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Town and Country Planning (Environmental Impact Assessment)(EIA)(Scotland) Regulations 2017

EIA SCREENING ADDENDUM STATEMENT - PROPOSED CONSTRUCTION OF DATA CENTRE CAMPUS – LAND WEST OF HERMISTON HOUSE ROAD, CURRIE, EH14 4AG

We write in respect of an Environmental Impact Assessment (EIA) Screening Request (Ref: P00108) submitted in December 2025 and in specific relation to subsequent correspondence from the Council seeking clarification in light of the recent *Raeshaw Farms Limited v Scottish Ministers and Energiekontor [2026] CSIH 10* Court of Session decision.

This EIA Screening Addendum Statement provides clarification regarding the proposed grid connection and its relationship to the data centre development for the purposes of EIA.

Grid Connection – Current Position

As set out in the submitted EIA Screening Request, it is intended at this stage that the proposed development will connect to the Currie Substation located approximately 1.7km to the south east of the site. However, the precise route of the underground cable connection is not known at this stage. The routing, design and delivery of the connection will be undertaken by Scottish Power Energy Networks (SPEN) in their capacity as statutory undertaker.

The cable route lies outwith the Applicant's control and ownership. As such, there is no fixed alignment, corridor or design envelope that could be meaningfully assessed or illustrated at this time.

Recent Case Law

We refer to the *Raeshaw Farms Limited v Scottish Ministers and Energiekontor [2026] CSIH 10* Court of Session decision dated 17 February 2026. The Court quashed the planning permission for the Wull Muir Wind Farm and remitted the decision back to the Scottish Ministers for a different Reporter to take the decision. The Court held that the Reporter erred in failing to consider whether the wind farm and grid connection constituted one project for the purposes of EIA.

The judgement did not confirm whether the two elements should be considered a single project but reaffirmed that the identification of what constitutes “the project” for EIA purposes is a matter of planning judgement, informed by the specific facts of each case. The Court made reference to the non-exhaustive factors listed in *R (Wingfield) v Canterbury City Council [2020] JLP 154* (common ownership, simultaneous determinations, functional interdependence, and stand-alone project status) and referred to decisions from similar cases across Europe.

Importantly, the decision recognises that there is no impermissible “salami slicing” where there is a legitimate basis for treating elements separately, and where there is no intention to circumvent the requirements of the EIA Regulations. In terms of the subject site, a staged approach to the assessment of the proposed development and its grid connection is considered both appropriate and consistent with established case law, including the principles set out in *Wingfield*.

The Applicant is in close liaison with SPEN who will be responsible for the design and delivery of the power connection to the site and will be obligated under their remit as Statutory Undertaker to consider the potential environmental effects of any finalised development corridor. In these circumstances, the grid connection cannot reasonably be said to form part of the same defined project for the purposes of the current EIA Screening exercise. Although there is a degree of functional interdependence in that the connection enables operation, the data centre development itself is a clearly defined and standalone proposal capable of assessment on its own merits.

The specific assessment of any indicative cable route would be speculative and could risk presenting an inaccurate or misleading picture. In this context, we consider that the omission of a defined cable route from the Screening Request is both reasonable and appropriate, reflecting the current stage of project development. The connection infrastructure will be subject to its own design process, route optioneering, timelines and, where necessary, separate consenting procedures. This will ensure that environmental effects are assessed at the stage when sufficient detail is available to enable a meaningful and evidence-based evaluation.

Environmental Considerations – Connection Route

Notwithstanding this position, and in order to assist the Council, we have considered at a high level the potential environmental effects associated with a typical underground cable connection of the nature anticipated.

Natural Resources – Land, Soil, Water

The installation of an underground cable connection would give rise to temporary and localised disturbance to land and soils associated with trenching activities. Such works are standard for utility infrastructure and would be short-term in duration, with land fully reinstated following completion. There would be no permanent loss of land or sterilisation of resources, and soil structure can be appropriately restored through established construction practices.

Regarding the water environment, any interactions with surface water features or groundwater would be limited and managed through standard mitigation measures, including pollution prevention controls and appropriate drainage management during construction.

Overall, effects on land, soil and water resources would be temporary, reversible and not significant.

Nature and Biodiversity

Potential effects on ecological receptors would be limited to temporary disturbance during the construction phase. Given that cable installation is typically undertaken within a narrow working corridor, any impacts on habitats would be localised and capable of mitigation through standard measures such as sensitive routing (once known), timing of works, ecological supervision where necessary, and full reinstatement of disturbed areas.

There would be no ongoing operational effects associated with an underground cable. In the absence of a defined route, there is no evidence to suggest that designated sites or protected species would be significantly affected, and it is reasonable to conclude that any effects would be minor and not significant in EIA terms.

Transport and Access

The construction of an underground cable would generate a temporary increase in traffic associated with the delivery of materials, plant and workforce movements along the route. These effects would be short-term, transient and typical of utility installation works.

Traffic management measures can be implemented to minimise disruption to the local road network, and no permanent changes to transport infrastructure or traffic patterns would arise. Accordingly, effects on transport and access would be temporary and not significant.

