DAVID BELL PLANNING
CHARTERED TOWN PLANNERS

Field Spittal

Battery Energy Storage System (BESS)

Planning Statement

December 2024

FIELD

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Contents

1. Introduction and Overview

1.1 Introduction

1.1.1 Field Spittal Limited (Field) ("the Applicant") has submitted an application under section 36 of the Electricity Act 1989 ("the 1989 Act") along with a request that Ministers issue a direction that planning permission is deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 ("the 1997 Act") for consent to construct and operate a battery energy storage system (BESS) with a capacity up to 300 megawatts (MW) with associated access, landscaping and ancillary works ("the Proposed Development"). The Proposed Development would charge and discharge from the electricity transmission network via the adjacent Spittal 275 kV substation.

1.1.2 Field develops, builds and operates renewable energy infrastructure needed to get to net zero and is a leading developer of grid-scale batteries across the UK and Europe. As owner/operators, Field is responsible for the projects throughout their lifetime and have a pipeline of battery projects across development, construction and operation.

1.1.3 The Proposed Development responds to the need for a significant transition in the UK's energy network, as part of the drive to net zero and the associated increase in renewable energy generation. BESS located in areas where there are large amounts of existing renewable energy generators, such as at Spittal, play a vital role in decarbonising the energy sector whilst also helping maintain reliable energy security for consumers. BESS support the grid network and provide an important role particularly in current times when there is an urgent need for substantive grid network reinforcement; battery storage is critical to capture renewable energy generation and increase security of supply.

1.1.4 This Planning Statement considers the case for approval in land use planning policy terms at the national (National Planning Framework 4 (NPF4)) and local (The Highland Council) levels. Reference is made to the Development Plan and national planning and energy policy both of which support the delivery of electricity infrastructure that will assist in the delivery of the Government's legally binding 'net zero' commitments and which will ensure security of supply to customers.

1.2 The Applicant

1.2.1 Field is a leading renewable energy developer, owner and operator of grid-scale BESS across the UK and Europe. Field's aim is to develop manage and operate BESS that reduce greenhouse gas emissions, support stable grid operation, increase energy security and bring down electricity prices for consumers.

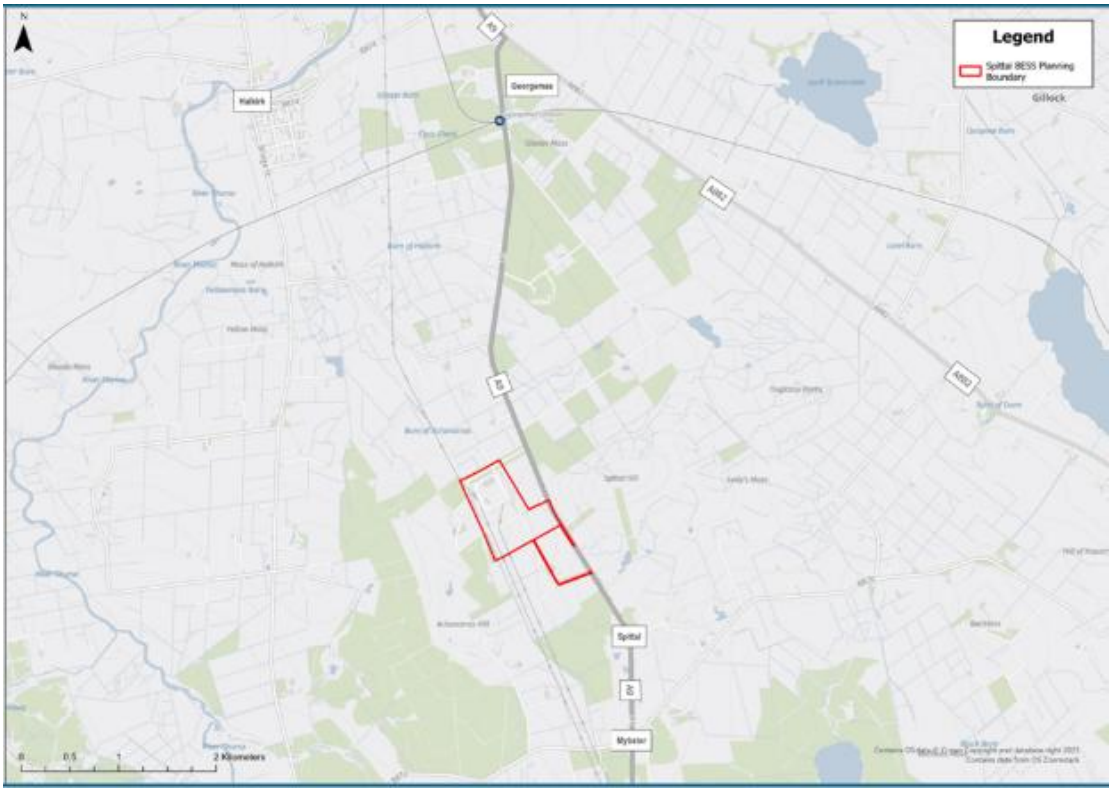
1.2.2 Field has an extensive portfolio of BESS across the UK and Europe, from development through to operation. In the UK, Field currently owns and operates three BESS, with two more projects in construction (one of which is in Scotland, close to the Fort Augustus Substation) and a further 4.5 GW of projects in the pipeline for development or in exclusivity with partners across the UK and Europe.

1.2.3 Field is responsible for all stages of project delivery, from initial site identification and landowner engagement through to design, planning, construction and operation. As long-term operators, Field is committed to developing projects that are safe, environmentally sustainable and minimise impacts on local communities; achieved through careful site design and meaningful stakeholder engagement.

1.3 Site Location and Description

1.3.1 The site is located on agricultural land at Spittal Mains Farm directly south of the existing Spittal converter station, approximately 1.5 km northwest of the village of Spittal in Caithness and directly west of the A9.

Figure 1: Site Location Plan



1.3.2 The location of the Proposed Development is driven a number of factors including connectivity to the grid, land availability and environmental constraints. In terms of grid the site location is driven by its proximity to the agreed grid connection point with Scottish and Southern Electricity Networks (SSEN), who have confirmed that there is an available connection point and available capacity at Spittal substation. The Applicant has accepted a grid connection offer for the Proposed Development. The grid connection date for the Proposed Development is 2030, however it is expected that this will come forward to 2028 as part of the Accelerated Offers process with SSEN.

