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Aberdeen Renewable Energy Group

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Aberdeen Offshore Wind Farm

www.vattenfall.co.uk/en/aberdeen-bay.htm

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05 February 2016

James C McKie
Marine Scotland
Marine Laboratory
375 Victoria Road
Aberdeen
AB11 9DB

Dear Mr McKie,

Request for a non-material variation under Section 30(7) of the Marine (Scotland) Act 2010 to Marine Licence Number 04309/13/0 (Licencing Authority Reference Number FKB/Z242)

I write on behalf of Aberdeen Offshore Wind Farm Limited (the Licence holder) to request a non-material variation in accordance with Section 30(7) of the Marine (Scotland) Act 2010 to Marine Licence Number 04309/13/0.

The Licence holder wishes to vary the coordinates set out in paragraph 2.3 of Part 2 of the schedule to the Licence relating to the export cable corridor.

The requested variation is that the export cable corridor coordinates be changed to the coordinates shown in Table 1 below.

	WGS 84				
Id	Latitude	Longitude	Id	Latitude	Longitude
1	57° 12.993' N	2° 3.535' W	11	57° 12.574' N	2° 0.503' W
2	57° 11.379' N	2° 4.335' W	12	57° 13.499' N	2° 0.647' W
3	57° 11.434' N	2° 2.914' W	13	57° 13.464' N	2° 0.875' W
4	57° 12.389' N	2° 2.410' W	14	57° 13.404' N	2° 0.864' W
5	57° 12.193' N	1° 59.977' W	15	57° 13.005' N	2° 3.455' W
6	57° 12.360' N	1° 58.680' W	16	57° 13.015' N	2° 3.528' W
7	57° 13.365' N	1° 58.047' W	17	57° 13.016' N	2° 3.535' W
8	57° 13.903' N	1° 58.395' W	18	57° 13.017' N	2° 3.548' W
9	57° 13.518' N	1° 59.388' W	19	57° 13.015' N	2° 3.548' W
10	57° 12.991' N	1° 59.291' W			
Do not recreate vector data from these coordinates. A full list of coordinates is available by request from Vattenfall GIS.					

Table 1 – Export cable corridor coordinates

The requested non-material variation effects two areas.

Area 1 – Intertidal Zone

In this area the requested non-material variation is to increase the area bounded by the export cable corridor at the most northerly extent of its intertidal zone by approximately 1 hectare. This is to allow the submarine cable route under the intertidal zone to be aligned with the onshore planning permission boundary.

The additional area falls wholly within the area covered by planning consent for the associated onshore element of the project. As such additional area requested has been fully addressed within the environmental statement (ES) which supported the planning application for the onshore and foreshore element of the export cable corridor.

I have attached the following supporting documents to this letter to provide clarity with regard to the assessment of the intertidal area (in particular the ecological assessments) and copies of consultee letters to the planning authority in response to the planning application:

- Appeal Decision Notice – granting consent for the onshore works;
- Location Plan – showing the Red line planning boundary for the onshore works (which extends seaward to Mean Low Water Springs);
- Volume 1 of the ES – the non-technical summary to the ES;
- Chapter 7 of Volume 2 of the ES – the ecology chapter;
- Figures from Chapter 7 Volume 3 – relating to the habitat surveys and vegetation surveys;
- Statutory Consultation responses – copies of responses submitted to the planning authority; and
- Non-Statutory Consultation responses – copies of responses submitted to the planning authority.

I believe that these documents establish that there were no objection raised by any consultees in relation to the intertidal zone. Further that where consultees have recommended a condition relating the intertidal zone these have been carried forward into the planning consent.

The Licence holder has confirmed that all of the additional land is owned by the Crown Estate.

The Licence holder has consulted with Mr G Fraser, holder of Heritable Fishing rights in the area, and has written confirmation that he has no objections to the variation being granted. I attach a letter from Mr Fraser.

Area 2 – Export Cable Corridor/Wind Turbine Array Interface

In this area the requested non-material variation is to increase to the export cable corridor where the corridor meets the wind turbine array. This increase is to encompass the wind turbine micro-siting area

of 100m radius based on the wind turbine nominal consented position. The reason for this increase is to ensure that wherever the wind turbine is located within the micro-siting area it will also be within the export cable corridor. In this event the total length of export cable deployed will be always be less than the 26km granted under the licence and within the area assessed by the environmental studies and reported in the environmental statement submitted in support of the licence application.

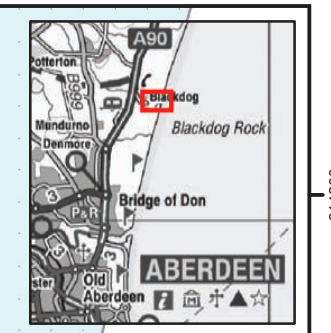
Yours sincerely,

Graham Davey

For and on behalf of Aberdeen Offshore Wind Farm Limited

396000 396200 396400 396600

814200 814000 813800



Datum: OSGB36
Projection: OSNG

Raleigh Villa
Blackdog
Blackdog Steading
Sangama
Farm
Shathan House
Ceol Na Mara
The Shores
HAREBURN ROAD
Play Area
Golf View
Seaview
Well
Willowgrove
Blackdog Fishing Station
Path (um)
FB
House
Track
Blackdog Links
P Const & UA Bdy
CS
Sand and Boulders
Blackdog Rock

Notes:
1. AOWFL - Aberdeen Offshore Wind Farm Ltd.
2. VPFC - Voltage Power Factor Control

Legend

- Planning application red line boundary
- Land under applicant's control
- Indicative onshore cable corridor
- Indicative cable pull-in and jointing area
- Indicative submarine cable and cable duct corridor
- Access road
- Indicative AOWFL substation extent [1]
- Indicative VPFC equipment extent[2]
- Indicative SHET Plc substation extent
- Area of hardstanding
- Temporary construction compound
- Parking area

Existing features

- Building
- General surface (manmade)
- General surface (natural)
- Inland water (natural)
- Landform (manmade)
- Landform (natural)
- Coniferous trees
- Marsh reeds or saltmarsh
- Rough grassland
- Scrub or heath
- Path
- Road or track
- Roadside (manmade)
- Roadside (natural)
- Structure
- Tidal water

396000 396200 396400 396600

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Rev	Date	By	Comment
A	19/12/12	LM	First issue

Original A3 Plot Scale 1:2,500

0 50 100 m

ABERDEEN OFFSHORE WIND FARM

Onshore Transmission Works Location Plan
Planning Drawing 1

Drg No	6129-715-PA-038
Rev	A
Date	19/12/2012
Layout	BDG004

Ref: ABER_OnSBdry_v07_120716lm_OSNG ([Name] = 'Blackdog B'), ABER_TCmpd_v10_121211lm_OSNG ([LayRef] = 'BDG004'), ABER_SStn_v11_121123lm_OSNG ([LayRef] = 'BDG004' AND [Label] = 'Area of hardstanding'), ABER_SStn_v11_121123lm_OSNG ([LayRef] = 'BDG004'), ABER_ARd_v12_121211lm_OSNG ([LayRef] = 'BDG004'), ABER_MiCiv_v09_OSNG_121123lm ([LayRef] = 'BDG004'), ABER_OnCabCo_v16_121211lm_OSNG ([COMMENTS] = 'Indicative submarine cable and cable duct corridor' AND [Status] = 'Current' AND [Layout] = 'BDG004')

Aberdeen Offshore Wind Farm

(Also known as European Offshore Wind Deployment Centre)

Onshore Transmission Works - Environmental Statement (Blackdog)

Non-Technical Summary

Aberdeen Offshore Wind Farm Limited

Volume 1 of 4

August 2013

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A project part-funded by the European Union under the European Economic Plan for Recovery in the field of Energy

1 INTRODUCTION

1 This document represents a Non-Technical Summary (NTS) of the Environmental Statement (ES) which accompanies the planning application for the Aberdeen Offshore Wind Farm (AOWF) (also known as the European Offshore Wind Deployment Centre (EOWDC)) Onshore Transmission Works, proposed at Blackdog, Aberdeen.

2 The 'Proposed Development' is required to facilitate the export of electrical power generated from the AOWF to the national electricity transmission system (NETS).

3 The Proposed Development would comprise a submarine cable and cable duct corridor, a cable pull-in and jointing area, onshore cabling and a substation compound.

4 This NTS provides a summary of an Environmental Impact Assessment (EIA) undertaken in accordance with the methodology set out in the ES.

5 A planning application (Reference APP/2012/4219) for the Proposed Development was submitted by Aberdeen Offshore Wind Farm Limited (AOWFL) in December 2012 to Aberdeenshire Council (ASC) under the Town and Country Planning (Scotland) Act 1997 (as amended).

6 On the 30 April 2013, the Formartine Area Committee (FAC) deferred determination of the application pending submission of an ES. This ES has been produced in response to that request.

2 NEED FOR THE PROPOSED DEVELOPMENT

7 In recent years, there has been growing awareness of the need to reduce carbon emissions to slow down the pace of climate change resulting from human activity. The electricity generating industry is one of the sources of carbon emissions, as traditionally fossil fuels have been burned to generate electricity. The contribution of renewable energy is critical to progressing towards lower carbon emissions.

8 The vision of the AOWF is:

"To deploy new equipment, systems, processes and initiate R&D to improve the competitiveness of Offshore Wind Energy production, whilst generating environmentally sound marketable electricity and to increase the supply chain capabilities in Scotland, the wider UK and Europe."

9 The AOWF would help to tackle climate change and make a significant contribution to the UK's renewable generation targets.

10 The Proposed Development described in this NTS is an essential component of this project and is required to feed the electricity generated by the AOWF into the NETS.

3 SITE SELECTION

11 The location and shape of the Proposed Development and potential sites for cable landfall were already strongly influenced by the extensive range of constraints identified during the design of the AOWF.

12 The offshore cable route was constrained by having to avoid the Danger Area associated with Blackdog Firing Range, restricting the northern extent, and the Port of Aberdeen Anchorage Zone restricting the southernmost extent. A 3.5 km length of beach accessible by an offshore export cable route between these two constraints was identified as the area of search for the cable landfall.

13 During the initial site search exercise, it was not known where the eventual point of connection to the NETS would be, and therefore, the area of search for all onshore transmission works infrastructure, including provision for the SSE substation was defined to include an approximately 750 m wide strip of land inland from the length of coast identified for the cable landfall, with all the land lying between the A90 and the Mean Low Water Springs.

14 Using a detailed options appraisal, AOWFL identified four sites within the initial area of search as having potential for location of the onshore transmission works infrastructure. Discussions with land owners and planning officers were initiated to determine each site's feasibility for development.

15 Blackdog has been identified as the preferred option for the onshore infrastructure required to connect the AOWF to the NETS.

4 PLANNING AND POLICY CONTEXT

16 Planning applications are required to be determined in accordance with the Development Plan 'unless material considerations indicate otherwise' (Scottish Government 1997).

17 The ES considers the relevant provisions of the Development Plan and other Material Considerations which have been taken into account in the design and assessment of the Proposed Development. The ES chapters have set out how the policies have been considered by environmental topic in relation to identifying potential environmental impacts, significance of impact and proposed mitigation.

5 ENVIRONMENTAL IMPACT ASSESSMENT PROCESS, SCOPING AND CONSULTATION RESPONSES; AND CUMULATIVE IMPACTS

18 The EIA has involved the following key stages:

- initial development of design concepts and site / route options
- baseline data gathering, including site survey work
- confirmation of site / route and evolution of design
- scoping of the EIA with ASC and consultees
- assessment of impacts (including any indirect/secondary and cumulative impacts)
- development of mitigation and enhancement measures (where necessary), and identification of residual impact
- preparation of the Environmental Statement (ES)

5.1 Scoping and Consultation

19 Consultation to determine the scope of the EIA was undertaken prior to submission of the planning application in December 2012. The scoping concluded that no significant concerns were raised by ASC or consultees. Following submission of the planning application in December 2012, further consultation was undertaken with statutory consultees and a public consultation event was held on 31 January 2013 at the White Horse Inn at Balmedie.

5.2 Impact Assessment Methodology

20 The prediction of potential impacts covers three phases: construction, operation and decommissioning.

21 Following a prediction of the possible type of impacts which might result from the development, the assessment then uses baseline information to predict changes to existing site conditions. The assessment addresses the nature, magnitude, duration and significance of the likely effects of the three phases.

22 A variety of methodologies are commonly used to assess environmental effects, depending upon the subject area being assessed. All methods are based upon recognised good practice and on relevant IEMA and regulator guidelines, together with regulations and relevant planning advice notes.

23 The assessment also includes consideration of cumulative impacts. These are considered to comprise:

- cumulative impacts arising from the inter-relationship of the impacts of the Proposed Development
- cumulative impacts arising with other schemes in the locality that are at the planning stage or have received planning permission and are scheduled to be constructed within or near to the timeframe of the Proposed Development – namely:
  - phase 1 of Berryhill Business Park
  - housing development at Dubford
  - the Aberdeen Western Peripheral Route (AWPR)
- impacts of the Proposed Development in combination with the offshore construction, operation and decommissioning of the AOWF

24 In addition to these, potential development in the form of a Blackdog Masterplan was identified. This includes housing, employment land and associated development. However, as this is not yet the subject of any planning applications and there is no definitive timetable this has not been considered further in this context.

6 PROJECT DESCRIPTION

25 The Proposed Development is required to facilitate the export of electrical power generated from the AOWF to NETS and comprises the following permanent infrastructure:

- cable corridor, comprising:
  - submarine cable and cable duct corridor (up to three cables)
  - cable pull-in and jointing area
  - onshore cable corridor
- substation compound, comprising:
  - Aberdeen Offshore Wind Farm Limited (AOWFL) Substation
  - Voltage Power Factor Control (VPFC) equipment area (if required)
  - SSE substation
  - parking area
  - perimeter fence
- internal access road
- landform and landscaping

26 The permanent footprint of the Proposed Development including all of the above ground elements would be approximately 0.7 hectares (ha).

27 Temporary working areas would also be required during construction and are contained within the red line boundary.

6.1 Construction

28 The construction phase of the Proposed Development is expected to last approximately 14 months.

6.2 Operation

29 The AOWF, and all associated infrastructure, is expected to remain operational for an approximate 22 year lifespan.

6.3 *Decommissioning*

30 All restoration and reinstatement work would be carried out subject to the Decommissioning Plan agreed with the Local Planning Authority. Full site reinstatement may not be required and would depend on any future use.

7 HYDROLOGY, HYDROGEOLOGY AND GROUND CONDITIONS

31 A review of the site setting including local geological, hydrogeological and hydrological records in the vicinity of the Proposed Development has been undertaken. The site lies within an area characterised by a cover of permeable sand and gravel deposits underlain by low permeability metamorphic and intrusive rocks. Groundwater would flow naturally and would be eastward toward the sea and Blackdog Burn.

32 There is a history or quarrying (for sand & gravel and clay), brick manufacture and landfilling in the vicinity of and at the location of the Proposed Development.

33 In addition to site investigations carried out previously a Phase II site investigation of the Proposed Development site has been undertaken. The scope of this was agreed with ASC and reflected the potential for landfill and other made ground issues within and adjacent to the site.

34 The description of the soil arisings from the 2013 site investigation data suggests that the landfill within the site contains inert waste and waste from the construction industry. Some evidence of asbestos and hydrocarbon contamination was encountered. This combined with the results of laboratory analysis of soil and groundwater samples and the results of ground gas monitoring indicate that, subject to standard construction industry precautions in the presence of such contaminants, the Proposed Development is unlikely to pose a significant pollution risk to ground or surface waters; or a risk to human health.

35 Good practice construction methodologies will be used to ensure that there is no impact through unforeseen pollution events. These will address the issues of hydro-carbon and asbestos in particular and include:

- Pollution Prevention Plan
- Pollution Incident Response Plan
- Construction and Environmental Management Plan
- Ensuring drainage discharges to be undertaken in accordance with Controlled Activity Regulations

36 The assessment concludes that with the incorporation of standard mitigation measures, designed to control potential pollutants and storm water run-off the Proposed Development can be constructed, operated and decommissioned without a significant risk to human health or impact on ground or surface water resources.

8 ECOLOGY AND ORNITHOLOGY

37 A desk based study of records has been carried out including identification of statutory designated nature conservation sites within 20 km of the Proposed Development Site Boundary. No statutory designated sites were identified within 2 km of the Proposed Development Site Boundary and no other sites with the potential to receive a significant impact were recorded.

38 Balgownie / Blackdog Links District Wildlife Site is located approximately 100 m to the south of the Proposed Development Site Boundary. The assessment found that this site would not be affected by the Proposed Development.

39 Records of species occurring within 2 km of the Proposed Development Site Boundary were used to inform the ecological surveys undertaken.

40 Ecological surveys were carried out to identify the existing ecological and ornithological baseline within the Proposed Development Site Boundary and the surrounding area. These surveys included Phase 1 habitat survey, breeding bird survey and vegetation (NVC) surveys.

41 The area within the Proposed Development Site Boundary was found to primarily consist of semi-improved grassland, dune and sandy shore intertidal communities (including under-boulder habitats).

42 The ecological impact assessment concluded that potential impacts on sand dune and under-boulder habitats have been avoided through sensitive location of the cable corridor. No significant impacts on habitats were predicted.

43 The ornithological impact assessment concluded that the Proposed Development would not have a significant effect on bird populations which currently use the foreshore due to the relatively small area of the habitat affected, the presence of existing human disturbance and the temporary duration of the works. No direct or indirect impacts are predicted during the operational phase.

44 Decommissioning impacts are likely to be similar to those identified during construction. Prior to decommissioning an updated ecological survey would be required to ensure no significant impacts occur, in accordance with the legislation and guidance at the time.

9 LANDSCAPE AND VISUAL

45 The Proposed Development lies wholly within the Coastal Strip – Formartine Links Local Character Area (LCA), lying at its southernmost extent. It is located within an area where there are existing evergreen plantations which are a characteristic of the immediate locality. The assessment concludes that the landscape affords beneficial opportunities for integrating the Proposed Development into the site and the surrounding area. Whilst there will be a major significance of impact upon the character of the immediate local landscape (within approximately 200 m of the site) the significance of impact upon the totality of the LCA is judged to be no more than moderate reducing to slight to minimal as mitigation planting matures.

46 The existing site is generally well contained visually and, as the assessment has confirmed, development of a substation compound within the site can be readily accommodated with significant visual impacts arising within only in a very limited area (within approximately 200 m of the Proposed Development Site Boundary). Significant visual impacts are almost wholly confined to views from locations around and in close proximity to the site.

47 The Proposed Development is also located within an area identified within the Aberdeenshire Local Development Plan 2012 for mixed use development and it will sit alongside an existing water treatment works. The type of development is thus not inappropriate to the area in terms of local character.

48 A considered landscape mitigation strategy has been prepared in order to aid the integration of the Proposed Development into its local landscape and to assist in mitigating identified visual impacts upon local visual receptors, principally residents along the south-eastern fringe of Blackdog. The landscape mitigation strategy will, in the longer term, contribute to bringing about an enhancement to local landscape character.

49 The proposed landscape mitigation strategy serves to address the localised impacts whilst also aiding the integration of the Proposed Development into the local landscape without compromising the characteristic available seaward views.

50 Significant visual impacts upon residents are limited to the south eastern edge of Blackdog and the two houses that lie in close proximity to the Proposed Development Site Boundary. The Proposed Development will be a noticeable change in the views of residents from these properties with mitigation planting reducing the effects over time.

51 It was judged that the Proposed Development would have no cumulative impacts with other developments of a similar scale within the study area.

52 Assessment of the combined cumulative impacts arising from the Proposed Development and the AOWF itself concluded that significant combined cumulative effects on landscape character is limited to the localised site area where the Proposed Development and the AOWF wind turbines will be a major alteration to the key characteristics of the Formartine Links LCA. Significant combined cumulative visual impacts are also limited to the immediate area and those receptors within close proximity. The Proposed Development in combination with the AOWF wind turbines will create a large scale change in the views of the residents at the south eastern edge of Blackdog and Hareburn House, walkers and road users along the eastern end of Hareburn Terrace, and nearby Golfers on the Murcar Links Golf Course.

10 CULTURAL HERITAGE

53 Designated heritage assets within the Cultural Heritage Outer Study Area are limited to two listed buildings located to the southern extremity of the area circa 2 km to the south of the Proposed Development Site Boundary. Owing to the distance between the assets and the Proposed Development and the intervening landform, indirect effects will not occur.

54 The known undesignated heritage assets within the Cultural Heritage Outer Study Area indicate a landscape characterised by dispersed farming communities set within geometric fields, with fishing stations located amongst the dunes. There has been extensive quarrying and some limited industrial development, and a World War II defensive line lay on the east side of the dunes.

55 Known assets which could be directly affected by construction comprise possible remains of the Brickworks light railway and part of a defensive line of tank-blocks and pill-boxes constructed in World War II on the east side of the dunes within the Proposed Development Site Boundary. There is also potential for construction to form direct impacts on currently unknown earlier archaeological remains though the probability is considered to be low.

56 As a precaution, it is proposed that the groundworks would be monitored with provision for investigation and recording. The significance of any impact is considered likely to be negligible adverse.

57 The assessment concludes that no significant cultural heritage impacts would occur as a result of the Proposed Development.

11 TRAFFIC AND TRANSPORT

58 The Proposed Development would result in an increase in vehicle trips during the construction and decommissioning phases of the project, with negligible traffic volumes generated during the operational phase (ie the occasional maintenance vehicle).

59 The baseline assessment has identified the following potential receptors, which may be directly affected by the Proposed Development construction phase. These receptors are:

- A90 Trunk Road
- the A90 / Hareburn Terrace junction and
- Hareburn Terrace

60 During the construction phase, the Proposed Development would result in a maximum daily traffic generation of 10 HGV and 26 light vehicle movements, accessing the Propsoed Development via the A90 trunk road and Hareburn Terrace.

61 The highest trip generation would be during a temporary construction period and that these would occur in months 1, 2, 6 and 7, primarily due to access track construction / delivery of plant and concrete works.

62 Some substation components may be delivered to site on abnormal load vehicles. Abnormal loads would be carefully managed and escorted in accordance with Transport Scotland's requirements.

63 The assessment identifies that the A90 dual carriageway currently operates under capacity even at peak times. The junction between the A90 and Hareburn Terrace is also designed to facilitate vehicles of the size and number proposed.

64 The assessment concludes that during the peak of vehicular activity associated with the construction phase, the overall increase in vehicle movements on the A90 is minimal. The overall increase is likely to be well below the day to day variation in traffic flows on the A90 and therefore negligible and imperceptible on the local highway network.

65 Hareburn Terrace is predominantly used by non-HGV vehicles. A Construction Traffic Management Plan (CTMP) would be agreed with ASC prior to construction. This management plan will ensure that the use of Hareburn Terrace by HGVs and construction vehicles does not result in impacts such as driver delay, road safety or public amenity, particularly through restricting site access during peak times. This is particularly important on Hareburn Terrace where sensitive receptors, including residential properties, a nursery and a playground lie adjacent to the route to site.

66 In the context of traffic and transport, there is no cumulative impact on Hareburn Terrace between the Proposed Development and the identified schemes.

67 The assessment concludes that following implementation of the proposed mitigation including a Construction Traffic Management Plan (CTMP), the construction and operation of this Proposed Development would not give rise to significant impacts.

12 NOISE AND VIBRATION

68 Noise sources during the construction phase would comprise activities such as site preparation, foundation, buildings works and cable laying. Piling operations would use vibration, rather than percussion methods.

69 The potential noise sources during the operational phase are within the substation compound and are:

- AOWFL substation
- VPFC equipment compound
- SSE substation

70 The assessment concludes that construction noise would have a minor adverse impact at the nearest residential property. This level of impact will be temporary and noise reduction working practices will be used on site to minimise disturbance.

71 During the operational phase the two substations would not generate any meaningful noise and have therefore been excluded from the assessment. The main noise generator would be the VPFC.

72 The assessment concludes that noise emissions from equipment in the VPFC would have a minor adverse impact at nearby residential properties. Accordingly, noise reduction measures (eg screening and noise insulated equipment housings) would be used to reduce noise levels to an acceptable level.

73 Vibration levels due to construction piling operations would be less than just perceptible at the most sensitive locations assessed. The likelihood of structural damage due to construction vibration is negligible.

74 The potential noise from the AOWF and the Proposed Development has been assessed together to determine the cumulative impact.

75 The assessment identified that in the worst case situation, the cumulative impact resulting from the combined development of the Proposed Development and the AOWF would be low and even with the sensitivity of the potential residential receptors it would be of minor significance.

76 It is therefore concluded that following mitigation, no significant noise impacts are predicted.

13 SOCIOECONOMICS, TOURISM AND RECREATION

77 The potential socioeconomic impact of the Proposed Development on the local economies of Aberdeenshire and Aberdeen City, and the potential impact upon tourism and recreational receptors has been considered in respect of the construction, operation and decommissioning of the Proposed Development. The assessment considers employment, local businesses, tourism and recreation activity.

78 The assessment concludes that the provision of employment opportunities during the construction phase was identified as a limited positive impact of the Proposed Development.

79 The direct impact of the Proposed Development on the operations of local businesses on Hareburn Terrace is considered to be of negligible significance provided an appropriate Construction Traffic Management Plan (CTMP) is in place. A minor short-term impact upon recreational receptors has been identified upon the North Sea Coastal Trail and the existing footpath connecting Hareburn Terrace with the beach as a result of the possible need to temporarily divert these routes.

80 Given the small scale of the Proposed Development, the short-term duration of the construction phase works and the location of the Proposed Development, no cumulative impacts are expected to arise.

81 With the implementation of the appropriate mitigation measures with respect to construction traffic on Hareburn Terrace and in diverting the footpaths no significant impacts are predicted.

14 OTHER ISSUES

82 In addition to the potential impacts set out in the preceding sections a number of issues have been identified which are outside the scope of the main ES chapters. Whilst these have been scoped out during the initial assessment process it was felt beneficial to make reference to them within the ES. These include:

- electric, magnetic and electromagnetic fields
- safety and security
- carbon balance
- air quality and dust management
- waste management

83 The potential for encountering asbestos during construction is addressed within ES. This includes the requirement for specific measures within the Construction and Environmental Management Plan (CEMP) to deal with the air quality and dust management; and waste management issues this raises. The CEMP would be approved by the ASC prior to commencement of construction operations.

84 Subject to appropriate measures within the CEMP as set out above the ES has concluded that none of the above issues would result in a significant effect.

15 MITIGATION AND MANAGEMENT

85 The mitigation measures included in the ES fall into one of three categories:

- measures incorporated into the design (Development Design Mitigation)
- measures through controls on demolition and construction procedures
- post-completion measures through controls on the completed Proposed Development and on operational procedures

86 At the core of the construction phase, AOWFL would prepare a Construction Environmental Management Plan (CEMP) which would clearly set out the methods of managing environmental issues during the construction works. The procedures would be part of an evolving document which would be updated for each phase of work, thus ensuring it always incorporates current mitigation techniques and practices. The CEMP would be agreed with ASC prior to works commencing on the Proposed Development.

Aberdeen Offshore Wind Farm Onshore Transmission Works

Environmental Statement

Chapter 7: Ecology and Ornithology

A project part-funded by the European Union under the European Economic Plan for Recovery in the field of Energy

7 ECOLOGY AND ORNITHOLOGY

7.1 Introduction

1 This chapter considers the potential impacts on ecological receptors of the construction, operation and decommissioning of the Proposed Development. It includes an assessment of potential impact of the Proposed Development on species in terms of direct impacts such as habitat loss, and indirect impacts such as disturbance to species.

2 In summary, this assessment:

- identifies statutory and non-statutory designated wildlife sites within 20 km of the Proposed Development Site Boundary
- identifies rare, notable and/or protected species or habitats within or adjacent to the Proposed Development Site Boundary
- identifies and assesses potential impacts on valued ecological receptors arising from the Proposed Development, both within and outside the Proposed Development Site Boundary
- describes measures that would be taken to mitigate potential adverse impacts and the compensation measures that could be put in place if mitigation does not clearly result in an insignificant impact
- identifies the remaining residual impacts, taking into account proposed mitigation, compensation and enhancement measures
- identifies potentially damaging non-native invasive species in the vicinity of the Proposed Development and outlines measures to minimise the associated detrimental ecological and economic impacts of their spread

7.1.1 Consultation

3 Consultation was undertaken with the following consultees in relation to ecology and ornithology:

- University of Aberdeen - Entomology
- Scottish Environmental Protection Agency (SEPA)
- Scottish Natural Heritage (SNH)
- Royal Society for the Protection of Birds (RSPB)

4 The purpose of the consultation was to agree the scope of works for the ecological assessment, identify baseline information and to agree the assessment methodology used. A summary of the consultee comments is presented in Table 7.1.

TABLE 7.1
Summary of Responses Received Relating to Ecology and Ornithology

Consultee	Issues
Scoping Responses	
University of Aberdeen – Entomology (24 October 2012)	The assessment should refer to potential impacts on seabirds.

