottish Ministers' consideration of s.36 consent applications.

- 10.8 As explained in Chapter 4: Legislation, Regulation, Policy and Guidance of the Offshore Environmental Statement dated October 2012 and submitted with the s36/marine licence applications in October 2012, the Project complies with Scottish marine planning policy.

Onshore Planning Policy

- 10.9 Planning policy is comprised of a suite of documents, including the statutory Development Plan (including supplementary planning guidance), NPF3, and Scottish Planning Policy ("SPP").

National Planning NPF3

- 10.10 NPF3 sets out a strategy for Scotland's long-term development. It takes forward the spatial aspects of the Scottish Government's policy commitments on sustainable economic growth and climate change and has the approval of the Scottish Parliament. Paragraph 1.2 sets out the Government's vision for Scotland and acknowledges its *"ambition to be a world leader in low carbon energy generation, both onshore and offshore"*.
- 10.11 Chapter 3 of NPF3 is entitled 'A low carbon place' and emphasises the Government's commitment to achieving at least an 80% reduction in greenhouse gas emissions by 2050, as well as reducing final total energy demand by 12% by 2020, and meeting at least 30% of overall energy demand from renewables by 2020- including generating the equivalent of at least 100% of gross electricity consumption from renewables.
- 10.12 NPF3 stresses the Government's desire to capitalise on Scotland's wind resource and acknowledges an expectation that the pace of onshore wind energy development will be overtaken by a growing focus on Scotland's significant marine energy opportunities; paragraphs 3.32-3.33 convey a particular expectation that the earliest deployment of offshore wind energy development will be in the Firths of Moray, Tay and Forth. Paragraph 3.33 also emphasises the Government's commitment to maximising the economic benefits arising from the manufacturing, construction, operations and maintenance activities associated with offshore wind energy development, such as the Project.
- 10.13 Paragraph 3.40 acknowledges that strengthening the electricity grid will be essential in unlocking renewable resources and that onshore connections for offshore renewables are required to fully realise the potential for diverse and widely distributed renewable energy development. As noted at paragraph 3.7 of this Statement, an application for PPP for the Scheme, which covers works down to MLWS, was submitted to Angus Council as local planning authority on 22 July 2016 and granted (subject 18 conditions) on 5 January 2017. The need for this proposal is established by NPF3:

"These classes of development are needed to support the delivery of an enhanced high voltage

electricity transmission grid which is vital in meeting national targets for electricity generation, statutory climate change targets, and security of energy supplies” (NPF3, Annex A, Part 4, para.4).

- 10.14 The PProject will make a significant contribution to the achievement of the Scottish Government’s carbon reduction and renewable energy policy targets and is thus fully supported by the policy contained within NPF3.

SPP

- 10.15 The SPP is the Scottish Government's consolidated national planning policy document. It introduces a presumption in favour of development that contributes to sustainable development and acknowledges that reducing carbon emissions and adapting to climate change is a key outcome for the Scottish Government.
- 10.16 The Scottish Government's central purpose is to focus government and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth. The Government's 'Sustainability and Planning' policy acknowledges the Government Economic Strategy (2011) indication that sustainable economic growth is the key to unlocking Scotland’s potential and outlines the multiple benefits of delivering the Government's purpose, including creating employment opportunities, achieving a low carbon economy and passing on a sustainable legacy for future generations. The SPP states that decisions should be guided by a number of principles including, ‘giving weight to net economic benefit’, supporting the delivery of infrastructure’ and ‘supporting climate change mitigation and adaptation’. The Phase 1 Project (of which the Scheme forms an essential component) will add to the mix of low carbon energy sources and, having a maximum generating capacity of 1,075MW will, in itself, make a significant contribution to the achievement of the Scottish Government’s carbon reduction and renewable energy policy targets (more particularly described at Section 9 above). It will also create a large number of employment opportunities and contribute greatly to the Scottish economy.
- 10.17 The SPP also discusses individual land use topics, some of which are relevant to the Scheme. Paragraph 80, for example, confirms that development on prime agricultural, or land that is of lesser quality but of local importance, should only be permitted where it is essential and in one of three circumstances, the third being for the generation of energy from a renewable resource where this accords with other policy objectives and there is provision for restoration to return the land to its former status. While the chosen cable route runs predominantly thorough prime agricultural land, the Scheme is required to meet an established need for renewable energy and, as explained at Section 6 above, there is no feasible alternative route. Given that the Scheme consists of the installation of an underground cable, the Order land should be capable of being returned to its original use i.e. as agricultural land, post installation. Seagreen therefore considers that the Scheme complies with the SPP in this regard.
- 10.18 The historic environment is discussed in the SPP between paragraphs 135 and 151. There is recognition here of the importance and sensitivity of these assets as well as the role they play

in various industries, particularly leisure and tourism. Paragraph 120 states that 'Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances'. Condition 12 of PPP prohibits works within 50 metres of Downie Mill (Scheduled Monument No. 6603); the only monument which may potentially be affected by the Scheme, unless and until fencing has been erected to protect it from accidental damage during construction works.

- 10.19 For the reasons explained above, Seagreen consider that the Scheme accords with the policies in the SPP.

Regional Planning: TAYPlan (2016-36)

- 10.20 The Strategic Development Plan (SDP) sets out the strategic land use planning framework for Dundee, Angus, Perth and North Fife until 2036. The purpose of the SDP is to provide a long term vision for the area and to set out the broad land use strategy for the more detailed Local Development Plans, which will ultimately guide development and change. The vision is that '*By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.*'

- 10.21 The outcomes of the TAYplan are set out at page 6:

- *'more people are healthier;*
- *through sustainable economic growth the region's image will be enhanced;*
- *we live, work and play in better quality environments;*
- *we live within Earth's environmental limits'*

- 10.22 Page 8 (policy 1) of the TAYplan is concerned with the spatial strategy and the location of prospective development. In simple terms the spatial strategy sets out where development should and should not go. In broad terms the TAYplan identifies the principal settlements in a tiered system which reflects the focus for various types of development. However, it is stated that '*...the most appropriate locations for energy and waste/resource management infrastructure will also be determined by a series of other considerations (policy 6).*' (addressed at paragraph 6.3.6) It is however expected that suitable locations for such development will be identified through Local Development Plans.

- 10.23 Page 13 (policy 2) of the TAYplan discusses the importance of quality of place. This is about ensuring that new development both complements and enhances places and the way they function. Good quality places can support economic prosperity by stimulating business opportunities around places where people want to live and spend time. The location, design and layout of good quality development reduces carbon emissions by reducing the need to consume

energy and resources in the first place.