1.3.3 Locating the Proposed Development next to the grid connection point maximises electrical efficiency, decreases the required cable length (which reduces development impacts) and ensures the co-location of electrical infrastructure.

1.3.4 The overall site area comprises approximately 48.58 hectares (ha) of agricultural grazing / forage crops / non-prime land (predominantly agricultural capability class 4.2 and some small areas of classes 5.3 and 6.3). The Proposed Development built form will have a final development footprint of approximately 9.51 ha including an underground cable route.

1.3.5 The site offers suitable access to the A836 and benefits from an existing site access to the east of the site.

1.3.6 The parcel of land directly east of the site has been included within the planning boundary to accommodate a proposed landscape bund, new access road and biodiversity enhancement.

1.3.7 The access road south of the site has been included which extends via Spittal Mains Farm and connects to the A9. This road is required for use during construction to construct the new proposed access road.

1.3.8 The site has been selected based on its location away from nearby residential areas to reduce potential impacts on the amenity of surrounding residents in the form of noise or visual effects. Whilst some residential receptors do existing approximately 800 m east of the site, any potential impacts can be appropriately mitigated through site design, including landscaping.

1.3.9 Large areas of existing woodland surrounding the site and offer natural screening from longer range views.

1.4 Environmental Impact Assessment (EIA) and Public Consultation

1.4.1 The Applicant submitted an Environmental Impact Assessment (EIA) Screening Request to the Energy Consents Unit (ECU) of the Scottish Government on 19th April 2024. A negative response was received from the ECU on 6th November 2024 confirming that no EIA would be required. Notwithstanding that position, the Applicant has prepared a number of supporting technical and environmental appraisals in support of the Proposed Development as noted below:

- Archaeological Desk-based Assessment;
- Drainage Strategy;
- Ecological Impact Assessment;
- Flood Risk Assessment;
- Ground Investigations Preliminary Risk Assessment;
- Ground Investigations Phase 2 Report;
- Landscape and Visual Appraisal;
- Noise Impact Assessment;
- Transport Statement including Outline Construction Traffic Management Plan
- Outline Battery Safety Management Plan;
- Socio-Economic Impact Assessment; and
- Pre-Application Consultation Report.

1.4.2 Statutory consultation does not form part of the section 36 application process however best practice references that the Town and Country Planning procedures for consultation on 'major development' should be followed where possible. The Highland Council (THC) recommend that a Proposal of Application Notice (PAN) is submitted (recognising that the statutory procedures and timescales are not binding on section 36 applications) allowing Elected Members and the wider community to be fully advised and informed of development in their respective areas.

1.4.3 A PAN was therefore submitted on 19th April 2024. Two public consultation events for the Proposed Development were held at Spittal Village Hall on 2nd May 2024 and 30th May 2024. The section 36 application is supported by a Pre-Application Consultation (PAC) Report which outlines the public engagement undertaken and it sets out how matters raised within consultation have been responded to.

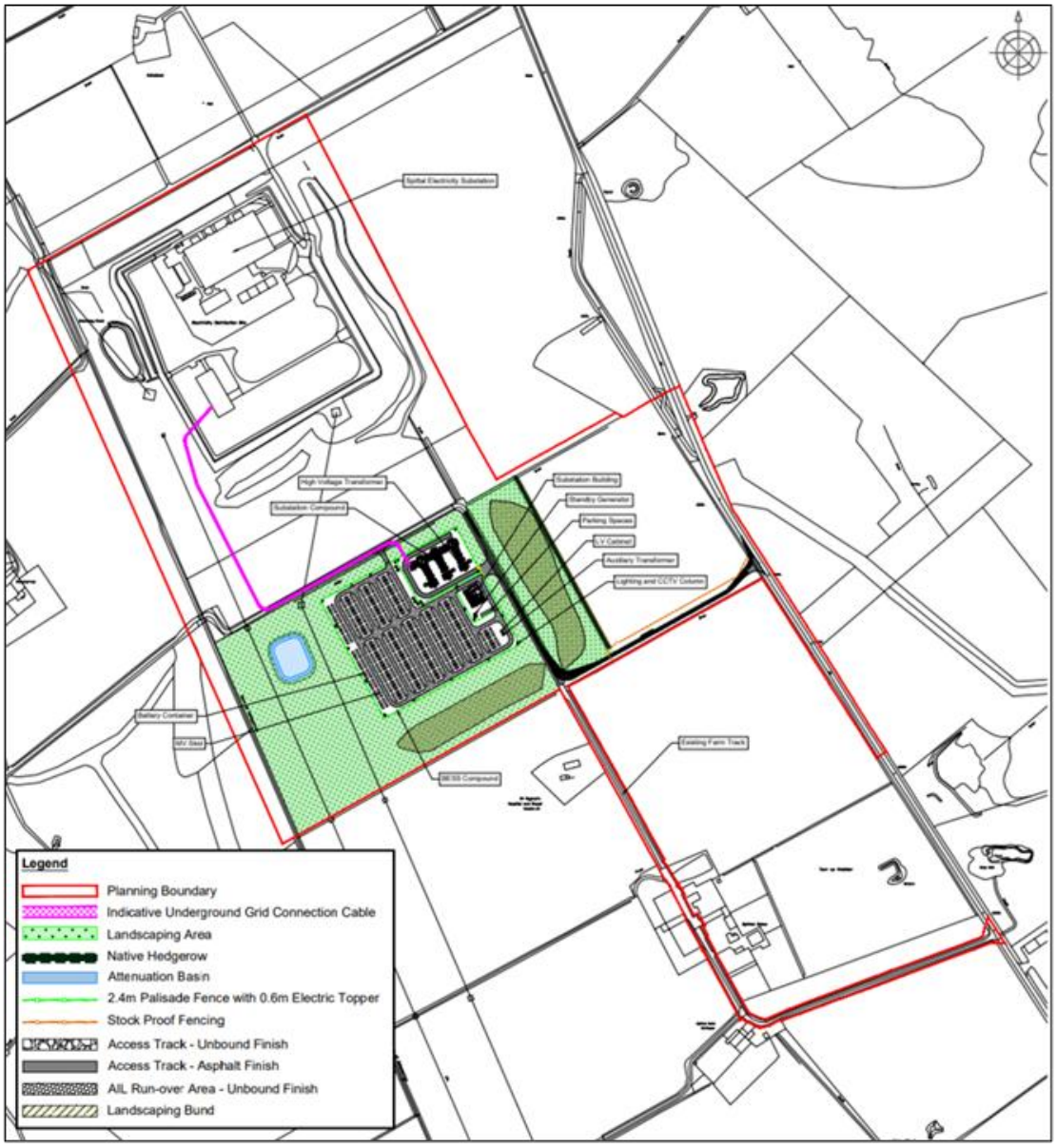
1.5 The Proposed Development

1.5.1 The Proposed Development principally comprises the construction and operation of a battery energy storage system (BESS) with a capacity of up to 300 MW (MWh), with associated access, landscaping and ancillary works. The Proposed Development would have a total development footprint of circa 9.51 ha.