TABLE 7.1 **Summary of Responses Received Relating to Ecology and Ornithology**	
Consultee	**Issues**
Scottish Environment Protection Agency (30 October 2012)	Advised that the following key issues should be addressed: • disruption to wetlands including peatlands • requirement for a Phase 1 Habitat Survey and an NVC survey the design where possible should avoid the use of engineering activities in the water environment
Scottish Natural Heritage (31 October 2012)	Ecology • follow up surveys from the Phase 1 Habitat Survey, if required, should follow specific methodologies • species within the NE Biodiversity Action Plan should be considered • support the development of a management plan Coastal Processes • the assessment should include consideration of coastal processes including whether this could lead to cables becoming exposed
RSPB (27 November 2012)	The assessment should include potential disturbance to common and velvet scoters. Impact on coastal wintering birds is likely to be low. The construction works would not have a negative impact on seabird populations. Substation infrastructure is not anticipated to have a *significant* impact on ornithological interests. The impact of direct habitat loss on breeding birds is not expected to be *significant*
University of Aberdeen Entomology (24 October 2012)	The assessment should refer to potential impacts on seabirds
Scottish Environmental Protection Agency (30 October 2012)	Requirement for Phase 1 Habitat Survey and NVC Survey
Planning Response	
ASC Infrastructure (Environment) (18 February 2013)	Protected species surveys should be subject to condition. These surveys would be undertaken prior to the commencement of construction works
University of Aberdeen Entomology (24 January 2013)	Proposed Development may lead to some *significant* adverse effects, especially associated with the construction works at and near the dunes and beach areas. In terms of ecological impacts, these works carry the risk of noise pollution and direct disturbance of the local bird interests Baseline observations relating to otters, reptiles and birds are unlikely to be true It is important that birds including eider, lapwing and sand-martins are not disturbed as a result of the Proposed Development Acknowledges that risk can be mitigated but concerned that the risk of pollution, especially during construction has been underplayed in relation to ecology

TABLE 7.1 Summary of Responses Received Relating to Ecology and Ornithology	
Consultee	**Issues**
RSPB (28 January 2013)	Construction works should be timed to avoid main periods when sea birds are using near shore waters. Does not wish to object due to the temporary and reversible nature of effects on seabirds

7.1.2 Guidance

5 The following key documents have been reviewed:

- Bat Surveys - Good Practice Guidelines (Bat Conservation Trust 2012)
- Guidelines for Ecological Impact Assessment in the United Kingdom. Version 7 (Institute of Ecology and Environmental Management 2007)
- The Marine Habitat Classification for Britain and Ireland. (Joint Nature Conservation Committee 2004)
- Marine Monitoring Handbook. (JNCC 2001)
- Badgers and Development. (English Nature 2002)
- Reptiles: Guidelines for Developers (English Nature 2004)
- Advice Sheet 10: Reptile Survey. (Froglife 1999)
- Herpetofauna Workers Manual. (JNCC 1998)
- Bird Monitoring Methods. (Royal Society for the Protection of Birds 1998)
- Guidelines for Baseline Ecological Assessment (IEMA 2003)
- Handbook for Phase 1 Habitat Survey - A Technique for Environmental Audit (Revised reprint). (JNCC 2010)
- The UK Biodiversity Action Plan. (JNCC 1995)
- The NE Biodiversity Action Plan (North East Scotland Biodiversity Steering Group, January 2000)
- BTO Common Birds Census Instructions. (British Trust for Ornithology 1983)
- EUNIS habitat classification - a guide for users. (European Topic Centre on Biological Diversity 2008)
- British Plant Communities Volumes 1-5. (Rodwell, J.S., 1998)
- The Scottish Biodiversity List - http://www.biodiversityscotland.gov.uk/advice-and-resources/scottish-biodiversity-list/ Scottish Biodiversity Forum (2012).
- New Flora of the British Isles (2nd edition) (Stace, C., 1997)
- Handbook for Marine Intertidal Phase 1 Survey and Mapping (Countryside Council for Wales 2000)
- British Red Data Books 1. Vascular Plants 2nd Edition (Royal Society for Nature Conservation 1983)

7.1.3 Legislation and Policy Context

6 This assessment has been undertaken with reference to the following legislation:

- Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011
- Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna (Habitats Directive)

- Council Directive 2009/147/EC on the Conservation of Wild Birds (Birds Directive)
- The Conservation (Natural Habitats, &c.) Regulations 1994 as amended by the Conservation (Natural Habitats, &c.) Amendment (Scotland) Regulations 2007 and 2011 (Habitats Regulations)
- The Wildlife and Countryside Act 1981, as amended by the Nature Conservation (Scotland) Act 2004 and the Wildlife & Natural Environment (Scotland) Act 2011
- The Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004)
- The Wildlife and Natural Environment (Scotland) Act 2012

7.1.4 Data Sources

7.1.4.1 Desk Study

7 Satellite imagery was reviewed prior to surveys being undertaken to identify key habitats and features which could be subsequently confirmed via ground-truthing.

8 The North East Scotland Biological Records Centre (NERBReC) was contacted for archive data on designated sites and species of conservation concern at a national, regional and / or local level. The data search was conducted within a 2 km radius from NJ 96100 13900 which related to the approximate centre of the Proposed Development Site Boundary (see Figure 7-1).

9 The following website was accessed to search for Natura statutory designated sites within 20 km of the Proposed Development Site Boundary:

- Natura2000 - http://www.eea.europa.eu/themes/biodiversity

10 Other sources of data also reviewed were as follows:

- EOWDC Environmental Statement Chapters 9, 10 and 11 (July 2011)
- North East Scotland Local Biodiversity Action Plan (LBAP) website - http://www.nesbiodiversity.org.uk/
- Joint Nature Conservation Committee (JNCC) website - http://www.jncc.gov.uk/
- SNH Site Link website - http://gateway.snh.gov.uk/sitelink/
- large scale 1:10,000 and 1:25,000 Ordnance Survey (OS) maps

7.1.4.2 Field Survey

11 The following field surveys were undertaken in 2011:

Phase 1 Habitat Survey

12 The habitats were classified and mapped using an 'extended' Phase 1 Habitat Survey, a nationally recognised habitat survey technique (JNCC 2010).

13 The survey was undertaken between 28 June and 1 July 2011. The main habitats of interest were mapped on a broad scale using the standard Phase 1 classification and mapping codes (see Figure 7-1). Where boundaries were

difficult to define on the ground, satellite imagery was used in the field. Target notes were used to provide further detail on the species composition of the habitats recorded and to locate field evidence that indicated the presence or potential presence of species constituting a material consideration in planning and EIA terms, such as a protected or notable plant or fauna (see Appendix 7A). Plant composition within habitats was assessed using the DAFOR[1] scale.

14 The habitats between the Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS) were surveyed at low tide on the 29 June 2011 using standardised Phase 1 mapping methodology as detailed in the Marine Monitoring Handbook, procedural guidance No 3-1 (Davies et al 2001) and Countryside Council for Wales (CCW) Handbook for Marine Intertidal Phase 1 (Wyn et al. 2000). Habitats along the intertidal zone were mapped using European Nature Information System (EUNIS) habitat classes to level three (Moss 2008). Biotopes or other notable features such as species of conservation concern, covering less than 5 m2 were recorded using referenced target notes. In addition reference was made to the findings of the Marine Ecology, Intertidal Ecology and Sediment and Water Quality Baseline Technical Report included as Appendix 9.1 in the EOWDC Environmental Statement July 2011 (Institute of Estuarine & Coastal Studies 2011).

National Vegetation Classification Survey

15 A National Vegetation Classification Survey (NVC) was undertaken on the 26 September 2011 of those areas identified within the Phase 1 Habitat Survey as being of higher ecological value and / or sensitivity, primarily targeting sand dune associated habitats (referred to as the NVC Botanical Survey, see Figure 7-2). The NVC Botanical Survey area was defined as to cover two potential cabling routes from the east of Blackdog to the beach landfall area. Not all habitats within the NVC Botanical Survey Area were surveyed eg habitats such as semi-improved grassland were not assessed.

16 Semi-improved grassland located to the south, north and west of Blackdog Fishing Station also included buildings, metalled and sand tracks, exposed sandy areas and small areas of scrub and degraded dune habitat.

17 The method used was based upon the standard survey methodology for Phase 2 vegetation survey, ie the detailed mapping of vegetation communities to sub-community level using quadrats as the basis for recording, in accordance with published guidelines (Rodwell 1991-2000).

Breeding Bird Survey

18 Two walkover bird surveys based on the Common Bird Census methodology (Marchant 1983 and Gilbert, Gibbons & Evans 1998) were conducted between 28 and 30 June 2011 and 7 and 8 July 2011 for breeding / territorial activity. The surveys were undertaken within the same broad area as the Phase 1 Habitat survey. In addition, reference was made to the findings of the Ornithological Baseline and Impact Assessment included as Appendix 10.1 in the EOWDC ES (July 2011) and the impact assessment of the cable route within the intertidal area (Appendix 9.2, EOWDC ES July 2011).

19 The surveys aimed to establish whether specially protected species were breeding, or exhibiting territorial behaviour, within or near to the Proposed

[1] DAFOR' codes: Dominant, Abundant, Frequent, Occasional, Rare

Development Site Boundary (such as those listed on Schedule 1 of the Wildlife and Countryside Act 1981, as amended, or Annex 1 of the EC Birds Directive (EU 2009/147/EC), as well as Scottish Biodiversity List species (Scottish Government 2004), Red or Amber listed species of conservation concern (Eaton et al 2009), or other locally notable species. The survey also aimed to establish all other breeding / territorial species present, as all species and active nests are afforded legal protection under the Wildlife and Countryside Act 1981, as amended.

20 In addition to the above, observations were made of any bird activity along the beach and near offshore.

21 Bird data is presented in Appendix 7B (Volume 4).

7.2 Methodology

22 The Institute of Ecology and Environmental Management (IEEM) has produced guidelines to assist with ecological evaluation and impact assessment (IEEM 2006), which are used as a general guide in this assessment. The IEEM guidelines have no legal standing and are not a substitute for professional judgement and interpretation, particularly where the ecological value of a site and / or the magnitude of impacts are not clear or are borderline between two categories of value / magnitude.

23 The IEEM guidelines promote the following approach to assessment:

- identifying important ecological features within the site and adjacent areas (known as Valued Ecological Receptors - or VERs)
- identifying those VERs that would be affected by the Proposed Development and determining the level of sensitivity of each receptor to the Proposed Development
- identifying potential impacts on each VER during construction, operational and decommissioning phases of the Proposed Development
- determining the magnitude of a potential impact on each VER as a result of the Proposed Development
- identifying any mitigation measures deemed necessary in order to avoid, reduce or offset significant adverse impacts on each VER
- determining the residual 'significance' of an impact (after mitigation and then, if required, compensation), based on an interaction between the magnitude of that impact and the nature conservation value of the VER

7.2.1 Value of Ecological Receptors (Sensitivity and Importance)

24 Ecological receptors are assigned by reference in Table 7.2 to their accepted importance in terms of 'biodiversity conservation' value.

TABLE 7.2
Definitions of VERs

Level of Value	Examples of Definitions
International	An internationally designated site or candidate (c) or possible (p) site (eg Special Area of Conservation (SAC), Special Protection Area (SPA), Biogenetic Reserve) or an area which meets the published selection criteria for such designations, irrespective of whether or not it has yet

TABLE 7.2 Definitions of VERs	
Level of Value	**Examples of Definitions**
	been notified A viable area of a habitat type listed in Annex I of the Habitats Directive, or smaller areas of such habitat essential to maintain the viability of that ecological resource Any regularly occurring population of an internationally important species, ie those listed in Annex I, II or IV of the Habitats Directive
National (UK)	Scottish designated nature conservation sites (eg Site of Special Scientific Interest (SSSI), National Nature Reserve (NNR)) or a discrete area which SNH has determined meets the published selection criteria for national designation irrespective of whether or not it has yet been notified A viable area of a Priority Habitat identified in the UK BAP, or smaller areas of such habitat which are essential to maintain the viability of that ecological resource A regularly occurring population of a nationally important species eg a priority species listed in the UK BAP and/or receive full protection under Schedules 5 and 8 of the Wildlife and Countryside Act 1981 (as amended) A regularly occurring and viable population of a Red Data Book species of flora (ie those occurring in 15 or less 10 x 10 km squares of the UK National Grid (RSNC 1983))
Regional (Scotland)	Areas of internationally or nationally important habitats which are degraded but are considered readily restored. A regularly occurring, locally significant population of a species listed as being nationally scarce
County Aberdeen/ Aberdeenshire	Viable areas of key habitat identified in North East Scotland LBAP or smaller areas of such habitats essential to maintain the viability of that ecological resource Any regularly occurring, locally significant population of a species listed as being nationally scarce (occurring in 16 to 100 10 km grid squares in the UK National Grid) or in the North East Scotland LBAP on account of its rarity or localisation. Non-statutory designated wildlife sites eg Local Wildlife Site (LWS) or semi-natural ancient woodland greater than 0.25 ha
Local	Areas such as flower-rich meadows and species-rich hedgerows that are considered to appreciably enrich the habitat resource within residential neighbourhoods Regularly occurring but low numbers of locally common protected species within or adjacent to the Proposed Development site

7.2.2 Nature and Magnitude of Impact

25 The magnitude of an impact refers to the amount of pressure on a receptor. IEEM guidance indicates that impacts (or potential impacts) can be described in the following terms:

- duration (short-term temporary: <5 years, medium-term: 5 to 15 years, long-term: 15 to 25 years and permanent: >30 years)
- direct or indirect
- adverse or beneficial
- probability of occurring

26 Wherever possible, the magnitude of each impact is quantified and professional judgment used to assign impacts to one of four classes. A summary of this approach is provided in Table 7.3.

TABLE 7.3
Criteria Describing Magnitude of Impact.

Magnitude	Definition
High	Large-scale, permanent / long-term changes in an ecological receptor, and those that are likely to change its ecological integrity. These impacts are therefore likely to result in overall changes in the conservation status of a species population or habitat type at the location(s) under consideration
Medium	Moderate-scale permanent / long-term changes in an ecological receptor, or larger-scale temporary changes, but the integrity of the feature is not affected. This may mean that there are temporary changes in the conservation status of a species-population or habitat type at the location(s) under consideration, but these are unlikely to be long-term
Low	Small-scale or temporary changes where integrity is not affected. These impacts are unlikely to result in overall changes in the conservation status of a species population or habitat type at the location(s) under consideration, but it does not exclude the possibility that mitigation or compensation would be required
Negligible	A short-term but reversible impact on the integrity of a site or conservation status of a habitat, species assemblage / community, population or group that is within the normal range of annual variation

7.2.3 Determining Significance of Impacts

27 Determining the significance of impacts is derived through a standard method of assessment as shown in Table 7.4 based on professional judgement and considering both ecological value (sensitivity) and magnitude.

28 Ecological receptors with impacts of moderate or major significance are considered to be *'significant impacts'* in terms of the EIA Regulations and, as such are priorities for mitigation and / or enhancement.

TABLE 7.4
Matrix for Significance of Impact

Magnitude of Impact	Value/sensitivity of Receptor				
	International	National	County	Regional	Local
High	*major*	*major*	*moderate*	*moderate*	*minor*
Medium	*major*	*moderate*	*moderate*	*minor*	*minor*
Low	*moderate*	*moderate*	*minor*	*minor*	*negligible*
Negligible	*negligible*	*negligible*	*negligible*	*negligible*	*negligible*

29 In some cases, where ecological receptors comprise protected species, there may also be a legal obligation to provide mitigation.

7.2.4 Cumulative Impact Assessment Methodology

30 This has been addressed in ES Chapter 4 section 4.4. The significance of each impact of the Proposed Development has been considered, firstly in combination with the consented AOWF and secondly in combination with the AOWF and other developments which are currently the subject of planning applications, or have been approved but not yet implemented.

31 In the context of ecology and ornithology there is no interaction between this Proposed Development and the other identified developments apart from the AOWF. Therefore cumulative impact has been scoped out with the exception of the AOWF.

7.2.5 Realistic Worst Case

32 The realistic worst case with respect to the substation compound would be the loss of less than 1 ha of managed semi-improved grassland of low ecological value.

33 The realistic worst case with respect to the construction of the cabling to the jointing area would be the temporary disturbance of a corridor of up to 75 m width of sandy shore habitat within the intertidal zone of 23 km of similar habitat.

7.2.6 Study Area

34 As illustrated in Figure 7.1, the 'Proposed Development Site Boundary' represents the area where there has been detailed consideration of identified ecological assets, in order to assess the potential direct impacts on ecological and ornithological receptors.

35 An 'Ecology Outer Study Area' has also been identified which comprises land within 500 m of the Proposed Development Site Boundary - see Figure 7-1. This area was identified as being the distance up to which indirect impacts may occur.

7.3 Baseline

7.3.1 Designated Sites

36 There are no statutory designated sites within the Proposed Development Site Boundary or within the Ecology Outer Study Area. Statutory designated sites within 20 km are listed in Table 7.5.

TABLE 7.5
Statutory Designated Sites

Site Name	Description	Distance & Approx. Orientation from Proposed Development Site Boundary (nearest point)	Possible Impacts Resulting from Proposed Development
Scotstown Moor SSSI	Only species-rich lowland heath in the Aberdeen District. Many rare plant species.	4 km SW	There is no pathway for impacts on the interest features of this site. Site scoped out of further assessment

TABLE 7.5
Statutory Designated Sites

Site Name	Description	Distance & Approx. Orientation from Proposed Development Site Boundary (nearest point)	Possible Impacts Resulting from Proposed Development
Corby, Lily and Bishops Lochs SSSI	Three neighbouring wetland sites. Nationally important numbers of greylag geese. Rich invertebrate diversity	4 km W	There is no pathway for impacts on the interest features of this site. Site scoped out of further assessment
Foveran Links SSSI	Extensive area of mobile foreshore and sand dunes	8 km NE	There is no pathway for impacts on the interest features of this site. Site scoped out of further assessment
Balmedie Quarry SSSI	Geological SSSI	4.5 km NE	There is no pathway for impacts on the interest features of this site. Site scoped out of further assessment
Sands of Forvie, Ythan Estuary and Meikle Loch Ramsar, SPA, SSSI	Distinct coastal habitats. Significant populations of terns and eider (breeding), wildfowl and waders on passage and geese (wintering)	20 km NE	There is potential for disturbance impacts on the interest features of this site

37 The Sands of Forvie, Ythan Estuary and Meikle Loch Ramsar, SPA and SSSI is located approximately 20 km north of the Proposed Development Site Boundary. Bird species listed on Annex I of the Council directive 79/409/EEC for which the SPA, in part, is designated consist of little tern (*Sterna albifrons*), common tern (*Sterna hirundo*) and sandwich tern (*Sterna sandvicensis*). The SPA is also an important roost site for geese and there may be potential indirect disturbance of the above species which may use the aforementioned study areas.

38 In addition to those sites listed in Table 7.5 Aberdeen Bay to the south is under consideration as an SPA for inshore waterbirds. The bay meets Stage 1.1 of the UK SPA site selection criteria for concentrations of red-throated diver (*Gavia stellata*) (in spring and autumn). If Aberdeen Bay is classified as an SPA other species may be included, such as eider (*Somateria mollissima*), common scoter (*Melanitta nigra*) and possibly velvet scoter (*Melanitta fusca*). There is however no pathway for impacts on the interest features of this site and hence the site has been scoped out of further assessment.

7.3.2 Non-statutory Designated Sites

39 There are no non-statutory designated sites within the Proposed Development Site Boundary. There is one non-statutory designated site within the Ecology Outer Study Area, as shown in Table 7.6.

TABLE 7.6
Non-statutory Designated Sites

Site Name	Description	Distance & Approx. Orientation from the Proposed Development Site (Nearest Point)	Possible Impacts Resulting from the Proposed Development
Balgownie / Blackdog Links District Wildlife Site	Dune flora and fauna with sand dart moth (*Agrostis ripae*), a rare species in the north east	100 m S	There is no pathway for direct impacts on the interest features of this site Site scoped out of further assessment

40 The Balgownie Blackdog Links site extends from the Donmouth Estuary to Blackdog and primarily encompasses the narrow coastal sand dune system. The extent of this site is shown in Figure 7-1.

7.3.3 Protected Species

41 The desk study data provided by the NERBReC included records of a number of notable species which occur within 2 km of the Proposed Development Site Boundary (Table 7.7).

TABLE 7.7
Notable Species Records

Species	Legal Protection / Conservation Priority Status
Mammals	
badger *Meles meles*	PBA
common pipistrelle *Pipistrellus pipistrellus*	HR, WCA, SBL S2, NELBAP
common seal *Phoca vitulina*[2]	UKBAP
otter *Lutra lutra*	HR, WCA, UKBAP, NELBAP
Birds	
Arctic skua *Stercorarius parasiticus*	UKBAP, NELBAP
barn owl *Tyto alba*	SBL S5, WCA
barnacle goose *Branta leucopsis*	Annex I
black scoter *Melanitta nigra*	UKBAP
common kestrel *Falco tinnunculus*	SBL S5
common swift *Apus apus*	SBL S5
dunlin *Calidris alpina*	SBL S2
merlin *Falco columbarius*	Annex I
ring ouzel *Turdus torquatus*	UKBAP
ruff *Philomachus pugnax*	Annex I

[2] On the 1 February 2011 it became an offence to kill, injure or take a seal at any time of year except to alleviate suffering or where a licence has been issued to do so by Marine Scotland under the Marine (Scotland) Act 2010

TABLE 7.7 Notable Species Records	
Species	**Legal Protection / Conservation Priority Status**
skylark *Alauda arvensis*	UKBAP, NELBAP
song thrush *Turdus philomelos*	UKBAP, NELBAP
yellowhammer *Emberiza citrinella*	UKBAP, NELBAP
Amphibians	
common toad *Bufo bufo*	WCA
Invertebrates	
rosy minor *Mesoligia literosa*	UKBAP
rosy rustic *Hydraecia micacea*	UKBAP
shaded broad-bar *Scotopteryx chenopodiata*	UKBAP
small heath *Coenonympha pamphilus*	UKBAP
Plants	
prickly saltwort *Salsola kali subsp. kali.*	UKBAP, SBL S5
wild pansy *Viola tricolor*	UKBAP, SBL S5

Key to protection/status:

- HR Habitat Regulations
- WCA Wildlife & Countryside Act (as amended)
- PBA Protection of Badgers Act (as amended)
- Annex I species listed in Annex I of the Birds Directive
- UKBAP UK Biodiversity Action Plan Priority Species
- NELBAP North East Scotland LBAP Species
- SBL S2 Scottish Biodiversity List: International Obligations
- SBL S4 Scottish Biodiversity List: Present in 5 or fewer 10km squares or sites in Scotland
- SBL S5 Scottish Biodiversity List: Decline of 25% or more in Scotland in last 25 years

7.3.4 Field Survey Results

7.3.4.1 Terrestrial Habitats

42 The results of the Phase 1 Habitat Survey are illustrated in Figure 7-1 with target notes in Appendix 7A (Volume 4). The results of the NVC survey are illustrated in Figure 7-3.

43 The following provides a summary of the habitats identified within the combined Proposed Development Site Boundary and Outer Ecology Study Area.

44 Both the Ecology Outer Study Area and the Proposed Development Site Boundary are partially bounded to the east by an extensive linear belt of coastal sand dune habitat (part of a dune system that stretches 23 km from Aberdeen to north of the Ythan Estuary at Newburgh) and coastal sand habitat. Inland, the habitats are predominantly shaped by management leading to a dominance of semi-improved grassland. The semi-improved grassland has negligible ecological interest.

45 The semi-natural grassland and vegetation associated with the field and trackways within the Ecology Outer Study Area had *negligible* ecological interest and as such was not identified within the Phase 1 Habitat Survey as requiring more detailed plant community survey. The majority of the grassland within the Proposed Development Site Boundary (> 90%) was semi-improved in nature.

46 A series of more ecologically valuable habitats were recorded where management was less intensive (Figure 7-3). These included two small areas of marram grass dominated sand dune habitat recorded within the Ecology Outer Study Area (BS5 and BS8, Figure 7-3).

47 The BS5 dune habitat was classified as SD6 *Ammophila arenaria* mobile dune community. This type of community encompasses almost all vegetation of mobile coastal sands where marram dominates.

48 The BS8 dune habitat occurs within a small area on the southern edge of the Ecology Outer Study Area and was classified as SD9a *Ammophila areanaria-Arrheanatherum elatius* dune grassland. This community was dominated by marram grass and creeping red fescue (*Festuca rubra*), with false oat-grass (*Arrhenatherum elatius*) being a frequent component.

49 The cable corridor element of the Proposed Development lies within a gap between the sand dune habitats and the BS5 dune habitat (SD6 Ammophila). The sand dune habitat at this point has become severely degraded due to established beach access which is used by vehicles and pedestrians. To the immediate south of the trackway and north of the BS8 community lies a small yellow dune dominated by marram grass. The dune has become severely degraded due to erosion processes.

50 The Ecology Outer Study Area includes a short stretch of the lower reaches of a single narrow burn. The burn cuts across the track within the Proposed Development Site Boundary at two points, the first where it is culverted beneath the track and the second occurring within the beach where it merges with runoff from Blackdog Burn to drain into the North Sea. At both points the burn had negligible ecological interest with minimal associated riparian vegetation (none within the most easterly point).

51 Blackdog Burn crosses the Proposed Development Site Boundary to the south-east of Blackdog Fishing Station as shown in Figure 7-1.

52 A number of grass and heath dominated habitats, plantation woodland, marginal wetland, ponds and tall ruderal habitats were recorded during the Phase 1 Habitat Survey and NVC survey outside the Proposed Development Site Boundary (Figures 7-1 and 7-3). No direct or indirect impacts on these habitat types are anticipated and as such these habitats have been scoped out of further assessment.

7.3.4.2 Intertidal Habitats

53 It is noted that the intertidal zone has also been described and assessed in the EOWDC ES (July 2011.

54 The intertidal zone was dominated by two zoned habitats which have been categorised as B1 and B1.1 according to the European Nature Information System (EUNIS) database.

55 EUNIS B1 Coastal dunes and sandy shores: The intertidal zone was dominated by very exposed littoral sands which extended into the infralittoral zone and provide sediment for the sand dune system at the supralittoral zone.

56 EUNIS Habitat type code B1.1 sand beach driftline: This narrow habitat band occurs just above the normal tide limit providing material for embryonic sand dune development. There was scant evidence of such development although some sea rocket and isolated patches of marram grass were evident.

57 As the beach is exposed and undergoes constant aeolian shifting there were few associated habitats and thus few opportunities for a diversity of intertidal marine wildlife, the only evidence of shellfish being discarded shells of common cockle (*Cerastoderma edule*), pod razor shell (*Ensis siliqua*), common tortoiseshell limpet (*Yectura tessulata*) and white furrow shell (*Abra alba*) indicating the presence of shellfish beds beyond the littoral zone. Mobile crustaceans such as amphipods were also noted along the shoreline and in particular beneath drift material.

58 The limited boulder areas recorded at the low tide mark (Target Note (TN) 4, within the south edge of the Proposed Development Site Boundary provided holdfast opportunities for seaweeds such as bladder wrack (*Fucus vesiculosus*) and gut weed (*Ulva intestinalis*). The only other recorded species were communities of barnacles (*Balanus sp*.).

7.3.4.3 Protected Species

59 The habitat features described in this chapter have potential for rare, notable and / or protected species. However of those species listed in Table 7.7 only common toad was recorded during the Phase 1 Habitat Survey (in one pond at TN 2, > 500 m from the Proposed Development Site Boundary).

60 The conifer plantations outside the Proposed Development Site Boundary were immature and isolated from other woodland blocks. No sign of red squirrel activity was recorded. The NERBReC did not return any records for red squirrel within 2 km of the Proposed Development Site Boundary. The woodlands would not be affected by the Proposed Development. Red squirrel has therefore been scoped out from further assessment.

61 No sign of badger activity was recorded within the Proposed Development Site Boundary or within the Ecology Outer Study Area. The NERBReC records returned four records of badger within 2 km of the Proposed Development Site Boundary.

62 The Proposed Development site does not include optimum habitat for badgers to excavate and maintain setts. This is due to a combination of factors including the exposed location, sandy substrate and high disturbance associated with the site. Badger may however occasionally move over the site during foraging and / or commuting.

63 No signs of otter, including holts or resting places (couches) were recorded within the Proposed Development Site Boundary or within the Ecology Outer Study Area. The NERBReC records returned one record of otter within 2 km of the Proposed Development Site Boundary (recorded within Blackdog Burn in 2009). This species is highly unlikely to use the small burn that crosses the Proposed Development Site Boundary particularly given the level of human disturbance within this area. However the potential for this species to occasionally occur within the Proposed Development Site Boundary cannot be entirely discounted due to its previously recorded presence within Blackdog Burn.

64 The grassland habitats alongside the track and within the dune system are considered to potentially support populations of commonplace reptile species such as adder and slow worm. The NERBReC records returned no records or reptiles within 2 km of the Proposed Development Site Boundary.

65 The Proposed Development Site Boundary did not contain trees or other structures considered suitable for roosting bats. The NERBReC returned one flight record of a single common pipistrelle (*Pipistrellus pipistrellus*) bat located approximately 150 m south-west of the Proposed Development Site Boundary. Bats may utilise the Proposed Development Site Boundary for foraging and commuting as part of the wider landscape.

7.3.4.4 Ornithology

66 The NERBReC records included a number of bird species within 2 km of the Proposed Development Site Boundary including those confirmed as breeding eg skylark (*Alauda arvensis*), common swift (*Apus apus*), common linnet (*Carduelis cannabina*), yellowhammer (*Emberiza citrinella*) and song thrush (*Turdus philomelos*).

67 No evidence of any breeding Annex 1 or Schedule 1 species was found within the Proposed Development Site Boundary; however Sandwich tern (*Sterna sandvicensis*), an Annex 1 species, common scoter (*Melanitta nigra*) and velvet scoter (*Melanitta fusca*), both Schedule 1 species, were recorded just offshore. Common scoter does not breed within coastal habitats and velvet scoter does not breed within the UK. Common crossbill (*Loxia curvirostra*), also a Schedule 1 species, was noted but no breeding behaviour was observed. It is considered that the Proposed Development Site Boundary is too prone to human influenced disturbance for Sandwich tern to breed.

68 The Ecology Outer Study Area supported a range of Red and Amber listed bird species, some of which are priority species on the UK and North East Scotland Biodiversity Action Plans.