Noise and Air Quality

During construction, there may be short-term increases in noise and dust associated with excavation, plant operation and vehicle movements. However, these effects would be localised and temporary and can be effectively controlled through standard good practice measures.

There would be no significant operational noise or air quality impacts arising from an underground cable once installed. Overall, effects would be short-term and not significant.

Major Accidents and/or Disasters

The nature of underground cable installation does not give rise to any notable risk of major accidents or disasters. Construction activities would follow established industry standards and health and safety procedures, minimising the potential for incidents. The development is not of a type that would be vulnerable to, or likely to contribute towards, significant accident or disaster scenarios, including those associated with climate change. As such, no significant effects are anticipated.

Climate

The installation and operation of an underground cable would have a negligible effect on climate. Construction activities would generate limited, short-term emissions associated with plant and vehicle use, however these would be minor in scale and temporary. Once operational, the cable would not give rise to any direct emissions. Overall, the development would not materially contribute to climate change, and effects would not be significant.

Human Health

Potential effects on human health would be limited to temporary construction-related disturbance, such as noise, dust and minor traffic disruption. These effects are typical of short-term infrastructure works and can be effectively managed through standard mitigation measures and good construction practice. There would be no ongoing operational impacts on human health once the cable is installed. Consequently, no significant effects on human health are anticipated.

Cultural Heritage

In the absence of a defined route, it is not possible to identify specific heritage assets that may be affected. However, the nature of underground cable installation means that any potential effects would be limited to temporary ground disturbance. Such effects can be appropriately managed through standard mitigation measures, including pre-construction surveys where necessary and the use of watching briefs during excavation.

There would be no direct or indirect effects on the setting of heritage assets once construction is complete. Overall, it is considered that any potential effects would be minor, temporary and not significant.

Core Paths

Where a cable route intersects with existing core paths or public access routes, there may be temporary disruption during construction. However, such effects would be short-term and managed through

appropriate signage, temporary diversions and reinstatement of paths following completion of works. There would be no permanent severance or restriction of access. As such, effects on core paths would be temporary and not significant.

Landscape and Visual

The installation of an underground cable would not give rise to permanent landscape or visual effects, as the infrastructure would be located below ground and land would be reinstated following construction. Temporary visual disturbance may occur during the construction phase; however this would be short-term and localised.

Given that neither the cable route or overall site masterplan is fixed at this stage, there is an opportunity to develop an appropriate and well-considered landscaping plan alongside the next design phases to ensure that the opportunity for enhancement is maximised and that potential visual effects are mitigated. For example, there is potential for additional landscaping to the sites' northern boundary adjacent the Union Canal to address any potential impacts on users of the Core Path.

On this basis, no significant landscape or visual effects are anticipated.

Coal Mining

Should the cable route, once confirmed, pass through areas of coal mining, any risks would be appropriately addressed through site-specific investigation and adherence to relevant guidance from the Mining Remediation Authority. Standard engineering and construction practices would ensure that ground stability risks are identified and mitigated. As such, no significant effects are anticipated in relation to coal mining.

Absorption Capacity of the Natural Environment

The scale and nature of an underground cable connection is such that any effects would be localised, temporary and reversible, and would not place undue pressure on environmental receptors, including land, water, biodiversity or human receptors. The receiving environment is therefore considered capable of accommodating the proposed works without giving rise to significant environmental effects.

Cumulative and Interactive Effects

In the absence of a defined route, a detailed cumulative assessment is not possible at this stage. However, given the limited scale, temporary nature and standard construction methods associated with underground cable installation, it is reasonable to conclude that any cumulative or interactive effects with other developments would be minimal. Overall, there is no indication that significant cumulative or interactive effects would arise.

Summary of Environmental Considerations

It is reasonable to conclude that underground cable works to provide the grid connection for the proposed data centre would give rise primarily to temporary and localised construction effects, including short-term disturbance to soils, limited traffic movements associated with installation, and temporary noise and dust generation. These effects are characteristic of standard utility installation works, routinely managed through established construction practices and mitigation measures, and are not considered to be significant in EIA terms.

In operational terms, an underground cable would not give rise to ongoing landscape, visual or noise effects, and land affected by trenching would be reinstated following installation. Potential interactions with ecological or water environment receptors would be limited in extent and capable of being appropriately mitigated through standard measures, including timing of works and pollution prevention controls.

Conclusion

Having regard to the assessment set out in the submitted Screening Request, and the clarification provided in this Addendum, it remains our position that the Proposed Development is not likely to give rise to significant environmental effects for the purposes of EIA.

The absence of a defined grid connection route, which lies largely outwith the Applicant's control, does not undermine the robustness of the Screening Request or give rise to any risk that significant effects have been overlooked. The proposal has been appropriately defined, and the EIA Regulations have been properly addressed.

We are satisfied that the submitted Screening Request provides sufficient information to enable the Council to reach a reasoned Screening Opinion. The Proposed Development has been appropriately defined, and the potential for significant environmental effects have been assessed in accordance with the requirements of the EIA Regulations.

We trust that this clarifies the position and provides the necessary reassurance. Should you require any further information, please do not hesitate to contact us.

Yours faithfully,