1.5.2 BESS is a rapidly developing technology sector, with continued advancements in battery chemistries, energy densities, and associated infrastructure. Whilst the fundamental components like battery modules, transformers and switchgear are well-established, the exact specifications can vary between projects and technology providers.

1.5.3 The dimensions and descriptions provided herein represent the indicative specifications based on the current design and best available information at the time of this application for consent. However, it should be noted that further refinements may occur as the detailed design progresses in step with battery technology development. The details provided aim to reasonably encompass the anticipated specifications to inform environmental assessments and mitigation measures. Final design details will be confirmed once contractors and suppliers have been selected and detailed design work has been undertaken pre-construction.

Figure 2: Proposed Site Layout



1.5.4 The key components of the Proposed Development are shown in Figure 2 and are described in more details as follows:

> A BESS compound comprising:

- Individual battery storage units / containers arranged into rows;
- Medium-voltage (MV) skids each of which house two power conversion systems (PCS) units and one medium voltage transformer (one MV skid per two battery units / containers);

- Ancillary infrastructure including low-voltage (LV) cabinets, auxiliary transformers and underground ducting and cabling.

> A high voltage substation compound comprising:

- Three high voltage (HV) 132.275 kV grid transformers;
- Auxiliary transformers and low voltage distribution infrastructure;
- An on-site substation building comprising a control room, high voltage switch room and welfare facilities;

> An underground 275 kV grid connection cable between the HV substation compound and the existing Spittal substation;

> 3 m high palisade security fencing around the site compounds;

> Cut and fill / earthworks and foundational civil structures to create a level compound upon which the batteries, substation and other ancillary structures will be located;

> Access arrangements including a new access road onto the A9, internal access tracks throughout the BESS and substation compounds and parking spaces;

> CCTV and lighting columns across the site;

> Drainage infrastructure, including an attenuation basin;

> Landscape measures, including two earth bunds along the site's southern and eastern boundaries; and

> Biodiversity mitigation and enhancement measures.

1.5.5 Key components of the Proposed Development are described in more details as follows.

Battery / BESS Compound

1.5.6 The Proposed Development includes a single battery compound which accommodates the individual battery units which comprise cabinets that house lithium-ion batteries and associated equipment.

1.5.7 The topography if the site slopes from south-east to north-west. Some earthworks are required to create a generally flat site for the compound. This involves cutting into the existing site in some locations and raising the ground level using on-site fill in others. The site has been designed to re-use cut and fill materials on site as much as possible; with any excess materials from the cut to be used across the site.

1.5.8 Each individual battery container is fitted with:

> Ventilation and internal cooling systems to ensure optimal battery efficiency;

> Fire detection technology, including heat / smoke sensors and alarm systems; and

> Automatically activated aerosol-based fire suppression systems in the event of a fire.

1.5.9 Battery containers are arranged in pairs, each pair being serviced by an adjacent Medium-voltage (MV) skid. An 'MV skid' comprises:

> Two Power conversion systems (PCS) which convert the direct-current (DC) electricity stored in the battery units to alternating-current (AC) electricity when discharging to the grid, and the opposite when charging; and

> One MV transformer, which changes the voltage of electricity being transported between the battery units and the substation. These increase the voltage when discharging to the grid ('stepping up') and decrease ('stepping down') when charging.

1.5.10 The exact number of individual battery storage containers and MV skids will depend upon the battery technology that is available at the time of construction. Battery technology is advancing rapidly, so exact specifications are reserved at this time. However, the battery specifications used for the site layout as proposed determine that there could be 196 battery and 98 associated MV skids.

Substation Compound (132 kV Substation and Operations / Maintenance Building)

1.5.11 The substation compound accommodates electrical infrastructure required to import and export electricity between the Proposed Development and Spittal substation. This includes:

> Three high-voltage 132/275 kV transformers;

> Two auxiliary transformers;

> Air-insulated switchgear;

> A combined substation building comprising:

- On-site control room;
- High-voltage switch room;
- Welfare facilities.

1.5.12 The infrastructure is co-located in the north-eastern corner of the BESS and Substation compound.

Interface substation and underground grid connection cable

1.5.13 An approximately 800 m long underground 275 kV grid connection cable is proposed between the substation compound and the adjacent Spittal substation.

1.5.14 The final cable alignment will be agreed between the Applicant and SSE.

Access Tracks

1.5.15 The Proposed Development includes a new approximately 300 m long access track between the A9 and the site. The new access point on the A9 includes gated access, bellmouth and a 20 m hard standing set back from the edge of the carriageway.

1.5.16 The new access road connects to the existing farm track, which will be upgraded to ensure it is capable of accommodating all required construction and emergency vehicles. From this road, separate accesses are provided into the site including:

> Two access points to the main BESS compound and substation allowing multiple points of access and egress in the event of an emergency.

> Circuitous single-land access tracks are proposed throughout the BESS and substation compounds to provide operational access between the battery strings and associated equipment.

> All internal access tracks would be 5 m wide to accommodate emergency vehicles and surfaced with permeable crushed aggregate.

Fencing

1.5.17 3 m high security fencing is proposed around all electrical equipment, including the battery compound, substation compound and interface substation. This fencing comprises 2.4 m high palisade fencing with a 0.6 m high electric topper.

1.5.18 In areas where security fencing is not required, stock proof fencing is proposed to prevent access from livestock.

Lighting and CCTV

1.5.19 Lighting and CCTV columns up to 5.1 m high are proposed around the Site to provide full surveillance coverage of the Proposed Development. The lighting would not be used during normal operations and would only be required during emergency overnight maintenance activities or emergency security situations. Lighting would be low level directional LED lighting with shrouds to prevent any upward light spill.