69 The gorse and scrub dominated habitat occurring amongst the dune system supported dunnocks (*Prunella vulgaris*), linnets (*Carduelis cannabina*), whitethroats (*Sylvia communis*) and yellowhammer.

70 The immature conifer plantations to the north and west of the Proposed Development Site Boundary supported goldcrest (*Regulus regulus*), song thrush and coal tit (*Periparus ater*), with willow warbler (*Phylloscopus trochilus*) and yellowhammer noted around the fringes of the woodlands. Four common crossbills were noted flying overhead, although it was considered unlikely that they are breeding in the plantations due to the immature status of the trees. A single grasshopper warbler (*Locustella naevia*) was recorded bordering the Murcar Links Golf Course in the Ecology Outer Study Area.

71 Both meadow pipit (*Anthus pratensis*) and sedge warbler (*Acrocephalus schoenobaenus*) were recorded as abundant on the landfill site located in the north east of the Ecology Outer Study Area. Other species of note recorded on the landfill site consisted of stock dove (*Columba oenas*), reed bunting (*Emberiza schoeniculus*) and stonechat (*Saxicola torquata*).

72 The residential properties of Blackdog village supported breeding house martin (*Delichon urbica*) and house sparrow (*Passer domesticus*).

73 Eider (*Somateria mollissima*) were observed resting on the beach near Blackdog (200+ individuals). Eider may breed near to the Ecology Outer Study Area (although no juveniles were seen) and use the extensive and relatively undisturbed beach which runs from Aberdeen to Newburgh during post-breeding moult (this includes beach habitat within the Proposed Development Site Boundary and Ecology Outer Study Area). Herring gull (*Larus argentatus*), black-headed gull (*Chroicocephalus ridibundus*), common gull (*Larus canus*) and oystercatcher (*Haematopus ostralegus*) were also noted on the beach along the low water mark and within the Ecology Outer Study Area, although there was no sign of nesting behaviour.

7.3.4.5 Non-native Species

74 Japanese knotweed (*Fallopia japonica*) was noted growing adjacent to the existing access track which runs from Blackdog down to the beach (Figure 7-1, TN 7).

75 Giant hogweed (*Heracleum mantegazzianum*) was noted along the length of a burn in the southern part of the Ecology Outer Study Area. Due to the distance from the Proposed Development Site Boundary (approximately 100 m) this non-native species is not considered further within this assessment.

7.3.5 Valuation of Baseline Condition Receptors

76 Using the ecological criteria for establishing the level of sensitivity / value of a receptor (see Table 7.2) and the analysis of the baseline surveys and data collection, the value of all receptors found or considered to be potentially present within or immediately adjacent to the Proposed Development Site Boundary is summarised in Table 7.8. The table does not include those receptors which have been scoped out from further assessment.

TABLE 7.8 Ecological Value of Receptors		
Ecological Receptor	**Evaluation Rationale**	**Site Value**
Designated Sites		
Sands of Forvie, Ythan Estuary and Meikle Loch Ramsar, SPA, SSSI, Important Bird Area	The designated site is valued for coastal and estuarine habitats. Potential disturbance impacts to breeding tern and winter geese, duck and wader species where such species occur within or adjacent to the Proposed Development Site Boundary. No qualifying species associated with the designated site were recorded within the Proposed Development Site Boundary	International
Habitats		
Intertidal Under-boulder Community	Intertidal under-boulder communities are a UKBAP Priority Habitat. A small area of boulder habitat was identified within the intertidal zone at MLWS within the Proposed Development Site Boundary. Such habitat was sparse and acted as foci points for seabirds. This area of the Proposed Development site is considered to be of National importance for under-boulder communities	National
Sand Dune	The sand dune habitats associated with the site are UKBAP and North East LBAP Priority Habitats. However the dunes are heavily degraded within the majority of the Proposed Development Site Boundary with only marginal habitat still in a favourable status. The Proposed Development site is therefore considered to be of Regional importance for sand dune habitat	Regional
Burn	Burns are LBAP habitats. The Proposed Development Site Boundary includes the lower reaches of one small burn draining into the North Sea. The burn has been culverted beneath an access track and is considered to be of low ecological value. The burn is considered to be of Local importance	Local
Intertidal B1 and B1.1 sandy shore and driftline habitats	The habitats recorded within the littoral zone are not designated (UKBAP or NLBAP) or protected habitats. The Proposed Development site represents only a small proportion of the 23 km of sandy shore habitat located between Aberdeen and Newburgh	Local
Semi-improved Neutral Grassland	Improved and Neutral grasslands are UK Broad Habitat Types. Grass habitat within the Proposed Development Site Boundary was limited to track and road verges, and a grazed field. Such habitat is commonplace within the wider landscape with no particularly rare or notable plant species recorded. The Proposed Development site is considered to be of Local importance for semi-improved grassland	Local
Species		
Birds	A number of Amber and Red Listed bird species were recorded during the breeding bird survey and it is considered likely that some may breed within the Ecology Outer Study Area (although opportunities are limited by habitat type and human disturbance). Schedule 1 birds receive full protection under the Wildlife and Countryside Act	County

TABLE 7.8 Ecological Value of Receptors		
Ecological Receptor	**Evaluation Rationale**	**Site Value**
	1981 (as amended). UKBAP and North East LBAP Priority Species recorded during the breeding bird survey included skylark, linnet, yellowhammer and house martin In addition a number of birds including eider and gull species were recorded at the low water mark within the Proposed Development Site Boundary The Proposed Development site is considered to be of County importance to birds	
Bats	All bats are Annex IV species of the Habitats Directive and receive full legal protection via inclusion on Schedule 2 of the *Conservation (Natural Habitats & c.) Regulations 1994*. Common pipistrelle were included within the desk study data. Common pipistrelle is a North East LBAP Priority Species. Bats may forage and/or commute over the Proposed Development Site Boundary. As such the Proposed Development site is considered to be of Local importance to bats	Local
Badger	In the UK badgers are a relatively common species. No activity relating to badger was recorded within the Proposed Development Site Boundary although there is potential for this species to occur within the plantation woodlands to the south, north and west. Badgers are protected under the Protection of Badgers Act (1992). The Proposed Development site is considered to be of Local importance to this species	Local
Otter	Otters are a UKBAP and North East LBAP Priority Species. Otters receive full legal protection via inclusion on Schedule 2 of the *Conservation (Natural Habitats & c.) Regulations 1994*. The Proposed Development site provides limited habitat for this species although otter has been previously recorded along Blackdog Burn to the south of the Ecology Outer Study Area and as such may occasionally pass through. The Proposed Development site is considered to be of Local importance to otter	Local
Reptiles	The Ecology Outer Study Area may support localised populations of commonplace reptiles. All native reptile species are protected under the Wildlife and Countryside Act 1981 (as amended). These species are afforded limited protection under Section 9 of this Act, which makes it an offence, *inter alia*, to intentionally kill or injure any of these species. Adder and slow worm are UKBAP Priority Species Although habitats on site are for the most part sub-optimal grassland communities may support low populations. Therefore the Proposed Development site is considered to be of Local importance to reptiles	Local
Invertebrates	The mosaic of habitats within the Ecology Outer Study Area may contain adult and larvae stages of UKBAP moths identified within the desk study data	Local

TABLE 7.8 Ecological Value of Receptors		
Ecological Receptor	**Evaluation Rationale**	**Site Value**
	including the maritime associated sand dart. The Proposed Development site is considered to be of Local importance to invertebrates	
Plants	The desk study returned records of four UKBAP and SBL species. There is potential for prickly saltwort and slender trefoil to occur within the dune habitats although none were recorded during the surveys (potentially due to the dunes degraded nature). The Ecology Outer Study Area is considered to be of Local importance for plants	Local

77 Japanese knotweed was recorded within the Proposed Development Site Boundary. Japanese knotweed is an extremely invasive and competitive plant which has no natural pests in the UK. Where established, Japanese knotweed rapidly dominates other species of flora and is difficult to control.

78 It is an offence under section 14(2) of the Wildlife and Countryside Act 1981 (as amended) to 'plant or otherwise cause to grow in the wild' any plant listed in Schedule 9, Part II to the Act. Where proposed works are undertaken within or adjacent to Japanese knotweed stands it would be the developer's responsibility to ensure that this species is not spread eg through seeds or vegetative matter.

7.4 Development Design Mitigation

79 This section sets out the potential impacts which have been mitigated through the design process, therefore potential impacts are no longer present.

7.4.1 Habitats

80 The consideration and protection of valued habitats is an integral part of the scheme design. Through an iterative design process the cabling route has been located along a path of least habitat disturbance utilising a landfall area where under-boulder habitat does not occur.

81 The submarine cable and cable duct corridor is routed through an established vehicular gap in the sand dunes avoiding direct impacts on marram associated sand dune habitat and avoids heath and marginal wetland habitats.

82 The Aberdeen Offshore Wind Farm Limited (AOWFL) substation, Voltage Power Factor Control (VPFC) equipment, SSE substation, access road, parking area and temporary compound would be located outside the District Wildlife Site (DWS) on semi-improved grassland of low ecological value. No effects on sand dune or wetland habitats are anticipated. The majority of the onshore cable corridor would be located within semi-improved grassland and along an established trackway leading to Blackdog Fishing Station.

83 All works access would be along established tracks and entranceways excluding the temporary construction access track which will be on the site of the final access road.

7.5 Impact Assessment

84 The potential impacts of construction, operation and decommissioning of the Proposed Development that remain for evaluation are those that may arise from direct or indirect impacts upon VERs (ie county value and above). The VERs are as follows:

85 Habitats

- Sands of Forvie, Ythan Estuary and Meikle Loch Ramsar and SPA - international value
- intertidal under-boulder communities - national value
- coastal sand dune - regional value

86 Species

- birds - county value

7.5.1 Construction Phase

87 Construction within the submarine cable and cable duct corridor has been identified as potentially affecting the integrity of sand dune and under-boulder community habitats.

88 The cable landfall is the point where the (up to three) submarine cables from the AOWF would come ashore. The cable landfall would be located between MLWS and MHWS, the exact location of which would be established following further site investigation post consent / pre-construction. At the cable landfall, up to three cables would be spaced between 10 m and 25 m apart, narrowing towards where the submarine cable and cable duct corridor passes through the existing break in the dunes. Between the AOWF and the cable landfall the submarine cables would be buried to a depth of approximately 1.5 m to 2 m through the use of a subsea cable burying system. From the cable landfall towards the cable pull-in and jointing area, the submarine cables would continue to be buried to a target depth of approximately 1.5 m to 2 m, likely using surface cut trenches. Preinstalled cable ducting is likely to be used, to allow the trench to be excavated and backfilled prior to submarine cable pull-in, minimising disturbance and improving beach access during the submarine cable installation.

89 It is estimated that the cable installation works described above would be completed over a 4 month period, as set out in Chapter 5 - Project Description.

90 The point at which the cables come onshore would avoid the under-boulder community habitat located to the south-east corner of the Proposed Development Site Boundary. This represents a *negligible* magnitude of impact on a receptor of national value. The impact of construction on under-boulder habitat is therefore assessed as being of *negligible* significance.

91 The route of the submarine cable and cable duct corridor passes through an established gap in the sand dune system which is used for vehicular access to the beach. The gap is approximately 8 m in width. The track is bounded for approximately 70 m in length to the north by SD6 *Ammophila arenaria* mobile dune community habitat which forms part of continuous sand dune

habitat. The track is bounded to the south for approximately 40 m by an isolated and eroding dune remnant which is likely to represent further but degraded SD6 habitat.

92 All works associated with cabling would be limited to within the track area and as such no dune habitat would be affected. This represents a *negligible* magnitude of impact on a receptor of regional value. The impact of construction on sand dune habitat is therefore assessed as being of *negligible* significance.

93 The construction works has potential to cause a disturbance and displacement impact to Schedule 1 and Annex 1 bird species which utilise the lower shore for resting and/ or foraging within the littoral zone. The cable trenching works are temporary in nature and would only affect a relatively narrow stretch of the coastline (approximately 75 m of 23 km of sandy shore habitat). Although the direct disturbance and displacement of birds (VER - county value) along the shoreline is probable it would be short-term and, within the context of other available shoreline habitat, of *negligible* magnitude and therefore *negligible* significance.

94 It is considered highly unlikely, given the extent of the foreshore to be affected and the daily use of the foreshore for recreational uses and occasional activities associated with salmon fishing (the latter including the use of 4x4 vehicles), that the temporary trenching works would cause significant disturbance of species observed offshore including velvet and common scoter (both of which do not breed within the area). No detailed information could be found regarding non-breeding disturbance impacts in relation to common scoter. However Currie and Elliot (1997) have suggested a preliminary safe working buffer of 300 m to 800 m for forestry workers in relation to breeding common scoter. As with birds resting and foraging along the foreshore any impacts on species observed offshore (VER - county value) would be short-term and of *negligible* magnitude and *negligible* significance.

95 No qualifying bird species associated with the Sands of Forvie, Ythan Estuary and Meikle Loch Ramsar SPA were observed within or adjacent to the Proposed Development Site Boundary. Eider, a species associated with the SPA assemblage qualification, were however recorded resting along the foreshore within the Ecology Outer Study Area. Nevertheless, eider were observed resting at various points along the foreshore and there was no discernible reason why this species would select the area of beach within the Ecology Outer Study Area over the remaining 23 km of coastline. The short-term and localised cabling works therefore represent a *negligible* magnitude of impact on a potential receptor of international value. The impact of construction on the Sands of Forvie, Ythan Estuary and Meikle Loch Ramsar SPA qualifying species is therefore assessed as being of *negligible* significance.

96 The construction of the onshore cable corridor from the cable pull-in and jointing area to the substation compound (duration eight weeks), and the construction of the substation compound (duration 48 weeks) have potential to impact on protected and rare breeding birds. Nevertheless suitable habitat for breeding birds along the onshore cable corridor and within the area of the substation and the associated infrastructure is minimal. This represents a *negligible* magnitude of impact on a receptor of county value. The impact of construction on birds is therefore assessed as being of *negligible* significance.

7.5.2 Operational Phase

97 No direct or indirect impacts are predicted during the operational phase.

7.5.3 Decommissioning Phase

98 Decommissioning impacts are likely to be similar to those identified during construction.

99 Prior to decommissioning an updated ecological survey would be required to ensure *no significant* impacts occur, in accordance with the legislation and guidance at the time.

7.6 Mitigation and Enhancement

100 Mitigation measures are set out in this section relating to habitat loss and the following protected species.

- badger
- otter
- reptiles
- birds
- Japanese knotweed

101 None of these species were identified during the Phase 1 Habitat Survey of the Proposed Development Site Boundary and Ecology Outer Study Area and therefore no significant impacts are predicted. However, as these species are legally protected and it is considered that the Proposed Development Site Boundary does have the potential to support these, specific mitigation measures are set out in this section.

7.6.1 Construction

7.6.1.1 Habitat Loss

102 All construction activities would be limited to clearly defined working areas.

103 Watercourses would be protected during construction through the adoption of a range of mitigation measures (see Chapter 6).

104 Habitats subject to temporary loss (eg temporary construction compound and cabling route) would be revegetated as soon as possible after construction, to replicate the habitat that was temporarily lost.

105 Measures would be taken to facilitate the reinstatement of dune vegetation within and adjacent to the proposed trench areas.

106 Where trench works cut through dune habitat the trench would be immediately backfilled once the conduit has been installed with sand levels raised to those previous to excavation works.

107 If during pre-construction survey works, ecological sensitivities are identified which require further mitigation measures or appointment of an Ecological

Clerk of Works (ECoW) to supervise AOWFL will implement these measures in agreement with ASC. Full details of such measures would be included in the Construction Environmental Management Plan (CEMP).

7.6.1.2 Badger and Otter

108 Although no signs of badger or otter were recorded a pre-construction survey for both species would be conducted of areas to be directly affected by construction, together with a 50 m buffer undertaken six to eight weeks prior to construction. This would ensure no new setts, holts or couches exist within 30 m of any construction works. Where necessary a mitigation proposal would be prepared and the requirement for licensing determined through consultation with SNH.

109 All excavations left open overnight would include provision of suitable means of escape for mammals (for example a long wooden plank). Where deeper excavations are anticipated these would be fenced off to prevent wildlife access.

7.6.1.3 Reptiles

110 Although no signs of reptiles were identified it is considered that the Proposed Development Site Boundary does have the potential to support reptiles. The potential for impacts on reptiles would be mitigated through adoption of the following measures:

- all grassland would be mown short outside the winter period. The grassland would be kept short for the duration of construction to encourage reptiles away from works areas
- where the removal of existing spoil such as rubble and brash is required this would be undertaken by hand prior to the hibernation period (before the end of October)
- where trenches or excavations are to be left open overnight these would be inspected for reptiles (and other species such as amphibians) prior to infilling if dug during the reptile active period (late March to the end of October). Any reptiles found would be removed to suitable habitat outside the construction area

7.6.1.4 Birds

111 All above ground scrub clearance would be undertaken outside the bird breeding season (March to August inclusive).

7.6.1.5 Japanese Knotweed

112 There are two areas where the cabling route may cause the disturbance through excavation of Japanese knotweed. Where trench works encounter Japanese knotweed the material would be removed from the Proposed Development Site Boundary using best practice methodologies by specialist contractors. All relevant precautions would be taken when carrying out actions that could potentially spread this plant. All plant material and contaminated soil would be regarded as controlled waste and disposed of by

a SEPA licensed haulier. All containers and bags containing Japanese knotweed or infected soil leaving the Proposed Development Site Boundary would be covered to avoid spread along public roads.

7.6.2 Operational Phase

113 No mitigation measures are proposed during operation.

7.6.3 Decommissioning

114 The impacts of decommissioning would be expected to be similar to that of the construction phase. Decommissioning would be preceded by habitat and protected species surveys, and a decommissioning restoration plan and species protection plan would be submitted and agreed with SNH. Any new legislation or guidelines published prior to decommissioning would be adhered to and incorporated into the plan.

7.6.4 Enhancement

115 Where appropriate exposed dune substrate would be planted with marram grass to encourage dune stabilisation. To further reduce erosion and to increase sand accretion planted areas would be thatched with suitable brash material. All works would be conducted under the guidance of a management plan and ECoW.

116 All planted areas are to be fenced to discourage trampling. Sand fencing is to be installed along the seaward facing extent of the affected dune habitat.

117 It is anticipated that habitat enhancement would have a minor beneficial impact, which is *insignificant* in EIA terms.

7.7 Residual Impacts

118 All impacts identified in section 7.5 would continue to be of *negligible* significance post implementation of mitigation measures. All residual impacts are therefore of *negligible* significance.

119 Table 7.9 summarises the residual ecological impacts of the proposal and assesses their significance in terms of the EIA Regulations. Impacts are only considered for the construction phase as no impacts are predicted during the operational phase. Decommissioning impacts are likely to be similar to construction phase impacts.

7.8 Cumulative Impacts

120 This has been addressed in ES Chapter 4 section 4.4. The significance of each impact of the Proposed Development has been considered, firstly in combination with the consented AOWF and secondly in combination with the AOWF and other developments which are currently the subject of planning applications, or have been approved but not yet implemented.

121 In the context of ecology and ornithology there is no interaction between this Proposed Development and the other identified developments apart from the AOWF. Therefore cumulative impact has been scoped out with the exception of the AOWF.

122 The potential for cumulative impacts with the AOWF is limited to the submarine cabling activity between the MLWS and MHWS. However, this AOWF activity has been included in this assessment. Accordingly, the impacts associated with this activity have been accounted for in the findings of the assessment.

7.9 Summary of Impact Assessment

7.9.1 Construction Phase

123 Construction within the submarine cable and cable duct corridor has been identified as potentially affecting the integrity of sand dune and under-boulder community habitats.

124 The point at which the cables come onshore would avoid the under-boulder community habitat located to the south-east corner of the Proposed Development Site Boundary. The impact of construction on under-boulder habitat is assessed as being of *negligible* significance.

125 The route of the submarine cable and cable duct corridor passes through an established gap in the sand dune system which is used for vehicular access to the beach. All works associated with cabling would be limited to within the track area and as such no dune habitat would be affected. The impact of construction on sand dune habitat is assessed as being of *negligible* significance.

126 In terms of birds interests, the Proposed Development construction phase has the potential to cause a disturbance and displacement impact to Schedule 1 and Annex 1 bird species which utilise the lower shore for resting and/ or foraging within the littoral zone. Any impact on these birds would be of *negligible* significance.

127 In addition, the assessment concludes that it is considered highly unlikely that the Proposed Development construction phase would cause significant disturbance to species observed offshore including velvet and common scoter and hence any impacts would be of *negligible* significance.

128 The impact of construction on the Sands of Forvie, Ythan Estuary and Meikle Loch Ramsar SPA qualifying species is assessed as being of negligible significance.

129 The construction of the onshore cable corridor from the cable pull-in and jointing area to the substation compound, and the construction of the substation compound have potential to impact on protected and rare breeding birds. Nevertheless suitable habitat for breeding birds along the onshore cable corridor and within the area of the substation and the associated infrastructure is minimal. The impact of construction on birds is assessed as being of *negligible* significance.

7.9.2 Operational Phase

130 No direct or indirect impacts are predicted during the operational phase.

7.9.3 Decommissioning Phase

131 Decommissioning impacts are likely to be similar to those identified during construction.

132 Prior to decommissioning an updated ecological survey would be required to ensure no *significant* impacts occur, in accordance with the legislation and guidance at the time.

133 The impacts have been summarised in Table 7.9.

TABLE 7.9
Residual Impact Assessment

Potential Impact	Receptor Value	Scale	Duration	Magnitude of Impact	Significance	Mitigation	Residual Significance after Mitigation	Cumulative / In-combination
Destruction of under boulder community	National	Within accepted standard/ guidelines	Short term *c.* 16 weeks	*Negligible*	*Negligible* (Insignificant)	None	*Negligible* (Insignificant)	None predicted
Destruction of sand dune habitat	Regional	Within accepted standard/ guidelines	N/A – works would not affect sand dunes	*Negligible*	*Negligible* (Insignificant)	None beyond development design mitigation	*Negligible* (Insignificant)	
Displacement, disturbance to birds using the foreshore	County	Within accepted standard/ guidelines	Short term *c.* 16 weeks	*Negligible*	*Negligible* (Insignificant)	None	*Negligible* (Insignificant)	None predicted
Disturbance to offshore birds	County	Within accepted standard/ guidelines	Short term *c.* 16 weeks	*Negligible*	*Negligible* (Insignificant)	None	*Negligible* (Insignificant)	None predicted
The impact of construction on the Sands of Forvie, Ythan Estuary and Meikle Loch Ramsar SPA qualifying species	Internatio nal	Within accepted standard/ guidelines	Short term *c.* 16 weeks	*Negligible*	*Negligible* (Insignificant)	None	*Negligible* (Insignificant)	None predicted
Disturbance of breeding birds	County	Within accepted	Short term – works	*Negligible*	*Negligible* (Insignificant)	None beyond development	*Negligible* (Insignificant)	None predicted

		standard/ guidelines	which may affect breeding birds would be undertaken within a 48 week period			design mitigation		

7.10 Statement of Significance

134 An assessment of the potential impacts of the Proposed Development on Ecological and Ornithological interests within a defined study area has been undertaken and no *significant* impacts in terms of the EIA Regulations have been identified.

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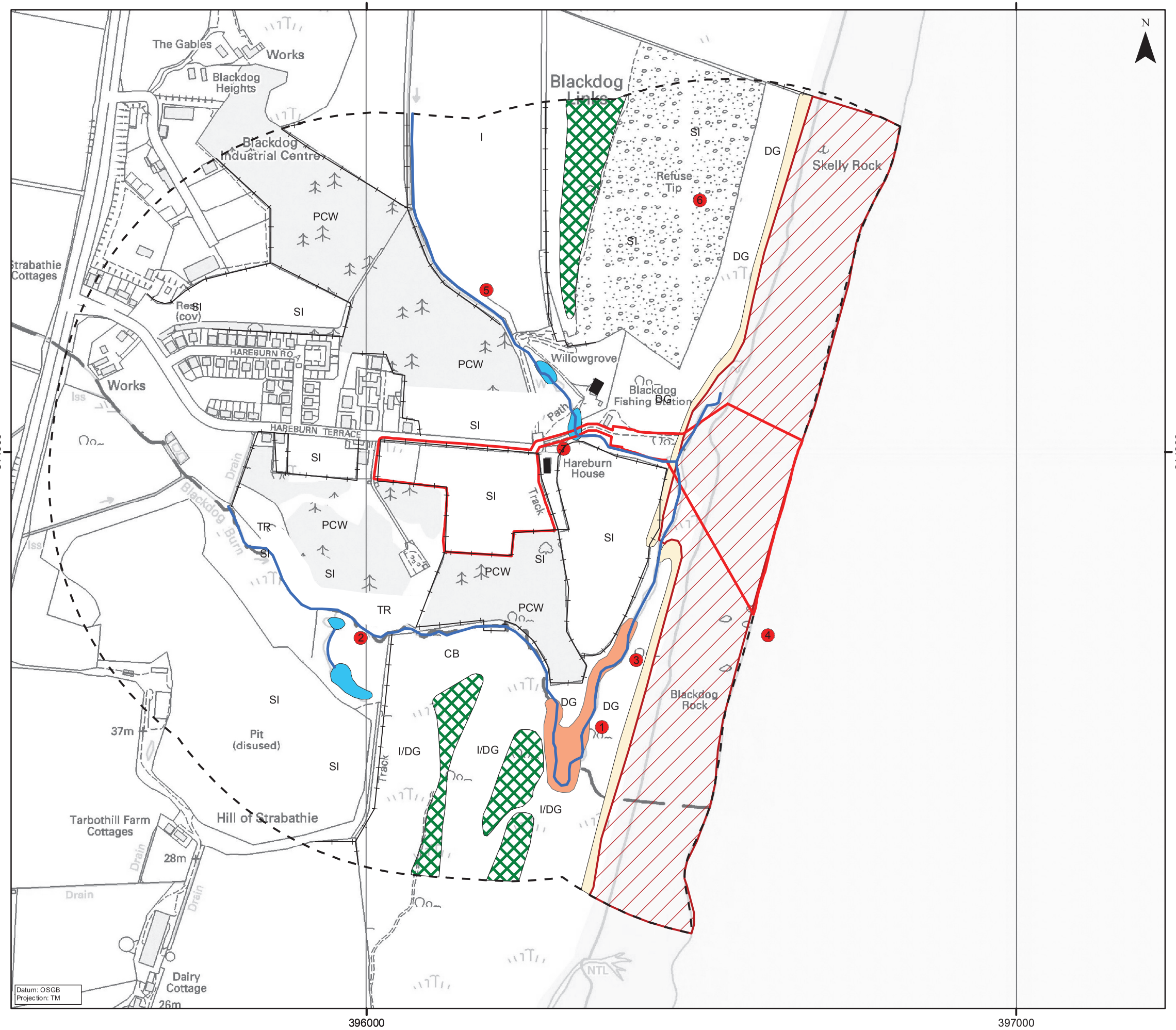


Technip areg Aberdeen Renewable Energy Group VATTENFALL

ABERDEEN OFFSHORE WIND FARM

FIGURE 7-1

Phase 1 Habitat Survey

Legend

- Proposed Development Site Boundary
- Ecology Outer Study Area
- Fenceline
- Stream
- Amenity Grassland
- Building within survey area
- Dune
- Pond
- Ephemeral/short perennial
- Mixed Plantation
- Shelter Belt
- Soil Mound
- Scrub/Heath
- Sand
- Marginal
- Target note

A – Arable
CB – Bracken
DG – Dune Grassland
I/DG – Improved/Dune Grassland Mix
I – Improved Grassland
PCW – Plantation Conifer Woodland
SI – Semi-Improved Grassland
SI/S – Semi-Improved Grassland/Scrub
TR – Tall Ruderal

