Young Planning
& Energy Consenting

Report prepared on behalf of:

Mey Energy Storage Ltd

Date:

29 February 2024

Mey BESS

Planning Statement

Info

Planning Statement prepared by Young Planning & Energy Consenting on behalf of the Mey Energy Storage Ltd.

Submitted in support of application for consent under Section 36 of the Electricity Act 1989 and associated request for deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997, to:

"Construct and operate a Battery Energy Storage System with installed capacity of up to 300MW, and associated/ancillary works and development."

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1. Introduction & Background

1.1 This Planning Statement accompanies an application by Mey Energy Storage Ltd ("the Applicant) to construct and operate a Battery Energy Storage System (BESS) with installed capacity of up to 300MW, associated/ancillary works and development including substation, landscaping and access ("the proposed development"), at a site of approximately 10.66 hectares centred on grid reference 329608 972340, south-east of Mey, Caithness ("the site"). This Planning Statement also includes a summary of pre-application community consultation.

The Applicant

1.2 The Applicant, wholly-owned by SIMEC Atlantis Energy, is a company dedicated to the development, construction and operations and maintenance of the Mey BESS project. SIMEC Atlantis Energy are a developer of renewable energy projects and the owners of the local MeyGen tidal stream energy project which is their flagship project, and have been working in the area for over 15 years.

Legislative and Regulatory Framework

1.3 With an installed capacity of up to 300MW, construction and operation of the BESS component of the proposed development requires consent under Section 36 of the Electricity Act 1989 ("S36 consent"). In addition to this application for S36 consent, the Applicant requests that planning permission for the proposed development be deemed to be granted, by virtue of Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) ("the deemed planning permission").

1.4 Schedule 9 of the Electricity Act 1989 considers environmental matters to which Applicants under S36 should have regard, with paragraph 3 of relevance in Scotland. The Applicant has had regard to both paragraphs (3)(1)(a) and (b), in assessing relevant environmental considerations and proposing appropriate environmental mitigation, where required, respectively.

EIA Screening

1.5 An Environmental Impact Assessment (EIA) screening opinion was requested by the Applicant on 22 June 2023, in accordance with Regulation 8 of the Electricity Works (Environmental Impact Assessment) Regulation 2017 ("the screening request"). Having consulted the Highland Council, the Scottish Government's Energy Consents Unit (ECU) formally "screened out" the need for EIA, in a screening opinion dated 11 December 2023 (ECU ref: 00004838).

1.6 Documentation accompanying the screening request committed the Applicant to certain mitigation measures, which contributed to the screening opinion. The Applicant remains committed to these measures, which are considered to form part of the wider suite of "embedded" mitigation measures discussed throughout this submission, including from paragraph 2.7 of this Planning Statement.

The Site

1.7 The site comprises an area of approximately 10.66 hectares. It is currently a low quality arable agricultural field, of which the agricultural land classification is predominately Class 6.2 (land capable of use as rough grazing with moderate quality plants) with a pocket of Class 3.1 (land capable of producing consistently high yields of a narrow range of crops and/or moderate yields of a wider range) in the northeast corner of the site.

1.8 There are no major surface watercourses within the site boundary. A field drain runs roughly northeast-southwest, bisecting the eastern part of the site.

1.9 The site does not overlap with any statutory nature conservation or landscape designations. Outwith the Site boundary but within 5 km there are a small number of environmental designations. Section 3 of the accompanying Supporting Environmental Information Report (SEIR) provides further information.

Planning Policy Basis

1.10 Section 25 of the Town and Country Planning (Scotland) Act 1997, in establishing the primacy of the development plan in the determination of planning applications, does not apply in case of applications for S36 consent. Notwithstanding, the development plan remains a significant material consideration to be taken into account through the decision making process.

1.11 The development plan comprises National Planning Framework 4 (NPF4), published February 2023, the Highland-wide Local Development Plan (HwLDP), adopted April 2012, and the Caithness and Sutherland Local Development Plan (C&SLDP), adopted August 2018. Where there is inconsistency between the two documents, the Scottish Government has advised that the patter document, in this case NPF4, takes precedence.

1.12 As a result of NPF4's national development number 3, the proposed development has national development status for the purpose of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Whilst it is acknowledged that these Regulations relate primarily to planning applications (which this is not), such status reflects the Scottish Government's recognition of the significance of BESS developments in contributing to wider policy objectives, and is a material consideration of some weight.