Sustainable Urban Drainage System (SUDS)

1.5.20 Two existing drainage ditches drain from east to west along the site's northern and southern field boundaries. These connect into the existing Burn of Achanarras which drains from south to north along and western edge of the site and eventually outfalls into the River Thurso.

1.5.21 Surface water generally drains west across the site into the existing drainage ditches and into the Burn of Achanarras. Proposed drainage infrastructure would maintain the site's existing outfall point into the Burn of Achanarras, including the drainage of some surface water directly into the existing norther and southern drainage ditches.

1.5.22 An attenuation basis is also proposed west of the BESS compound which will collect water and discharge it into the Burn of Achanarras at the restricted greenfield run-off rate (and including the 1:200 year event). Drainage infrastructure will including filter drains to prevent the discharge of polluted run-off, including any fire water that may be used for boundary cooling purposes, into the wider water environment.

Landscaping Mitigation and Biodiversity Enhancement

1.5.23 A full site Landscaping Plan and Biodiversity Enhancement Plan are proposed to be implemented across the Site to reduce visual impacts and to contribute to the delivery of biodiversity enhancements including substantive hedgerow improvements along the site access.

1.5.24 Naturalistic landscape / earth bunds are proposed along the site's southern and eastern boundaries to screen views toward the Proposed Development from the A9 and southern viewpoints. The introduction of trees or hedgerows has been avoided to ensure the Proposed Development remains visually consistent with its surrounding landscape context.

Indicative Dimensions

1.5.25 BESS technology is rapidly developing, with continued advancements in battery chemistries, energy densities and associated infrastructure. While the fundamental components are well established, the exact specifications can vary between projects and technology providers.

1.5.26 The dimensions and descriptions provided herein represent the indicative specifications based on the current design and best available information at the time of the planning application. It should be noted that further refinements may occur as the detailed design progresses and technology evolves. The details provided aim to reasonably encompass the anticipated specifications to inform environmental assessments and mitigation measures.

The indicative dimensions of key project components are summarised in **Table 1.1** below:

Table 1.1: Indicative Project Components

Component	Maximum Dimensions
Battery Compound	
Battery unit / container	6.06 (L) x 2.44 (W) x 3.2 (H) m
MV skid (comprising 2 x power control systems and 1 x medium voltage transformer)	12.19 (L) x 2.44 (W) x 3.61 (H) m
LV cabinet	1.50(L) x 2.00 (W) x 2.05 (H) m

Component	Maximum Dimensions
BESS compound auxiliary transformer	2.23 (L) x 1.98 (W) x 2.71 (H) m
Security fencing	3.00 (H) m
Substation Compound	
High voltage transformer	10.75 (L) x 4.45 (W) x 7.65 (H) m
Substation building (including control room, switch room and welfare facilities)	25.20 (L) x 20.65 (W) x 4.92 (H) m
Transmission operator auxiliary transformer	1.88 (L) x 2.23 (W) x 2.71 (H) m
Security fencing	3.00 (H) m
Site Wide	
Site access	Minimum 4 m wide, approximately 300 m from the A9 to existing farm track.
Underground 275 kV grid connection cable	560 m
Internal Access Tracks	Minimum 5 m wide, approximately 1.68 km of access tracks
Car parking	5.00 (L) x 2.40 (W) m each
Lighting / CCTV columns	5.10 (H) m

Site Boundary

1.5.27 The Proposed Development's overall 'redline' planning boundary (48.58 ha) is significantly larger than the proposed development footprint (approximately 9.51 ha). The redline was defined early in the development process, such that it could be included in the PAN, and in advance of detailed technical assessments having been undertaken. The redline therefore allowed flexibility for design, subject to the outcome of the assessments. The final development footprint is secured through the detailed site plans, submitted as part of the application.

1.5.28 The extended boundary also incorporates the entire Spittal 275 kV substation site into the planning boundary to ensure appropriate flexibility is provided for the point of connection. The cable route corridor is indicative at this stage, and an enlarged planning boundary allows the route to be adjusted, if necessary, once the cable route has been confirmed with SSEN. The point-of-connection sits within Spittal substation on SSEN's land, with the exact location of the point-of-connection and associated cable route subject to SSEN's guidance and coordination with other proposed connections in the area.

1.5.29 An additional parcel of land is also included to the east to accommodate a proposed landscape bund, new access road and biodiversity enhancements.

1.5.30 The design has aimed to use the land within the planning boundary as efficiently as possible whilst still responding to the site's topography, environmental constraints, safety requirements and constructability.

1.6 Construction, Operation and Decommissioning

Construction

1.6.1 The construction process is estimated to take up to two years and would comprise the following key activities:

> Site preparation and establishment activities, including vegetation removal and the erection of temporary fencing;

- Earthworks and establishment of site compound;
- Construction of equipment platforms and foundations, including underground ducting and cabling;
- Delivery and arrangement of equipment;
- Cabling and connection works between battery equipment, ancillary equipment and substation compound;
- Installation of underground cabling between substation compound and Gills Bay substation;
- Testing and commissioning; and
- Landscape planting, earthworks and site restoration.

1.6.2 The final construction sequencing and programme will be determined subject to detailed design following the appointment of a suitable construction contractor. Landscaping and site restoration would be programmed and carried out as early as possible following construction to ensure landscape planting is given suitable time to establish, and any disturbed areas are returned to their pre-development condition.

1.6.3 The majority of construction traffic would be limited to the initial 12 months of the construction period during the civils stage and equipment deliveries. A Transport Statement and Outline Construction Traffic Management Plan (OCTMP) has been prepared to support the application which outlines expected traffic movements and traffic management measures. Subject to a consent being granted, a final CTMP would be prepared for approval by the Highland Council prior to any construction works commencing.

Operation

1.6.4 The Proposed Development would be available to import and export electricity on a 24/7 basis. During normal operations, the facility would be operated entirely remotely. It would only be necessary for a maintenance engineer to visit the Site during routine maintenance visits (approximately monthly) or in the rare event that emergency maintenance is required.

1.6.5 On-site security, including security fencing around battery compounds and gated accesses would ensure the Site is secure and not accessible to the public or trespassers. On-site CCTV cameras, motion sensors and security lights are proposed to ensure full coverage of the Site. An off-site security contractor would be appointed to ensure 24/7 monitoring of the Site and to ensure any security breaches are responded to, including police notification.