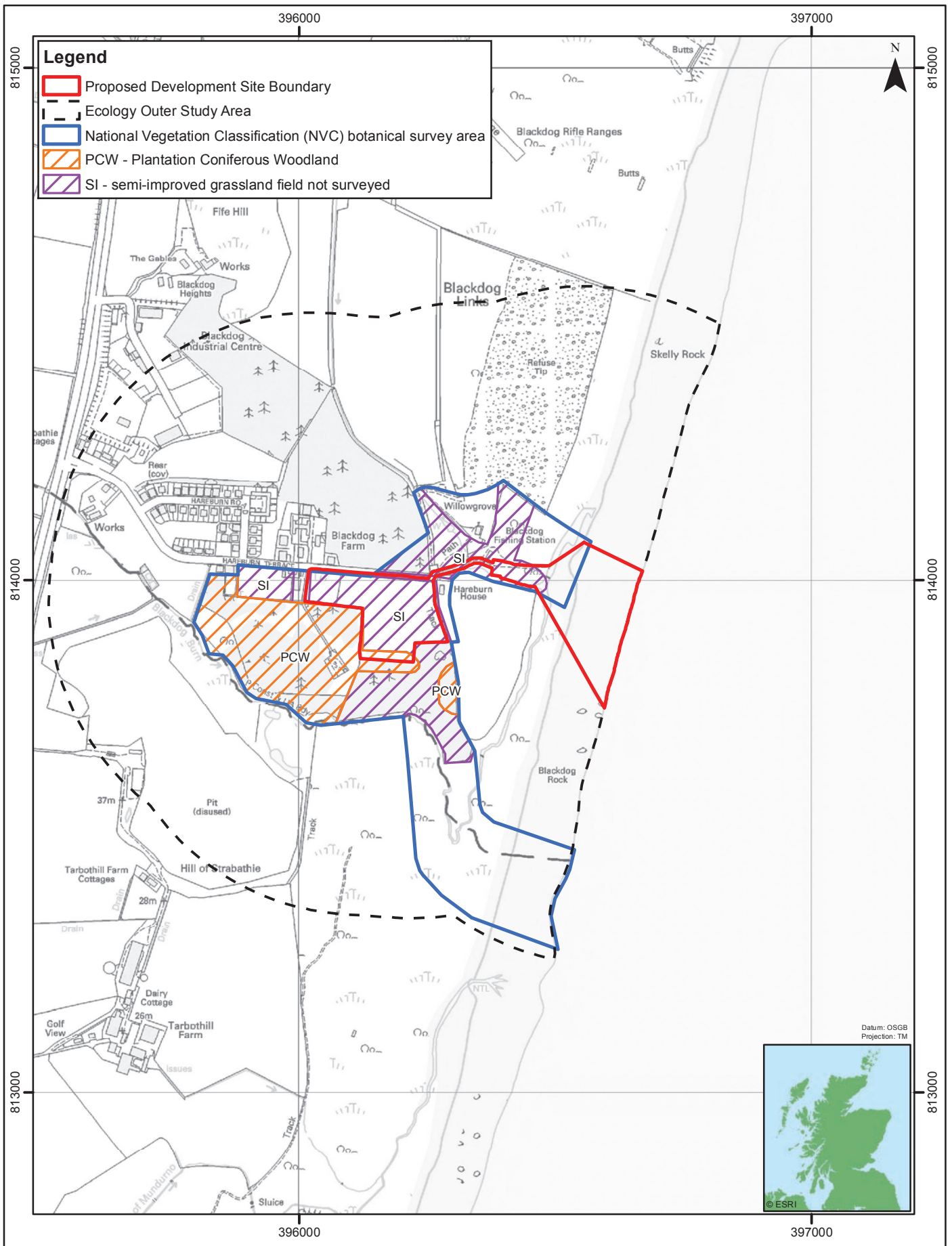
Notes
1 Do not scale

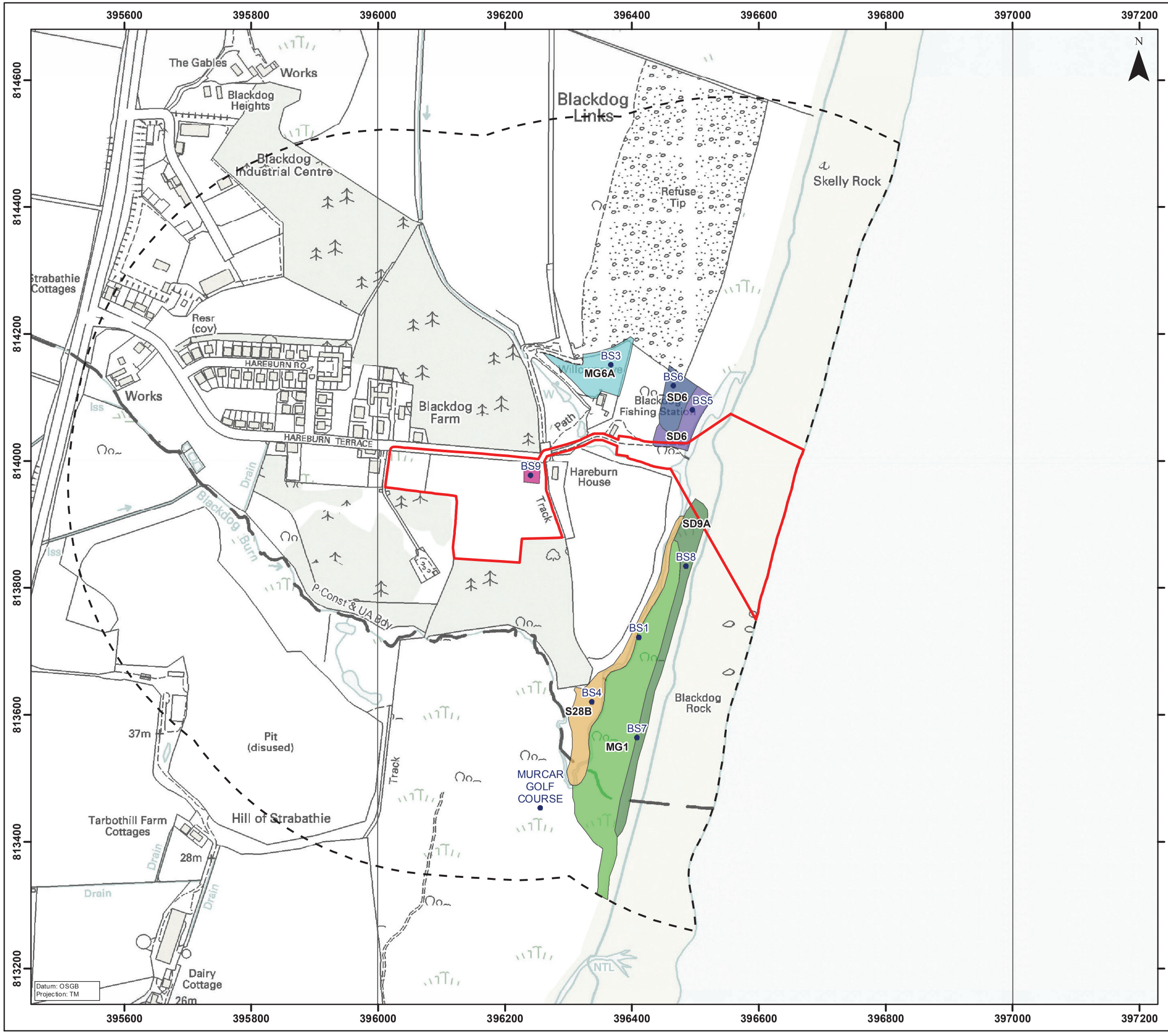
0 0.25 km

Original A3
Plot Scale
1:6,000

Drg No	6129-530-PB-7-1		
Rev	0	Date	17/0713
By	BS	Layout	N/A

Figure 7-1


396000
397000
815000
814000
813000
N
Legend
Proposed Development Site Boundary
Ecology Outer Study Area
National Vegetation Classification (NVC) botanical survey area
PCW - Plantation Coniferous Woodland
SI - semi-improved grassland field not surveyed
Butts
Blackdog Rifle Ranges
Butts
Fife Hill
The Gables
Works
Blackdog Heights
Blackdog Industrial Centre
Blackdog Links
Refuse Tip
Skelly Rock
Rear (cov)
HAREBURN RD
Works
Blackdog Farm
HAREBURN TERRACE
Willowgrove
Blackdog Fishing Station
Hareburn House
SI
SI
SI
PCW
PCW
Blackdog Burn
Blackdog Rock
37m
Pit (disused)
Track
Hill of Strabathie
Tarbothill Farm Cottages
28m
Drain
Dairy Cottage
26m
Golf View
Tarbothill Farm
Issues
Track
Sluice
NTL
Datum: OSGB
Projection: TM
© ESRI
0 0.1 0.2 km
0 0.1 Miles
Original A4
Plot Scale
1:10,000
© Crown copyright, All rights reserved. 2013
Licence number 0100031673
© Aberdeen Offshore Wind Farm Limited 2013
ABERDEEN
OFFSHORE WIND FARM
National Vegetation Classification Communities
Survey Area
Layout | By | Date | Rev | Dwg No.
N/A | BS | 17/07/13 | A | 6129-530-PB-7-2
Figure 7-2



Technip areg Aberdeen Renewable Energy Group VATTENFALL

ABERDEEN OFFSHORE WIND FARM

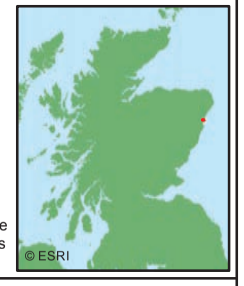
FIGURE 7-3

National Vegetation Classification Communities

Legend

- Proposed Development Site Boundary
- Ecology Outer Study Area
- BS1 – Botanical Survey Area
- MG1 *Arrhenatherum elatius* grassland - OV23D *Lolium perenne - Dactylis glomerata* community *Arrhenatherum elatius - Medicago lupulina* sub-community
- MG1 *Arrhenatherum elatius* grassland, with marram
- MG6A *Lolium perenne Cynosurus cristatus* grassland
- S28b Phalaris arundinacea tall-herb fen
- SD6 *Ammophila arenaria* mobile dune community
- SD6 *Ammophila arenaria* mobile dune community/heatherland community
- SD9A *Ammophila arenaria - Arrhenatherum elatius* dune grassland
- Stand of Japanese Knotweed

Notes
1 Do not scale
2 Only the habitats of a semi-natural nature were included in the NVC survey, although all habitats were assessed



0 0.1 0.2 km

Original A3
Plot Scale
1:6,000

Drg No	6129-530-PB-7-3		
Rev	0	Date	17/07/13
By	BS	Layout	N/A

Figure 7-3

CONSULTEE

Aberdeenshire COUNCIL

Infrastructure Services
Roads Development

Technical Consultation No 2 for Planning Application Ref: F/APP/2012/4219

Application type: **Full Planning Application**

Proposal: **Erection Of 2 Electrictiy Substation Buildinga And Ancillary Works (EIA Submission)**

Location: **Land To The South Of Hareburn Terrace Blackdog Aberdeen**

Date consultation request received: **30/08/2013**

Planning Officer: **Ann Ramsay**
Roads Officer: **Esther Mcdonald**

1. Visibility Requirements

Speed Limit at site: **20 mph**

Design speed: **20 mph (assessed for both approaches)**

Based on the minimum visibility requirements within Aberdeenshire Council's current standards and on the design speed a visibility of **2.4** metres by **25** metres will be required

Does current application provide this? Yes ☒ No ☐

2. Parking Requirements:(Not Applicable)

From Aberdeenshire Council's Parking Standards the required parking provision is
Spaces made up of: Operational and Non-Operational.

Is shown provision of spaces acceptable Yes ☐ No ☐

Note:

Aberdeenshire COUNCIL

Infrastructure Services
Roads Development

3. Road Layout:

Is a Traffic Assessment required?	Yes	☐	No	☒
Access onto Public Road Network?	Direct	☐	Indirect	☒
Will the Shown Layout Require RCC?	Yes	☐	No	☒
Does the Shown Layout Appear to Comply with RCC?	Yes	☐	No	☐

If No, What are Main Items of Non-Compliance?

4. Other Comments:

The access road should form a standard 90 degree junction with the access track. The plan should be amended to show this.

It should be noted that this development takes access via a private road, not maintained by the Roads Authority. Granting this development will result in an increase in usage. Accordingly there may be an increased liability on those responsible for the maintenance of the private road.

5. Recommendations:

☐ **This Service objects to this application for the following reasons:-**

☐ **Insufficient Visibility** ☐ **Insufficient Parking Provision**

☐ **Road Safety (see comments in Section 4)**

☐ **Insufficient information has been submitted to comment on this application. Please treat this response as a holding objection until the required information has been submitted. (See Section 4)**

☒ **This Service has no further comments to make on this application.**

☐ **This Service does not object to this application subject to the following conditions being applied should planning permission be granted:-**

Initialed by: em Checked: GS

Date: 06/09/2013 Date: 09/09/2013

Aires C (Catarina)

From: Anne.Coles@aberdeenshire.gov.uk on behalf of Contaminated_Land@aberdeenshire.gov.uk
Sent: 11 September 2013 16:37
To: fo.consultations@aberdeenshire.gov.uk; Ann.Ramsay@aberdeenshire.gov.uk
Cc: helen.jameson@vattenfall.com; Adam.Ritchie@aberdeenshire.gov.uk
Subject: Planning Consultation - APP/2012/4219 - Blackdog Offshore Wind Farm

Planning Reference: APP/2012/4219
Case Officer Name: Ann Ramsay
Case Officer Tel: 01358-726426

Proposal: Full Planning Permission for Erection of 2 Electricity Substation Buildings and Ancillary Works (EIA Submission)
Site Address: Land to the South of Hareburn Terrace Blackdog Aberdeen
Site Post Code: not available
Site Gazetteer UPRN: 151165077
Grid Reference: 396315.8.813986.9

I have reviewed the information relevant to land contamination site investigation report prepared by SSL and submitted by AOWFL. The report is largely complete however ground gas monitoring and some further groundwater quality investigation are ongoing and yet to be reported.

I have only a few comments to make and would like to make a full written response once the additional data is available.

Please advise me as soon as the additional information is available and I will respond promptly. On account of the period over which further data is being collected for AOWFL the 28 day consultation period may be exceeded.

Regards, Anne

Dr Anne Coles
Scientific Officer
Aberdeenshire Council, Planning and Environmental Services
Gordon House, Blackhall Road, Inverurie, AB51 3WA
Tel: 01467 628298
Fax: 01467 628358

|---------->
| From: |
|---------->
>----------|
|fo.consultations/Abdnshire |
>----------|
|---------->
| To: |
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>---|
| |
>---|
|------------>
| Date: |
|------------>
>---|
|30/08/2013 09:19 |
>---|
|------------>
| Subject: |
|------------>
>---|
|Planning Consultation - APP/2012/4219 - DO NOT SEND UNTIL EIA INFO ON IDOX
|
>---|
|------------>
| Sent by: |
|------------>
>---|
|Eloise Furst |
>---|

Planning Reference: APP/2012/4219
Case Officer Name: Ann Ramsay
Case Officer Tel: 01358-726426

Proposal: Full Planning Permission for Erection of 2 Electricity Substation
Buildings and Ancillary Works (EIA Submission)
Site Address: Land to the South of Hareburn Terrace Blackdog Aberdeen
Site Post Code: not available
Site Gazetteer UPRN: 151165077
Grid Reference: 396315.8.813986.9

I would be pleased to have any comments on the above proposal for which an Environmental Statement has been submitted.

I am consulting you under the requirements of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, which allows you four weeks to make any comments to the Planning Authority.

I need to reach a conclusion on planning applications within a short timescale, so please let me know if you can't reply within 28 days.

The application can now be inspected from the online Planning Register (see link below). The 28 day consultation period will commence from today.

Please reply to email address: fo.consultations@aberdeenshire.gov.uk

Please be aware that any comments you make will be made available for public inspection and will be published on the Internet.

Consultee Link:

http://www.ukplanning.com/aberdeenshire/findCaseFile.do?appNumber=APP/2012/4219

Head of Planning and Building Standards
Aberdeenshire Council
45 Bridge Street
Ellon
AB41 9AA

Planning Consultation - APP/2012/4219 - Archaeology response
Claire Herbert
to:
fo.consultations
11/09/2013 12:07
Cc:
Ann Ramsay
Show Details

Planning Reference: APP/2012/4219
Case Officer Name: Ann Ramsay
Case Officer Tel: 01358-726426

Proposal: Full Planning Permission for Erection of 2 Electricity Substation Buildings and Ancillary Works (EIA Submission)
Site Address: Land to the South of Hareburn Terrace Blackdog Aberdeen
Site Post Code: not available
Site Gazetteer UPRN: 151165077
Grid Reference: 396315.8.813986.9

Thank you for consulting us on the above application. I can advise that in this particular instance, no archaeological mitigation is required.

Kind regards,
Claire

Claire Herbert

Archaeologist
Archaeology Service
Infrastructure Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

01224 665185
07825356913

claire.herbert@aberdeenshire.gov.uk

Archaeology Service for Aberdeenshire, Moray & Angus Councils

http://www.aberdeenshire.gov.uk/archaeology

http://www.aberdeenshire.gov.uk/smrpub

-----Forwarded by Bruce Mann/Planning/Abdnshire on 08/30/2013 09:49AM -----

To:
From: fo.consultations/Abdnshire
Sent by: Eloise Furst/P&ES DCBC/Abdnshire
Date: 08/30/2013 09:19AM
Subject: Planning Consultation - APP/2012/4219 - DO NOT SEND UNTIL EIA INFO ON IDOX

Planning Reference: APP/2012/4219
Case Officer Name: Ann Ramsay
Case Officer Tel: 01358-726426

Proposal: Full Planning Permission for Erection of 2 Electricity Substation Buildings and Ancillary Works (EIA Submission)
Site Address: Land to the South of Hareburn Terrace Blackdog Aberdeen
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Grid Reference: 396315.8.813986.9

I would be pleased to have any comments on the above proposal for which an Environmental Statement has been submitted.

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Please reply to email address: fo.consultations@aberdeenshire.gov.uk

Please be aware that any comments you make will be made available for public inspection and will be published on the Internet.

Consultee Link:
http://www.ukplanning.com/aberdeenshire/findCaseFile.do?appNumber=APP/2012/4219

Head of Planning and Building Standards
Aberdeenshire Council
45 Bridge Street
Ellon
AB41 9AA

Aberdeenshire COUNCIL Infrastructure Services

PLANNING CONSULTATION

PROPOSAL:	Full Planning Permission for Erection of 2 Electricity Sub Station Buildings and Ancillary Works (EIA Submission)	**APPLICATION REF:**	APP/2012/4219
AREA:	Formartine		
LOCATION:	Land to the South of Hareburn Terrace, Blackdog, Aberdeen		
APPLICANT:	Aberdeen Offshore Wind Farm Ltd per Agent	**DATE RECEIVED BY EH:**	30/8/13

1 INTRODUCTION

1.1 The Environmental Health Service submitted a previous planning consultation report dated 7/2/13 in respect of these proposals.

2 NOISE

2.1 The development appears from the assessment submitted to be acceptable from the point of view of noise emission. The applicant must however bear in mind that the Council can take action under the Environmental Protection Act 1990 at a later stage should a nuisance occur.

2.2 The following noise sources have been considered:

- Construction noise.
- Noise from the proposed substations.

2.3 The following conditions are recommended:

a. Construction works should be limited to the following hours – Monday to Friday 0800 – 1800 hours, Saturday 0800 – 1200 hours with no Sunday working.

b. The provision of acoustic insulation to the voltage power factor control equipment housing as described in 11.7 of the Environmental Statement.

2.4 Note – Table 11.1 in the Environmental Statement indicates that the Environmental Health Service advised that "assessment to noise ratings required". This was not the case.

3 ELECTROMAGNETIC RADIATION

3.1 The Environmental Statement together with information provided by the applicant's agent in an e-mail dated 5 February 2013 confirms that the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for limiting exposures to electromagnetic fields will not be exceeded at the boundaries of the site unless "air cored reactors" are provided within the Voltage Power Factor Control Equipment compound.

The following condition is recommended:

In the event of air-cored reactor equipment being required and installed within the Voltage Power Factor Control (VPFC) equipment compound evidence of compliance with the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for limiting exposures to electromagnetic fields will be provided by:-

- A calculation or measurement of the maximum electromagnetic field strength to the satisfaction of the Planning Authority;
- In the event that the measured or calculated value exceeds the ICNIRP guideline levels then a calculation or measurement of the electromagnetic field strength at the boundary of the closest property or area at which the public exposure guidelines apply to the satisfaction of the Planning Authority; and
- Should it be found that the ICNIRP public exposure guidelines are exceeded at the boundary of a property or area where they apply then steps must be taken immediately to reduce the levels to below the public exposure guidelines to the satisfaction of the Planning Authority.

4 ADDITIONAL INFORMATION

4.1 The above observations do not include consideration of contaminated land issues. The Scientific Officer of the Environmental Health Section will report separately to the Planning Officer on such matters

5 CONCLUSION

The Environmental Health Service have no objection to the approval of this application subject to the above comments and conditions.

John R Dawson

Senior Environmental Health Officer

Date: 4th October 2013

CONSULTEE

IDOX

APP/2012/4219 Blackdog Offshore Windfarm

Contaminated Land to: fo.consultations, Ann Ramsay, Jane White

14/10/2013 10:15

Sent by: Anne Coles
Cc: Adam Ritchie

Planning Reference: APP/2012/4219
Case Officer Name: Ann Ramsay
Case Officer Tel: 01358-726426

Proposal: Full Planning Permission for Erection of 2 Electricity Substation Buildings and Ancillary Works
Site Address: Land to the South of Hareburn Terrace Blackdog Aberdeen
Site Post Code: not available
Site Gazetteer UPRN: 151165077
Grid Reference: 396315.8.813986.9

I have reviewed the site investigation report for the site of this application and make the following recommendations:

In regard to the potential ingress of ground gas into site buildings a detailed design for a gas protection system should be submitted by the applicant. Installation of this gas protection system can then be enforced by a planning condition which references this document.

There is known to be some asbestos within the site. The management of asbestos during site works is the responsibility of HSE. However there is a possibility that asbestos could lie close to the surface in disturbed soils following completion. A method statement to ensure that no asbestos remains exposed on completion of the works should be submitted. The procedure outlined in the method statement can then be enforced by a planning condition.

Please see the attached letter sent to the applicant dated 7 October 2013.

Anne Coles

Dr Anne Coles
Scientific Officer
Aberdeenshire Council, Planning and Environmental Services
Gordon House, Blackhall Road, Inverurie, AB51 3WA
Tel: 01467 628298
Fax: 01467 628358

Vattenfall Out 131007.pdf

Aberdeenshire
COUNCIL

Infrastructure Services
Environmental Health
Gordon House
Blackhall Road
Inverurie AB51 3WA
Telephone 01467 620981
Fax 01467 628358
www.aberdeenshire.gov.uk
LP-3 INVERURIE

Our Ref: APP/2012/4219
Your Ref:
Ask for: Anne Coles
Direct Dial: 01467 628298
E-mail: anne.coles@aberdeenshire.gov.uk

Vattenfall Wind Power Ltd
Business Division Sustainable Energy Projects
Offshore Wind
Bridge End
Hexham
Northumberland
NE46 4NU

FAO Helen Jameson

7 October 2013

By Email

Dear Ms Jameson

Planning Application: APP/2012/4219, Land to the South of Hareburn Terrace, Blackdog, Aberdeen
Environmental Protection Act 1990: Part IIA – Contaminated Land

Thank you for the recent site investigation report 'Draft Interpretative Report on Ground Investigation at Aberdeen Offshore Windfarm, October 2013' and your covering letter dated 4 October 2013.

I note the advice in your letter regarding a planning condition. Please be aware that it is not acceptable for either the applicant or their agent to offer suggestions to Aberdeenshire Council on this matter.

I have the following observations and comments to make:

- The British Standard for the investigation of potentially contaminated sites referenced on page 9 has been superceded.
- The investigation included fifteen boreholes drilled to a maximum depth of 17.5 m and fifteen trial pits excavated to a maximum depth of 4.6 m. An additional five boreholes were commenced but refused at a shallow depth and were not completed. Of the excavations completed thirteen boreholes and ten trial pits were located within the former landfill licence boundary. Detailed logs are provided for all boreholes and trial pits. The logs carefully describe the nature of the soils and infill encountered.
- The infill was assessed visually to contain inert wastes such as brick, stones, concrete, tarmac, glass and plastic. Some timber was noted. Discrete asbestos was tentatively visually identified only in TPB08.

- Hydrocarbon odour was noted at depth in TPB01, TPB12 and TPB13.
- Soil samples were subjected to chemical analysis for a suitable range of potential contaminants including asbestos. Asbestos fibres were present in one of the twenty made ground samples tested. This sample was from TPB07 at 2 metres depth.
- None of the soil analyses exceed the generic assessment criteria developed for commercial land use.
- Three rounds of groundwater monitoring have been carried out although the same set of boreholes was not sampled on each occasion. Most notably an isolated exceedance of nickel was determined in BH13. There is a recommendation in the report that this borehole should be resampled. This appears not to have been done as yet.
- Six rounds of ground gas monitoring have been completed included under falling atmospheric pressure. Methane is absent from all the installations monitored. Carbon dioxide is present in BHB07. Gas data are evaluated according to current guidance and the site is assigned a Medium/Low risk category. Accordingly gas protection measures are recommended for site buildings.

In order to make a recommendation that planning permission is granted for this application this Service will require a detailed design of the gas protection measures to be installed beneath the site buildings. This design will be the subject of a planning condition.

Further, as concluded in the report there is the possibility of exposure of asbestos during site works. The management of asbestos during the site works is not a matter in which the Environmental Health Service is directly involved. However once site works are complete it will be essential to ensure that no asbestos remains exposed on the surface of any disturbed ground. Accordingly please submit a method statement for the mitigation of this potential risk. This method statement will be the subject of a second planning condition.

Please clarify whether further sampling of BH13 has or will be carried out.

Yours sincerely

Anne Coles

Scientific Officer

cc Mike Bird, Vattenfall

Ann Ramsay, Aberdeenshire Council

(INOX)

CONSULTEE

Comments on planning application APP/2012/4219

Young, Dr Mark R. to: 'fo.consultations@aberdeenshire.gov.uk' 05/09/2013 10:36

X

Dear Sirs,

Thank you for the opportunity to comment on the likely environmental impact of this proposal. I have examined the application carefully and wish to make the following comments.

1. I appreciate the fact that an Environmental Impact Assessment has been undertaken, even though it may not be required under planning legislation.

2. I have examined the application with particular reference to the EIA documents.

3. I am most concerned about the possible contamination of surface drainage water during construction; the disturbance of breeding and roosting birds; and the impact on the admittedly already heavily modified coastal vegetation.

4. I note particularly the comments in the EIA regarding these issues and the proposed mitigation measures, as set out in Table 14.1 of the Non-technical Summary.

5. I believe that provided the proposed mitigation measures are carried out carefully and rigorously then the potential problems can be avoided. I trust that the Council will require adherence to these in any permission.

6. I therefore believe that the proposal need not constitute an un-acceptable risk to the local environment.

Yours sincerely,

Mark Young

Dr Mark Young
Meiklepark,
Oldmeldrum,
Aberdeenshire
Tel: [redacted]
email: [redacted]@abdn.ac.uk

SEPA
Scottish Environment Protection Agency

Our ref: PCS/128686
Your ref: APP/2012/4219

If telephoning ask for:
Rebecca Raine

Ann Ramsay
Aberdeenshire Council
Planning and Environmental Services
45 Bridge Street
Ellon
AB41 9AA

By email only to: fo.consultations@aberdeenshire.gov.uk

13 September 2013

Dear Ms Ramsay,

Planning application: APP/2012/4219
Full Planning Permission for Erection of 2 Electricity Substation Buildings and Ancillary Works - EIA RE-SUBMITTED
Land to the South of Hareburn Terrace, Blackdog, Aberdeen

Thank you for your consultation email which SEPA received on 30 August 2013, specifically seeking comments on the re-submission of an EIA document for the above development.

It is SEPA's understanding that amendment from the original Environmental Report was to the contaminated land section. As such we have no further comments to make, over and above those previous made in our response dated 30 October 2012 (our ref: PCS/122977).

If you would like a copy of this response, or have any queries relating to this letter, please contact me by telephone on 01224 266655 or e-mail at planning.aberdeen@sepa.org.uk

Yours sincerely

Rebecca Raine
Senior Planning Officer
Planning Service

Disclaimer
This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in How and when to consult SEPA, and on flood risk specifically in the SEPA-Planning Authority Protocol.

Aberdeen Office
Inverdee House, Baxter Street
Torry, Aberdeen AB11 9QA
tel 01224 266600 fax 01224 896657
www.sepa.org.uk

X

16/09/2013

Aberdeenshire Council
45 Bridge Street
Ellon
AB41 9AA

SCOTTISH WATER

Customer Connections
419 Balmore Road
Glasgow
G22 6NU

Customer Support Team
T: 0141 355 5511
F: 0141 355 5386
W: www.scottishwater.co.uk
E: connections@scottishwater.co.uk

Dear Sir Madam

PLANNING APPLICATION NUMBER: APP/2012/4219
DEVELOPMENT: EIA Blackdog Hareburn Terrace
OUR REFERENCE: 632313
PROPOSAL: Electricity Substation

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk.

Should the developer require information regarding the location of Scottish Water infrastructure they should contact our Property Searches Department, Bullion House, Dundee, DD2 5BB. Tel – 0845 601 8855.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website: www.scottishwater.co.uk.

Yours faithfully

Janine Franssen
Customer Connections Administrator

HISTORIC SCOTLAND
ALBA AOSMHOR

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Direct Line: 0131 668 8730
Direct Fax: 0131 668 8722
Switchboard: 0131 668 8600
Robin.Campbell@scotland.gsi.gov.uk

Our ref: AMN/16/GB
Our Case ID: 201303356
Your ref: APP/2012/4219

18 September 2013

Ms Ann Ramsay
Planning and Building Standards
Aberdeenshire Council
45 Bridge Street
ELLON
AB41 9AA

Dear Ms Ramsay

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011
Erection of 2 electricity substation buildings and ancillary works on land to the South of Hareburn Terrace, Blackdog, Aberdeenshire
Environmental Statement

Thank you for the consultation letter and the accompanying Environmental Statement (ES) requesting comments on the above. For information, this letter covers our comments on the ES for our role as consultees through the Scottish Ministers under the terms of the above Regulations and also on the proposed development under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The comments in this letter relate to our statutory remit for scheduled monuments and their settings, category A listed buildings and their settings, gardens and designed landscapes appearing in the Inventory and Inventory Battlefields. Please also seek information and advice from your Council's archaeology and conservation service if you have not already done so.

The Proposed Development
I understand the proposed development shall be on land to the south-east of the village of Blackdog, approximately 4 km to the south of Balmedie in Aberdeenshire. The proposed development shall consist of the following:

Onshore Substation Compound, including:
- Aberdeen Offshore Wind Farm Limited (AOWFL) Substation: 6m (H) 20m (W) and 30m (L);
- Voltage Power Factor Control (VPFC) equipment: 5m (H) 31m (W) and 35m (L);
- Scottish Hydro Electric Transmission (SHET plc) Substation: 10.6m (H) 25m (W) and 28m (L);
- Internal access roads, car parking area and landform and landscaping.

Underground Cable Corridor
- Up to four export cables between the MLWS and MHWS;
- A cable pull-in and jointing area and onshore cabling.