This S36 Application

1.13 This Planning Statement forms part of a comprehensive suite of documentation supporting the application for S36 consent, including:

- Supporting Environmental Information Report (SEIR) (with Figures), including:
  - Annex 1 Pre-application Presentation and THC Response Pack;
  - Annex 2 ECU Screening Opinion;
  - Annex 3 Landscape and Visual Appraisal;
  - Annex 4 Ecological Impact Assessment;
  - Annex 5 Heritage Impact Assessment;
  - Annex 6 Flood Risk and Drainage Assessment;
  - Annex 7 Noise Impact Assessment;

    - Annex 8: Transport Statement and Construction Traffic Management Plan
- Planning Drawing 1: Site Location;
- Planning Drawing 2: Site Layout;
- Design and Access Statement; and
- This Planning Statement.

1.14 All drawings are indicative and identify a series of maximum development parameters established to allow realistic "worst case" assessments to be undertaken from environmental perspectives. Final design, within these established parameters, will be agreed with The Highland Council (THC) pursuant to a planning condition attached to the deemed planning permission, prior to construction work commencing and once a technology choice and manufacturer are finalised.

Summary of Pre-Application Community Consultation

1.15 There is no statutory requirement to undertake community consultation as part of the preparation of an application for S36 consent. Notwithstanding, the Applicant committed to a proportionate programme of pre-application community consultation, and took account of feedback received through that process in finalising the proposed development.

1.16 In the first instance in September 2023, the Applicant provided a summary of the proposed development to representatives of Dunnet and Canisbay Community Council (D&CCC), as well as local ward Councillors Bremner, Jarvie, MacKay and McEwan. The initial engagement sought views on the proposed development.

1.17 A response on behalf of D&CCC was received on 27 September 2023, highlighting the need for the Applicant to consider:

- Visual screening;
- Impacts on construction traffic;
- Light pollution;
- Noise pollution;
- Local wildlife, including ground nesting birds and mammals.

1.18 Whilst the Applicant was aware of the matters raised by D&CCC, the feedback was useful in highlighting specific areas of interest, and informed the detail of subsequent assessment work undertaken on its behalf.

1.19 Visual screening is considered as part of the Landscape and Visual Appraisal contained at Annex 3 to the SEIR; construction traffic is considered within a specific Construction Traffic Management Plan at Annex 8; light pollution was taken into account in the refinement of the proposed layout, ensuring external light emissions are minimised; noise impacts are considered within Annex 7 of the SEIR; and the findings of ecology surveys are included within Annex 4. All of these topic areas, including consideration of the feedback from D&CCC, inform the scope of embedded mitigation included as part of the proposed development.

This Planning Statement

1.20 This Planning Statement documents the approach to defining the proposed development and undertaking the associated assessments listed at paragraph 1.13. It summarises the relevant legislative and regulatory basis for the application and demonstrates how the Applicant has met associated requirements. Finally, the Planning Statement considers the proposed development in the context of relevant considerations, including development plan and energy policy.

1.21 The Planning Statement comprises:

- Chapter 2: The Proposed Development, which describes the proposed development and includes commentary on the approach to embedding mitigation and the associated implications for planning conditions;
- Chapter 3: Development Plan policy;
- Chapter 4: Energy policy;
- Chapter 5: Summary policy assessment; and
- Chapter 6: Conclusions.

1.22 In respect of Chapters 3 and 4, this Planning Statement does not quote policy verbatim, but rather summarises relevant elements of policies of relevance to the proposed development. Every effort has been made to keep these summaries brief and as a result, only policies of relevance to the proposed development are considered. Whilst the scope of this Statement is sufficiently broad to justify the proposed development in policy terms, alongside cross reference to the wider suite of application documentation, where appropriate, we would be happy to supplement, if required.

2. The Proposed Development

2.1 This Chapter describes the proposed development and provides a basis for the description of development which would typically be attached as Annex 1 to the S36 consent.

General approach

2.2 A final, detailed design is dependent on final technology and manufacturer choice and in a quickly evolving sector such as BESS, the Applicant requires a degree of retained flexibility in order that the proposed development be delivered efficiently. It is acknowledged however that S36 application process requires a degree of certainty in order to adequately assess the impacts of a development, and to ensure its suitability in spatial terms.