1.6.6 To reduce light pollution, the Site would not be lit at night, and lighting would only be used during emergency maintenance events or if triggered by a security breach. Lighting would be low level directional LED lighting with shrouds to prevent any upward light spill.

Decommissioning

1.6.7 The Proposed Development would have an operational life of 30 years, after which the Site would be restored to its former use. Decommissioning works and site rehabilitation would be subject to a Decommissioning Strategy which would be prepared in consultation with and approved by the local planning authority prior to the commencement of any works.

1.6.8 Decommissioning works would include the safe removal of electrical equipment and foundations down to 1 m below ground level, to ensure the Site can be effectively returned to its former use. The works will consider all relevant environmental legislation and technology available at the time of decommissioning, and notice will be given to the local planning authority prior to the commencement of any works.

1.7 The Statutory Framework

1.7.1 An application under section 36 of the 1989 Act for consent for the construction and operation of an electricity generating station whose capacity exceeds 50 MW is significantly different from an application for planning permission for a similar station whose capacity is 50 MW or less.

1.7.2 Section 25 (status of the Development Plan) of the 1997 Act does not apply to the determination of applications under section 36 of the 1989 Act as confirmed in the case of William Grant & Sons Distillers Ltd v Scottish Ministers [2012] CSOH 98 (paragraphs 17 and 18).

1.7.3 In addition, there are potentially certain environmental duties in relation to Preservation of Amenity and Fisheries Provisions in Schedule 9, paragraph 3 that may apply.

1.7.4 At this time the Applicant does not hold a generation licence and therefore the statutory duties set out in paragraph 3 of Schedule 9 to the 1989 Act do not currently apply to the Applicant when formulating proposals for consent under section 36 of the 1989 Act. The Applicant has however, through the assessment process, had due regard to the matters set out in paragraph 3(1)(a) of Schedule 9.

1.7.5 The Proposed Development has been screened negatively for EIA purposes and is not EIA Development. Notwithstanding this position, supporting environmental and technical assessments describe the various factors that have been taken into account in the formulation of the application. These assessments identify likely effects and, where appropriate, mitigation to minimise impact either through embedded design or specific measures such as screening planting, and biodiversity enhancement measures.

1.7.6 The Scottish Ministers are obliged to consider whether the Applicant has provided sufficient information to enable them to address their duties under sub-paragraph 3(2)(a) of Schedule 9 to the 1989 Act. The duty on the Scottish Ministers is to have regard to the desirability of the matters specified in Schedule 9. Schedule 9 is not a development management test.

1.7.7 In considering the overall statutory and regulatory framework within which the Proposed Development should be assessed, the statutory Development Plan is a material consideration which should be taken into account in the round with all other relevant material considerations. It is important to note however, that section 25 of the 1997 Act is not engaged as there is no 'primacy' of the Development Plan in an application made under the 1989 Act.

1.8 Policy Status of Development

1.8.1 It is important to note the national planning policy status of the Proposed Development as follows:

- The Proposed Development is designated as a National Development (ND) under the provisions of National Planning Framework 4 (NPF4) ND3 under the class of development noted at (a) as "*on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity"*.
- ND3 supports renewable electricity generation, including storage repowering, and expansion of the electricity grid. The socio-economic assessments as part of a wider 'needs case' form an integral part of the justification for development of Scotland's 'Strategic Renewable Electricity Generation and Transmission Infrastructure.' This type of infrastructure is explicitly supported, encouraged and facilitated by NPF4 under the provisions set out in Policy 11(a)(ii) (Energy).
- The Proposed Development is for a critical mechanism to help decarbonise the transmission network to optimise the transmission of renewable connections and transmission of energy to the wider GB network. The Proposed Development also has the status of Essential Infrastructure in NPF4.

- The Statement of Need for the Proposed Development as contained in NPF4 is as follows:

  "*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. Delivery of this national development will be informed by market, policy and regulatory developments and decisions.

  Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience across Scotland… as well as delivering wider social and economic benefits."

  Spittal BESS responds to this need and delivers essential infrastructure required in the drive to net zero.

- The Proposed Development will support and enhance critical balancing of power use and reduce reliance on fossil fuels, and in doing so further enhance security of supply to the national grid. BESS are required as vital transmission support stations to deliver the Government's legally binding targets for net zero emissions and renewable energy electricity generation targets and policy objectives.

- The Proposed Development has been designed to minimise environmental impacts to ensure the long-term protection of the local and wider environment and deliver development which is sustainable.

1.9 Structure of Planning Statement

1.9.1 This Statement seeks to address the pertinent land use planning policy matters relevant to the determination of the application, to aid decision makers in their assessment and draw conclusions on the Proposed Development.

1.9.2 The planning policy framework changed significantly in early 2023 when NPF4 came into effect. This Planning Statement provides an assessment of the Proposed Development against relevant policy provisions and the statutory Development Plan. The appraisal also highlights where there are incompatibilities between national planning policies and those of the Highland-wide Local Development Plan. This Statement is structured as follows:

- **Chapter 2** provides an overview of the Proposed Development and sets out key facts on operation and purpose, need, site selection, design, safety (including fire safety) and the benefits of the proposal.

- **Chapter 3** sets out the up-to-date position with regard to renewable energy policy and emissions reduction legislative framework and includes reference to the Scottish Government's Draft Energy Strategy and Just Transition Plan;

- **Chapter 4** appraises the Proposed Development against the most up to date element of the Development Plan, namely the relevant provisions of NPF4;

- **Chapter 5** appraises the Proposed Development against the relevant provisions of the Highland wide Local Development Plan; and

- **Chapter 6** examines the planning balance and presents overall conclusions.

2. Project Overview and Key Facts

2.1 Introduction

2.1.1 This chapter provides a summary of the role of BESS and outlines the approach to site selection and design adopted by Field. Furthermore, the chapter summarises the benefits of the Proposed Development.

2.1.2 For BESS, fire and safety matters are often examined by decision makers and this chapter also provides an outline of the relevant safety measures included as part of the Proposed Development.

2.2 Role of BESS

2.2.1 BESS are designed to support local distribution and national transmission electricity networks with the balancing of supply and demand. BESS also provide additional services to district and national network operators, including grid stability, constraint management and balancing mechanisms.