HISTORIC SCOTLAND
ALBA AOSMHOR

Historic Scotland's Position

In summary, we are content that there shall be no direct impacts on assets within our statutory remit, as a result of the proposed development. In terms of indirect and cumulative impacts, having reviewed the submitted information, we are content that there will not be any significant adverse impacts on assets within our statutory remit. Consequently, we offer no objection to the proposal. Please contact me should you wish to discuss any of the issues raised in this letter.

Yours sincerely

Robin Campbell
Senior Heritage Management Officer (EIA)

HISTORIC SCOTLAND
ALBA AOSMHOR

Annex

The Environmental Statement
We have reviewed the ES and have concluded that there is enough information within it to form a view on the development.

The Application

Direct Impacts
Having reviewed the ES, we are content that there shall be no direct impacts on assets within our statutory remit, as a result of the proposed development.

Indirect Impacts
We have reviewed the potential indirect impacts on the setting of surrounding assets. In particular, we have focused on the following:

Schedule Monuments:
- The Temple Stones,stone circle NE of Potterton House (Index no. 3275);
- Home Farm Cottage, cairn 325m N of (Index no. 12433);
- Dubford,standing stone 400m N of (Index no. 3283).

Overall, taking into account the siting and design of the proposed development, we are content that it will not result in any significant adverse impacts on the setting of the above assets or on others within the surrounding area.

Historic Scotland
18 September 2013

CONSULTEE

FW: Planning Consultation - APP/2012/4219 - Blackdog substation works
Maggs, Hywel to: fo.consultations 20/09/2013 15:21

Dear Ann Ramsay

Thank you for consulting RSPB on the proposal below.

RSPB does have knowledge of the ornithological interest of this area. Based on this and the results of the EIA, we do not feel that significantly negative impacts on birds are likely to occur if this proposal is consented.

Regards

Hywel Maggs
Conservation Officer, North East Scotland

East Scotland Regional Office 10 Albyn Terrace, Aberdeen, AB10 1YP
Tel 01224 624824

rspb.org.uk

-----Original Message-----
From: Eloise.Furst@aberdeenshire.gov.uk [
mailto:Eloise.Furst@aberdeenshire.gov.uk] On Behalf Of
fo.consultations@aberdeenshire.gov.uk
Sent: 30 August 2013 09:19
Subject: Planning Consultation - APP/2012/4219 - DO NOT SEND UNTIL EIA INFO ON IDOX

Planning Reference: APP/2012/4219
Case Officer Name: Ann Ramsay
Case Officer Tel: 01358-726426

Proposal: Full Planning Permission for Erection of 2 Electricity Substation Buildings and Ancillary Works (EIA Submission) Site Address: Land to the South of Hareburn Terrace Blackdog Aberdeen Site Post Code: not available Site Gazetteer UPRN: 151165077 Grid Reference: 396315.8.813986.9

I would be pleased to have any comments on the above proposal for which an Environmental Statement has been submitted.

I am consulting you under the requirements of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, which allows you four weeks to make any comments to the Planning Authority.

I need to reach a conclusion on planning applications within a short timescale, so please let me know if you can't reply within 28 days.

The application can now be inspected from the online Planning Register (see link below). The 28 day consultation period will commence from today.

Please reply to email address: fo.consultations@aberdeenshire.gov.uk

Please be aware that any comments you make will be made available for public inspection and will be published on the Internet.

Consultee Link:
http://www.ukplanning.com/aberdeenshire/findCaseFile.do?appNumber=APP/2012/4219

Head of Planning and Building Standards
Aberdeenshire Council
45 Bridge Street
Ellon
AB41 9AA

Scottish Natural Heritage
Dualchas Nàdair na h-Alba
All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Year of Natural Scotland 2013

CONSULTEE

Ann Ramsay
Aberdeenshire Council
45 Bridge Street
Ellon
AB41 9AA
Sent by email

24th September 2013
Our ref: CDM126035
Your ref: APP/2012/4219

Dear Ann

Aberdeen Offshore Wind Farm Onshore Transmission Works
Full Planning Permission for Erection of 2 Electricity Substation Buildings and Ancillary Works (EIA submission)
Land to the South of Hareburn Terrace Blackdog Aberdeen

Thank you for your email of 30th August 2013 consulting us on this application.

Background
The proposal is for the onshore transmission works for the Aberdeen Offshore Wind Farm, otherwise known as the European Offshore Wind Deployment Centre (EOWDC). We were consulted on an application for these works earlier this year. The application was accompanied by an accompanying environmental report and we provided advice to Aberdeenshire Council in our letter of 5th February 2013. We understand it was subsequently decided that an EIA was required.

Advice
Our advice remains the same as that in our letter of 5th February, regarding the need to minimise the risk that the cables become exposed in the future due to the coastal erosion that occurs in this area. A more conservative initial installation could reduce the likelihood of subsequent repairs and reinstallation that might be required during the operational phase of the windfarm.

We retain our recommendation that any consent includes conditions requiring the details of the methods to install and monitor the cables, and a site construction environmental management plan to be approved by your council.

Please contact me if you would like any further advice on this proposal.

Yours sincerely

[By email]

Sue Lawrence
Operations Officer - Tayside & Grampian
sue.lawrence@snh.gov.uk

APP/2012/4219
Eleisha Fahy to: fo.consultations 25/09/2013 12:15

Dear Ms Ramsay,

Thank you for your letter of 28th August, received 30th August 2013, requesting comments on planning ref APP/2012/4219 – the substations at Blackdog. Our letter has been scanned and is attached, along with a corresponding map.

Your letter states that you wish all documents returned with our reply. If this is the case, please confirm and I will put them in the post. If you would also like a paper copy of our response and map, do just say, then I can post them to you in the one envelope.

I hope the information provided is useful to you. Please do not hesitate to contact me if you need more detail or if you have any queries.

Kind regards,
Eleisha

Eleisha Fahy
Access Enquiries Officer
Scottish Rights of Way and Access Society (ScotWays)
24 Annandale Street, Edinburgh EH7 4AN
tel/fax: 0131 558 1222
web: www.scotways.com
follow us on Twitter: @ScotWays
find us on Facebook: www.facebook.com/scotways

Safeguarding Public Access in Scotland since 1845

A company limited by guarantee, registered in Scotland
Company number 24243
Registered office as above
Scottish Charity number SC015460


Harebum Terrace, Blackdog, GG66 - AugSep2013, p1of3.jpeg


Harebum Terrace, Blackdog, GG66 - AugSep2013, p2of3.jpeg


Harebum Terrace, Blackdog, GG66 - AugSep2013, p3of3 (map).jpeg

ScotWays

The Scottish Rights of Way and Access Society

fo.consultations@aberdeenshire.gov.uk

CONSULTEE

Ann Ramsay, Planner
Infrastructure Services
Planning & Building Standards
Aberdeenshire Council
45 Bridge Street
Ellon
AB41 9AA

IDOX

25/09/2013

Dear Ms Ramsay,

Your ref: **APP/2012/4219**
Proposal: **Full Planning Permission for Erection of 2 Electricity Substation Buildings and Ancillary Works (EIA Submission)**
Address: **Land to the South of Hareburn Terrace, Blackdog, Aberdeen**

Thank you for your letter of 28th August, received 30th August 2013 requesting comments on the above.

The National Catalogue of Rights of Way shows right of way GG66 appears to cross the area enclosed by the *Proposed Development Site Boundary* shown on the applicant's Figure 5-1 *Site Plan*. GG66 is listed as an asserted right of way. A map is enclosed with right of way GG66 highlighted in pink. As there is no definitive record of rights of way in Scotland, there may be other routes that meet the criteria to be rights of way but have not been recorded as they have not yet come to our notice.

Right of way GG66 continues south to link up with rights of way in the Aberdeen City Council area. Our records also indicate that it is likely that Hareburn Terrace is part of the local network of rights of way. The link route with Hareburn Terrace is highlighted in yellow on the enclosed map, as it is clear from the documentation provided that this route is to be used as the site access during both construction and operation at the site.

It is also worthy of note that, from GG66's north end, it is possible that an eastwards continuation to the foreshore is an unrecorded part of the right of way. This continuation to the foreshore may also be affected by the *Proposed Development Site Boundary*

You will no doubt be aware there may now be general access rights over any property under the terms of the Land Reform (Scotland) Act 2003. We are pleased to note that the applicant appears to have consulted the Core Paths Plans, prepared by the Aberdeenshire and Aberdeen City Councils' access teams as part of their duties under this Act.

Section 12.4 *Development Design Mitigation* indicates that cable installation will be carried out in stages to minimise disruption to beach access. It is clear from section 12.6 *Mitigation* and Table 14.1 that any necessary temporary diversions to public access routes and corresponding signage are to be agreed with the Council in advance of implementation. We welcome the indication of a timescale for the length of works and confirmation that routes are to be reinstated.

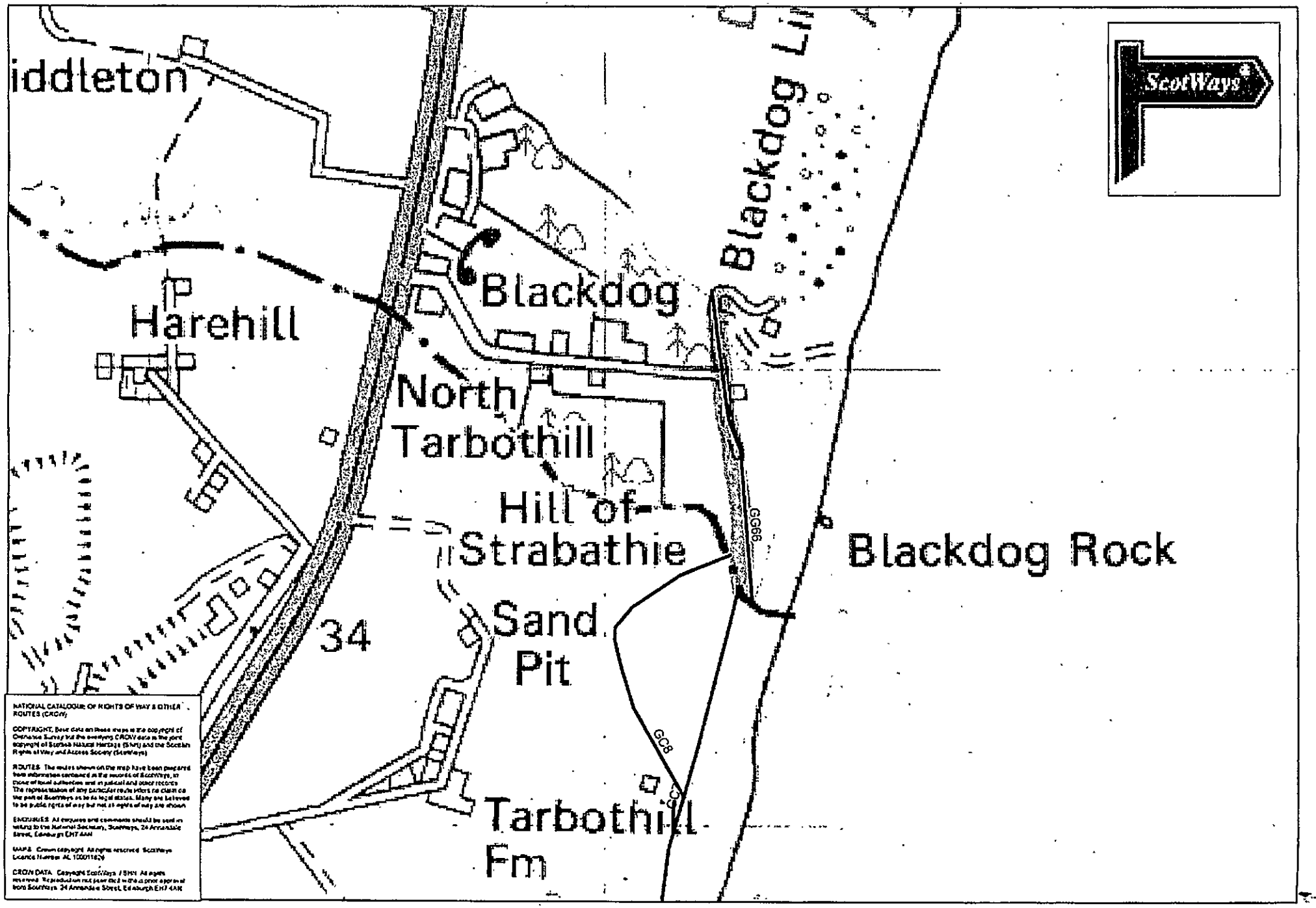
The Society also welcomes the applicant's confirmation (section 12.4) that it will not be necessary to fence off large areas of the beach for extended periods and that public access will be restricted only to those areas affected by cable works.

Neither the Society nor its individual officers carries professional indemnity insurance and in these circumstances any advice that we give, while given in good faith, is always given without recourse.

I hope the information provided is useful to you. Please do not hesitate to contact me if you need more detail or if you have any queries.

Yours sincerely,

Eleisha Fahy
Access Enquiries Officer


iddleton
Harehill
Blackdog
Blackdog Li
North
Tarbothill
Hill of
Strabathie
Sand
Pit
34
GG66
Blackdog Rock
GC8
Tarbothill
Fm
ScotWays
NATIONAL CATALOGUE OF RIGHTS OF WAY & OTHER ROUTES (CROW)
COPYRIGHT. Base data on these maps is the copyright of Ordnance Survey but the overlaying CROW data is the joint copyright of Scottish Natural Heritage (SNH) and the Scottish Rights of Way and Access Society (ScotWays)
ROUTES. The routes shown on the map have been prepared from information contained in the records of ScotWays, in those of local authorities and in judicial and other records. The registration of any particular route does not confer on the part of ScotWays as to its legal status. Many are believed to be public rights of way but not all rights of way are shown.
ENQUIRIES. All enquiries and comments should be sent in writing to the National Secretary, ScotWays, 24 Annandale Street, Edinburgh EH7 4AW
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IDOX

CONSULTEE

APP/2012/4219 - EIA/ABS/232
Mark.Paterson to: fo.consultations
Cc: Alex.Kerr

31/10/2013 11:40

Please find attached JMP response for the above EIA.

Thanks

Mark

æA
Mark Paterson
Trunk Road Network Administration Team
Trunk Road and Bus Operations

Telephone No: 0141 272 7332
Fax No: 0141 272 7350

Transport Scotland
Buchanan House
8th Floor North
58 Port Dundas Road
Glasgow
G4 0HF

For agency and travel information visit our website

Transport Scotland, the national transport agency

Còmhdhail Alba, buidheann nàiseanta na còmhdhail

Our Ref SCT6941B
Your Ref APP/201/4219
TS Ref EIA/ABS/232

28 October 2013

JMP Consultants Limited
Mercantile Chambers
53 Bothwell Street
Glasgow
G2 6TS

T 0141 221 4030
F 0800 066 4367
E glasgow@jmp.co.uk

www.jmp.co.uk

Ann Ramsay
Aberdeenshire Council
Arbuthnot House
Broad Street
Peterhead
AB42 1DA

Dear Ann

THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2011
ERECTION OF 2 ELECTRICITY SUB STATION BUILDING AND ANCILLARY WORKS ON LAND SOUTH OF HAREBURN TERRACE, BLACKDOG (ENVIRONMENTAL STATEMENT)

With reference to recent correspondence on the above development, we write in our role as Term Consultants to Transport Scotland – Trunk Road and Bus Operations Directorate (TRBOD) in relation to the provision of advice on issues affecting the trunk road network.

We have downloaded a copy of the Environmental Statement report prepared by SLR Consulting Limited on behalf of Aberdeen Offshore Wind Farm Limited in support of the above development. Having reviewed the information provided, we would make the following comments on behalf of Transport Scotland.

Development Proposals

We understand from the information provided by the applicant that the proposed development is to construct two new electricity substations and ancillary works on land to the south of Hareburn Terrace at Blackdog in Aberdeen. We also understand that the proposed development is required to facilitate the export of electrical power generated from the Aberdeen Offshore Wind Farm to the national electricity transmission system. The development site is located to the south of Hareburn Terrace and to the east of the A90(T) in Blackdog. Hareburn Terrace provides access to the A90(T) which is the closet trunk road providing strategic access to the site.

Access Strategy

We note from the ES that access to the development site will be via Hareburn Terrace. It is noted that Hareburn Terrace in the vicinity of the development site is part of the local road network and in these circumstances Transport Scotland have no specific comments to make on the actual access point itself.

It is understood that the preferred route for the delivery of abnormal loads is via the A90(T) northbound and Hareburn Terrace. With regards to general construction and operational traffic movements, we note that the origin of construction is yet to be determined however the route will involve the A90(T) northbound and Hareburn Terrace.

Construction and Operational Traffic Movements

We note that during the construction phase, the maximum number of construction vehicles expected to access the site via the A90(T) and Hareburn Terrace is 36 two–way vehicles per day.

This consists of 26 two-way light vehicles and 10 two–way HGV movements. We note that it is anticipated there will be up to 2 abnormal load deliveries to the site spread over the duration of the overall construction project.

With regards to the operational traffic movements, we understand that a substation plant requires maintenance at regular intervals with maintenance completed about once every four to six years on each circuit and this involve a site presence for about one week with light vehicles.

Given the above, the construction traffic will result in a temporary increase in traffic flows on the A90(T) but we accept that there will not be any significant traffic impacts or associated environmental impacts on the trunk road network or its adjacent receptors associated with the construction and operational stages of the substation.

We are also satisfied that there will be no significant trunk road issues with regard to Noise and Air Quality associated with additional traffic.

Based on our review, we can confirm that Transport Scotland have no objection to the development in terms of environmental impacts on the trunk road network but would recommend that the following conditions in relation to abnormal loads are attached to any approval issued:

Condition 1: Prior to commencement of deliveries to site, a Route Access Report including swept path analysis must be undertaken to ensure that exceptional loads can be transported through the trunk road network safely. The complete report shall detail any accommodation measures required including the temporary removal of street furniture, junction widening, traffic management etc and show that the transportation will not have any detrimental effect on structures within the route path.

Reason

To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

Condition 2: During the delivery period of the construction materials for the substations any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences.

Reason

To ensure that the transportation will not have any detrimental effect on the road and structures along the route.

I trust that the above is satisfactory and should you wish to discuss any issues raised in greater detail, please do not hesitate to contact me at our Glasgow Office.

Yours faithfully

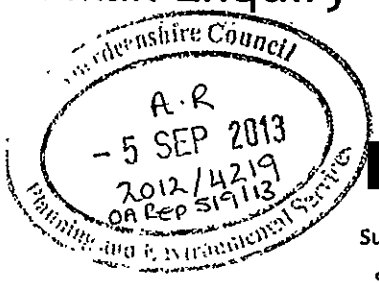
Alan DeVenny
Associate Director

Tel 0141 226 6923
Email alan.devenny@jmp.co.uk

cc Malcolm Forsyth, Transport Scotland Development Management
Alex Kerr, SEDD Planning Decisions

Reply | Reply with History | Forward | Make Private | Actioned | No Action Required

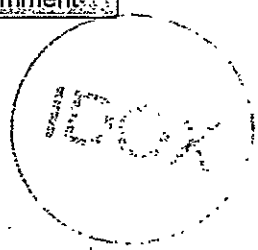
E-Mail Enquiry



Class: Planning Applications - Formartine [Change Class]
To: fo.planapps@aberdeenshire.gov.uk
CC: [redacted]
Date: 04/09/2013 15:47:50
Subject: [ACE/524918] Comment on application APP/2012/4219
Status: Actioned [Change Status]
Owner: (Individual dealing with the Enquiry.) No Owner Assigned [Change Owner]
Age: (in work days) 0
Comments: Passed to Formartine mail 05.09.13 & Ann [Edit Comment]

Enquiry Text

PUBLIC COMMENT



A comment has been submitted via the Aberdeenshire Council planning register:

Ref: APP/2012/4219
Ref Link: http://www.aberdeenshire.gov.uk/planning/apps/detail.asp?ref_no=APP/2012/4219
Name: [redacted]
Address:
[redacted]
Blackdog
Bridge of Don
Aberdeen
[redacted]
Comment Type: object
Comment:
Having reviewed all of the information from the various parties involved over past months, we are strongly against this application and fully object to the proposal.

In addition to the comments of our previous objection, the main reasons for our continued objection are due to the potential safety hazards this execution of this proposal will bring. Firstly the safety implications relating to the waste which was dumped on this site in the past coupled with the apparent failure to complete fully comprehensive testing of site. The other main safety concern is around the increased traffic volume which the current infrastructure is already struggling with and the junction joining the dual carriageway is already a safety concern with the current level of traffic. In addition the increased volume of traffic and the nature of traffic being lorries and heavy goods vehicles, this is a neighborhood with many families with children and pets and this increase in traffic is an additional safety concern - these types of vehicles have no place in a small housing estate. In addition to the safety concerns we also have concerns as to the noise and aesthetic impact on the area, the devaluation of our property and the inconvenience this project will cause during both construction and execution phases. This is an industrial building and would be best placed in an industrial area, not in a small housing estate.

Submitted: 04/09/2013 15:47:50

History

04/09/2013 15:47	Enquiry (Current Document)
04/09/2013 16:06	Automatic Reply
05/09/2013 09:43	Status Change

[redacted]

Home » Tools and Resources » Internet Enquiries

Reply | Reply with History | Forward | Make Private | Actioned | No Action Required

E-Mail Enquiry

Class: Planning Applications - Formartine — Change Class

To: fo.planapps@aberdeenshire.gov.uk

CC: [redacted]

Date: 13/09/2013 10:12:31

Subject: [ACE/526627] Comment on application APP/2012/4219

Status: Actioned — Change Status

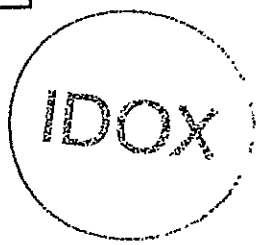
Owner: *(Individual dealing with the Enquiry.)* No Owner Assigned — Change Owner

Age: *(in work days)* 0

Comments: Passed to Formartine Mail 13.09.13 — Edit Comment

Enquiry Text

PUBLIC COMMENT



A comment has been submitted via the Aberdeenshire Council planning register:

Ref: APP/2012/4219
Ref Link: http://www.aberdeenshire.gov.uk/planning/apps/detail.asp?ref_no=APP/2012/4219
Name: [redacted]
Address:
[redacted]Blackdog,
Bridge of Don,
Aberdeen [redacted]
[redacted]
Comment Type: object
Comment:
Dear Sirs We would like to object strongly to the proposed development on the Strabathie Landfill Site to the South of Hareburn Terrace on two grounds namely :-
1 This land was used as a refuse and landfill site since the late 1920's and was used by the general public and others for the disposal of all different kinds of materials some known, and others unknown as the tip was open at all times.
2 We are also very concerned by the map to see that the cables leading away from the Substation going up towards Hareburn Terrace going close past our home and we are worried because of the very high voltage in these cables being harmfull to our health as many people have suggested and also our home is below the level of the road which we think will be very dangerous as our living quarters will therefore be very close to the high voltage.

We know that some sort of survey was carried out at the site lately but I am sure you realise that the kind of survey that was carried out can be only cosmetic as the tip is so deep and widespread.
We feel that the location of this development is most unsatisfactory and should be refused as no thought has been given to the problems that will be caused by the gas emmisions from the large scale excavations that will ensue.
Would it be possible for me (Peter) to make an appointment to come along to see you to discuss my worries further.
Submitted: 13/09/2013 10:12:31

History

13/09/2013 10:12	Enquiry (Current Document)
13/09/2013 10:31	Automatic Reply
13/09/2013 10:49	Status Change

PUBLIC COMMENT

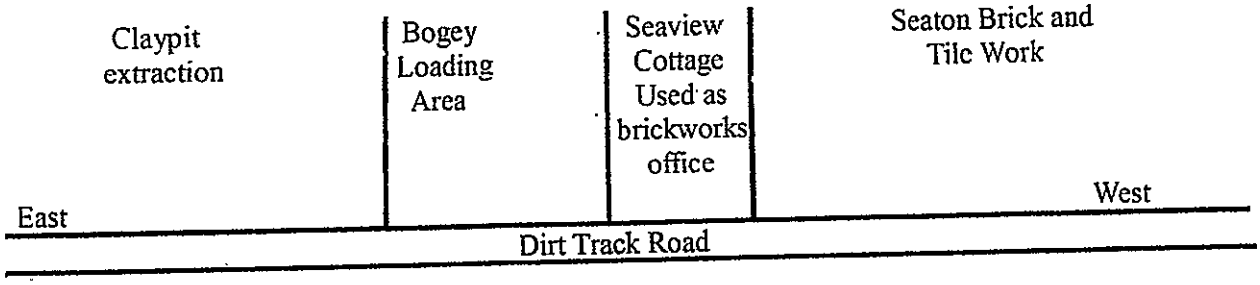
Head Of Planning
45 Bridge Street
Ellon
AB41 9AA

Planning Application APP/2012/4219

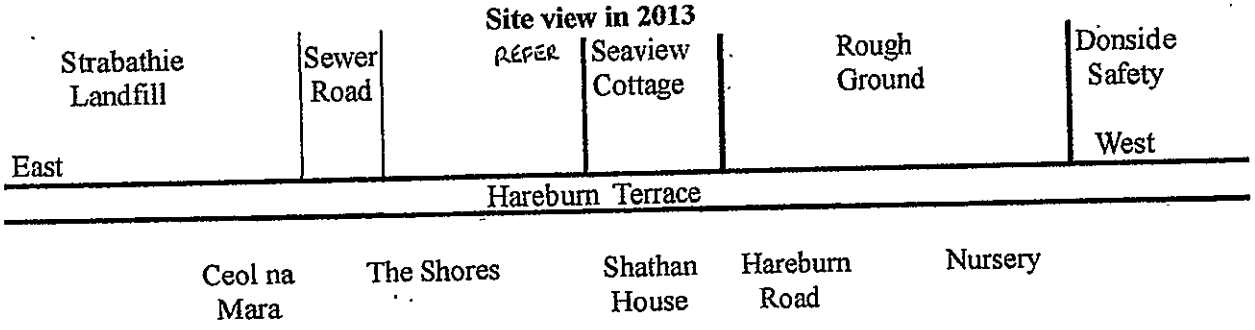
Sir,

We have gathered together the views, opinions, suggestions and concerns over the EIA report and the proposed building of a substation at Blackdog. This objection statement emphasizes the feelings of most of the Blackdog residents.

Site view in 1898 to 1924



Site view in 2013



The Northern Patent Brick & Tile Co which had its works at Seaton Links was bought over by the Seaton Brick and Tile Co, the company was formed in 1884. In 1898 they moved to Strabathie where there was a large clay deposit and built the brickworks. In Aug 1924 an announcement in the Aberdeen Journal (now P&J) stated that the Seaton Brick & Tile Co went in to voluntary liquidation after an existence of forty years. During the clay-pit extraction five million bricks, one million seven hundred and fifty thousand pipes and various other items were produced annually. Multiply this by twenty six years of clay-pit extraction and this left ONE HELUVA LARGE HOLE IN THE GROUND. The Brickworks was dismantled around 1930.

Because more than half a century has passed and with the chequered history of this site, how can any Council possibly grant permission to disturb this site. We have eyewitness accounts of some of the contents but how much more do we not know? The main concern is the health and safety of our village and who will give us an absolute guarantee of safety?

Across the years Strabathie landfill was used for dumping all manner of nasties. Eyewitness accounts from residents have mentioned the following

1) Old cars, lorries and batteries
2) Rat poison, brand name Rodine, banned from use, Council dumped their remaining stocks. Believed to contain arsenic.

3) Cows were also buried here, stench permeated the air for weeks.
4) Old building materials.
5) Red oxide paint, believed to contain lead.
6) Lorries regularly dumped loads from Lawson's of Dyce and an abattoir in Aberdeen, contents were of animal origin.
7) Human waste.
8) Tyres from RAF Dyce, kids burned them on bonfire night.
9) Remnants of asbestos from pre-fabs being built in Aberdeen, years later when they were dismantled the rubble also ended up here.
10) In the early 1950's one of the residents transported thirty lorry loads of asbestos to the Strabathie Landfill. The loads came from SGB a haulage company based off Granitehill Road in Northfield. There was cold store facilities on site which were dismantled, the asbestos was from the insulation used in the cold store.