2.3 In order to achieve this strategic balance, the Applicant and their team have developed an indicative development layout illustrating how an installed capacity of up to 300MW (and all associated development) can be delivered on the site, and what form this could take.

2.4 In doing so, the wider indicative design is based upon a series of maximum development parameters, which form the basis of the environmental assessments undertaken in respect of the proposed development. These maximum development parameters define a series of maximum specifications which may result from the final design, ensuring that environmental assessments cover all eventualities, and that whatever the final form, it is within the scope of what is assessed and consented through this application process. For example: (i) the overall development footprint is the largest required to deliver the installed capacity; and (ii) the size of battery storage containers, substation infrastructure and all associated buildings has been maximised to ensure all landscape and visual effects will be within the scope of those assessed.

Description of the proposed development

2.5 It is suggested that the following comprises the description of development as an appropriate summary to be contained at Annex 1 to the S36 consent:

- Approximately 352 containerised battery units with a total export storage capacity of up to 300MW with associated inverters, switchgear units, closed loop cooling units, control units and associated electrical infrastructure mounted on concrete piers;
- Approximately 88 Power Conditioning Units (PCUs) mounted on concrete piers;
- A 132 kV transformer, either housed in a building or fenced;
- A building of around 2.5m height to house a Low voltage board;
- A substation;
- Security palisade fencing around the substation and battery compound with vehicular access gates to the compound entrance;
- Pole-mounted CCTV cameras;
- Laying out of a hard surfaced site access tracks connecting all parts of the site and providing access from the local road network;
- Car parking bays;
- Uncompacted gravel as a surface cover between the containerised units and equipment;

- Sustainable Drainage System (SuDS) attenuation and infrastructure;
- Landscaping and ecological enhancement;
- Temporary construction compound;
- Welfare units; and
- Spares and communications container.

2.6 The proposed development is illustrated at Figure 4.1 of the accompanying SEIR. Indicative/typical illustrations of specific elements of the proposed development are provided at Figures 4.2-4.9 of the SEIR. Final specifications for each elements will be agreed with THC at a later date.

Embedded mitigation and implications for consents

2.7 In developing the proposals, the Applicant has embedded mitigation measures within the proposed development, in two forms:

- Mitigation "designed-in" to the proposed development, taking account of environmental assessment work and incorporated within the proposed development in order to reduce levels of impacts. For example, the inclusion of designed landscaping to reduce impacts from landscape and visual perspectives; and
- Other management measures arising from a combination of established industry practice and the assessment work undertaken in respect of the proposed development. Many of these measures relate to the control of construction impacts, including pre-construction ecology/habitat surveys, and the implementation of Construction Environmental and Construction Traffic Management Plans.

2.8 Together these embedded mitigation measures contribute towards ensuring that the environmental effects of the proposed development are minimal, and where activities have the potential to give rise to disturbance, sufficient management measures are also in place to minimise.

2.9 Section 13 of the accompanying SEIR documents the full scope of proposed embedded mitigation measures. Where embedded mitigation measures relate to a specific environmental topic, these are discussed in "technical" terms in Appendices 3-7 of the SEIR.

Proposed conditions

2.10 As a result of the above, and as demonstration of the Applicant's commitment to all embedded mitigation, it is requested that planning conditions are attached to the deemed planning permission in respect of the following:

- Development to be undertaken in accordance with embedded mitigation measures as detailed within Section 13 of the SEIR;
- Final layout and design details (including finished ground levels, materials, colours, etc) of all BESS area and substation area plant and buildings to be agreed with the planning authority;
- Locations and details of the following to be agreed with the planning authority
  - External security fencing and security gate;
  - Water storage capacity, location and specifications of tank(s);
  - CCTV facilities;

    - Lighting columns;
- Construction Environmental Management Plan to be agreed prior to the commencement of construction;
- Pollution Prevention and Mitigation Plan to be agreed prior to the commencement of construction;
- Site Waste Management Plan to be agreed prior to the commencement of construction;
- Pre-construction surveys to be undertaken prior to the commencement of construction; and
- Construction traffic to be managed in accordance with Construction Traffic Management Plan.