- 10.24 Page 21 discusses the identified Strategic Development Areas. It is recognised that the National Planning Framework 3 and National Renewables Infrastructure Plan (2011) identifies strong potential to grow the offshore renewable energy sector in this region, particularly around Dundee and Montrose. On page 18 both Montrose Port and Dundee Port are identified for employment land and for port related uses, which could include development enabling or ancillary to renewable energy production.
- 10.25 Policy 7 'Energy, Waste and Resources' of the TAYPlan is the key strategic policy relevant to the development proposals. In relation to meeting national targets for reducing carbon emissions and achieving energy production levels via renewable methods, the TAYplan aims to support the development of key infrastructure where required. The TAYplan sets out a series of locational considerations for all energy infrastructure, however the site specifics are left to be dealt with through the Local Development Plan.
- 10.26 TAYplan policy recognises the different scales at which this infrastructure can be provided e.g. from micro-renewables to regional/national schemes.
- 10.27 Policy 7 aims to 'deliver a low/zero carbon future and contribute to meeting Scottish Government energy and waste targets and prudent resource consumption objectives:
- Local Development Plans should identify areas that are suitable for different forms of energy, waste and resource management infrastructure and policy to support this. This can include, where appropriate, locations of existing heat producers (e.g. waste management or industrial processing), renewable sources of heat and electricity, and existing waste management facilities to ensure the co-location/proximity of surplus heat producers and heat users.
 - Local Development Plans and development proposals should ensure that all areas of search, sites, and routes for energy, waste and resource management infrastructure have been justified, at a minimum, on the basis of these considerations:
 - The specific land take requirements associated with the infrastructure technology and associated statutory safety exclusion zones or buffer areas where these exist;
 - Waste management proposals are justified against the Scottish Government's Zero Waste Plan (2010) to support the delivery of the waste management hierarchy, and, Safeguarding Scotland's Resources (2013);
 - Proximity of resources (e.g. geo-thermal heat, sand, gravel, gas, oil, woodland, wind or waste material); and to users/customers, grid connections and distribution networks for the heat, power or physical materials, by-products and waste that are produced, as appropriate;
 - Anticipated effects of construction and operation on air quality, carbon emissions, noise and vibration levels, odour, surface and ground water pollution, drainage, waste disposal, leakage of hazardous substances, radar installations, navigation aids and aviation landing paths;

- Sensitivity of landscapes, the water environment, biodiversity, geo-diversity, habitats, tourism, recreational interests and listed buildings, scheduled monuments and conservations areas;
- Impacts of infrastructure required for associated new grid connections and distribution or access infrastructure;
- Cumulative impacts of the scale and massing of multiple developments, including existing infrastructure in general but particularly in sensitive areas;
- The appropriate safety regimes and post operational restoration of land, particularly for extraction of solid, liquid and gas minerals;
- Strategic cross-council boundary impacts as a result of energy proposals which may be strategically significant (as defined on page 45) including landscape, historic and environmental considerations identified in the spatial framework (Map 7b); and,
- Consistency with the National Planning Framework and its Action Programme.

Local Planning

Angus Local Development Plan (2016)

10.28 The Angus Local Development Plan (LDP) was adopted by Angus Council on 23 September 2016 and sets out the planning authority's view on development over the period 2016 – 2026. It contains a number of policies relevant to the development proposals. The onshore works were considered against planning policy in detail during consideration of the application for planning permission in principle and have been determined to be acceptable in policy terms. A copy of the committee report setting out that consideration is provided as Document 8 along with a copy of the planning permission, Document 7. As PPP has been granted, and the need for the development established under the NPF (above), Seagreen consider that the Scheme has already been demonstrated generally to accord with prevailing planning policy including the LDP. As the cable route would not be significantly varied, the bringing forward of applications for permission for any additional areas (for example, the secondary access route to the Tealing substation) will not affect this conclusion, therefore in the interest of brevity only some of the principally relevant LDP policies are discussed below.

10.29 Policy PV9: *Renewable and Low Carbon Energy Development* states that renewable energy development (including infrastructure, activity and materials required for generation, storage or transmission of energy) will be supported in principle if a number of criteria are met, including:

- the location, siting and appearance of apparatus, and any associated works and infrastructure have been chosen and/or designed to minimise impact on amenity, landscape and environment, while respecting operational efficiency;
- access for construction and maintenance traffic can be achieved without compromising road safety or causing unacceptable change to the environment and landscape;
- the site has been designed to make links to the national grid and/or other users of renewable energy and heat generated on site;
- there will be no unacceptable impact on existing or proposed aviation, defence,

seismological or telecommunications facilities;

- there will be no unacceptable adverse impact individually or cumulatively with other existing or proposed development on:
 - landscape character, setting within the immediate and wider landscape (including cross boundary or regional features and landscapes), sensitive viewpoints and public access routes;
 - sites designated for natural heritage (including birds), scientific, historic, cultural or archaeological reasons;
 - any populations of protected species; and
 - the amenity of communities or individual dwellings including visual impact, noise, shadow flicker.
- during construction, operation and decommissioning of the energy plant there will be no unacceptable impacts on:
 - groundwater;
 - surface water resources; or
 - carbon rich soils, deep peat and priority peatland habitat or geodiversity.

10.30 Policy PV9 is supported by Statutory Supplementary Guidance: *Renewable And Low Carbon Energy Development* (June 2017). Para. 3.1 of the Supplementary Guidance states “*Where possible the undergrounding of cables and pipe work should be considered.*” It is considered that Policy PV9 is generally supportive of the Scheme.

10.31 Policy PV6: *Development in the Landscape* seeks to protect and enhance the quality of the landscape in Angus, its diversity (including coastal, agricultural lowlands, the foothills and mountains), its distinctive local characteristics, and its important views and landmarks. Capacity to accept new development will be considered within the context of the Tayside Landscape Character Assessment, relevant landscape capacity studies, SNH’s wild land maps, any formal designations and special landscape areas to be identified within Angus.

10.32 Policy PV8: *Built and Cultural Heritage* states that the Council will work with partner agencies and developers to protect and enhance areas designated for their built and cultural heritage value including national, regional and local sites. Development proposals which are likely to affect protected sites, their setting or the integrity of their designation will be assessed within the context of the appropriate regulatory regime.

10.33 Policy PV20: *Soil and Geodiversity* aims to protect prime agricultural land, deep peat, carbon sinks, valuable soils, groundwater and soil biodiversity. Design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable. Development proposals on prime agricultural land will only be supported where they:

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

commensurate with site restoration requirement.