Around 1997/98 the landowner, Gary Fraser bulldozed Strabathie site, at one point the bulldozer sank in to a hole in the site and sat on the edge of a drop. A concerned resident saw chunks of asbestos and reported it to the Environmental Officers at the Council office in Inverurie. They said they were aware that there was asbestos on this site, there was no follow up on this incident. Why were residents not warned of the presence of asbestos? And why was the landowner allowed to bulldoze a site known to contain asbestos? Was this legal? It showed total disregard for the health and safety of the residents of this village.
Vattenfall report states "Aberdeenshire Council states the site was licensed between 1978 – 1993 to receive inert waste and waste from the construction industry with a life expectancy of ten years . Licence allowed for specifically solid materials ie. no sludge or liquids to be deposited. At no time was the landfill used as a public waste disposal facility, but the licence did allow for amosite and chrysolite asbestos to be disposed of." DUMPING WAS TAKING PLACE ON THIS SITE FOR MORE THAN HALF A CENTURY BEFORE ANY CONTROL REGULATIONS WERE IN PLACE. THE CONTENTS ARE UNKNOWN APART FROM EYEWITNESS ACCOUNTS. WILL MADE GROUND TESTS BE ANY USE WITH THIS HISTORY?
In August 2013 a report appeared in the local press naming three sites for a proposed Travellers Site, one of them being Blackdog. In a later report the Blackdog site was dropped for "environmental reasons" The selected site at Blackdog sits on an old landfill. Was this site abandoned because Council did not want to place travellers here??????? What is so hard to understand is that Vattenfall may be allowed to dig in to Strabathie where there are 80 plus houses but a stopper was put on the other site. What mad reasoning is behind this? Are we being discriminated against just because authorities are so hell bent in getting the wind turbines turning in Aberdeen Bay.
On 28/08/13 Newsdesk Mail received a huge Email from Vattenfall/AREG , the spin doctors were very busy laying out how they would set about sorting out the Strabathie site if granted permission. Mr Todd of AREG said "Such deposits are typical of a FORMER BRICKWORKS LANDFILL and the identification of traces of asbestos will help to inform construction phase Controls. This will be further detailed in the Construction Phase Management Plan to which Aberdeen Wind Farm Ltd (AOWFL)- the joint venture behind EOWDC – would be committed under the terms of planning permission if it is granted"
This Statement "FORMER BRICKWORKS LANDFILL" is rubbish, the Strabathie landfill is situated on the old clay-pit, the brickworks is about 400 yards further West. If they can't even get the site location correct what else have they got wrong?
The borehole/trial pits tests carried out raises many questions. Looking at Vattenfall's map it appears that a whole cross section of the site was tested but out in the field there are huge gaps and we believe that not enough testing was done. A lot of it was carried out round the perimeter. They were expecting to find asbestos, and they did in a small quantity, but workmen wore no masks and did not know that they were working on an old landfill site. Many other contaminants were found on site, we are not qualified to judge the levels of these. Two of the tests revealed an odour of hydrocarbons. Vattenfall's Contamination Report states; "Low risk to human health although

sporadic asbestos contamination of made ground. No very significant areas of impact encountered but potential for localized areas of impact still exists and may require suitable safe systems of work during process that involve disturbance of site in this area" THIS SITE SHOULD NEVER BE DISTURBED EVEN IF THERE IS THE SMALLEST RISK OF CONTAMINATION.

Another part of the report; "Made ground varies in thickness from BHB01 0.40m to >6.30 in B4B10 and is considered unsuitable for supporting major foundation loads in an unimproved condition, due to its potentially unreliable bearing capacity and settlement characteristics recorded across the Northern part of the central site area and is conjectured to underlie approximately 25% of the proposed substation footprint in the Northern portion."
Reading through the Vattenfall report it always states how well run it will be and how they will work to all the rules and regulations and run everything by the book. Spin doctors make it sound like the perfect operation, unfortunately we folk at the Blackdog have learned the hard way and heard all the propaganda like this before from people like landfill operators. They said everything will be carried out in a proper regulated manner but as soon as they are granted permission and get started out in the field it becomes a totally different project, in fact, a horror story. If permission is granted we will be faced with all the digging, soil removal if contaminated, the construction and the cable laying and digging up of Hareburn Terrace. We think Blackdog village is already living in a third world state.
Blackdog area has nineteen old landfills in the area, six of which lies within a few hundred yards of our homes and one at the beachside is a red zone classified as the second most toxic site in Scotland. 25,000 gallons of drilling mud was poured in here every week over a prolonged period, there is a black boggy morass at the bottom end and oil regularly leaches through on to the beach. Most of the sites have caused immense problems over the years such as gas leaks, vermin, stench, noise, pollution, noise, dust etc. This area is the most heavily polluted piece of land in Scotland. The cumulative effect on our village is totally unacceptable, we have been used as a dumping ground for far too long. And now Vattenfall wants to dig in to the Strabathie landfill to build a substation containing asbestos and other contaminants causing more disturbances to our village.
Over ¾ of Blackdog residents have already submitted objections on the building of the substation, they were based mostly on the following; the increase of traffic to an already overloaded road system. Increased danger to the residents and in particular the children in the roadside play park and nursery.
Concerns of damage to stability and foundations of properties caused by vibrations from heavy good vehicles passing by so closely
Very narrow roads of poor condition. Such as subsidence at the top end of Hareburn terrace; additional traffic could potentially cause this part of road to collapse.
The increased movement, weight and vibration of HGV'S may cause severe damage to the 60 year old clay pipes that run up Hareburn terrace.
The huge concern over the A90 junction, as we have to live with this road we know it is a very dangerous road that struggles with the traffic at present.
Digging up Hareburn Terrace for laying of cables etc.
Cables laying too close to properties, causing health concerns over high Electro Magnetic Field's
Noise and Vibration emitted from the substation.
14 month of construction causing many problems and worries to the residents and disturbing the village yet again.
The thought of having to cope with this is an absolute nightmare and one that the majority of Blackdog are dreading.

Please ensure my letter is copied to all the councillors in the Formartine area committee

Date: 14/9/2013
Address:

[redacted]

ABERDEEN

[redacted]

Signatures:

[redacted]

[redacted]

Reply | Reply with History | Forward | Make Private | Actioned | No Action Required

E-Mail Enquiry

Class:	Planning Applications - Formartine	Change Class
To:	fo.planapps@aberdeenshire.gov.uk	
CC:	[redacted]	
Date:	19/09/2013 15:29:26	
Subject:	[ACE/527893] Comment on application APP/2012/4219	
Status:	Actioned	Change Status
Owner: (Individual dealing with the Enquiry.)	No Owner Assigned	Change Owner
Age: (in work days)	0	
Comments:	Passed to Formartine Mail on 20.09.13	Edit Comment

Enquiry Text

A comment has been submitted via the Aberdeenshire Council planning register:

Ref: APP/2012/4219
Ref Link: http://www.aberdeenshire.gov.uk/planning/apps/detail.asp?ref_no=APP/2012/4219
Name: [redacted]
Address:
[redacted]
aberdeen
[redacted]
Comment Type: object
Comment:
I strongly object to this proposal. To add an additional 6136 vehicles or more to area is totally unacceptable as I visit this area often to visit family and know that Hareburn Terrace is no way capable to withstand this volume of traffic proposed.Due to subsidence, narrowness and the bad state of repair and also the close proximity to residential homes and childrens nursery and play park. Allowing this proposal to go ahead would I believe cause a lot of stress and danger to the families of Blackdog.
All in all it is ludicrous. A project such as this should be placed in an industrial estate.
Submitted: 19/09/2013 15:29:26

History

19/09/2013 15:29	Enquiry (Current Document)
19/09/2013 15:47	Automatic Reply
20/09/2013 10:36	Status Change

[redacted]

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Reply | Reply with History | Forward | Make Private | Actioned | No Action Required

E-Mail Enquiry

Class: **Planning Applications - Formartine** Change Class

To: fo.planapps@aberdeenshire.gov.uk

CC: [redacted]

Date: 21/09/2013 13:15:36

Subject: [ACE/528245] Comment on application APP/2012/4219

Status: Actioned Change Status

Owner: *(Individual dealing with the Enquiry.)* No Owner Assigned Change Owner

Age: *(in work days)* 0

Comments: Passed to Formartine mail 23.09.13 & Ann Edit Comment

Enquiry Text

A comment has been submitted via the Aberdeenshire Council planning register:

Ref: APP/2012/4219
Ref Link: http://www.aberdeenshire.gov.uk/planning/apps/detail.asp?ref_no=APP/2012/4219
Name: [redacted]
Address:
[redacted]
Stonehaven
[redacted]
Comment Type: object
Comment:
I write to object to the proposed substation at Blackdog which is intended to service the planned off shore wind farm. Quite apart from the bigger question of whether wind power is even the best way forward to provide our increasing demands for energy, I do not believe that the site of an old landfill is the best place for this substation. The local community has already suffered many years of disruption from the surrounding landfill sites. Although I am aware that an EIA has been carried out on the site, the local residents remember well the amount of asbestos and arsenic etc that was dumped in the land, and are understandably worried by the possible threat to their and their children's health if the land is disturbed.

During the construction period of 14 months there will be an enormous amount of heavy traffic on a what is only single track road. There will be around, 560 concrete wagon, 1208 HGV and around 4000 car/van movements during this time, passing directly beside a nursery and also a children's playground. Quite apart from the obvious danger to the public there is also the question of what that amount of heavy traffic will do to the already old and fragile drain system. Who will actually foot the bill for future problems caused by the damage done by the heavy traffic?
Submitted: 21/09/2013 13:15:36

Aberdeenshire Council
2012/4219
23 SEP 2013
OA replied A.R.
23/9/13.
Planning and Environmental Services

History

21/09/2013 13:15	Enquiry (Current Document)
21/09/2013 13:23	Automatic Reply

IDOX

PUBLIC COMMENT

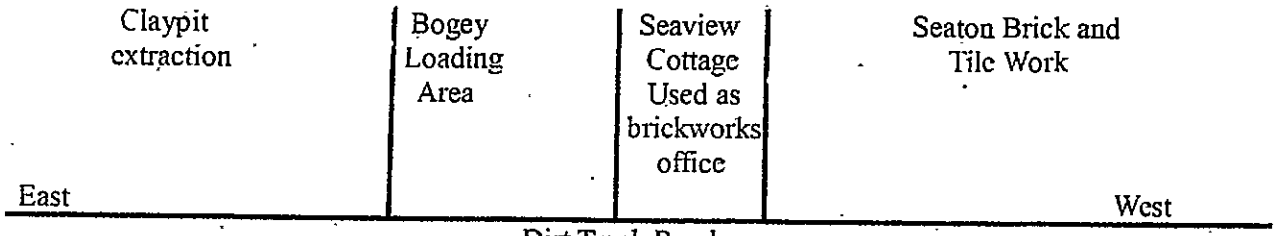
Head Of Planning
45 Bridge Street
Ellon
AB41 9AA

Planning Application APP/2012/4219

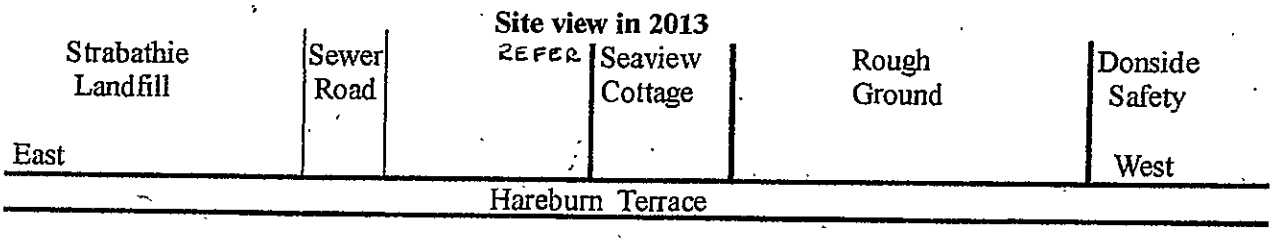
Sir,

We have gathered together the views, opinions, suggestions and concerns over the EIA report and the proposed building of a substation at Blackdog. This objection statement emphasizes the feelings of most of the Blackdog residents.

Site view in 1898 to 1924



Site view in 2013



Ceol na Mara | The Shores | Shathan House | Hareburn Road | Nursery

The Northern Patent Brick & Tile Co which had its works at Seaton Links was bought over by the Seaton Brick and Tile Co, the company was formed in 1884. In 1898 they moved to Strabathie where there was a large clay deposit and built the brickworks. In Aug 1924 an announcement in the Aberdeen Journal (now P&J) stated that the Seaton Brick & Tile Co went in to voluntary liquidation after an existence of forty years. During the clay-pit extraction five million bricks, one million seven hundred and fifty thousand pipes and various other items were produced annually. Multiply this by twenty six years of clay-pit extraction and this left ONE HELUVA LARGE HOLE IN THE GROUND. The Brickworks was dismantled around 1930.

Because more than half a century has passed and with the chequered history of this site, how can any Council possibly grant permission to disturb this site. We have eyewitness accounts of some of the contents but how much more do we not know? The main concern is the health and safety of our village and who will give us an absolute guarantee of safety?

Across the years Strabathie landfill was used for dumping all manner of nasties. Eyewitness accounts from residents have mentioned the following

1) Old cars, lorries and batteries
2) Rat poison, brand name Rodine, banned from use, Council dumped their remaining stocks. Believed to contain arsenic.

3) Cows were also buried here, stench permeated the air for weeks.
4) Old building materials.
5) Red oxide paint, believed to contain lead.
6) Lorries regularly dumped loads from Lawson's of Dyce and an abattoir in Aberdeen, contents were of animal origin.
7) Human waste.
8) Tyres from RAF Dyce, kids burned them on bonfire night.
9) Remnants of asbestos from pre-fabs being built in Aberdeen, years later when they were dismantled the rubble also ended up here.
10) In the early 1950's one of the residents transported thirty lorry loads of asbestos to the Strabathie Landfill. The loads came from SGB a haulage company based off Granitehill Road in Northfield. There was cold store facilities on site which were dismantled, the asbestos was from the insulation used in the cold store.

Around 1997/98 the landowner, Gary Fraser bulldozed Strabathie site, at one point the bulldozer sank in to a hole in the site and sat on the edge of a drop. A concerned resident saw chunks of asbestos and reported it to the Environmental Officers at the Council office in Inverurie. They said they were aware that there was asbestos on this site, there was no follow up on this incident. Why were residents not warned of the presence of asbestos? And why was the landowner allowed to bulldoze a site known to contain asbestos? Was this legal? It showed total disregard for the health and safety of the residents of this village.

Vattenfall report states "Aberdeenshire Council states the site was licensed between 1978 – 1993 to receive inert waste and waste from the construction industry with a life expectancy of ten years . Licence allowed for specifically solid materials ie. no sludge or liquids to be deposited. At no time was the landfill used as a public waste disposal facility, but the licence did allow for amosite and chrysolite asbestos to be disposed of." DUMPING WAS TAKING PLACE ON THIS SITE FOR MORE THAN HALF A CENTURY BEFORE ANY CONTROL REGULATIONS WERE IN PLACE. THE CONTENTS ARE UNKNOWN APART FROM EYEWITNESS ACCOUNTS. WILL MADE GROUND TESTS BE ANY USE WITH THIS HISTORY?

In August 2013 a report appeared in the local press naming three sites for a proposed Travellers Site, one of them being Blackdog. In a later report the Blackdog site was dropped for "environmental reasons" The selected site at Blackdog sits on an old landfill. Was this site abandoned because Council did not want to place travellers here??????? What is so hard to understand is that Vattenfall may be allowed to dig in to Strabathie where there are 80 plus houses but a stopper was put on the other site. What mad reasoning is behind this? Are we being discriminated against just because authorities are so hell bent in getting the wind turbines turning in Aberdeen Bay.

On 28/08/13 Newsdesk Mail received a huge Email from Vattenfall/AREG , the spin doctors were very busy laying out how they would set about sorting out the Strabathie site if granted permission. Mr Todd of AREG said "Such deposits are typical of a FORMER BRICKWORKS LANDFILL and the identification of traces of asbestos will help to inform construction phase Controls. This will be further detailed in the Construction Phase Management Plan to which Aberdeen Wind Farm Ltd . (AOWFL)- the joint venture behind EOWDC – would be committed under the terms of planning permission if it is granted"

This Statement "FORMER BRICKWORKS LANDFILL" is rubbish, the Strabathie landfill is situated on the old clay-pit, the brickworks is about 400 yards further West. If they can't even get the site location correct what else have they got wrong?

The borehole/trial pits tests carried out raises many questions. Looking at Vattenfall's map it appears that a whole cross section of the site was tested but out in the field there are huge gaps and we believe that not enough testing was done. A lot of it was carried out round the perimeter. They were expecting to find asbestos, and they did in a small quantity, but workmen wore no masks and did not know that they were working on an old landfill site. Many other contaminants were found on site, we are not qualified to judge the levels of these. Two of the tests revealed an odour of hydrocarbons. Vattenfall's Contamination Report states; "Low risk to human health although

sporadic asbestos contamination of made ground. No very significant areas of impact encountered but potential for localized areas of impact still exists and may require suitable safe systems of work during process that involve disturbance of site in this area" THIS SITE SHOULD NEVER BE DISTURBED EVEN IF THERE IS THE SMALLEST RISK OF CONTAMINATION.

Another part of the report; "Made ground varies in thickness from BHB01 0.40m to >6.30 in B4B10 and is considered unsuitable for supporting major foundation loads in an unimproved condition, due to its potentially unreliable bearing capacity and settlement characteristics recorded across the Northern part of the central site area and is conjectured to underlie approximately 25% of the proposed substation footprint in the Northern portion."
Reading through the Vattenfall report it always states how well run it will be and how they will work to all the rules and regulations and run everything by the book. Spin doctors make it sound like the perfect operation, unfortunately we folk at the Blackdog have learned the hard way and heard all the propaganda like this before from people like landfill operators. They said everything will be carried out in a proper regulated manner but as soon as they are granted permission and get started out in the field it becomes a totally different project, in fact, a horror story. If permission is granted we will be faced with all the digging, soil removal if contaminated, the construction and the cable laying and digging up of Hareburn Terrace. We think Blackdog village is already living in a third world state.
Blackdog area has nineteen old landfills in the area, six of which lies within a few hundred yards of our homes and one at the beachside is a red zone classified as the second most toxic site in Scotland. 25,000 gallons of drilling mud was poured in here every week over a prolonged period, there is a black boggy morass at the bottom end and oil regularly leaches through on to the beach. Most of the sites have caused immense problems over the years such as gas leaks, vermin, stench, noise, pollution, noise, dust etc. This area is the most heavily polluted piece of land in Scotland. The cumulative effect on our village is totally unacceptable, we have been used as a dumping ground for far too long. And now Vattenfall wants to dig in to the Strabathie landfill to build a substation containing asbestos and other contaminants causing more disturbances to our village.
Over ¾ of Blackdog residents have already submitted objections on the building of the substation, they were based mostly on the following; the increase of traffic to an already overloaded road system. Increased danger to the residents and in particular the children in the roadside play park and nursery.
Concerns of damage to stability and foundations of properties caused by vibrations from heavy good vehicles passing by so closely
Very narrow roads of poor condition. Such as subsidence at the top end of Hareburn terrace; additional traffic could potentially cause this part of road to collapse.
The increased movement, weight and vibration of HGV'S may cause severe damage to the 60 year old clay pipes that run up Hareburn terrace.
The huge concern over the A90 junction, as we have to live with this road we know it is a very dangerous road that struggles with the traffic at present.
Digging up Hareburn Terrace for laying of cables etc.
Cables laying too close to properties, causing health concerns over high Electro Magnetic Field's Noise and Vibration emitted from the substation.
14 month of construction causing many problems and worries to the residents and disturbing the village yet again.
The thought of having to cope with this is an absolute nightmare and one that the majority of Blackdog are dreading.

Please ensure my letter is copied to all the councillors in the Formartine area committee

Date: 11/9/13 Signatures: [redacted]

Address:

[redacted]

Planning application APP/2012/4219 PUBLIC COMMENT

This is a formal objection written in response to the Environmental Impact Assessment (EIA) submitted by Vattenfall regarding the proposed EOWDC substation in Blackdog. After examining the report, I – along with the majority of Blackdog residents – feel that certain concerns remain to be addressed and that there is cause for concern.

Vehicle Movements and Associated Dangers

In *Volume 2: Chapter 10 Traffic and Transport*, Vattenfall notes that "The movement of abnormal loads has the potential to create a general hazard on Hareburn Terrace. Vattenfall predicts that their work will have an insignificant impact on the road and that the increased vehicle movements will not compromise road safety. The Blackdog residents and I feel the opposite is clearly true.

The entire construction process will take place over the period of 14 months. During this time, **6136 two way vehicle movements will take place on our road consisting of:**

1208 HGV vehicles of various types which include:
639 HGV's
566 Concrete wagons
2 x Abnormal loads
1 x 100 Tonne crane
The remainder consists of:
4928 x cars /Vans

The people of Blackdog feel that 14 months of this many vehicle movements is unacceptable. Such movements will disrupt the community and compromise the safety of those who frequent these roads. The close proximity of the proposed vehicles to the children's play park and nursery is of great concern.

There is no pathway towards the east of Hareburn Terrace. The road is very narrow with a 2 feet verge to the right and a ditch to the left. There is no room for both vehicle and pedestrian to pass in safety.

The weight and volume of the proposed traffic will only add to the poor state and subsidence which already causes many problems.

A90 Accident Reports

With an increase in the number of vehicle movements expected to take place, the residents fear that this will make roads more dangerous. According to Vattenfall's report, 6 total accidents have taken place between 2007-2011, none of which were fatal. However, Blackdog residents requested two FOI's, one from Police Scotland and another from Traffic Scotland. According to the official FOI from Police Scotland; Assistant Manager Mr Nicky Leiper wrote "Between 1st January 2004 and 2nd July 2013, 19 accidents have been recorded at the Blackdog Juntion on the A90, 2 of which involved fatalities. 1 of the fatalities occurred during March 2005 and the other during July 2012."

Report 2: Strategic Road Safety Unit provided a spread sheet and map detailing the amount and location of accidents between 2004 and 2011. The information notes there was a total of 63 accidents of which there was 4 fatal, 18 serious and 41 slight. This report covers the stretch of the A90 from Balmedie to the Parkway Roundabout. Do Vattenfall's numbers represent the dangers associated with this roadway? We feel that there are issues which need to be addressed with Vattenfalls report. It has neglected to represent the safety of our current roads. Increasing vehicle traffic will only exacerbate such problems.

Transparency

In an email correspondence with Ms Helen Jameson of Vattenfall, when asked about the asbestos discovered during the EIA and questioned as to why the people were not informed of the asbestos found, she responded with the following: "Our assurances to residents have always been that the results obtained from the site investigations, including any traces of asbestos, would be reported fully in the ES. However we did not agree to inform residents if suspected asbestos was encountered during the works, only that all precautionary measures would be taken to ensure there was no risk to the health of nearby residents. "In other words, Vattenfall is only willing to keep the people informed if forced to do so. We find this unacceptable. This substation proposal is walking distance from our homes; safety is of utmost importance; and any discovery of potentially hazardous material should not remain a secret. Vattenfall is only willing to share what it is legally obligated to divulge – nothing more.

We hope that you seriously consider the concerns and points addressed in this letter and deny Vattenfall approval for its substation. We live in a small village of around 80 houses, 19 landfills, and polluted, contaminated land; we do not wish to also live 400 feet from a substation.

Please ensure my letter is copied to all councillors in the Formartine Area Committee

Address: [redacted]

Date: 24/9/13

Blackdog
Aberdeen, [redacted]

Signature [redacted]

[redacted]

Home » Tools and Resources » Internet Enquiries

Reply | Reply with History | Forward | Make Private | Actioned | No Action Required

E-Mail Enquiry

Class:	Planning Applications - Formartine	Change Class
To:	fo.planapps@aberdeenshire.gov.uk	
CC:	[redacted]	
Date:	26/09/2013 23:59:45	
Subject:	[ACE/529559] Comment on application APP/2012/4219	
Status:	Actioned	Change Status
Owner: *(Individual dealing with the Enquiry.)*	No Owner Assigned	Change Owner
Age: *(in work days)*	0	
Comments:	Passed to Formartine Mail on 27.09.13	Edit Comment

Enquiry Text

PUBLIC COMMENT

A comment has been submitted via the Aberdeenshire Council planning register:

Ref: APP/2012/4219
Ref Link: http://www.aberdeenshire.gov.uk/planning/apps/detail.asp?ref_no=APP/2012/4219
Name: [redacted]
Address:
[redacted]
Aberdeen
[redacted]
Comment Type: object
Comment:
I object to this proposal as I do not want my familyâ?Ts health put at risk. Disturbing this contaminated landfill and releasing asbestos will potentially cause major health problems for many years to come.
Submitted: 26/09/2013 23:59:45

DOX

History

26/09/2013 23:59	Enquiry (Current Document)
27/09/2013 00:16	Automatic Reply
27/09/2013 09:47	Status Change

Aberdeenshire Council
OA replied A·R 1/10/13.
27 SEP 2013
2012/4219
Planning and Environmental Services

Reply | Reply with History | Forward | Make Private | Actioned | No Action Required

E-Mail Enquiry

Class:	Planning Applications - Formartine	Change Class
To:	fo.planapps@aberdeenshire.gov.uk	
CC:	[redacted]	
Date:	26/09/2013 23:20:39	
Subject:	[ACE/529555] Comment on application APP/2012/4219	
Status:	Actioned	Change Status
Owner: *(Individual dealing with the Enquiry.)*	No Owner Assigned	Change Owner
Age: *(in work days)*	0	
Comments:	Passed to Formartine Mail on 27.09.13	Edit Comment

Enquiry Text

A comment has been submitted via the Aberdeenshire Council planning register:

Ref: APP/2012/4219
Ref Link: http://www.aberdeenshire.gov.uk/planning/apps/detail.asp?ref_no=APP/2012/4219
Name: [redacted]
Address:
[redacted]
Sandhaven
[redacted]

IDOX

PUBLIC COMMENT

Comment Type: object
Comment:
I strongly object to this proposal. Digging in to a contaminated landfill which is known to contain asbestos and other contaminants is putting the health and safety of residents, nursery children, local employees and regular visitors like myself at an unnecessary high risk. The tests that were undertaken can not possibly reflect the true size and contents of the well used anciant landfill. The residents of Blackdog have had plenty problems to endure over the years, it would be inhumane to allow this project to conitnue.
Submitted: 26/09/2013 23:20:39

History

26/09/2013 23:20	Enquiry (Current Document)
26/09/2013 23:44	Automatic Reply
27/09/2013 09:45	Status Change

Aberdeenshire Council
Replied
A-R 30/9/13
27 SEP 2013
2012/4219
Planning and Environmental Services

Directorate for Planning and Environmental Appeals

Appeal Decision Notice

T: 01324 696 400
F: 01324 696 444
E: dpea@scotland.gsi.gov.uk

The Scottish Government

Decision by Michael Shiel, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2201
- Site address: Land to the south of Hareburn Terrace, Blackdog, Aberdeen
- Appeal by Aberdeen Offshore Wind Farm Limited against the decision by Aberdeenshire Council.
- Application for planning permission no. F/APP/2012/4219, dated 20 December 2012, refused by notice dated 22 November 2013.
- The development proposed: Erection of two electricity substation buildings, a voltage power factor control area (if required); construction of an access road, car parking and ancillary works; and installation of underground electricity cables between the substation compound and Mean Low Water Springs.
- Application drawings: listed in the schedule at the end of this notice.
- Date of site visit by Reporter: 1 May 2014

Date of appeal decision: 23 July 2014

Decision

I allow the appeal and grant planning permission subject to the 16 conditions listed at the end of the decision notice.

Attention is drawn to the three advisory notes at the end of the notice.

Background

1. The proposal is for the onshore transmission works required for the export of electricity from the Aberdeen Offshore Wind Farm to the national electricity transmission system. It comprises:

- a corridor for up to three electricity cables, with a landfall between Mean Low Water Springs and Mean High Water Springs, a crossing beneath the Blackdog Burn, a cable pull-in and jointing area, and onshore cables running westwards past the Blackdog Fishing Station and up to the substation compound;
- a 33kV substation for Aberdeen Offshore Wind Farm Ltd in a building measuring 20 by 30 metres and 6 metres high;

- a voltage power factor control (VPFC) area containing outdoor equipment, if required to ensure that the output from the wind turbines meets the technical and performance requirements of the national grid;
- a Scottish Hydro Electric Transmission plc substation in a building measuring 25 by 28 metres and 10.6 metres high;
- an access road from Hareburn Terrace with associated parking spaces; and
- associated landscaping.

2. Although the council in November 2012 stated that this proposal would not require an Environmental Statement, in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, the appellant submitted an Environmental Report carried out to the same standard. At its meeting on 30 April 2013 the Formartine Area Committee deferred consideration of the application for the submission of a formal Environmental Statement under the above-mentioned regulations, to include a full contaminated land survey. This was submitted to the council on 22 August 2013 and was subject to subsequent statutory consultation.

Reasoning

3. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. In reaching my decision on the environmental impact of this development, I have taken into account the environmental information contained in the Environmental Statement; the further environmental information submitted by the appellant; and the information contained in the written submissions of all parties. Unless indicated to the contrary below, I agree with the conclusions in the Environmental Statement and the appellant's further environmental information.

4. Having regard to the provisions of the development plan the main issues in this appeal are: (1) the principle of the development of the appeal site; (2) the landscape and visual impact of the proposal; (3) its effect on the amenity of local residents; (4) the traffic implications of the development, particularly during the construction period; and (5) the effect of disturbing contaminated land on this former landfill site.

The development plan

5. Reference is made in the submissions to the Aberdeen City and Shire Structure Plan 2009. However, on 28 March 2014 the Scottish Ministers approved the Aberdeen City and Shire Strategic Development Plan subject to modifications. This therefore becomes part of the development plan for this area against which this proposal must be assessed. I have given the parties an opportunity to comment on the implications of the Strategic Development Plan in relation to this proposal.

6. I have given consideration to the further submissions of the parties on how the proposed onshore transmission works relates to the vision, spatial strategy and objectives of the Strategic Development Plan. The appeal site lies within the Aberdeen to Peterhead Strategic Growth Area in the plan. Given the relatively limited size and scale of the

proposed development, I consider that, taken on its own, it raises no significant strategic issues.

7. The Aberdeenshire Local Development Plan 2012 and its associated Supplementary Guidance therefore contain the key policies relevant to this appeal. I consider the relevant policies below.

The principle of the development of the site

8. The cable corridor would cross the coastal zone and the greenbelt, as identified in the Local Development Plan (LDP). Policy 4 of the plan includes a presumption against development that would erode the special nature of these areas. More detail on the types of development that would be considered acceptable in these areas is contained in supplementary guidance SG STRLtype 1: Development in the coastal zone and SG STRLtype 2: Greenbelt. Once the cables have been installed they would be buried to a depth of 1.5-2 metres, and there would be no indication of them apart from two manhole covers over the jointing pit west of the Blackdog Burn. As such I consider that the cable corridor would have no impact on the greenbelt.