3. Development Plan Policy

3.1 The development plan comprises National Planning Framework 4 (NPF4), published February 2023, the Highland-wide Local Development Plan (HwLDP), adopted April 2012, and the Caithness and Sutherland Local Development Plan (C&SLDP), adopted August 2018. Where there is inconsistency between the two documents, the Scottish Government has advised that the patter document, in this case NPF4, takes precedence.

3.2 Since the publication of the HwLDP and the C&SLDP pre-date the publication of NPF4, Section 13(3) of the Planning (Scotland) Act 2019, which sets out that in the event of conflict between NPF and LDP, whichever is adopted later takes precedence, applies. In this case, in the event of discrepancy between the three components of the development plan, including where one document is silent on a given issue, NPF4, being the latter, takes precedence. This position is clarified by a letter dated 8 February 2023 from Scotland's Chief Planner titled: Transitional arrangements for National Planning Framework 4 ("the Chief Planner's letter").

NPF4

3.3 As with previous iterations of NPF, NPF4 identifies a series of national developments, developments of national significance and required to deliver the Scottish Government's wider policy objectives, which underpin the strategic outcomes referenced in Annex A to NPF4. Unlike previous iterations however, NPF4 also includes a suite of thematic development management policies. The two elements are summarised in turn, below.

3.4 Further, NPF4 is underpinned by the Scottish Government's recognition of "the global climate emergency…" and the "…need to reduce greenhouse gas emissions and adapt to the future impacts of climate change…". Indeed, the significance of the need to decarbonise and deliver on climate change objectives echoes throughout NPF4.

3.5 The Town and Country Planning (Scotland) Act 1997 (as amended by the Planning (Scotland) Act 2019) directs that the NPF must contribute to a series of six outcomes and one of these includes "*meeting targets for emissions of greenhouse gases*" (NPF4, Annex A, page 95).

National development status

3.6 NPF4's national development number 3(a) includes reference to electricity storage from renewables exceeding 50MW capacity as included within the wider national development designation relating to Strategic Renewable Electricity Generation and Transmission. The designation is Scotland-wide and is described as follows:

"This national development supports renewable electricity generation, repowering, and expansion of the electricity grid.

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial

energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond."

3.7 In commenting generally, NPF4 states that national development are "significant developments of national importance that will help to deliver the spatial strategy…" That spatial strategy includes extensive reference to Scotland's net zero targets and investment in renewable energy and associated technologies.

Development management policies

3.8 For the first time, the fourth iteration of the NPF contains a series of development management policies, to be taken into account in the application decision making process. Alongside the publication NPF4, Scotland's Chief Planning wrote on 8 February 2023: *"…NPF4 must be read and applied as a whole… Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement."*

3.9 The following NPF4 policies are considered generally relevant to the proposed development, whilst those of particular significance (identified in bold text) are subsequently discussed:

- **Policy 1: Tackling the climate and nature crisis** – "gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions";
- Policy 3: Biodiversity;
- Policy 4: Natural places – "Policies 3 and 4 protect biodiversity and natural assets, which in turn play a crucial role in carbon reduction"; and
- **Policy 11: Energy** – "supports renewable energy development."

3.10 Policy 1 states: "When considering all development proposals significant weight will be given to the global climate and nature crises." The policy intent is: "To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis."

3.11 Policy 11(a) states: "Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include: … iii. Energy storage, such as battery storage…"

3.12 Policy 11(e) sets out design and mitigation measures demonstrating how impacts will be addressed, including: (i) on residential receptors; (ii) in landscape and visual terms; (vi) road impacts; and (viii) effects on hydrology, the water environment and flood risk.

3.13 Policies 3 and 4 are considered in more detail across the wider suite of application documentation. In terms of the application of Policy 3: Biodiversity, where guidance on methodology for calculating biodiversity enhancement is not yet published, Scotland's Chief Planner wrote on 8 February 2023: "…it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case."

The Highland Council LDP

3.14 In commenting on the aforementioned provision of Section 13(3) of the Planning (Scotland) Act 2019, the Chief Planner's letter states: *"It is recognised that it may take some time for planning authorities and stakeholders to get to grips with the NPF4 policies, and in particular the interface with individual LDP policies. As outlined above, in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible."*

3.15 As such, some LDP policies are considered to have been superseded by NPF4 development management policies, whilst others remain "extant". This distinction is made below. The LDP policies referenced below are from the HwLDP; the C&SLDP does not provide any policies of relevance to either site or the proposed development.