- 10.34 Policy DS4: *Amenity* states that all proposed development must have full regard to opportunities for maintaining and improving environmental quality. Development will not be permitted where there is an unacceptable adverse impact on the surrounding area or the environment or amenity of existing or future occupiers of adjoining or nearby properties. These issues, where relevant, have been considered in relation to the Scheme including in the EIA process undertaken as part of the planning application.
- 10.35 Policy PV2: *Open Space Protection and Provision within Settlements* provides for the general protection of existing outdoor sports facilities and areas of open space of sporting, recreational, landscape, wildlife, amenity, food production, access and flood management value. This policy is particularly relevant where the cable route traverses the Buddon Golf Course at the coastal landing point and also over the area leading westwards from that point. The occupation of any open space will be temporary and only for the periods necessary to undertake cable works. As the cables are to be located underground and the land under which they run will, except as described above, be returned to its use following these works the scheme will not result in any significant land being lost from sporting, recreational and amenity use. Seagreen has been in discussion with the golf course to ensure that the works which are necessary are undertaken in such a manner and at such a time so as to cause minimal disruption and to avoid being undertaken at a time which would impact on planned events on the course.
- 10.36 Policy PV3: *Access and Informal Recreation* states that new development should not compromise the integrity or amenity of existing recreational access opportunities including access rights, core paths and rights of way. Existing access routes should be retained, and where this is not possible alternative provision should be made. It is relevant to note that there are core paths at Carnoustie Links including around Buddon Course within site. Seagreen will work with the Council to ensure that public access will be maintained at all times although some diversions may be required. An access management plan setting out how this will be done will be submitted to the Council for approval ahead of works being undertaken and is required by PPP condition 2.
- 10.37 Policy C8 *Transport – Upgrade A930 Carlogie Road* relates to the proposed upgrade of the A92/A930. The eastern section of the proposed cable route crosses the line of the A92 from close to Mains of Ardestie before continuing east towards the coastal landing point. It is intended to use horizontal directional drilling to effect crossings under the rail line and main roads as described above and there will accordingly be no interference with the use of the surface infrastructure due to the Scheme works.
- 10.38 The Environment and Resources Chapter of the Local Plan contains most of the policies of potential relevance to the current development proposals, as discussed in the following paragraphs.
- 10.39 Policy PV4: *Sites Designated for Natural Heritage and Biodiversity Value* and Policy PV5: *Protected Species* together establish a precautionary approach to development affecting

Natura 2000 and Ramsar sites and European protected species. The policy makes it clear that any proposals that are likely to have a significant effect on the designation must undergo an Appropriate Assessment (AA) (as required by the Conservation (Natural Habitats etc) Regulations 1994). Development that could have a significant effect on such sites will only be permitted exceptionally. The proposed cable route is in close proximity to the northern boundary of the Barry Links site which is listed in Appendix 4 as a Special Area of Conservation, Special Protection Area, Site of Special Scientific Interest and a Geological Conservation Review site and therefore requires to be considered. However, an HRA Screening Report undertaken as part of the PPP application did not identify any likely significant effects on any Habitats Regulations protected features.

- 10.40 Policy PV4 also adopts a similarly precautionary approach to development proposals affecting Sites of Special Scientific Interest. The policy confirms that development proposals affecting these designations will only be permitted where the proposed development will not adversely affect the integrity of the area or the reasons for which it was designated either individually or in combination with other proposals. Alternatively, development may be permitted where any adverse effects on the qualities of any designated site are outweighed by social, environmental or economic benefits of national significance and mitigation and restoration measures are provided.

Planning Policy Conclusion

- 10.41 The Scheme provides the necessary infrastructure to connect low-carbon renewable energy generation from the offshore wind turbines to the grid. The availability of cable routes for offshore wind energy is constrained by the location of the windfarm site, the requirements of the marine licence and the necessity of connecting to nearby by grid connection points onshore, it is not practicable to route cables long distances. The onshore impact of the scheme has been minimised by using buried cables which once installed will have no ongoing adverse visual impact and locating the substation next to an existing substation facility. The Scheme therefore complies with the policy requirements and objectives of TAYplan and the Angus Local Development Plan as set out above.
- 10.42 In addition to the policy requirements of the Local Development Plan there is a duty on Seagreen under Schedule 9 of the Electricity Act 1989 to have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and to any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects. Seagreen has had due regard to this duty through the Environmental Statement, site selection and design process and will continue to work to preserve the amenity of the Order land through careful design and good working practices.
- 10.43 As noted above, PPP for the onshore transmission infrastructure was granted on 5 January 2017. A range of conditions were applied to safeguard the environment, amenity and communications.

Energy Policy

- 10.44 As discussed elsewhere both UK and Scottish relevant Energy Policy supports the Project. In particular, *Scotland's Energy Strategy* (Scottish Government, 2017) reiterated the Scottish Government's "...commitment to a low carbon energy system and to the continued growth of the renewable energy sector in Scotland" in order to meet the challenging target of the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources by 2030, and identified the offshore wind sector as a technology supported by the Scottish Government.

11 THE CASE FOR ACQUISITION OF INDIVIDUAL INTERESTS AND RIGHTS/ENGAGEMENT WITH LANDOWNERS AND THIRD PARTIES

Engagement with Affected Parties

- 11.1 Paragraphs 4 to 6 and 43 to 57 of Circular 6/2011 deal with the desirability of engaging with people affected by the Order as early as possible as well as with key agencies and community councils where appropriate. This section addresses both consultation generally and engagement with landowners affected by the Order.

Stakeholder and Public Consultation

- 11.2 Consultation and stakeholder engagement has formed an integral part of the development of the Scheme. Engagement with landowners and third parties had commenced at the outset of the project with site meetings, public exhibitions and correspondence with stakeholders, landowners and their agents. There are two distinct phases of engagement; these were pre and post Judicial Review.
- 11.3 Meetings were held with various individuals and organisations to discuss the onshore cable route, including various departments at Angus Council, Historic Scotland, BEAR Scotland (transport), Scottish Natural Heritage, Network Rail and the relevant landowners.
- 11.4 The table below provides details of the key consultations carried out in support of the project, including the onshore planning application:

Table 1. Key Consultation Timeline for the Seagreen Project

Date	Consultation Event
22 December 2009	Seagreen granted development partner status for Zone 2
8 – 15 January 2010	Letter announced Zone agreement and Seagreen’s intention to construct OWFs in the Firth of Forth sent to Scottish Ministers, council leaders and statutory nature conservation bodies (SNCBs)
30 June 2010	Seagreen and Angus council had an initial meeting to discuss Seagreen development
17 January 2011	Angus Council received Seagreen Phase 1 Onshore Scoping Report
18 February 2011	Seagreen received Angus Council’s Scoping opinion on Seagreen Phase 1 Onshore works
18 – 26 June 2011	First round of Seagreen Phase 1 public information days
16 April 2012	Proposal of Application Notice registered by Angus Council
16 April – 27 June 2012	12 week statutory consultation period complete
9 May 2012	Proposal of Application Notice sent to relevant consultees
14 – 18 May 2012	Second round of Seagreen Phase 1 public information days
16 May 2012	Confirmation of supporting documents and drawings to be submitted in support of PPP received from Angus Council
May 2013	Processing agreement between Angus Council and Seagreen signed
May/June 2013	Seagreen submit Phase 1 Onshore Planning Permission in Principle Application to Angus Council, including PAC Report
Judicial Review	
April 2017	Scoping Report submitted by Seagreen outlining revisions to consent in relation to substructure design and wind turbine
26 February 2018	Public exhibition held at Arbroath Community Centre.
27 February 2018	Public exhibition held in Montrose Town Hall.
28 February 2018	Public exhibition held at Carnousite Leisure Centre.