9. SG STRLtype 1 states that developments in the coastal zone must meet one of three criteria. Of these the cable corridor obviously requires a coastal location, as it would provide a link from the offshore wind farm. All such developments must, however, further demonstrate that they meet a number of other criteria. I am satisfied, in relation to these, that: (a) the cable corridor would not contribute to the coalescence of coastal developments, or (b) have any impact on the character and amenity of the surrounding area; (c) there is no evidence to indicate that it would be at risk of flooding, over-topping, landslip and erosion; (d) subject to suitable precautions being taken during installation, there would be no adverse impact on water quality or pollution of coastal waters; and (e) subject to annual surveying, as proposed by conditions, there would be no unreasonable adverse impact on natural coastal processes or habitats.

10. I therefore conclude that the proposed development would not conflict with LDP policy 4 and its associated supplementary guidance.

11. The substation site itself is not affected by either of the above-mentioned designations. However it is subject to LDP policy 3: Development in the countryside. The supplementary guidance associated with this policy includes SG Rural Development 3: Other renewable energy developments. This requires such developments to meet three criteria. The first is that any new facilities are well related to the source of the primary renewable resources that are needed for operation. In this case the onshore transmission works are required to export electricity from the wind turbines of the Aberdeen Offshore Wind Farm proposal to the national grid. They are well related to the wind farm in locational terms. The Environmental Statement contains information on the assessment of alternative locations for the onshore works. I accept that, in broad terms, the Blackdog location is an appropriate one because it makes use of a natural break in the coastal sand dunes to route the connecting cables.

12. The second and third criteria of the supplementary guidance are that the proposal will not compromise public health, safety or amenity; and that satisfactory steps will be taken to mitigate any negative impacts on the occupiers of nearby properties. I deal with these matters in detail below, where the overall conclusion I draw is that these criteria can be met. Consequently, I conclude that the proposal would not conflict with LDP policy 3 and its associated supplementary guidance.

13. However, the weight to be given to this policy is, in any event, reduced by the fact that the appeal site lies within an area proposed for development in the LDP. The plan contains settlement statements as supplementary guidance. The statement for Blackdog includes the appeal site in site M1, which is allocated for up to 600 houses in the second phase of the plan, with a new primary school and associated facilities, and employment land (4 hectares plus a 7 hectares strategic reserve). A masterplan is required, and the site should not be delivered before the completion of the Aberdeen Western Peripheral Road (AWPR).

14. Development of this site in isolation would not accord with the requirement for an overall masterplan. However, given its location on the southern side of the much larger M1 site, its development would not prejudice the overall planning and layout of that site. As the long-term traffic implications of the onshore transmission works are very limited I do not consider that development of this site in advance of the AWPR would present any difficulties. Thus, whilst the current proposal is not wholly in accord with the intentions of site M1, I do not consider that it would conflict with the implementation of the wider scheme in the long term.

15. Moreover, the allocation of this site as part of M1 indicates that the council is not opposed, in principle, to its development.

16. The site lies within the Energetica Framework Area, where supplementary guidance SG Bus 5 sets out a number of criteria which developments must meet. The planning officer's report on the original application concluded that the proposed onshore transmission works were not contrary to that policy, which is more related to the creation of new housing, businesses and leisure destinations. I agree with that view. The Energetica corridor is referred to in the recently published National Planning Framework 3, where it is stated that a key hub for energy infrastructure and related development is envisaged. This proposal does not conflict with that overall aim. Given the size and existing character of the Energetica Framework Area, it is inevitable that there will be developments and uses which serve a utilitarian purpose and have a functional appearance. I do not consider that the development of this site as proposed would have any adverse impact on the realisation of the Energetica concept.

17. All told, therefore I find that the principle of the development of the appeal site for the onshore transmission works would not be in conflict with the development plan.

Landscape and visual impact

18. The Environmental Statement contains a landscape and visual impact assessment for the proposed substations. The site is at the southern end of the *Coastal Strip – Formartine Links* Landscape Character Area (LCA) identified in the South and Central Aberdeenshire Landscape Character Assessment 1998. Whilst the development would obviously have a large impact on the landscape character of the site itself, which is currently an unused area of rough grassland, the impact on the character of the wider LCA would, in my opinion, be negligible. This LCA extends northwards along the coast and already encompasses the small settlement of Blackdog, which contains both residential and industrial uses, as well as the larger village of Balmedie to the north. As already mentioned, a large area at Blackdog is allocated for eventual development and, in the context of this fact and the existing setting of the site, the development would not result in a significant impact on the landscape character of the surrounding area. The proposed substation buildings would be typical of modern industrial buildings and would not introduce features that are not already found in the LCA.

19. To the south of the site, in Aberdeen City, are the *Coast – Aberdeen Links* and *Open Farmlands – Murcar* LCAs identified in the Aberdeen Landscape Character Assessment. I agree with the conclusions in the Environmental Statement that the proposal would have a negligible indirect effect on the landscape character of these areas, from where there would be only very limited visibility of the new buildings.

20. I therefore conclude that the development would not conflict with LDP policy 12: Landscape conservation, which seeks to use the LCA framework as a basis for protecting landscapes. The related supplementary guidance (SG Landscape 1: Landscape character) states that development will be approved if its scale, location and design are appropriate to the landscape character of the area; and it will not have an adverse impact on key natural or historic features or the overall composition and quality of the landscape character. For the reasons given above I am satisfied that this proposal would accord with that policy.

21. In terms of the visual impact of the proposal, the appeal site slopes down to the south from the road (Hareburn Terrace) before rising up to its southern boundary. It is intended to site the buildings and equipment on the lowest part of the site at a level of about 16.5 metres above Ordnance Datum. At this level the height of the tallest building (10.6 metres) would be approximately 1.5 metres above the road level of Hareburn Terrace.

22. The development would be very prominent when seen from Hareburn House, a 1½-storey cottage, situated close to the north-eastern corner of the site, with the nearest proposed building about 90 metres away. Similarly, from Ceol Na Mara, a modern 1½-storey house situated on the north side of Hareburn Terrace near the north-western corner of the site, there would be a prominent view of the new buildings, with the closest being about 160 metres distant. There would be a more oblique view from Seaview, a house to the west of the site with two windows on the gable end facing the development. There would also be views from some of the houses in the group around the former Blackdog Farm steading, including the former farmhouse and two modern houses closer to Hareburn Terrace.

23. Unlike the Environmental Statement, which considers residents as receptors of high-medium sensitivity, I consider that they should be regarded as of high sensitivity, given that they would experience the visual impact of the development all the time. For the occupants of Hareburn House and Ceol-na-Mara that impact would be large and adverse, resulting in a major significant effect in environmental impact terms. For the other houses referred to above I consider that there would be a medium impact, resulting in an impact of major-moderate significance, as defined in the Environmental Statement.

24. However, in none of these cases do I judge that the visual impact would be unacceptable. The proposed buildings would not be of a scale or character that would result in an overbearing visual impact, particularly as they would be located on the lowest part of the site. As already referred to, they are in the nature of modern industrial buildings, common in urban and semi-urban areas, where many residents have views of them. In essence the situation is no different here. Whilst the change from the current appearance of the site to the proposed development would clearly be a major one as far as the residents affected are concerned, it would not be of a nature that would be considered out of the ordinary in general circumstances. It is not the function of the planning system to protect views from private properties.

25. The opportunity also exists to ameliorate the visual impact through landscaping on the substantial part of the site which would remain undeveloped. There is discussion of the landscape mitigation strategy in the Environmental Statement and in the Design Statement accompanying the planning application, although a detailed landscaping plan has not been submitted. The choice of species proposed for the new planting has been criticised but this can be readily covered by an appropriate condition. Whilst any new planting would take time to become established, with the choice of appropriate species I consider that it could have a reasonable impact in softening the appearance of the development (although not screening it) within a relatively short time period. The possibility of remodelling some of the existing ground levels within the site, including the use of acceptable surplus soils from excavations, could also be investigated to increase the degree of screening. Care would, however, need to be taken not to completely obstruct the views across the site to the dunes and the sea beyond. I have imposed a condition requiring the submission and approval of a detailed landscaping scheme for the site.

26. In terms of its wider visual impact, I consider that the proposed development would have no significant direct effect on existing residential properties further to the north-west in Blackdog, including the new houses in Hareburn Road. Its impact from the A90 to the west would be negligible. To the south of the site Murcar Golf Course, within Aberdeen City, extends to the Blackdog Burn, which forms the boundary of the two authorities. At present the view of the proposed development would be largely screened by the semi-mature coniferous plantations which adjoin the southern and western sides of the appeal site.

27. In the representations on behalf of the Trump Organisation it is suggested that these plantations might not remain throughout the life of the onshore transmission works, either because of commercial felling or through windthrow if left unmanaged; and that they cannot therefore be relied upon to provide either screening or a backdrop to the buildings, depending on the viewpoint. The proposed substations are intended to have a life of 22

years. I accept that the presence of the plantations throughout that period cannot be relied on, although I consider that the alternative assumption, that they would be entirely removed, is somewhat over-cautious. However, even if that was to be case, some areas of deciduous woodland would be likely to remain which would filter, if not entirely screen, views of the buildings. Moreover, even in the worst case scenario, with all existing off-site trees being removed, the visual impact of the substations on Murcar Golf Course, to the south, would be no more than moderate; and I consider that it would have no significant effect on the amenity of the course or the enjoyment of those using it. The detailed landscaping scheme referred to in paragraph 25 above could include new tree planting on the southern side of the buildings to help compensate for the loss of any off-site trees.

28. From the west, the removal of all the existing trees (which I think is unlikely, especially as there is a fairly extensive area of deciduous planting between the western side of the site and the sewage treatment works access road) would be likely to increase the visibility of the larger substation building from the A90, but I consider that this would be of little significance. It would also remove some of the screening of that building in the view from the nearby group of houses to the north-west, thus increasing the visual impact of the development on them. However, even in those circumstances, I do not consider that it would be unacceptable. It would also be reasonable to expect the new landscaping in the site to mature throughout the lifetime of the development and help compensate for any loss of off-site planting.

29. Supplementary guidance SG Landscape 2: Valued views lists a number of rural views that are valued by the community, and which the council seeks to protect. Of these the Environmental Statement examines the visual impact of this proposal from Balmedie Beach (view 16 in Appendix 1 of the supplementary guidance), including from the high sand dunes behind the beach itself. From the relevant photomontage and my own visit to this location I am satisfied that, if the substations could be seen at all, they would form an insignificant feature in the wide panorama available. Their overall visual impact from this viewpoint would be negligible. The representations on behalf of the Trump Organisation state that there are also potential effects in relation to a number of other viewpoints listed in Appendix 1; namely 8 (Harbour Street, Cruden Bay), 10 (Cruden Bay Golf Course), 15 (the Ythan Estuary) and 17 (the River Ythan at Ellon). All these viewpoints are substantially further from the site than Balmedie Beach (3.5 – 4 kilometres) and, if the substations could be seen at all, their visual impact would be negligible. I also disagree with the assertion on behalf of the Trump Organisation that the substations would have any significant visual impact on the Trump International Golf Links, which is some distance to the north of Balmedie.

30. I therefore find that, taken on their own, the onshore transmission works would not have an unacceptable visual impact even from those houses closest to the site. The LDP contains no specific policies on visual impact, other than the supplementary guidance mentioned above. Although the council, in its reasons for refusal, refers to the unacceptable impact of the development on residential amenity, it does not relate this to any specific development plan policies. In its statement on the appeal it mentions the proximity of the development to a number of houses, which it considers would result in a detrimental visual impact on residential amenity. I do not disagree that a small number of

houses would experience a loss of amenity because of the visual impact of the proposal. However, as I have concluded above, this would not be to an extent that would be unacceptable.

31. Overall I conclude that the proposed development does not conflict with the relevant provisions of the development plan in terms of its landscape and visual impact.

Cumulative visual impact

32. In the submissions on behalf of the Trump Organisation it is argued that the offshore transmission works are an integral element of the offshore wind farm and should therefore have been included in the overall environmental impact assessment for that project. However the onshore wind farm has received consent under section 36 of the Electricity Act 1989 and is not a matter that I can revisit.

33. I agree with the appellant that, for the purposes of the environmental impact assessment of the onshore transmission works, the consented wind farm forms part of the baseline. The current Environmental Statement considers the cumulative visual impact of the substations along with the offshore turbines, and the photomontages include the turbines. The most significant impact would be on Hareburn House which has direct views out to the east, and therefore to the turbines, and a close view of the substations to the south-west. Whilst the proximity of the substations might accentuate whatever negative feelings the occupants of that house might have about the wind farm, I have concluded that, judged on their own, the onshore transmission works would not have an unacceptable visual impact on that house. Consequently when looked at together with the already consented turbines I do not consider that there would be an unacceptable cumulative impact.

34. I consider the same to be the case for the other houses in the vicinity of the appeal site, which generally have a less direct view of the offshore turbines. In their case the substations would have the greatest visual impact, which I have concluded would be acceptable, and I do not think that they would be seen in the same visual context as the turbines. In any wider views where the turbines and substations could be seen in the same view (e.g. from Murcar Golf Course to the south) the former will tend to draw the eye, and I do not consider that the presence of the substation buildings would add significantly to the overall visual impact of the offshore wind farm.

35. I am satisfied that the environmental information submitted with this proposal is sufficient to be able to assess the visual impact of the onshore transmission works, including in combination with the consented offshore turbines. Whilst they are an essential part of the wind farm, they would be seen in a different visual context from the turbines. Given the very different nature, scale and location of these buildings I conclude that, on the basis of the evidence before me, the overall effect of adding them to the visual impact that will be created by the offshore turbines would for the most part be slight.

Other impacts on residential amenity

36. In paragraph 26 above I concluded that the proposed development would have no significant direct visual impact on most of the houses in Blackdog. The occupants of those houses would, however, see the substations when they were walking in its vicinity. I can well understand that the route along Hareburn Terrace and down past the Blackdog Fishing Station to the beach is popular with local residents and visitors to the area. A path also runs alongside the eastern boundary of the site, and there are further paths through the woodland to the south. These paths and the route to the beach are identified as core paths in the Environmental Statement, as is the North Sea Trail Coastal Path which runs along the beach and extends southwards into Aberdeen City. Scotways has also identified the path along the eastern side of the site as an asserted right of way.

37. Users of these paths (with the exception of the coastal path) would have clear views of the onshore transmission works, which might reduce to some degree their enjoyment of their walk. However, the site is allocated for development and some change to the environment of the area may well, therefore, occur in any event. As I have already indicated the nature of the proposed development is such that it would not have an overbearing visual impact on the area, whilst some mitigation could be achieved through landscaping.

38. Installation of the cables would inevitably entail some disruption to the path to the beach. However, this operation is only scheduled to last about eight weeks and would be carried out in stages to minimise disruption to the beach access. It would not be necessary to fence off large areas of the beach for extended periods. Temporary diversion of the footpath, with appropriate signage, would take place, to be agreed with the council beforehand. I am satisfied that these arrangements would ensure that the cable installation work would not cause an unacceptable degree of inconvenience or disruption to recreational users of the beach and adjoining areas. I have imposed a condition to mitigate the impact of the development on the use of existing paths.

39. The Environmental Statement contains an assessment of the potential noise impact of both the construction and operation of the onshore transmission works. At the nearest residential property (Hareburn House) the predicted noise levels from a range of construction operations vary from 54.9 – 62.9 $dBL_{Aeq,\ 1\ hour}$. These are below the 70 dBA external façade level that is suggested should not be exceeded during construction operations in *BS 5228 Part 1:2009 – Code of practice for noise and vibration control on construction and open sites*. Hours of work for construction work are likely to be from 8.00 am to 6.00 pm on weekdays, and from 8.00 am to 12.00 noon on Saturdays, and I have imposed a condition to this effect.

40. Noise from HGVs using Hareburn Terrace is predicted to be 49.7 $dBL_{Aeq,\ 1\ hour}$. The Environmental Statement states that this is below the measured ambient noise levels, but Table 11.6 indicates that the L_{A90} day-time background noise levels are 42.7 dBA midweek and 48.4 dBA at the weekend. The corresponding $L_{Aeq,T}$ levels are 51.1 dBA and 53.1 dBA respectively. I conclude that there would be some increase in noise experienced by people living next to that road during the period of construction of the substations. However, given

the relatively low number of HGVs using the road (up to nine per day), the limited period of such activity (up to 14 months), and the fact that the site may well be developed in any event at some point in the future, I do not consider that the level of disruption and inconvenience to local residents would be unacceptable.

41. Vibration levels at the nearest property during construction are predicted to be 0.35 millimetres/second, a level which *BS 5228 Part 2: 2009* states might just be perceptible in residential environments. I conclude that any vibration effects experienced during construction of the development would therefore be at an acceptable level.

42. It is suggested in the Environmental Statement that further mitigation for any noise and vibration impacts from the construction works can be achieved through the use of Best Available Techniques. I have imposed a condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP) prior to work starting, which would include such mitigation measures.

43. In terms of noise levels during the operation of the substations there is considered to be no likelihood of noise from the equipment enclosed within the buildings. The VPFC equipment, however, would have a predicted noise rating level at Hareburn House of 41.3 $dBL_{Ar,T}$ during day-time and 42.4 $dBL_{Ar,T}$ during night-time. This would be below the measured day-time background noise level, but slightly above the measured night-time background level. It is suggested that acoustic walls could be erected around this equipment on the sides facing affected residential properties, and I have imposed a condition to that effect.

44. The VPFC equipment could also give rise to elevated magnetic fields if it contains air-cored reactors, although these would still be well below the public exposure guidelines of the International Commission on Non-Ionizing Radiation Protection. The council has proposed a condition to ensure compliance with those guidelines, and I agree that this would be an appropriate safeguard.

45. Air quality issues would only be likely to be an issue during the construction stage, and appropriate dust suppression measures should be included in the CEMP. The question of dealing with any asbestos found during construction of the development is, however, dealt with more fully below.

46. All told I conclude that, subject to the adoption of appropriate mitigation measures, the proposed development would not have a significantly adverse effect on residential amenity in the area.

Traffic impact

47. Once in operation the onshore transmission works would require only occasional visits for maintenance purposes, on average involving one vehicle per week. The traffic impact would therefore be negligible.

48. However, considerable concern has been expressed by local residents about the implications of the construction traffic, both along Hareburn Terrace and at the junction of that road with the A90. Table 10.5 in the Environmental Statement shows that, with a construction period of 14 months, the development would generate a total of 6136 two-way vehicle movements. Of these, 1208 would be HGV movements and 4928 cars and vans. The maximum daily two-way movements would be 9 HGVs and 26 cars and vans. Although the table shows that these maximum levels of movement would not coincide during the course of construction, the Environmental Statement assesses a worst-case scenario, assuming that there would be a maximum of 35 two-way movements per day to and from the A90.

49. The most recent data indicates that the A90 close to Blackdog carries an average daily total two-way traffic flow of 15,471 vehicles, of which 1027 are HGVs. The construction of the onshore transmission works would increase the total flow by 0.45% and the HGV flow by 1.75%. In the context of a dual-carriageway trunk road, with a design capacity of 39,000 vehicles per day, this increase would be insignificant. Transport Scotland, the roads authority for the trunk road, has raised no objection to the additional level of traffic.

50. Local residents have expressed concern about the safety record of the A90, based on accident records that they have received from Grampian Police and Transport Scotland, which cover the section of the trunk road between Balmedie and the Murcar roundabout in Aberdeen. However, given the very small increase in the overall traffic flow on this road caused by construction traffic for this development, there is no reason to believe that it will increase the general accident risk to any significant extent.

51. Of more concern is the safety impact at the A90/Hareburn Terrace junction. Right-turning traffic approaching from the south enters an offside diverging lane and waiting space before crossing the southbound carriageway. This section of the trunk road has street lighting and is subject to the national speed limit of 70 mph. From my own observations it is apparent that traffic on the southbound carriageway is travelling at a fairly high speed. The Environmental Statement estimates that the junction is currently used for 589 vehicle movements per day, of which the vast majority (575) are by light vehicles. The overall increase in turning movements caused by up to 35 construction vehicles per day would therefore be relatively slight, although there would be a significant increase in the number of HGV turning movements.

52. The Environmental Statement includes a proposal that all construction traffic entering the A90 from Hareburn Terrace would be required to turn left towards Aberdeen. However, I can appreciate the concerns of local residents about slow-moving HGVs turning right into Hareburn Terrace across the southbound carriageway of the A90. Accident records show six recorded accidents at or near this junction between 2007 and 2011, of which five involved right-turning movements. It is not known, however, whether these involved vehicles turning into or out of Hareburn Terrace. Transport Scotland has not advised against planning permission being granted for this development. Its consultants have stated that there would not be any significant traffic impacts associated with the temporary increase in traffic flows on the A90 during the construction period. In these

circumstances, I have no reason to conclude that the additional traffic generated at this junction over the construction period would constitute a significant road safety risk.

53. Local residents have also expressed concern about the impact on pedestrians who have to cross the dual carriageway, to and from bus stops. However, given existing traffic volumes and speeds on the trunk road, there is no substantive evidence to indicate that the relatively small increase in daily traffic caused by the construction of the substations would significantly exacerbate the existing situation.

54. Turning to Hareburn Terrace itself, it has a carriageway width of about 5.5 – 6 metres with a footway along its length. It is subject to a 20 mph speed restriction, because of the presence of a children's day nursery, with traffic calming through speed cushions. Along sections of the road, the effective carriageway width is reduced by parked vehicles. Given these limitations on traffic speed, I do not consider that the construction traffic would result in any significant increase in road safety risk, either to pedestrians or other vehicle users, along Hareburn Terrace.

55. Whilst a maximum daily increase of 35 two-way movements by construction traffic would be well within the design capacity of this road, I can understand that, where such traffic coincides with existing peak flows (commuters or parents dropping off/collecting children from the nursery), this could result in added congestion, with consequent inconvenience to other road users. The appellant has proposed the preparation of a Construction Traffic Management Plan (CTMP), which could include restrictions on HGV movements in consultation with the council and local community, and I have imposed a condition to that effect.

56. Construction of the substations would involve the delivery of certain equipment that would constitute abnormal loads, as well as the use of a large crane. Two abnormal load movements are envisaged during the course of construction. These movements would need supervision, in liaison with the appropriate roads authorities and the police. They might also require liaison with local residents if the removal of parked cars along Hareburn Terrace is required.

57. At the end of the adopted section of Hareburn Terrace there is a section of private road carriageway which provides access into the appeal site. The carriageway width is no more than four metres, with narrow verges. The road passes very close to fences bounding two houses on its north side and to the front wall of the house at Seaview to the south. Extreme care would be required when HGVs are passing along this section of the road; even more so in the case of abnormal loads. I consider that all HGV movements between the end of the adopted road and the access into the site should be carried out under supervision, and that this requirement should be included in the CTMP.

58. Whilst responsibility for the reinstatement of any damage to this section of road is essentially a private matter, I think that it would be reasonable in this instance to include provision in the CTMP for such reinstatement or other repairs to private property. On the adopted part of Hareburn Terrace it would be for the local roads authority to reach the necessary agreement with the appellant for the reinstatement of any damage caused by

construction traffic. However, provision for a preliminary survey of the condition of the road prior to the start of construction should also be included in the CTMP.

59. The movement of construction traffic along Hareburn Terrace would cause some disturbance and inconvenience to local residents. However, I return to the fact that the appeal site is allocated for development in the LDP. Any development of the site would entail the use of Hareburn Terrace by construction traffic, including HGVs. I am not persuaded that the impact of such traffic over the 14-month construction period for the onshore transmission works would be so severe as to be unacceptable.

The effect of disturbing contaminated land on the site

60. The site for the proposed onshore transmission works is situated on the former Strabithie Landfill site. It appears that the landfilling took place in a former clay pit associated with the Strabithie Brickworks to the west, which closed in 1924 and was demolished in about 1930. Between 1981 and 1993 the landfill site was licensed for the disposal of inert waste and waste from the construction industry. Although the licence specifically excluded the disposal of "blue" crocidolite asbestos, no mention was made of amosite and chrysotile asbestos, and it is assumed that the disposal of such wastes was permitted and did take place. A more recent licence appears to have prohibited the disposal of asbestos.

61. Local residents have submitted further information on the history of the area, based on the recollections of people who have lived in Blackdog all their lives. The site appears to have been used for landfilling from about 1927, including with rubble from bomb-damaged areas of Aberdeen. One local resident has first-hand knowledge of loads of asbestos being tipped into the site, and there are accounts of other materials such as oil drums, old vehicles tyres and animal carcases being disposed of at this site. Residents point out that from 1927 until the late 1960s/early 1970s there was no control over what was tipped at Strabithie. The site was unlined and unregulated. It is fair to note that some of the evidence put forward by local residents has been disputed by the owner of the site, who acquired it at the end of 2001.

62. There have been two investigations of this site prior to the current proposal. The first was in 2003, on behalf of the landowner, to investigate the condition of the site in relation to the construction of houses on the land. It concluded that the nature of the waste received in the landfill site resulted in a "mild" risk of contamination. No asbestos was encountered in the seven trial pits dug at that time; low concentrations of carbon dioxide and methane were detected, with the conclusion that the site was not a significant source of landfill gas; and no leachable components were recorded in the soil samples taken. Planning permission was granted for residential development on part of the site in 2004 and 2005, subject to precautionary remedial measures being taken, including a gas protection system within the buildings.

63. A further study of six current and former landfill sites was undertaken in 2006 for another landowner in the area. The Strabithie site was given a risk rating of "very low"; gas

monitoring suggested that the site was not gassing, whilst leachability tests suggested that the landfill posed no threat to groundwater.

64. In her comments on the original planning application for the onshore transmission works, the council's Scientific Officer stated that, whilst earlier reports do not describe a comprehensive investigation of the site, they provide enough information on land quality for a recommendation that, with further detailed investigation and any necessary precautions and remedial measures, the site could be safely developed for the purpose proposed, and any significant impact on the wider environment could be mitigated.

65. The Environmental Statement includes both a Geotechnical Desk Study Report and an Onshore Site Investigation Environmental Interpretative Report, originally produced in August 2013 but subsequently updated in in October 2013 once the results of further gas and groundwater monitoring were known. The site investigation involved 21 boreholes and 15 trial pits across the site. The presence of made ground associated with the former landfilling was found in 21 of these locations extending across the northern and eastern parts of the site. The depth of made ground varied but was a maximum of at least 6.3 metres. The made ground typically comprised re-worked clay, sand and gravel, with concrete, bricks, tarmac, plastic, glass, rope and timber.

66. A report prepared for the Trump Organisation criticises the adequacy of the coverage of the ground investigation within the area actually proposed for the substations. In response the appellant has stated that five boreholes were targeted on the proposed footprint of the buildings. In her further written submissions the council's Scientific Officer has pointed out that the total number of locations investigated within the former landfill site from both earlier and the most recent site investigation is 60, corresponding to an overall sampling interval of 22.4 metres. The council's Environmental Health service considers the sampling density is more than adequate and compliant with the current British Standard for site investigations, as the bulk of the waste material is proven as inert and the proposed development is of low sensitivity.

67. I note that no made ground was encountered on the southern part of the site, where the substations would be located, suggesting that this part of the site was not used for landfilling. The cable route and the access road would, however, cross land where there is made ground. I estimate that about 13 of the trial pits and boreholes in the recent investigation were within or close to the red line boundary of the application, excluding those along the cable route from Blackdog Beach to Hareburn Terrace. Whilst less weight can be placed on the earlier investigations, as there is no detail of where they were carried out or the standards applied, I see no reason to dismiss the view of the Scientific Officer that they gave a reasonable indication that there is a relatively low risk of contamination from the development of the site. Moreover, the investigations carried out for the current appellant have not revealed any gross contamination.

68. Soil samples were analysed for contamination, including heavy metals, speciated polycyclic aromatic hydrocarbons, speciated total petroleum hydrocarbons, organic matter and soluble sulphur. All contamination levels were found to be below the assessment criteria for a risk to human health. The investigation was criticised for not having carried out

an assessment of levels of volatile organic compounds (VOC), semi-volatile organic compounds (SVOC), polychlorinated biphenyls, phenol and chromium VI. The council's Scientific Officer has stated that recent work did determine the levels of some VOCs and SVOCs, which were not found to be present in soil samples at concentrations of concern. More extensive suites of VOCs and SVOCs were analysed in samples collected in 2003, and all were negative. Given the nature of the waste received in the landfill and previous site investigation, the council's Environmental Health service sees no justification for requesting the analysis of further determinands. Although hydrocarbon odour was detected at one location within the landfill boundary the presence of hydrocarbon was not confirmed by laboratory analysis. Hydrocarbon odour was also detected in two trial pits along the access track to the beach at some distance from the former landfill site, and was confirmed by laboratory analysis at one location. The source is likely to be the former Blackdog landfill site to the north or a local fuel spillage. The Environmental Health service has expressed itself entirely satisfied with the scope of the laboratory analysis of soil samples. I note, however, that the further response on behalf of the Trump Organisation disagrees with that conclusion.

69. The presence of "brown" amosite asbestos was found in one trial pit sample. Again the adequacy of the asbestos assessment has been criticised. The council's Scientific Officer has noted that asbestos has been found within site soils at three out of 60 locations, indicating that there was not large scale disposal of this material. However, there is always the possibility that a "cache" of asbestos might be discovered during excavations, and the contractor has responsibilities under the Control of Asbestos Regulations, which are enforced by the Health and Safety Executive (HSE). Given that the frequency of asbestos finds in the former Strabithie landfill site is low and that it is not possible to examine all soils and subsoils in advance of works, the Scientific Officer states that it is not apparent that further sampling and analysis would usefully inform working practices. A methodology for soil screening and procedures for dealing with asbestos if found are, therefore, required. The Environmental Statement proposes that asbestos air monitoring should be carried out during soil disturbing activities, and the council's Environmental Health service requires that precautions are taken to ensure that asbestos fibres are not left close to the surface after completion of the works.