Extant policies

3.16 As with the approach to NPF4 policies, above, LDP policies of particular significance (in bold) are discussed in detail within this Statement, whilst others are discussed across the wider suite of application documentation.

3.17 The site is identified on the HwLDP proposals maps and being located within a wider area of local/regional importance, to which **HwLDP Policy 57** applies: *"…For features of local/regional importance we will allow developments if it can be satisfactorily demonstrated that they will not have an unacceptable impact on the natural environment, amenity and heritage resource..."*

3.18 Policies 28 and 29 establish general considerations for sustainable development and good design, ensuring new development integrates with its surroundings and does not conflict with wider amenities.

3.19 **Policy 36** provides a general policy basis for development in the countryside, which remains extant. In respect of renewable energy developments, Policy 36 defers to the HwLDP renewable energy policies and non-statutory documents, which are superseded by NPF4.

3.20 The following HwLDP policies are of a more "technical" environmental basis and relate to the assessments provided within Annexes 3-7 of the SEIR:

- Policy 55 – Peat and Soils;
- Policy 57 – Natural, Built and Cultural Heritage;
- Policy 58 – Protected Species;
- Policy 59 – Other Important Sites;
- Policy 60 – Other Important Habitats;
- Policy 61 – Landscape;
- Policy 63 – Water Environment; and
- Policy 64 – Flood Risk.

3.21 Whilst these policies remain extant, following the publication of NPF4 they should be assessed in the context of NPF4 policies, in particular policy 11.

Superseded policies

3.22 Policies 67 and 69 are superseded by NPF4's Policy 11 and are not considered further.

3.23 Policies PP 4: Purpose of Place and AD 4: Amount of Development, both relating to development in the green belt, are superseded by NPF4's Policy 8.

Status of the development plan

3.24 Whilst the Section 25 of the Town and Country Planning (Scotland) Act 1997, providing the primacy of the development plan as the basis of determination of planning applications, does not apply in the case of applications for S36 consent (as confirmed in the case of William Grant & Sons Distillers Ltd v Scottish Ministers (2012)), the development plan remains material and will likely form much of the basis of THC's consideration of the proposed development.

3.25 The policy assessment provided at Chapter 5 of this Statement considers the proposed development in the context of both the significant development plan policies summarised above (i.e. those in bold, with others being addressed elsewhere in the application documentation), and the energy policy summarised in Chapter 4.

4. Energy Policy

Scottish Energy Legislation and Policy

Scotland's Legislative Emission Reduction Targets

4.1 The Climate Change (Scotland) Act 2009 sets a long-term legislative framework to ensure a reduction in Scotland's greenhouse gas emissions by 42% by 2020 and ultimately, by 80% by 2050.

4.2 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Scottish Government, 2019a) sets targets for the reduction of greenhouse gases emissions. The objective is to contribute appropriately to the world's efforts to deliver on the Paris Agreement reached at the 21st Conference of the Parties of the United Nations Framework Convention on Climate Change. The Emissions Reduction Targets include a reduction of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030 and 90% by 2040. The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and greenhouse gas reduction targets is to meet the UK's commitment in the Paris Agreement.

Climate Emergency – National & Local

4.3 The Scottish Government declared a "climate emergency" in April 2019, which resulted in the aforementioned 2045 net zero targets.

4.4 In declaring the climate emergency the Scottish Government also recognised the role of the planning system in delivering associated objectives: *"…the next National Planning Framework and review of the Scottish Planning Policy will include consideration focus on how the planning system can support our climate change goals."*

4.5 THC declared its own climate emergency in May 2019 and subsequently published its Net Zero Strategy in October 2023.

2020 Routemap for Renewable Energy in Scotland

4.6 The "2020 Routemap" was originally published in 2011, with various subsequent updates, the last of which was published in September 2015.

4.7 The securing of a low carbon energy supply is a key element in achieving the target of an 80% reduction in emissions by 2050 (with an interim milestone of 42% by 2020). In recognition of this the Scottish Government has set further targets which include producing 100% of Scotland's electricity demand from renewable sources by 2020.

The Scottish Energy Strategy: The Future of Energy in Scotland

4.8 The Scottish Energy Strategy: The Future of Energy in Scotland sets out the Scottish Governments 2050 vision for energy in Scotland. One of the six 2050 vision includes renewable and low carbon solutions, specifically championing and exploring Scotland's huge renewable energy resources and ability to support energy targets.