2.2.2 The Proposed Development is a 300 MW / 600 MWh BESS that will connect directly to the 275 kV transmission network infrastructure at the adjacent, Spittal Substation via an underground cable connection. Field secured a grid connection agreement with the National Grid Electricity System Operator (NGESO) for the project in 2023.

2.2.3 The BESS will be a 24-hour operational site that is remotely controlled and monitored through the Supervisory Control and Data Acquisition (SCADA) system and associated control and management systems. Once operational, the Site will be primarily unmanned, with a light schedule of maintenance and safety visits (approximately one operational visit per month). A local operations and maintenance manager will be retained for fast response site visits to complete any unplanned maintenance or for emergency requirements including any confirmatory safety checks identified through remote site monitoring.

2.2.4 The UK's energy network is undergoing a significant transition, comprising a reduced reliance on fossil fuel power plants as they reach the end of their operational lifecycles, and an increasing preference for and reliance upon renewable energy sources. National and international legislation and policies are in place to encourage this transition, including the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 which amends the Climate Change (Scotland) Act 2009 and which has set an ambitious target to reduce Scotland's emissions of all greenhouse gases to net zero by 2045.

2.2.5 The UK Government's recent Clean Power 2030 Action Plan[1] sets out the 2030 installed capacities required in order to significantly reduce the UK's fossil-fuel dependency of 43-50 GW of offshore wind, 27-29 GW of onshore wind, and 45-47 GW of solar power. The Plan notes that these increased renewables targets will need to be complemented by flexible capacity, including 23-27 GW of battery capacity. To put this into context, there is currently 4.5 GW of battery storage capacity in Great Britain; a very significant level of increase of battery deployment is therefore required.

2.2.6 The Plan notes that among the specific actions required for batteries, improving the time it takes for mature grid-scale batteries to obtain grid connections and planning decisions are the most significant actions in order to deliver the huge increase in grid-scale battery capacity.

2.2.7 BESS play a vital role in ensuring the full potential capacity of existing and future renewable energy generation is exploited and the successful transition to a net-zero future. BESS import large amounts of renewable energy from surrounding renewable generators (e.g. wind or solar farms) when supply is typically at its highest and in excess of demand, storing it, and

[1] https://www.gov.uk/government/publications/clean-power-2030-action-plan

then exporting it back to the grid when demand is high, but supply is low (e.g. still, cloudy days).

2.2.8 The UK's current national grid has located key generation assets (coal, gas, nuclear) and transmission cables to serve aeras of high energy demand with commensurate supply. In contrast, renewable generation is located to maximise optimal weather conditions such as high wind locations in northern Scotland or in the North Sea. As a result, it is difficult to get the power where it is needed, or to maximise the use of the UK's own renewable electricity generation. BESS located in areas where there is a large amount of renewable energy generators, such as the Proposed Development, therefore play a vital role in decarbonising the energy sector, whilst maintaining reliable energy security for consumers.

2.2.9 NESO currently pays renewable generators to turn off supply in Scotland, to prevent an overload of the system, and simultaneously instructs fast response generators (normally gas power plants) in areas of high consumption to switch on to increase supply. This results in both increased costs to consumers and undermines efforts to transition to a net-zero energy system with curtailment costs forecast to rise as high as £3.5 billion[2] by 2030 – equivalent to £200 in additional costs to annual household bills.

2.2.10 In response to the transmission challenges affecting Great Britain's transmission network, SSE[3] and National Grid[4] are planning £70bn+ of major investment in new national transmission infrastructure across the Highlands, Scotland and wider Great Britain. Whilst new and upgraded transmission networks are essential in the transition to net zero, they are capital intensive, complex projects that will take many years to consent and deliver. By comparison, transmission connected BESS such as the Proposed Development, are a proven, comparatively quickly deployed and capital efficient technology that can help smooth network constraints between the Highlands and the rest of Great Britain quickly.

2.2.11 Co-located adjacent to Spittal substation and with a limited spatial footprint, the Proposed Development can support the Transmission Operator to manage network constraints; minimising curtailment and maximising the benefits of current and future renewable energy generation in the Highlands. BESS are therefore an essential technology to realise the benefits of renewable generation.

2.2.12 Furthermore, the Proposed Development also has the potential to supply the grid with essential energy security functions including:

- **Voltage support services:** Batteries can supply the network with quickly dischargeable energy during low voltage periods or blackouts; to date these scenarios have typically been managed by reliance on quickly dispatchable fossil fuel energy generators (typically gas peaking plants); and
- **Grid stabilisation services (inertia):** Inertia is incredibly important for the stable operation of the electricity system; it is a by-product of coal and gas-fired generators, however renewables like wind and solar are not able to provide inertia. As older coal and gas plants come off the system and renewable energy generation becomes the dominant source of energy nationally, we need to find new ways to provide grid stability. BESS are able to provide these stability services.

2.2.13 BESS such as the Proposed Development offer a sustainable alternative to carbon-intensive energy sources to supply and maintain the grid, which reduces the energy network's reliance on fossil fuels and ultimately contributes to achieving the UK and Scottish Governments' greenhouse gas emissions targets. The Proposed Development also contributes to energy security and reduced energy costs for consumers.

[2] https://carbontracker.org/britain-wastes-enough-wind-generation-to-power-1-million-homes/

[3] https://www.ssen-transmission.co.uk/projects/2030-projects/

[4] https://www.nationalgrideso.com/future-energy/beyond-2030

2.3 Site Selection

2.3.1 The location of the Proposed Development has been driven by several factors, including connectivity to the grid; the availability of land; and environmental constraints. The following section summarises the site selection process.

Grid connectivity

2.3.2 BESS are required to import and export energy from the existing electricity network via a substation. For an energy storage facility to connect to an existing substation, the substation must have available capacity, and a corresponding grid connection agreement must be secured with the transmission operator.

2.3.3 Early grid analysis was undertaken by Field for the Proposed Development to identify substations that have / will have available capacity that would suit the development of a new BESS. This analysis identified that the Spittal substation has available capacity. Field has secured a grid connection agreement for 300 MW at the Spittal substation.

2.3.4 From an electrical perspective, it is most efficient to locate an energy storage facility as close as possible to the point of connection to reduce electrical losses associated with the transport of electricity between the electricity network and the storage facility. The Site was therefore selected because of its close proximity to Spittal substation, avoiding the need for long, intrusive and inefficient grid connection works.