11.5 Two rounds of public consultation events have been held in the vicinity of the proposed cable route. Initial public information days were held in five different locations including Carnoustie, Arbroath, Tealing, Dundee and Montrose in January 2011. These information days opened at noon until 8pm to encourage as many people as possible in these areas to attend. A second round of informative days was held in these same locations in May 2012. These again were full-day openings to encourage stakeholders, landowners and any interested person to take part and ask questions or put forward comments on the project. The information days were promoted through newspaper adverts, press releases, email invitations, posters and on the Seagreen

website.

Direct Engagement with the Affected Parties Pre Judicial Review

- 11.6 In addition to the consultation process outlined above, which also included landowners, Seagreen has separately engaged in private discussions with the landowners and occupiers affected by the Scheme.
- 11.7 Seagreen sought to negotiate acquisition of the required land interests by agreement. The methodology behind Seagreen's attempts to reach agreement is set out below:
- (a) Seagreen's agents initially carried out a desk-based study to reference the land within the boundary of the Scheme;
 - (b) Seagreen's agents then attended the site locally in early 2012 to enquire as to the identity of the affected landowners and occupiers and to introduce the Project to those owners and occupiers.
 - (c) Searches were then conducted in the Land Register of Scotland/Register of Sasines to verify the information found and the identity of landowners and extent of the respective titles;
 - (d) All landowners and occupiers identified within the boundary of the Scheme were contacted by the Seagreen's agents during Q1 of 2012;
 - (e) Face-to-face meetings were held during the summer of 2012 with those landowners and occupiers to discuss the Project and in particular how the Scheme may affect their land;
 - (f) Following a number of face to face meetings with the land owners, the first set of Heads of Terms ("HOTs") were drafted and issued to the landowners and their respective agents in May 2013;
 - (g) Also during May 2013, Seagreen applied for PPP1. Each affected land owner and their agents were provided with a hard copy of the non-technical summary of the Environmental Statement and a CD copy of the full Environmental Statement.
 - (h) Throughout the remaining part 2013 Seagreen's onshore project manager and land agent visited the affected landowners on a weekly basis to discuss the project design, the commercial offers contained in the HoTs and the terms and conditions of the draft legal documentation.
 - (i) Agreement was reached on the proposed HoTs with 1 landowner in September 2013.
 - (j) Following the initial issue of HoTs in May 2013, face-to-face meetings were held with landowners and their respective agents. A number of key issues were

subsequently raised by landowners and their agents which were raised in representations made in response to Seagreen's PPP1 application. For each of the key issues a detailed response was provided by Seagreen to Angus Council during the consideration of PPP1. The responses from Seagreen provided clarification on each of the issues, which mainly related to the design of the cable route and associated construction impacts. Seagreen subsequently provided a copy of the responses to all landowners with a letter which consolidated all of the relevant information relating to the concerns raised during the planning process and in face to face meetings. This consolidated response was issued to landowners and their agents on 13 August 2013.

Direct Engagement with the Affected Parties – Project Restart in Post Judicial Review

- 11.8 Following the Court's decision at Judicial Review and restart of the Seagreen project, in addition to the consultation process outlined above, public exhibitions were held in Carnoustie, Montrose and Arbroath (noted in the *Key Consultation Timeline* table above). Presentations on the onshore cable route works were made to these three Community Council groups. Stakeholders and landowners were informed by letter of these exhibitions and encouraged to attend to meet the project team in addition to viewing the latest information available about the scheme.
- 11.9 The approach and advancement that had been made with landowners set out in the methodology (stated above) was used as basis for re-engaging with landowners and an opportunity to improve on work previously undertaken by the project team. As a result of the number of concerns raised by the landowners, Seagreen identified the need to revise the HoTs and legal documentation to incorporate changes that would address the above key issues wherever possible. Particular consideration was given to the incorporation of clauses to address drainage issues.
- 11.10 Seagreen undertook a valuation exercise to update land values with market value justification and incorporated a calculation of the indicative payment for the rights sought in the Heads of Terms. The Seagreen project team acknowledges that the land included within the cable route is amongst the finest agricultural land in Scotland and the valuation approach adopted seeks to acknowledge this in commercial offers made on individual holdings.
- 11.11 A paper entitled Grantor's Guidance and proposed compensation payment schedule was sent to landowners to provide a project update in April 2018. Following site meetings with landowners and their agents where possible Heads of Terms began to be issued to affected Landowners on 9th November 2018.
- 11.12 Heads of Terms for landowners to enter into an Option Agreement were revised to incorporate a more all-encompassing document detailing terms for Servitude agreement for the cable route, commercial offer and explanation of how commercial offer was formed in addition to Terms detailing licences for temporary compounds across the route.
- 11.13 Key changes to the HoTs and legal documentation included:

- (a) Incorporation of clauses that require Seagreen to appoint a drainage consultant with appropriate knowledge and experience of the drainage issues affecting land in the area to advise the benefited owner on drainage matters. The drainage contractor will make contact with the landowners well in advance of construction and establish necessary pre entry drainage works to mitigate all drainage impacts as far as practicably possible;
- (b) Incorporation of detail on the design of a construction and reinstatement methodology for the works
- (c) In addition to changes to the content of the HoTs and Legal documentation uplift in the commercial offers was provided.

11.14 Since the issue of the HoTs, Seagreen have been in regular contact with landowners' professional representatives with the aim of progressing voluntary agreements. These discussions have been positive and feedback provided to the Seagreen project team based in SSE's Glasgow office has enabled landowner concerns on matters such as biosecurity and drainage protocols and procedures to be addressed and communicated back via the project's engineering, consenting and land disciplines directly to the landowner's professional representatives. Other messages and questions are also dealt with through the land agents and solicitors or now in many cases directly with landowners, thereby enabling the project to build a relationship with those directly affected by the proposed development. Meetings with professional representatives continue at regular intervals with a view to concluding voluntary agreements where possible.