4.9 The Strategy recognises the role of energy storage as an "…important source of flexibility." It continues by acknowledging the significance of energy storage as crucial to maximising the efficiency of intermittent renewable energy sources: *"Combining storage with wind and solar assets presents a valuable solution for the energy system as a whole, offering the potential for demand to be managed locally. This kind of flexibility and control will be important as electric vehicles become an integral part of the transport system."*

4.10 The Strategy precedes the national planning reforms of 2018-19, but recognises the role of the planning system in encouraging "grid connections which can help decentralise power systems across Scotland, noting the role and vale of energy storage solutions…".

4.11 Summarising "The Scottish Government agrees that storage is a strategically important issue, with real potential benefits for Scotland."

Electricity Generation Policy Statement

4.12 The Scottish Government published its Electricity Generation Policy Statement in 2013. The Statement assessed generation methods, whilst identifying necessary changes in order to meet climate change targets.

4.13 The Statement recognises that Scotland's renewables potential and considers that with successful deployment, could deliver up to £46bn of investment, whilst also delivering more than sufficient quantities of electricity to meet Scotland's demand. The excess could be exported to the rest of the UK and continental Europe, assisting delivery of carbon reduction targets further afield.

Draft Energy Strategy and Just Transition Plan

4.14 The Scottish Government consulted on its Draft Energy Strategy and Just Transition Plan early in 2023 following its in-depth analysis of Scotland's energy requirements. The Ministerial Foreword sets out a series of key ambitions for a decarbonised energy future for Scotland, including "Energy security through development of our own resources and and additional energy storage".

4.15 The draft Strategy recognises the role of grid scale BESS developments as one of "several technologies that can increase flexibility in our electricity system and provide wider benefits for consumers and society…"

4.16 At several points the draft Strategy also promotes the role of BESS in maintaining electricity grid stability and encourages changes to national electricity markets to take better advantage of their potential.

Low Carbon Scotland: Climate Change Plan – Third Report on Proposals and Policies 2018-2032

4.17 Published in September 2018, the document provides an overview of the Scottish Government's Climate Change Plan 2018-2032 (CCP). The document contains the most up-to-date renewable electricity generation data available:

4.18 "In 2015, Scotland had reduced its emission by 41% from the 1990 baseline, and in 2017Scotland generated 68.1% of its electricity requirements from renewables. Scotland's

success in decarbonising electricity paves the way for transformational change across all sectors of the economy and society, particularly as electricity will be increasingly important as a power source for heat and transport."

4.19 The CCP envisages that by 2032 Scotland will have reduced its emissions by 66%, while growing the economy, increasing the wellbeing of communities, and protecting and enhancing Scotland's natural environment. Further, the CCP proposes that by 2032 Scotland's electricity system will be largely decarbonised, with an increased role as a power source for transport and heat.

Protecting Scotland's Future: The Scottish Government's Programme for Scotland 2019-20

4.20 In light of the climate emergency, Scotland has committed to some of the most ambitious statutory emissions reductions in the world. A net zero emissions target by 2045 highlights the ambition that Scotland will no longer contribute to global greenhouse gas emissions and climate change.

4.21 The Scottish Government's 2019-20 Programme focuses on the transition to net zero and the identifies associated opportunities. Key objectives of the 2019-20 Programme are centred around reduction of CO2 emissions and encourage investment in and implementation of renewable energy projects. In addition, the Programme highlights the role of the planning system in achieving the net zero objectives.

Reducing emissions in Scotland – 2020 Progress Report to Scottish Parliament

4.22 The Climate Change Committee's 9th annual progress Report to the Scottish Parliament stated that Scotland's greenhouse gas emissions fell by 31% during the period 2008-2018. A reduction in emissions in the energy sector, where Scottish renewable electricity generation has tripled and fossil-fuelled generation has fallen by more than 70% during the same period, was a significant contributing factor. Greenhouse gas emissions increased by 2% in 2018, following a reduction of 3% in 2017.

4.23 Scottish Government priorities include the production a new CCP before the year end, focusing upon the 2045 net zero target and aligning the emerging NPF4 with this target. In doing so, the Report recognises the role of NPF in contributing towards a favourable planning framework to deliver a low carbon, efficient energy system and climate resilient infrastructure. In doing so, NPF should provide a positive planning policy basis for major renewable energy projects, including onshore elements of offshore wind.