Land Availability

2.3.5 A BESS of the capacity proposed requires approximately 5-10 ha of land to accommodate the built development, including all electrical infrastructure, required safety separation distances, access, drainage and earthworks, together with any compensatory planting and landscaping.

2.3.6 As noted above, the land is also required to be close to the proposed connection substation to reduce the need for unnecessarily long underground grid connection cables, or in some instances, the use of overhead power lines. After the confirmation of grid availability, a search was conducted for potentially available land of a suitable size, around the consented Gills Bay substation site.

2.3.7 Sites around Spittal substation were discounted based on the following analysis:

- Land north of Spittal substation: This land is unavailable as it is proposed to accommodate the West of Orkney Substation (23/05353/PIP), which received planning in principle permission on 18 June 2024. The site was also discounted due to its proximity to a nearby noise receptor near to the A9.
- Land west of Spittal substation: This land was deemed unsuitable due to its proximity to a nearby noise sensitive receptor which would result in unacceptable noise impacts. The site is also not easily accessible, as the most appropriate access point would be via SSE's existing access road into the Spittal substation, for which shared use arrangements have been refused by SSE.
- Land east of Spittal substation: Land directly east of the substation is owned by SSE and remains unavailable for development.
- Land east of Proposed Development: Additional land was leased from the landowner to accommodate the inclusion of an eastern bund to minimise visual impacts towards the site from the A9. The parcel would be unsuitable for development itself as it would result in increased visual impacts along the A9.

Environmental Constraints

2.3.8 Energy storage facilities, as with any development, should wherever practicable avoid being sited on land which is designated for landscape, heritage, ecological or other environmental

reasons, or on land where development is restricted by local planning policies. Early desktop studies and site surveys confirmed the absence of any international, national or locally designated sites within the Site boundary.

2.3.9 The Site has also been selected based on its location away from nearby residential areas to reduce potential impacts on the amenity of surrounding residents in the form of noise or visual effects. Whilst some residential receptors do exist approximately 800 m east of the Site, this is a sufficient distance to avoid any unacceptable noise impacts and any other potential impacts on amenity, such as visual effects, can be appropriately mitigated through site design, including landscaping. Large areas of existing woodland surrounding the site also offer natural screening from longer range views.

2.3.10 The Site has been chosen based on suitable access arrangements, including nearby access to the A836 which ensures good connectivity with the principal road network for construction and operational purposes. The Site benefits from access to an existing local road to the east of the Site, which with proposed upgrades is suitable from a road safety perspective and also satisfy the National Fire Chiefs Council's guidance (including the provision of at least two separate access points).

2.4 Design Approach

2.4.1 The Proposed Development has been developed and designed in accordance with industry best practice and relevant health and safety regulations including Construction Design and Management (CDM) Regulations 2015.

2.4.2 The design and spatial arrangement of the Proposed Development have given regard to fire and electrical safety critical distances; construction, operational and maintenance requirements; and asset protection considerations. The location of the high-voltage transformers has been considered to facilitate safe delivery and future removal of these abnormal indivisible loads (AIL).

2.4.3 A landscaping design and proposed planting regime is included within the application to incorporate the Proposed Development into its existing landscape and reduce visual impacts from surrounding viewpoints. The landscaping and planting design will contribute to the provision of on-site biodiversity enhancements as much as possible, offsetting any unavoidable biodiversity impacts arising from the site's construction.

2.4.4 After consent has been granted, the Proposed Development would be tendered to a suitably qualified design and build contractor to progress the technical design of the Proposed Development.

2.5 Safety and Fire

2.5.1 Field is committed to the highest standards of safety in the design, construction and operation of its projects. Field employs competent staff, suppliers and contractors who are obligated to comply with all relevant safety and fire standards that apply to the civil, electrical and operational requirements of the Site.

2.5.2 The Fire Risk Management approach has been developed in response to principles set out in the National Fire Chiefs Council's 'Grid scale BESS Planning – Guidance for FRS' (version 1) November 2022[5] and (version 2 - draft) July 2024[6]. The document sets out details of emergency procedures to control fire, in the unlikely case of a fire event. The site design adheres to this guidance as much as practicable, including the adhering to required separation distances within the site design, the implementation of required setbacks between

[5] https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf

[6] https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf

electrical equipment and surrounding vegetation and ensuring that all internal access tracks can accommodate the movement of emergency vehicles. Multiple points of access are provided into the Site, including two accesses into the BESS compound and a looped internal access around the BESS units; this allows multiple external access points for emergency services.

2.5.3 Fire safety design and measures are predicated on the scenario that in the unlikely event of a fire, this will not spread beyond the BESS container of origin; this is in accordance with the installed battery fire safety mechanisms and testing. Fire and rescue operations are therefore assumed to be limited to boundary cooling of surrounding BESS and monitoring of the BESS involved in the thermal event.

2.5.4 Detailed information on the Proposed Development's compliance with relevant safety and fire precautions can be found in the Outline Battery Safety Management Plan submitted with the application. Safety measures included within the design include:

- **Agreeing a firefighting and emergency strategy:** Field will engage with the Local Fire and Rescue Service (LFRS) through the detailed design, construction and operational phases. Whilst the LFRS are non-statutory consultees in the planning process, Field recognises the importance of early and ongoing engagement. The final firefighting and emergency strategy will be developed in close collaboration with the LFRS, seeking adherence to the latest UK National Fire Chiefs Council guidance and guidance from the Health and Safety Executive (HSE) and will ensure suitable strategies are in place to safeguard the battery site itself, the public and the environment in the unlikely event an incident does occur.
- **Adherence to UK and international standards:** Field requires any technology selected to demonstrate compliance to the industry standard NFPA 855 and the testing requirements of UL9540A. NFPA 855 specifies spacing requirements of 3 feet (0.9 m) between battery units and 10 feet (3 m) between battery units and other equipment. These distances are adhered to in the site design.
- **Adopting a 'controlled burn' strategy** which comprises allowing an individual battery unit that catches fire to consume itself rather than applying water to the unit, therefore reducing the need for water in a fire event, per the draft NFCC 2024 Guidance. Water supplies will be provided for a site in the following order of hierarchy: existing hydrant within suitable proximity, existing watercourse within suitable proximity or water storage facility provided on site in order to provide for up to 1,900 litres per minute for 2 hours.
- **Fire water run-off containment** included as part of the drainage design to ensure that the drainage system is capable of collecting and holding contaminated water run-off associated with potential site perimeter cooling for a maximum volume of up to 1,900 l/min for up to two hours. Through the use of penstock valves on the attenuation basin, contaminated water will not enter surrounding environment.
- **Minimising risk through equipment selection:** Field has sought to minimise the risk of fire by means of thorough equipment and technology selection. Any suppliers to the Proposed Development will also be required to have relevant quality certifications before being considered.
    - The battery chemistry selected will be lithium iron phosphate which has a higher thermal runaway temperature threshold compared to other commonly used chemistries.
    - The battery enclosures will be installed with smoke and heat detectors, and a fire suppression system.