11.15 Seagreen has also entered into negotiations with the landowners and tenant on land required for the location of the substation at Tealing. Following a meeting between the parties to discuss the parameters of a deal, negotiations have been continued through their land agents and all dialogue has been constructive and positive whilst recognising the challenges of the proposal.

11.16 As agreement has not been reached, although it remains Seagreen's wish where possible to reach agreement privately, in light of the Project timescales and the state of negotiations, Seagreen has commenced the compulsory acquisition process to ensure the Project can be delivered.

Scale of Cable Trenches and residual effects

11.17 Subject to the ongoing detailed design and assessment process and material specifications, the expected scale of cable trenches and arrangement of cables is to be a three circuit HVAC solution. This would require approximately 3 x 2.5m wide trenches separated by distance that allows for the cable electrical properties and for each cable circuit to be worked on separately at a future date, although trench width could be up to 5m in some scenarios. The boundary of the working corridor for installation of the cables will be refined to a maximum width of 30m (except for HDD locations and other known constraints e.g. utility crossings) and will limit the area of temporary disturbance to existing land uses. This 30m width is defined as the "maximum cable trench construction width" in Table 3.1 (page 3-6) of the ES. Following installation of the

cables, the final corridor within which the cables will be installed will be a maximum of 22.5m in width. The specific location of the working corridor and the final position of the cables will be determined following further survey and assessment and will be subject to further approval by Angus Council in accordance with Condition 1(b) (i) of PPP. This condition requires full details of the specific route, depth, ducting, jointing bays and number of cables to be installed within the cable route corridor and (ii) the siting, design and external appearance of any other permanent above ground features associated with the cable route.

Future restrictions to farming activities

- 11.18 There will not be any permanent acquisition of agricultural land other than at the proposed substation site. The land affected by the cable installation will be reinstated and returned to as close as possible its previous condition following installation. The design of the cable will ensure that there is no impact on normal agricultural operations, except in limited areas such as joint bays. This is explained further below under the headings “reinstatement of land” and “depth of soil replacement”. The potential for direct and indirect impacts on soil and land quality during all phases of the development have been fully considered and are described in detail in Chapter 10 of the ES submitted with the PPP.

Reinstatement of land

- 11.19 The majority of the cable route (~90%) will either be installed by ‘direct burial’ or installed in ducts. At water, road, rail crossings and at landfall a ducted installation will be implemented. The direct burial method involves excavation of a trench and then placement of the cable within the trench. For the ducted method (except infrastructure/environmental crossings), ducts will be placed and jointed. For both methods the top soil and sub-soil and will be removed and stored separately for use in the reinstatement on completion of the work to allow the land to be returned to a condition as close as possible to the original. Not all of the material which is excavated for the cable trenches will be used for backfill as imported sand will be used for cable protection below the reinstated topsoil and subsoil. The typical trench details in the ES include a 750mm layer of sand around the cables and 750mm of subsoil and topsoil reinstated on top of the sand layer. Following backfilling the ducted installation will then require the cable to be pulled through the duct at a suitable time. Seagreen have taken into consideration agricultural practices in the design of the underground cables. Cables will be installed at a minimum cover depth of 1.1m, however, Seagreen will use reasonable endeavours to minimise any adverse impact to existing land uses, including agricultural activities, as part of the detailed design of the cable route. Should there be any areas where existing topsoil depth is less than 300mm it is proposed within the ES that these areas be reinstated with a minimum depth of 300mm of topsoil.

Drainage impacts

- 11.20 A drainage scheme will be provided as part of the CEMP which will cover proposed methods for identification of drainage systems (including field drains, culverts, septic tank and soakaways) and private water supplies, and measures for their protection during development and/or

mitigation of impacts associated with the development. Seagreen has appointed a specialist land drainage consultant and they have commenced on early engagement with landowners across the route and to enable the preparation of the temporary and permanent drainage design for the scheme. A detailed hydrological assessment was also completed as part of the EIA which confirmed that the proposed cable installation methodology would not result in significant impacts on surface water drainage patterns.

Location and layout of jointing bays

- 11.21 Concern has been raised over the number, location and demarcation of cable joint bays which are needed across the length of the cable route to join sections of cable together. Seagreen recognises concerns over joint bay locations and potential damage to equipment from unsuitable demarcation of covers. The precise number of joint bays required, and locations, is not known at this stage and will be dependent on the transmission technology selected. The cable sections could range in length between 400m and 1800m depending on the cable manufacturer and cable specification. Wherever possible Seagreen will consider the practicalities of access, land use and technical requirements in defining the location of joint bays. To minimise disturbance, Seagreen is committed to making reasonable endeavours to locate joint bays on corners or next to field boundaries where possible.

Timing of the works

- 11.22 Landowners have raised concern that all of the land within the wider boundary will be affected for entire duration of the construction programme. Construction works will not take place across the whole route for the entire duration of the construction programme.

EMF impacts

- 11.23 Electromagnetic field (EMF) emissions limits are set following guidance from the International Conference on Nuclear and Particle Physics. Seagreen has confirmed that EMF emissions will be significantly less than the those limits. A typical direct buried cable, such as those proposed by Seagreen, is calculated as having an EMF output of 24.06 micro Tesla (μT) at ground level, which is well within the accepted limit of 100 μT for public exposure.

Bio security

- 11.24 Seagreen are aware of concerns in relation to potential impacts on soil quality and biosecurity during construction and installation of the cables. To address these concerns a Soil Management Plan will be prepared by Seagreen and submitted for approval as part of the Construction Environmental Management Plan. The Soil Management Plan will include a map showing locations of stockpiles of excavated materials, details of use and/or disposal of unsuitable subsoil and details of the management and mitigation of soil resources all in accordance with bio-security best practice. The implementation of works in accordance with the soil management plan will ensure that the potential for introduction or spread of any disease causing organisms onto and between farms is managed in accordance with bio-security

best practice. Seagreen will undertake screening and sampling of soils prior to commencement of construction in order to confirm the current soil condition and presence of any disease causing organisms within the soil. During construction any materials, including surplus subsoils, removed from site will be transferred in accordance with the requirements of the waste duty of care and all relevant biosecurity requirements and in accordance with the Soil Management Plan.