Update to the CCP – Securing a Green Recovery on a Path to Net Zero

4.24 In December 2020 the Scottish Government published a draft update to the CCP. The plan sets out the approach to delivering a green recovery, and a pathway to delivering world leading climate change targets through the period to 2032. By 2032 Scotland's electricity system will be transformed, with over 100% of electricity demand met from renewable sources, reflecting a substantial increase in renewable generation, particularly through offshore and onshore wind capacity. Whilst much of Scotland's electricity generation has decarbonised since publication of the 2020 Routemap, there is a need for increased investment in renewable energy and associated technologies such as energy storage.

UK Energy Legislation and Policy

The Climate Change Act 2008

4.25 The Act sets out emission reduction targets that the UK must comply with legally and represents the first global legally binding change mitigation target set by a country. The Act committed the UK to reducing its greenhouse gas emissions by 80% by 2050, compared to 1990 levels. However, this target was made more ambitious in 2019 when the UK became the first major economy to commit to a 'net zero' target which requires the UK to bring all greenhouse gases emissions to net zero by 2050.

The Energy Act 2013

4.26 These provisions enable the Secretary of State to set a 2030 decarbonisation target for the electricity sector in secondary legislation. The Act puts in place measures to attract £110 billion investment which is needed to replace current generating capacity and upgrade the grid by 2020 to cope with a rising demand for electricity.

5. Policy Assessment

5.1 Chapters 3 and 4 of this Statement summarise relevant development plan and energy policies. In terms of the former, those of a more "technical" environmental subject matter, for example, biodiversity, landscape and ecology, are assessed across the wider suite of documentation accompanying this application for S36 consent, summarised within the SEIR and in detail in its associated annexes. Such assessments underpin many of the embedded mitigation measures documented at Chapter 2.

5.2 This Chapter focuses therefore on policies relating to the proposed development as a technology which is an essential part of the decarbonisation of the energy industry in contributing towards national and international target and obligations, i.e. the need for the proposed development and its significance in NPF4 and energy policy terms, and on site specific policies.

Policy status of the proposed development, including principle of development

5.3 The starting point of any policy assessment should be the recognition of the acceptability of the principle of the Proposed Development.

5.4 The principle of development is established from several perspectives:

- National development number 3 as defined by NPF4, recognising the strategic significance of, and need for, the proposed development;
- NPF4 Policy 1 recognises the significance of the global climate emergency, stating: "*when considering all development proposals significant weight will be given to the global climate and nature of crisis*"; and
- NPF4 Policy 11 supports, without qualification, development proposals for all forms of renewable, low carbon and zero emissions technologies, including at part (a)(iii) "energy storage, such as battery storage…"

5.5 From Chapter 4's summary of relevant energy policy, the climate emergency is established in local, national and international terms, and the role of low carbon electricity sources is fundamental to meeting local, national and international targets and obligations. It is further recognised that many low carbon technologies can be intermittent in their supply, meaning a reliance on such technologies also requires progression of storage technologies. Without such, there are likely regular imbalances of supply and demand, i.e. high yield from renewable sources at periods of low consumer demand, and low yields at periods of high demand. Storage technologies are recognised as facilitating this balance, charging at periods of high yield and/or low demand; and discharging at periods of low yield and/or high demand. Without this balance, the electricity grid cannot accommodate a reliance on renewable sources, and security of supply could be significantly jeopardised.

5.6 BESS developments are also recognised as contributing to meeting short-term periods of peak demand on the electricity grid. Such periods, often addressed by fossil-fuelled "peaking" plant, require technologies which can input electricity to the grid quickly and at short notice, again contributing to securing of supply in a decarbonised way.

5.7 The proposed development contributes to a secure and balanced electricity grid relying on low carbon and renewable sources of generation. In doing so, it also provides biodiversity enhancements in the form of landscape planting (species-rich grassland, hedgerows, and woodland) and provision of boxes for bats, pine marten, barn owl, and birds and habitat boxes.

5.8 These enhancements, and associated protection and monitoring measures, are discussed in the Biodiversity Enhancement and Management Plan which forms Annex 4 to the SEIR.