70. The appellant has submitted a report from the Institute of Occupational Medicine (IOM) assessing the risk from asbestos on the site. Although it is based on the level of asbestos found during the soil sampling, which does not indicate gross asbestos contamination, it does recognise that areas of gross contamination could be found once work starts on the site. The report assesses the likely exposure to asbestos of workers on the site, and of the local community, based on the nearest residential property (Hareburn House). It points out that the concentration of PM_{10} (the fraction of inhaled dust that can penetrate the lung) falls very rapidly with distance. Translating the predicted exposure into increased risk of death from cancers indicates that, for workers on the site, the reasonable worst-case scenario based on the 90th percentile estimate of exposure levels over 13 months in the absence of effective dust suppression measures is about 13 in 100,000; but the median exposure risk is about 1 in 100,000. With dust control measures the risk would be five times lower. Given that no workers would be likely to be exposed to asbestos over the whole construction period, the associated cancer risk would be much less than 1 in

100,000. For local residents the risk would be well below 1 in 100,000 even for young children and without dust suppression measures. A risk of 1 in 100,000 or less is generally accepted as a tolerable level of risk. The report also includes a draft asbestos management plan to protect worker health and control offsite emissions of airborne asbestos fibres.

71. The presence of asbestos within the site is a known risk associated with its development. The evidence from the ground investigation does not indicate that this contamination is widespread but it is recognised that pockets of more intense contamination could be found during excavations. I note the evidence from local residents that significant quantities of asbestos have been tipped in this site in the past, and their very real concerns about the impact of disturbing the ground. On the other hand, the council's Environmental Health service has expressed the view that the risks posed by asbestos have been exaggerated.

72. The introduction to the IOM report demonstrates that sites contaminated with asbestos can be developed, and I do not consider that the evidence in this case shows that the risks associated with the construction of the onshore transmission works in relation to the exposure of the wider community to asbestos fibres are excessive or unacceptable, subject to the appropriate precautions being taken. Whilst enforcement of the Asbestos Regulations is a matter for the HSE, I think that it would provide reassurance for the CEMP to include the appropriate asbestos management plan and I have imposed this requirement as a condition. This should include the maintenance of soils in a damp condition; the provision of air monitoring for asbestos fibres; the contingency measures to be taken in the event of asbestos being encountered; and the measures to be taken to ensure that no asbestos remains exposed once work has finished. Reference has been made to the most recent best practice guidance on asbestos in soil (*CIRIA report C733 - Asbestos in Soil and Made Ground: A Guide to Understanding and Managing Risk*), published in April 2014. It would be reasonable to expect that this guidance would be taken into account in the formulation of the asbestos management plan.

73. Investigations were also undertaken for ground gas. Marginally elevated levels of carbon dioxide were found in two boreholes, but no methane and no measurable flow over most of the site. In response to criticism on behalf of the Trump Organisation, the council's Environmental Health service has stated that it does not require hydrocarbon vapour monitoring for this site. No significant amounts of putrescible waste, which generate landfill gases, have been identified within the site soils. Attenuation of hydrocarbon vapours over short distances of the order of a few metres is well documented. The Part IIA land at the former Blackdog landfill site is over 100 metres away and any local contamination along the cable route is also too distant to be of concern. Any build-up of carbon dioxide within the buildings to be constructed on the site can be mitigated by the installation of a suitable gas protection system, and I have imposed a condition requiring the submission and approval of such a system.

74. My attention has been drawn to a ground investigation report carried out for a proposed housing development in Blackdog, north of the new houses in Hareburn Road. Results from a borehole sited just to the east of those houses showed a carbon dioxide

concentration of between 10.2% and 16.9%, plus a low concentration of methane. It was stated that the most likely source of the elevated concentrations of ground gases was the Strabithie landfill site. This assertion is disputed by the council's Environmental Health service. The levels found were much higher than those recorded within the former landfill site itself and, as ground gases disperse with distance from source, it is highly unlikely that the source of these elevated levels was from the landfill site. Rather, it was more likely to have been generated by localised decay of organic matter in the topsoil and confined by the underlying clay. I am satisfied that, on the balance of the available evidence, there is no significant risk from ground gases that cannot be mitigated by appropriate mitigation measures for the new buildings themselves.

75. Criticism has also been levelled at the assessment of the impact of the development on the water environment. The council's Scientific Officer has pointed out that the Scottish Environment Protection Agency (SEPA) has designated the whole of the land area of Scotland as a groundwater protection area, so there is no particular status afforded to this site as a result of that designation. The Environmental Health service, taking account of SEPA's guidance, does not consider that the aquifer beneath this site is particularly sensitive or can be regarded as a future water source. The overall direction of groundwater flow is eastwards beneath the adjoining former Blackdog II landfill site, where it might be impacted by contaminated waste, and then into saline water below the beach. Groundwater flowing beneath the site might discharge into the Blackdog Burn, some 190 metres down-gradient of the site, or into coastal waters some 250 metres down-gradient. SEPA's guidance is that the most likely discharge is into the burn, after dilution. Any contamination arising from the former landfill will be dispersed and attenuated along the groundwater flow path and thereafter diluted in the burn. The Blackdog Burn flows along the boundary of the Blackdog II landfill site, and collects surface water from the boundary of one of the two Tarbothill landfill sites as well as accepting a discharge from an adjacent sewage treatment works. These constitute three more significant potential sources of contamination than the appeal site.

76. The Scientific Officer has also stated that groundwater monitoring within the site has determined no parameters greatly in excess of drinking water or other relevant environmental standards, with the exception of one elevated concentration of nickel. She considers that no further risk assessment is required. In addition SEPA, in its consultation responses to this application, raised no objection to planning permission being granted subject to certain conditions being imposed. These related to the crossing of the Blackdog Burn (considered further below); details of site drainage (which I have included as a condition); and soil management provisions (referred to in paragraph 78 below). In addition SEPA requested confirmation about a possible private water supply in the vicinity of the site. In its response to my request for further information, SEPA has stated that information on groundwater abstractions was subsequently provided to its satisfaction.

77. I conclude that there is no substantiated evidence to indicate that this development would have a significant adverse effect on either groundwater or surface water resources.

78. I have referred in paragraph 61 above to the information supplied by local residents. Given the length of time that this site was used for landfilling prior to any form of regulation,

it is impossible to discount the possibility that pockets of contaminated material might exist which could be disturbed during excavations within the site. The ground investigations carried out on the appeal site have not revealed evidence of extensive contamination. It is possible that any pockets of contamination are at sufficient depth that they would not be encountered during construction work. However, one of the conditions requested by SEPA is for a soil management plan and this can include contingency arrangements for handling and disposing of any contaminated materials found. I have included this in the CEMP.

79. As residents have said, Blackdog has been surrounded by waste disposal operations for many years and has probably suffered more than its fair share of problems as a result. The on-going issue of pollution on the beach caused by leachate from the former Blackdog landfill to the north of the appeal site is one such problem. In these circumstances it is understandable that residents are sensitive about the prospect of work taking place on the former Strabithie landfill site. However, I consider that the overall evidence points to the fact that the development of the site can take place with low risk to the surrounding community, provided that appropriate mitigation measures are put in place.

80. There are two other factors which indicate that, contrary to the views expressed by local residents and others, the current proposal is not fundamentally unacceptable from a contamination point of view:

- the fact that planning permission for residential development on part of the site has previously been granted; such a use being a more sensitive receptor than the development currently proposed; and
- the fact that the site is allocated for development in the local development plan, as part of site M1 in the supplementary guidance for Blackdog.

81. The council has stated as a reason for refusal for this development that it would compromise public safety; that satisfactory steps have not been taken to mitigate any negative impacts on the occupiers of nearby properties; and that the amount of potentially harmful material on site has not been quantified. However it has provided no substantive evidence to support these contentions or to counter the information submitted by the appellant in the Environmental Statement. It has not indicated how its current position accords with the development plan allocation. Citing the “precautionary principle” is not an argument for inaction. Supplementary Guidance SG LSD10 in the local development plan says that the council will approve development on land that is, or is suspected to be contaminated, subject to the necessary site investigations and assessment and effective remedial action. I find that, through the site investigation that has been carried out as part of the appellant’s Environmental Impact Assessment for this development, the mitigation measures proposed in the Environmental Statement, and the imposition of appropriate planning conditions, this development will accord with that supplementary guidance.

82. The effect of disturbing any contaminated land within the site has been the most contentious issue raised by this proposal. Much of the dispute concerns the adequacy of the site investigations that have been undertaken to assess the risks associated with developing the site. The conflicting evidence of the various parties, including local residents, has been clearly stated and well documented. I appreciate that the stance of the

residents appears to be that they do not want the site to be developed at all. However, given the points that I have made in paragraph 80 above, I do not think that their position can be supported in this respect.

83. In the circumstances, I consider that the purpose of the ground investigations that have been carried out has been to try to identify the likely risks associated with developing the site, so that appropriate measures can be taken to mitigate them. The position expressed in the reports prepared for the Trump Organisation is that the work carried out so far is insufficient to determine the extent of those risks. On the other hand, the council's Scientific Officer does not consider that further investigations would assist in this respect, as it is not possible to test the whole site and the evidence found so far indicates a low risk of contamination. In addition the appellant's submissions are that, according to the Association of Geotechnical & Geoenvironmental Specialists' *Guidelines for Good Practice in Site Investigation*, the objective of the site investigation is to characterise the ground conditions sufficiently to allow safe and economic designs to be developed and to reduce, as far as possible, the occurrence and impact of unforeseen conditions. In this context it is submitted that the site investigation and reporting are fit for purpose, reasonable and based on a robust assessment of risk. The differences between the parties in relation to the adequacy of the site investigations are essentially about methodology. For this reason, I considered that further testing of the respective positions through an oral procedure, either an inquiry or hearing, would not have helped me in reaching a decision on this question. Rather it is a matter of judgement as to the weight to be given to the evidence of the parties. In this case the council is the statutory authority responsible for the oversight of contaminated land. The evidence submitted by its Environmental Health services demonstrates a clear understanding of the issues involved, and I consider that significant weight can be given to it.

84. I acknowledge that some uncertainties remain, but consider that it would be an unreasonable requirement to insist that all such uncertainties are removed before planning permission is granted. Rather there should be adequate contingency measures in place to deal with any contamination encountered during construction of the development. As part of these, more detailed soil sampling within the parts of the site affected by development would help to reduce the degree of uncertainty and identify any contamination "hotspots" that might require treatment. One of the council's suggested conditions requires the provision of a remedial scheme where the need is identified by the site investigation report. I consider that a more focussed investigation as referred to above would be the appropriate course of action, and I have imposed a condition to this effect.

The crossing of the Blackdog Burn and beach

85. Although not directly connected to contamination in the former landfill site, the installation of the cables across the beach and the Blackdog Burn is an operation that could result in pollution of the water environment, and is a matter of concern to local residents. Outline details of the crossing of the cables beneath the burn are included in Appendix 6B of the Environmental Statement. SEPA has stated that the crossing is acceptable in principle as the proposals are potentially capable of being consented under The Water Environment (Controlled Activities) (Scotland) Regulations 2011; and has requested the

imposition of a planning condition requiring the submission and approval of detailed proposals. I have imposed such a condition.

86. FCC Environment is the company now responsible for the remediation of the pollution of the beach by leachate from the Blackdog landfill site. In order to ensure that the works now in place to address the contaminated land determinations remain effective and are not compromised by the proposed landfall of the cables, it has made a number of comments on this aspect of the proposed development. These include the need for the management of flows in the burn during the works; and the need for excavation and placement of dug material not to interfere with the design route of the burn around the ford and at the rock armour section. I understand that the outlet of the burn into the sea has been subject to fluctuation in the past and an attempt has been made to constrict it with rock armour to prevent it coming into contact with the area of pollution further north. There appears to be no reason why the installation of the cables beneath the burn should change that situation subject to appropriate detailed design and construction methods.

87. Scottish Natural Heritage has stated that there are longstanding management issues in Aberdeen Bay from coastal erosion, varying beach levels, the current sea level rise in the bay and projected future changes. It has advised that the burial depth of the cables should safeguard against the lowering of the beach by coastal retreat, sea level rise, storminess and other climate change variables; and that the detailed design for the burn crossing should be such as to minimise the risk of erosion and consequent water quality issues.

88. The proposed installation of the cables across the beach and beneath the Blackdog Burn is undoubtedly a sensitive operation. However, there is no evidence that it cannot successfully be achieved subject to the appropriate detailed design and construction measures. These should include the burial of the cables at a sufficient depth to ensure that they do not become exposed as a result of on-going coastal processes. I understand that beach surveys have been undertaken to allow evaluation of the beach elevation, profile and surface constitution. I have imposed a condition requiring the submission and approval of full details of the installation of the cables.

89. A further matter in relation to the beach crossing is that a geophysical survey carried out as part of the ground investigations detected six magnetic anomalies in the beach area. One of these was consistent with the presence of a buried telephone cable; the other five were consistent with discrete ferrous objects, which could be unexploded ordnance. A local landowner who has salmon fishing rights along the beach considers that they are most likely to be metal items such as old fishing items and concrete reinforcement, some of which were exposed during storm conditions in 2012/2103 and have subsequently been re-covered by sand. This is a matter which can be covered through an appropriate provision in the CEMP, which is included in the relevant condition.

Other environmental issues

90. The substation site itself is of limited ecological value. No signs of European protected species or badgers were recorded in the ecology outer study area reported in the Environmental Statement, although otters are known to have used the Blackdog Burn. The

only potential impact on otters would be during the installation of the cables beneath the burn. In the absence of any signs of otters in this area I consider it unlikely that the development would have any adverse impact on this species. Given that circumstances can change, a further survey for protected species shortly before construction starts would be an appropriate precautionary measure. I have imposed a condition to this effect.

91. Work on the crossing of the burn might result in some disturbance to birds in the adjoining dunes and on the beach. However, this would be for a limited period and would be in an area already used for public access. RSPB Scotland does not consider that this development would have a significant impact on local bird populations. It states that construction work would result in the temporary loss of small areas of foraging and/or roosting habitat for coastal wintering birds, resulting in some disturbance to birds using the shoreline in the immediate vicinity of the development site. Construction of the cable landfall may result in some disturbance or displacement of seabirds using Aberdeen Bay. However, all these effects would be temporary and reversible in nature.

92. This part of Aberdeen Bay is used by Eider Ducks, Common and Velvet Scoters (qualifying species for the Sands of Forvie, Ythan Estuary and Meikle Loch Special Protection Area (SPA) which is approximately 20 kilometres to the north), and other over-wintering sea duck and the foreshore is also used by gulls and waders. Scottish Natural Heritage has stated that there are no sites of national or European importance designated for their nature conservation interest in close proximity to the proposed development and likely to be affected by it. Given this advice and the views of RSPB Scotland I conclude that the proposal would have no likely significant effect on the SPA, and that I do not need to carry out an appropriate assessment under the terms of the Habitats Regulations.

93. Overall I conclude that the development would not result in any significant adverse impact on any nature conservation interests. I consider that it would therefore accord with local development plan supplementary guidance SG Natural Environment 1: Protection of nature conservation sites and SG Natural Environment 2: Protection of the wider biodiversity and geodiversity.

Overall conclusions

94. Whilst the development would not be strictly in accord with the development plan allocation of site M1 at Blackdog, in that it would not be part of an overall masterplan for that site, for the reason set out in paragraph 14 above I do not believe that it would result in any conflict with that allocation. In all other respects I conclude that the proposal would not conflict with any other relevant development plan policies. Taken overall I therefore find that it would be in accord with the development plan.

95. In terms of other material considerations I am aware of the strong feelings of local residents against this proposal, as expressed in the letters of representation on the original application; the petition containing 112 signatures and the 76 individual letters accompanying it submitted in connection with this appeal; and as supported by Struan Stevenson, the former MEP. I have given careful consideration to the matters raised and have carried out a detailed assessment above of the issues which are of particular concern

to local residents. In large measure they relate to the construction stage of the development, in terms of the impact of construction traffic and the effect of disturbing the ground within the former landfill site and the risks that it would entail. On the former issue I accept that there would be some inconvenience and disturbance to residents, especially those living on or close to Hareburn Terrace, caused by the additional traffic generated during the construction period. However, I have concluded that this would be for a temporary period, and would not be of such a scale or kind that could not be managed through appropriate mitigation measures. With regards to the contamination issue, I have concluded that the evidence indicates that the construction of the substations and cables would involve a low risk to public health and safety, and that appropriate mitigation measures can be taken to ensure that this is the case.

96. As I have mentioned on a number of occasions the principle of developing this site has been accepted by the council, so the consequences of such development, in terms of construction traffic and the disturbance of the ground, have also been accepted in principle. In these circumstances, there is no fundamental difference between the current proposed development and any other form of development of the site that might be proposed in relation to the temporary implications of the construction operations.

97. In terms of the nature of the development being proposed, I accept that there would be some adverse visual impact on the amenity of the occupants of the houses closest to the site and, to a lesser extent, recreational users of the area. However I have concluded that the overall visual impact of a development, which would largely have the appearance of modern industrial buildings, would be neither unduly overbearing nor unacceptable in this locality. I have also concluded that all other long-term effects of the development, such as noise, can be adequately mitigated through the imposition of conditions.

98. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

Proposed conditions

99. The council has proposed the imposition of 21 conditions if planning permission is granted. The appellant has raised no objections to these conditions. In general, I have adopted the council's conditions with some re-ordering and consolidation. I have provided a more detailed specification for the CEMP and CTMP to cover issues addressed above. I have included a condition requiring further detailed investigation of the parts of the former landfill site affected by the development in order to determine any remedial measures needed. The further requirements of the council's Scientific Officer have also been included in the conditions. The council has proposed the submission of a decommissioning scheme prior to the commencement of the development. However, given the likely lifespan of the onshore transmission works and the many potential changes in circumstances that could occur in that period, I consider that it would be more reasonable to require the

approval of decommissioning proposals when the equipment and/or buildings become redundant, and I have imposed a condition to that effect.

M D Shiel
Principal Reporter

Schedule of approved plans

6129-715-PA-038 – Location Plan
6115-715-PA-039 – Site Plan (Overview Sheet)
6115-715-PA-040 – Site Plan (Sheet 1 of 2)
6115-715-PA-041 – Site Plan (Sheet 2 of 2)
6129-715-PA-034 – Site Layout
6129-715-PA-037 – Site Layout (Planting and Cross-sections)
P1001-0000-0012 – Existing Elevations before Development
P1001-0000-0009 – Proposed Elevations
P1001-0000-0013 – Aberdeen Offshore Wind Farm Substation Layout
LT057_DYCE_0802_0001 – Scottish Hydro-electric Transmission Substation Layout

Conditions

1. Before work commences on the site a further programme of soil sampling shall be submitted to and approved by the planning authority. The programme shall include all parts of the former landfill site actually affected by the development, including the site of the substations and voltage power factor control area, the routes of the cables, the access road, site compound and any other areas likely to be affected by earthworks. The sampling shall be carried out to the likely depth affected by such works and the samples shall be analysed for a range of potential contaminants to be agreed with the planning authority. A report on the sampling, including measures for the remediation and treatment of any contaminated materials found, shall be submitted to and approved by the planning authority.

   (Reason: to provide a more detailed understanding of ground conditions prior to work commencing in order to identify any remedial measures needed.)

2. Before work commences on the site a Construction Environmental Management Plan (CEMP) shall be submitted to and approved by the planning authority, in consultation, where appropriate, with the Scottish Environment Protection Agency. The CEMP shall include the following matters:

   (a) proposals for the management of all soils and other material excavated during the construction phase, including the volumes of materials to be stored, the location and details of the storage proposals, and details of mitigation measures to reduce pollution risks to surface and groundwater;

(b) details of dust suppression measures, including the maintenance of all stored soils and other excavated materials in a damp condition during dry weather conditions;
(c) details of temporary air monitoring arrangements during the excavation of materials within the site;
(d) provisions for the handling and disposal of any asbestos materials found during excavations, as agreed with the Health and Safety Executive;
(e) details of the measures to be taken to ensure that no asbestos materials remain exposed on or close to the surface of the site once work has been completed;
(e) provisions for the handling, treatment and, where necessary, disposal of any other contaminated material found during excavations, as informed by the further soil sampling undertaken under the terms of condition 1;
(f) details of further surveying and/or monitoring for the presence of unexploded ordnance during the construction works, and the measures to be taken in the event of any unexploded ordnance being found;
(g) details of the treatment and discharge of any groundwater encountered during excavations;
(h) details of all other pollution control and response measures to be taken during the construction of the development; and
(i) details of noise and vibration mitigation measures to be taken during the construction of the development.

All construction work shall take place in accordance with the approved CEMP.

(Reason: to prevent pollution of the water environment, and to ensure that the excavation, handling and disposal of all materials are carried out in such a manner as to minimise the risk to the health and safety of members of the public outwith the site.)

3. Before work commences on the site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the planning authority, in consultation with the appropriate roads authorities. The CTMP shall include the following matters:

(a) provision for a left-only requirement for all construction phase traffic, when entering the A90 trunk road from Hareburn Terrace;
(b) restrictions on Heavy Goods Vehicle movements during existing peak activity periods on Hareburn Terrace, with times to be agreed with the planning authority;
(c) measures for the control and supervision of Heavy Goods Vehicle movements where they will pass very close to residential properties;
(d) measures for the control and supervision of vehicles delivering abnormal loads to the site, including the turning movements into and out of Hareburn Terrace from the A90, and liaison measures with local residents;
(e) provision for the sheeting of vehicles carrying loose materials to and from the site;
(f) provision for cleaning the wheels of vehicles leaving the site;

(g) provisions for surveying the road carriageway of Hareburn Terrace, including the unadopted section, before its use by Heavy Goods Vehicles, and arrangements for carrying out any necessary works or repairs required to facilitate its use by such vehicles or to reinstate any damage resulting from such use; and
(h) arrangements for carrying out any repairs to private property caused directly by the passage of Heavy Goods Vehicles.

The CTMP as approved shall thereafter be implemented in full throughout the construction of the development.

(Reason: to ensure that the movement of construction vehicles to and from the site is managed in a manner that minimises the risks to other road users, including pedestrians, and minimises the disturbance and inconvenience caused to local residents.)

4. The hours of work during the construction period shall be limited to 0800 to 1800 hours on Mondays to Fridays, and 0800 to 1200 hours on Saturdays, with no working on Sundays, unless the prior written agreement of the planning authority has been given to any modifications to those hours.

(Reason: to minimise the disturbance and inconvenience to occupiers of surrounding properties during the construction operations.)

5. Before any work commences on the installation of the cables from the landfall site to the substations, the following details shall be submitted to and approved by the planning authority, in consultation with the Scottish Environment Protection Agency, Marine Scotland and Scottish Natural Heritage as appropriate:

(a) the results of a survey of intertidal habitats and species to inform the detailed routing of the cables;
(b) detailed plans showing the accurate routing of the cables and the location of the cable pull-in and jointing area;
(c) a detailed construction method for the installation of the cables; and
(d) detailed proposals for the crossing of the Blackdog Burn by the cables and any other watercourse engineering works required.

All work shall thereafter be carried out in accordance with the approved details.

(Reason: to safeguard coastal processes in the wider Aberdeen Bay; ensure that all relevant environmental issues are taken into account in the location and construction of the cables, including benthic and intertidal habitats; and to protect the water environment.)

6. The cables shall be buried to at least the minimum depth agreed with Marine Scotland and Scottish Natural Heritage from their landfall site and across the beach. They shall thereafter continue to be monitored until such time as they may be removed or otherwise decommissioned. In the event of the cables becoming re-

exposed remedial action will be taken by Aberdeen Offshore Wind Farm Ltd or its successors.

(Reason: to safeguard the environment of the beach at Blackdog.)

7. In addition to the requirements of condition 5, the following will apply until the cables are removed or otherwise decommissioned:

   (a) the cables shall be routed underground from Mean Low Water Spring Tides to the substations;
   (b) the cable route shall not cross the prescribed area of the Blackdog Burn diversion required to be maintained under Part IIA of the Environmental Protection Act 1990, and as detailed in the Remediation Statement dated April 2009 and filed on Aberdeenshire Council's Public Register of contaminated land; and
   (c) the cables or any other infrastructure which is part of this development shall not impede access to the beach either to the north or south of the cable route for vehicles up to a weight of 60 tonnes.

   Should the cables become exposed or otherwise impede access, this will be rectified by Aberdeen Offshore Wind Farm Ltd or its successors within two weeks of notification.

   (Reason: to ensure that the statutory appropriate person for the contaminated land at Blackdog will have access to Blackdog Beach to maintain the burn diversion and to carry out any monitoring, assessment or remedial action which may be required under Part IIA of the Environmental Protection Act 1990.)

8. Before any construction work commences, the diversion of any core paths needed to facilitate construction of the development shall be agreed in writing with the planning authority. Any agreed diversion routes shall be appropriately signed to their final destinations; the signs shall be erected at least two weeks prior to the temporary path closures; and the signs shall thereafter be retained for as long as they are needed during the period of construction. All other mitigation works relating to public access shall be carried out as specified in the Environmental Statement. All paths shall then be re-instated as soon as the relevant construction works have been completed.

   (Reason: to minimise the inconvenience to users of the paths during construction of the development.)

9. Before any construction work commences on the site a further survey shall be carried out of the application site and its immediate surroundings to determine whether there are any protected species present. The results of the survey shall be submitted to the planning authority, together with any detailed mitigation measures required to safeguard any protected species found. Any such measures, as approved in writing by the planning authority, in consultation with Scottish Natural

Heritage, shall thereafter be carried out before any development takes places. All other ecological mitigation measures specified in the Environmental Statement shall also be carried out.

(Reason: to safeguard any protected species found within the area which might be adversely affected, either directly or indirectly, by the development.)

10. Before any work commences on the construction of the substations, a detailed design of the gas protection measures to be installed beneath the new buildings shall be submitted to and approved by the planning authority.

(Reason: in the interests of public safety.)

11. Before any work commences on the construction of the substations a full site-specific drainage scheme for the site shall be submitted to and approved by the planning authority, in consultation with the Scottish Environment Protection Agency, to include the methods to be used for the collection and treatment of all surface water runoff using sustainable drainage principles. All work shall be carried out in accordance with the approved scheme.

(Reason: to prevent pollution of the water environment.)

12. Before any work commences on the construction of the substations, the following details shall be submitted to and approved by the planning authority:

(a) details of the external materials to be used on the proposed buildings;
(b) details of all external lighting to be installed within the site; and
(c) details of all proposed means of enclosure.

The development shall be carried out in accordance with the approved details.

(Reason: in the interests of the appearance of the development, the visual amenity of the area and the amenity of surrounding properties.)

13. Before any work commences on the construction of the substations, a scheme of landscaping works shall be submitted to and approved by the planning authority. Details of the scheme shall include:

(a) existing landscape features and vegetation to be retained and an indication of any existing trees or shrubs to be removed;
(b) details of any remodelling of the contours of the site as part of the landscaping scheme;
(c) detailed planting proposals indicating the species, plant sizes, locations, numbers and density of planting. Fraxinus excelsior (ash), Picea abies (Norway spruce) and Quercus robur (common oak) shall be removed from the species list submitted with the application and all other species within both the woodland mix and woodland edge mix shall be retained with the addition of Prunus spinosa

(blackthorn) and Salix sp. (willow). The woodland should comprise a mix of these species with a concentration of lower growing species towards the edge;
(d) a programme for the completion and subsequent maintenance of the proposed landscaping.

All landscaping works shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or by such other date as may be agreed in writing with the planning authority. Any planting which, within a period of five years from the completion of the development, in the opinion of the planning authority is dying, has been severely damaged or become seriously diseased shall be replaced by plants of a similar size and species to those originally required to be planted.

(Reason: to ensure the implementation of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape, in the interests of the visual amenity of the area.)

14. In the event of voltage power factor control equipment being installed on the site, acoustic insulation as specified in section 11.7 (paragraph 71) of the Environmental Statement shall be provided before the equipment is brought into use, and thereafter retained throughout the life of the development.

(*Reason: to protect the amenity of surrounding residential properties.)*

15. In the event of air-cored reactor equipment being installed within the voltage power factor control equipment compound, evidence of compliance with the guidelines of the International Commission on Non-Ionizing Radiation Protection (ICNIRP) for limiting exposures to electro-magnetic fields shall be provided to the planning authority by:

(a) a calculation or measurement of the maximum electro-magnetic field strength;
(b) in the event that the calculated or measured value exceeds the ICNIRP guideline levels, a calculation or measurement of the electro-magnetic field strength at the boundary of the closest property or area at which the public exposure guidelines apply;
(c) should it be found that the ICNIRP public exposure guidelines are exceeded at the boundary of a property or area where they apply, details of the immediate measures to be taken to reduce the levels to below the public exposure guidelines; and
(d) the implementation of those measures as approved by the planning authority.

(Reason: to protect the occupiers of surrounding properties.)

16. At such time as the buildings and equipment are no longer required for the transmission of electricity from the Aberdeen Offshore Wind Farm, detailed proposals for the decommissioning of the site shall be submitted to and approved by the writing by the planning authority. These shall include the removal of the

equipment, the dismantling of the buildings (unless planning permission has been granted for their retention and re-use), the treatment of foundations and hard-surfaced areas and the restoration of the site to an appropriate after-use. They should also set out reasonable timescales for the decommissioning to be carried out. The decommissioning shall thereafter be carried out in accordance with the approved proposals and timescales.

(Reason: to ensure that, in the event of the buildings and equipment becoming redundant, the site is not left in a derelict condition and is restored or re-used in an appropriate manner in the interests of the amenity of the area.)

Advisory notes

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)