Angus Council and Carnoustie Golf Links Management Committee

11.25 Heads of Terms were issued to Angus Council and Carnoustie Golf Links Management Committee on 11th December 2018. A meeting took place with Carnoustie Golf Links Management Committee on 18th December 2018 to discuss the Heads of terms and answer initial queries. Representatives from the Committee agreed to circulate the Terms to their Board Members and regular meetings recommenced on 18th April 2019 after the Links Management Committee's internal communication processes took place and encompassed negotiations towards a voluntary agreement and answering concerns in relation to the project works on the Barry Buddon Course. Seagreen has been invited to present to Carnoustie Golf Links Board of Trustees on 24th June 2019 and discussions towards reaching a voluntary agreement remain ongoing.

11.26 Communication links are good between the Committee and Seagreen with access granted for Seagreen's contractors to carry out and complete ground investigation works in January 2019. Seagreen recognises the unique nature of this world class course and is committed to work with Golf Course representatives for overall mutual benefit where possible.

Network Rail

11.27 A meeting was held on 13 June 2018 with Network Rail's (NR) in-house agent following the issue of the Grantor's Guidance. NR's pro-formas stating project specification in order for easement to be agreed were completed and submitted to NR on 7 November 2018. At January 2019, pro-formas were being reviewed by NR. There is regular communication with Network Rail's surveyor and the established process of moving towards agreeing HoTs with Network Rail has gained momentum.

Unknown Interests

11.28 Seagreen, through the measures outlined above including through title searches by solicitors, has made reasonable inquiry of interests in the Order Land and sought, where possible, to identify the owners and/or beneficiaries of those interests. Except as aftermentioned all persons appearing to the Acquiring Authority to have an interest in the Land are identified within the Schedule to the Order.

11.29 The full identity and address of one party appearing to the Acquiring Authority to have an interest in

the Order Land has not been identified. This is due to a death reported to the Acquiring Authority of a landowner, whose personal representatives are unknown to the Acquiring Authority at the date of making of the Order. The requirements of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 in relation thereto shall be followed.

11.30 The making of the Order shall be advertised in accordance with the requirements of the Acquisition of Land Authorisation Procedure) (Scotland) Act 1947, so that any other person claiming an interest may make contact with Seagreen.

Statutory Undertakers

11.31 At several locations across the Seagreen cable route it is necessary to cross assets owned by statutory undertakers. The statutory undertakers include the following:

- Scottish Water in respect of wayleave agreements for water mains pipes and waste water systems;
- National Grid in respect of a high pressure gas pipe in the vicinity of Balhungie farm;
- Scottish Gas Networks in respect of its gas distribution network;
- British Telecom in respect of numerous telecommunications lines; and
- SSE Plc in respect wayleave agreements for underground and overhead electricity lines.

11.32 Statutory undertakers will be contacted with a letter providing detail of where the point(s) at which the Seagreen project interacts with their asset(s) and asking if there are any special protective measures that should be adhered to when working in close proximity to their asset(s).

11.33 Seagreen has given careful consideration as to why it is necessary to acquire the rights in respect of the Order Land and considers that there is a compelling case in the public interest for confirmation of the Order which, if confirmed, would strike an appropriate balance between public and private interests. As explained above, all owners, lessees and occupiers affected by the proposed Order have been invited to enter into discussions with Seagreen with a view to agreeing appropriate terms to secure the necessary rights for the Scheme.

12 HUMAN RIGHTS AND OTHER CONSIDERATIONS

12.1 The Human Rights Act 1998 incorporated into domestic law the European Convention of Human Rights ("the Convention"). The Convention includes provision in the form of Articles, the aim of which is to protect the right of the individual.

12.2 Section 6 of the Human Rights Act prohibits public authorities from acting in a way which is incompatible with the Convention and in exercising its powers of compulsory acquisition Seagreen is acting as a public authority for the purpose of the Human Rights Act 1998 so must be conscious of the need to strike a balance between the rights of the individual and the interests

of the public.

- 12.3 Various Convention rights may be engaged in the process of making and considering a compulsory purchase order, notably Article 1 which protects the right of everyone to the peaceful enjoyment of possessions; no-one can be deprived of possessions except pursuant to due process of law. Further, in relation to Article 8 (right to respect for private and family life and home) rights may only be restricted if the infringement is for a legitimate purpose and is fair and proportionate in the public interest.
- 12.4 The Order has the potential to infringe the rights of the affected parties. Such infringement has to be weighed against the public benefit in allowing the Order. There would be significant public benefit brought about by the project to which the scheme relates. As demonstrated by the volume of policy supporting the development of low carbon renewable energy there is a clear public interest in enabling the development of offshore wind energy through the scheme works. The public benefit should be weighed against the limited land take, that the majority of the land will accommodate underground cables which will not prevent the current use of the land continuing and that Seagreen is seeking the minimum rights necessary to allow the project to succeed. The commitment to taking the minimum amount of land required is being progressed through refinement of plots following further investigation and design.
- 12.5 The rights of owners of interests in the Order Land under the Human Rights Act 1998 have been taken into account by Seagreen when considering whether to make the Order and in considering the extent of the interests to be comprised in the Order. Seagreen considers that there is a compelling case in the public interest for confirmation of the Order and that the Order, if confirmed, would strike an appropriate balance between public and private interest and, in enabling the construction of Phase 1 of the Firth of Forth Offshore Wind Farm, would make a significant contribution towards the achievement of the Government's economic and environmental targets. Seagreen has had due regard to the requirement to minimise interference wherever possible and continues to seek to reduce the land required through detailed design.
- 12.6 Seagreen remains committed to pursuing active engagement with landowners in with regard to compulsory acquisition. Those directly affected by the Order will be entitled to object to the Order, and follow the public inquiry process, should they wish to do so; and separately to statutory compensation.

13 SPECIAL CONSIDERATIONS

Protected Assets

- 13.1 There are no ancient monuments or listed buildings within the Order Land and the Order Land is not within a conservation area. Safeguarding of one scheduled monument near to the Order Land is described above.