5.9 In infrastructure terms, these contributions are recognised by NPF4 in the inclusion of storage technologies as part of national development number 3. When coupled with the language of NPF4's policy 1, it is clear that NPF4 expects the planning system not only to facilitate such development, but also to make determined and positive contributions towards ensuring its delivery, as part of "tackling" climate and nature crises.

5.10 Further, NPF4's Policy 11(a) includes unqualified provision that development proposals for a range of renewable, low-carbon and zero emission technologies, including battery storage "…will be supported."

Site specific policy

5.11 With the principle of the proposed development clearly established in general terms, the principle of the proposed development at the site requires consideration. HwLDP policies 36 and 57 are of particular relevance in this regard.

Policy 36

5.12 Policy 36 requires consideration against various elements:

- In terms of siting, design, patterns of development, and landscape capacity, the proposed development is acceptable against the backdrop of NPF4's Policy 11 and national energy policy, given the contribution of the development towards the delivery of renewable energy targets. In landscape terms, Annex 3 of the SEIR provides a detailed appraisal, and alongside the proposed embedded landscape mitigation, the proposed development is considered consistent with these elements of Policy 36;
- The proposed development would not result in the loss of locally important croft land; and
- The proposed development provides sufficient drainage.

5.13 The proposed development is therefore considered consistent with Policy 36.

Policy 57

5.14 NPF4's Policy 11(e)(ii) to some extent supersedes Policy 57 in stating, with regards to landscape and visual impacts, states: "… Where impacts are localised and/or appropriate design mitigation has applied, they will generally be considered to be acceptable." In meeting this test, the proposed development complies with extant landscape and visual-related development plan policy.

5.15 Notwithstanding, the applicant also considers that the proposed development is consistent with Policy 57, in that the suite of application documentation clearly demonstrates that the

proposed development will not have an unacceptable impact on the natural environment, amenity and/or heritage resources of local/regional, national or international importance.

Summary – the planning balance

5.16 NPF4 recognises the significant role of the planning system in tackling the climate emergency. It attaches significant weight to developments which contribute towards meeting Scotland's wider decarbonisation and net zero targets and obligations, indeed these requirements underpin the document as a whole. The proposed development contributes in this regard and is of a type recognised as essential to balancing an electricity grid dependent upon intermittent renewable sources of energy, and to ensuring security of supply.

5.17 Notwithstanding, the planning balance emerging from NPF4 is clear in the prioritising of infrastructure contributing towards the delivery of climate change-related requirements. There is no ambiguity in this:

- Such infrastructure, including the proposed development, benefits from national development status in NPF4;
- Its Policy 1 requires the tackling of the climate and nature crises, expressly attaching significant weight to development contributing towards addressing the climate emergency; and
- Policy 11 provides an unqualified statement that: "Development proposals for all forms of renewable, low carbon and zero emissions technologies [*including energy storage such as battery storage*] will be supported".

5.18 The role of battery storage is also recognised throughout Scottish and UK energy policy. Without such infrastructure, the imbalance of an electricity grid underpinned by renewable energy sources could jeopardise security of supply, significantly undermining the delivery of net zero targets and objectives in the process.

5.19 The planning balance strongly tends towards supporting the proposed development.

6. Summary

6.1 Scottish and UK energy policy requires the delivery of energy storage and recognises it as an essential component of balancing a national electricity grid reliant on intermittent renewable energy sources. Without such infrastructure, the imbalance of supply and demand could significantly undermine net zero efforts and jeopardise security of electricity supply.

6.2 NPF4's national development number 3 recognises the importance of electricity storage developments exceeding 50MW as contributing significantly to the low carbon transition and afforded national development status accordingly. Such status is recognition of the national significance of the proposed development and its contribution towards the Scottish Government's wider policy aspirations.

6.3 NPF4's policies 1 and 11 reinforce this recognition, underpinning Scotland's planning system with the requirement to contribute towards addressing the climate emergency, and expressly supporting battery storage developments. Beyond this "in principle" support, the proposed development is consistent with extant development plan policy, as deomstrated throughout the suite of application documentation.

6.4 The comprehensive suite of supporting documentation submitted alongside this application for S36 consent demonstrate that, whilst contributing to the net zero efforts in accordance with NPF4, the proposed development do so with minimal impact. The series of embedded mitigation measures, controlled through conditions attached to the deemed planning permission, will help to ensure this.

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