Special Category Land

- 13.2 By virtue of section 1(2)(a) of the Land Acquisition (Scotland) Act 1947 (“the 1947 Act”), special provision is made under Part III of the First Schedule to the 1947 Act for a compulsory purchase order which authorises the acquisition of land which is the property of a local authority or has been acquired by a statutory undertaker for the purposes of their undertaking where the local authority/authorities or statutory undertaker(s) object to the compulsory purchase order and such objection(s) are not withdrawn. Part III also applies to a compulsory purchase order which authorises the acquisition of rights in land which is the property of a local authority/statutory undertaker for the purposes of their undertaking where they object to order and such objection(s) are not withdrawn. In both cases the land is referred to as “special category land”. However, in the latter case (acquisition of rights) the operation of Part III is modified as set out in paras. 17 – 21 of Schedule 3 to the Electricity Act 1989.
- 13.3 Plots 1a, 1b, 1c, 1d, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h, 3i, 5a and 5b are owned by Angus Council and constitute special category land within the meaning of section 1(2)(a) of the 1947 Act.
- 13.4 The following plots are owned and were acquired by the following statutory undertakers for the purposes of their undertakings:
- Network Rail Infrastructure Limited (plots 6a and 7a); and
 - Scottish Water (Plots 31a and 31b).
- 13.5 These Plots also constitute special category land within the meaning of section 1(2)(a) of the 1947 Act. The rights sought are the minimum necessary and every effort has been made not to interfere with the statutory undertaker’s use of the land. Plot 5a lies immediately south of the ECML rail line and is in the ownership of Angus Council. Plot 6a and 7a are the rail line. In both cases it is intended to use HDD installation to install the cables without interfering with the use of the land, the rail line or the ancillary equipment. Plot 31a forms part of a private access road to sewage works and would be used for access to the cable corridor and installation of the cables. Access to the sewage works would be maintained during the project works. It is considered that the Scottish Ministers can be satisfied, and can certify accordingly under para.10 of Part III, that the rights sought can be acquired without serious detriment to the undertakings.
- 13.6 Section 1(2)(b) of the 1947 Act also applies Part III of the First Schedule to the Act to land forming part of a common or open space or held inalienably by the National Trust for Scotland, which are also considered special category land. Part III is again is modified by the Electricity Act 1989 in relation to rights to be acquired in land.
- 13.7 Paragraph 9 of Part III is now restricted to land held inalienably by the National Trust for Scotland, by virtue of the Local Government, Planning and Land Act 1980 s.120(2). No land subject to the Order is held inalienably by the National Trust for Scotland.
- 13.8 Under s.7 of the 1947 Act “open space” includes any land laid out as a public garden, or used for the purposes of public recreation. The golf course comprised in plots 1a 1b, 1c, 1d, 2a, 2b, 2c, 2d, 2e,

2f, 2g, 3a, 3b, 3c, 3d, 3e, 3f, 3g, 3h and, 3i comprises common or open space subject to para.11 of Part III. Plots 5a and 5b are comprised of part of a cycle route and therefore also come within the definition of open space. The rights to be acquired will result, following the conclusion of the works, in the undergrounding of cables in the golf course. Seagreen is committed to minimise so far as it reasonably can any disruption due to construction, and has been in contact with Angus Council and the Golf Links Management Committee to discuss this. It is submitted that Scottish Ministers can be satisfied, and certify accordingly under para.11 of Part III, that the land, when burdened with the rights sought, will be no less advantageous to those persons in whom it is vested and other persons, if any, entitled to rights of common or other rights, and to the public, than it was before the rights are granted.

- 13.9 The Order does not seek to acquire ownership of any special category land. In every case where special category land has been included only rights over that land are sought. Accordingly, in relation to special category land within the Order the provisions of the 1947 Act should be read subject to the applicable modifications in the 1989 Act.

Gas and Electricity Markets Authority Consent

- 13.10 By virtue of paragraph 2 of Schedule 3 of the Electricity Act 1989, no order may be made authorising the compulsory acquisition of land or rights over land belonging to another electricity licence holder without the consent of the Gas and Electricity Markets Authority (“GEMA”). This consent may not be given if the land in question is being used for the purposes of an installation necessary for the carrying on of the activities which the licence holder is authorised by his licence to carry on or, it appears to GEMA that the land will be so used, and that the use will commence, or any necessary planning permission or Section 36/37 consent will be applied for, within the period of five years beginning with the date of the application for GEMA’s consent.
- 13.11 Some of the land required for cable installation (included within the PPP redline boundary) (Plot 41a) and to be acquired (Plot 41b) forms part of the existing Tealing substation which is owned and operated by Scottish Hydro Electric Transmission plc (“SHET”). SHET are an electricity licence holder. Seagreen are in the process of negotiating a private agreement with SHET for voluntary acquisition. However, to ensure deliverability of the Scheme the SHET land has been included with the Order. Before Ministers can confirm the Order the consent of GEMA will be necessary in relation to these Plots.

Crown Land

- 13.12 The Electricity Act 1989 authorises the compulsory purchase of Crown land. However, section 63 of the 1989 Act provides that the power of compulsory purchase shall not, except with the consent of the appropriate authority, be exercisable in relation to any land in which there is a Crown interest, i.e. an interest (a) belonging to Her Majesty in right of the Crown, or (b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department. The appropriate authority means, in relation to the Crown Estate the person who manages the land, or in relation to a government department that department. Confirmation of the Order by the Scottish Ministers may be taken as consent for their interests. In respect of the

portion of the route that crosses land at Barry Buddon military base, Seagreen has been in communication with the MOD since early 2012. Seagreen are confident that a voluntary arrangement will be made with the MOD, and all other Crown interests, but the Order includes such land as a backstop. Before Ministers can confirm the Order in relation to Plots held by the Secretary of State for Defence the consent of the Ministry of Defence will be required.

Rights over land sought

- 13.13 Seagreen seek rights over the plots as necessary to undertake the works and maintain, repair, replace or remove the cables as appropriate. The rights sought include access rights and the ability to create and use compounds as necessary ancillary requirement to the cable works. Rights are also sought to ensure that the cables are protected from interference and damage and remain accessible. This results in the seeking of a prohibition on the erection of buildings.
- 13.14 The rights have been considered against each plot individually and adjusted to allow for the particular circumstances of each plot and result in the minimum necessary interference with the affected interests in that plot consistent with the needs of the Scheme.

Existing rights in land

- 13.15 Most of the existing rights over the land subject to the Order are not to be extinguished. All of the known existing rights in land have been considered individually and Seagreen has amended the rights sought to allow co-existence with the rights over the Order land wherever possible. Existing burdens, servitudes, rights of statutory undertakers and utilities are to be retained and no prohibition on the creation of new rights is sought. It is intended that the works would also accommodate existing utility apparatus as far as possible although some may have to be diverted and the necessary rights to do this are accordingly sought.

The Views Of Government Departments and Related Applications/Appeals/Orders

- 13.16 As noted above, SAWEL and SBWEL have section 36 consents and associated marine licence applications to MS-LOT for Seagreen Alpha and Seagreen Bravo respectively. A joint marine licence application was also submitted to consent the offshore transmission infrastructure, including offshore platforms and the offshore export cable. Section 36 consents and Marine Licences for Seagreen Alpha and Seagreen Bravo were granted on 10 October 2014. Applications to vary the s.36 Consents to remove the maximum installed capacity were granted on 28 August 2018. Revised marine licences were issued on 28 August 2018. On 14 September 2018 SWEL on behalf of SAWEL and SBWEL submitted applications for marine licences and section 36 consents for a revised design of the offshore assets.
- 13.17 As noted above, PPP for the onshore transmission infrastructure (PPP) was granted on 5 January 2017.
- 13.18 Works to the public road will be required. Seagreen is in discussions with Angus Council as local roads authority and Transport Scotland as trunk roads authority regarding relevant consents/approvals. Seagreen has no reason to believe that these consents/approvals will not be forthcoming. Accordingly the Order does not seek rights in relation the public roads.

13.19 Seagreen will need to obtain consent from Network Rail to works on its land. Discussions with Network Rail are ongoing as detailed above. Seagreen has no reason to believe that this consent will not be forthcoming.

14 FINANCIAL AND COMPENSATION ISSUES

14.1 As noted above, Seagreen's parent company is SSE Renewables Developments (UK) Limited. The estimated compensation, plus contingency, has been taken account of by the parent company as part of the overall project development costs.

14.2 SSE Renewables Developments (UK) Limited is subject to a strong commercial imperative as it is a high-profile developer of renewable energy projects. The reputational risk of not discharging obligations with respect to compulsory acquisition compensation would be considerable and put the company's ability to secure compulsory purchase on future projects at risk.

14.3 In any CPO process there is always a willingness to discuss compensation issues and to purchase properties by agreement, if possible, rather than compulsorily. All owners, lessees and occupiers affected by the proposed Order have been invited to enter into discussions with Seagreen via their agents with a view to agreeing appropriate terms of payment of compensation.

14.4 Seagreen's strong preference has always been, and remains, to acquire the land rights detailed in the Order on a voluntary basis. However, in light of the current state of negotiations with the relevant landowners and given the project timescales, it is considered impracticable to rely solely upon voluntary acquisition. A failure to reach an agreement for the land or rights within the Order Land could jeopardise the delivery of the Project. Therefore, without resorting to the use of compulsory acquisition powers, there would be a very real risk that the benefits of the connections in facilitating renewables development would not materialise. As noted above, Seagreen remains committed to on-going engagement with a view to seeking to reach voluntary agreements.

15 BARRIERS/IMPEDIMENTS TO IMPLEMENTATION AND HOW THESE ARE TO BE ADDRESSED

Planning Permission

15.1 As noted at paragraph 3.7 above, PPP for the onshore transmission infrastructure was granted on 5 January 2017. The PPP is subject to 18 conditions. Applications for Approval of Matters Specified in Conditions will follow in due course. These will be accompanied by details which require to be submitted for approval prior to commencement of development in terms of conditions 1, 2, 4, 11, 14, 17 and 18. The Acquiring Authority is satisfied that all 18 conditions are capable of being complied with and do not represent any impediment to the scheme.

- 15.2 Current design and assessment confirms that the scheme can be delivered within the existing PPP. As with any project of this scale, evolution of design and assessment has identified several areas where improved engineering and design efficiency would be achieved by use of limited additional areas outwith the current planning boundary. Where these have been identified they have been included within the Order Land with a view to an application for planning permission being brought forward at an appropriate time. These include for example the secondary substation access and areas at landfall. None of the additional areas results in a significant alteration of the cable route from the existing red line boundary. Overall the use of additional areas is intended to result a reduction in the time required for construction, and a corresponding reduction in disturbance to landowners and other interested parties. Similarly, as referenced at 6.18 and 6.21 above construction methodologies are being reviewed in light of the evolving design and assessments. Should new methodologies emerge as the preferred solution new planning applications would be brought forward as required, for example under Section 42 of the 1997 Act. Accordingly, although included for completeness neither the inclusion of areas outwith the existing planning boundary nor potential future planning applications are considered to be a barrier to implementation.

16 THE ORDER, ORDER MAP AND STATEMENT OF REASONS

- 16.1 A copy of the Order, Order Map(s), this Statement of Reasons and the documents referred to in the appendix hereto can be inspected during normal office hours at Seagreen Wind Energy, 1 Waterloo Street, Glasgow, G2 6AY.
- 16.2 A copy of the Order, Order Map(s), this Statement of Reasons and the documents referred to in the appendix hereto has also been placed at the following locations for inspection during normal opening hours:
- (a) Carnoustie Library, 21 High Street, Carnoustie, DD7 6AN
 - (b) Dundee Central Library, The Wellgate, Dundee, DD1 1DB

17 ADDITIONAL INFORMATION

17.1 Website

Information about the project as it progresses is available on Seagreen's website at <http://www.seagreenwindenergy.com/home.asp>.

17.2 Contacts

Any persons with an interest should contact the Acquiring Authority as follows:

FAO Colin Hamilton
Gillespie Macandrew LLP, Solicitors

5 Atholl Crescent, Edinburgh EH3 8EJ
Tel: 0131 225 1677
Email: SeagreenCPO@gillespiemacandrew.co.uk

or

FAO James Murphy
Seagreen Alpha Wind Energy Limited
1 Waterloo Street, Glasgow, G2 6AY

17.3 *Developers/Promoters*

Seagreen Alpha Wind Energy Limited ("SAWEL") and are the developers of the scheme and the Acquiring Authority for the purposes of the legislation.

Should it be necessary to hold a public inquiry into the Order the acquiring authority may refer to or put in evidence further documents a list of which will be supplied in due course.

18 CONCLUSION

18.1 For the reasons summarised in this Statement, Seagreen considers the Order to be within the necessary statutory powers and that a compelling case exists in the public interest which justifies the making and confirming of the Order.

18.2 Should it be necessary to hold a public inquiry into the Order the acquiring authority may refer to or put in evidence further documents a list of which will be supplied in due course.

Appendices

Document	Paragraph disclosed by	Document Number
Seagreen Alpha Electricity Generation Licence	3.4	Document 1
Seagreen Bravo Electricity Generation Licence	3.4	Document 2
Seagreen Alpha and Seagreen Bravo Section 36 consent (as amended)	3.5	Document 3
Seagreen Alpha Marine Licence	3.5	Document 5
Seagreen Bravo Marine Licence	3.5	Document 6
Planning Permission in Principle for onshore works	3.6	Document 7
Report to Planning Committee for onshore works planning application		Document 8
Electricity (Competitive Tenders for Offshore Transmission Licences) Regulations 2015	3.7	Document 9
Ofgem Offshore Transmission Coordination Project Conclusions Report (March 2012)	5.4	Document 10
Seagreen Onshore Environmental Statement- Chapter 9	6.28	Document 11
20 20 by 2020: Europe's climate change opportunity, COM(2008)30final	11.3	Document 12
2020 Routemap for Renewable Energy in Scotland and Scottish Government's Electricity Policy Statement 2012-Update (30 October 2012)	11.6	Document 13