2.5.5 It is noted that Fire Safety and Risk Management is not a material planning consideration in the determination of applications of this nature, but Field recognises the importance of providing fire and safety information and understands the potential implications for hydrology, air quality and access, and these have been addressed within individual technical assessments where appropriate.

2.6 The Benefits

2.6.1 The key benefits that would arise from the Proposed Development are summarised below:

Renewable Energy Transmission

- The Proposed Development will deliver a BESS with a capacity of up to 300 MW, delivering a vital role in decarbonising the energy sector whilst maintaining reliable energy security for consumers.
- The Proposed Development will provide essential balancing capacity on the transmission network to enable more efficient maximisation of transmission of new renewable generation.
- The Proposed Development is consistent with the core aims of NPF4 National Development 3 which seeks to deliver additional renewable energy generation and enhanced transmission capacity to achieve a net zero economy and support network resilience in rural areas. The proposal is of national importance and delivers essential infrastructure.

Security of Supply

- National energy policy seeks an increase in the scale and urgency of the delivery of new low carbon generation capacity, by refocusing the requirement for low-carbon power for reasons of national security of supply and affordability, as well as for decarbonisation.
- With this context, the delivery of grid infrastructure improvements and storage capacity will deliver significant benefits to consumers through decarbonisation, security of supply and enhanced capacity to transmit renewable energy.
- The Proposed Development, if consented, would provide a valuable contribution to security of supply for Highland, Scotland and for the wider Great Britain (GB) area. The Proposed Development would enhance the operational capacity of the grid network to enable the transmission of renewable energy efficiently, safely and consistently.

Economic & Community Socio-Economic Benefits / Local Supply Chain Opportunities

- The Applicant will seek to maximise local employment and economic gain and social benefits. From a supply chain perspective, this will include:
  - Establishing a clear and accessible framework to promote supply chain opportunities in the local area;
  - Regularly participating in supply chain events and promoting tendering opportunities through local industry bodies and organisations;
  - Engaging directly with competent local contractors with a view to developing long term partnerships across Field's portfolio of sites in the North of Scotland;
  - Including local content considerations within Field's procurement evaluation criteria across both construction and operational contracts; and
  - Monitoring the local content of sub-contracts and encouraging main contractors to utilise local resource where possible.
- The estimated capital expenditure of the Proposed Development is approximately £100 million, an estimated £20 million of which would be spent in Scotland, and £7.7 million of which would be spent in Highland. During construction, the Proposed Development is expected to generate 10 years of employment in Scotland and 50 years of employment in Highland.

- Whilst operational requirements are minimal for BESS, the Proposed Development is estimated to create up to 20 jobs in Scotland over the course of its lifecycle, including 10 jobs in Highland.

Biodiversity Enhancement

- The greatest threat to biodiversity is climate change, and delivering enhanced renewable generation and transmission is a critical step to meet net zero.
- Measures included within the Proposed Development which seek to maximise opportunities for biodiversity are shown within the Landscape Masterplan (Stephenson Halliday, 2024). The Proposed Development results in a net gain of 29.83% or Hedgerow habitats and 54.87% for Area habitats. The Proposed Development is considered to deliver a significant biodiversity enhancement.

Community Benefit

- Community Benefit is not a material planning consideration; however, it is a goodwill contribution voluntarily donated by a developer for the benefit of communities affected by developments that will have a long-term impact on local resources and the local environment
- In alignment with the Highland Council developing a strategy to enable a future workforce to support the energy transition, Field has committed to working with the National Schools Partnership to design a school-based education programme for schools surrounding the Proposed Development. The programme, which launched in August 2024, supports educators to offer secondary school students essential information about the various job opportunities available in the energy sector, the required training for these positions, and the pathways to follow for pursuing these careers.
- Field has identified target schools for the programme, based on a catchment area from the Proposed Development. At the time of writing this Planning Statement, 28 schools had registered for the programme, resulting in a potential reach of 1,066 students. Further outreach is planned to meet the registration target of 35 schools and 1,350 students. The programme has also been accessed by 35 ‘non-target schools’ (either Primary or outside Scotland). If the programme is successful and receives positive feedback, it will be expanded to other areas of Scotland and the UK.
- This demand-led education strategy bolsters the region’s capability to maximise the employment opportunities available in the wider energy transition.

3. The Renewable Energy Policy & Legislative Framework

3.1 Introduction

3.1.1 A detailed assessment of the renewable energy policy and emission reduction legislative framework with reference to relevant international, UK and Scottish provisions has been undertaken and is presented in Annex A of this Statement.

3.2 Summary Overview

3.2.1 The framework of international agreements and obligations, legally binding targets and climate change global advisory reports is the foundation upon which national energy policy and greenhouse gas emissions (GHG) reduction law is based. This underpins what can be termed the need case for renewable energy and associated battery storage infrastructure from which the Proposed Development can draw a high level of support.

3.2.2 The Proposed Development is required to be considered against a background of material UK and Scottish Government energy and climate policy and legislative provisions, as well as national planning policy and advice. These taken together provide very strong support for renewable energy and associated storage in principle.

3.2.3 It is evident that there is clear and consistent policy support at all levels, from international to local, for the deployment of renewable energy generally, to combat the global climate crisis, diversify the mix of energy sources, achieve greater security of supply, and to attain legally binding emissions reduction targets.

3.2.4 The Proposed Development, increasing capacity and security of supply on the grid network would make a valuable contribution to help Scotland meet its renewable energy and electricity production targets, while supporting emissions reduction to combat climate change in the current Climate Emergency.

3.2.5 UK and Scottish Government renewable energy policy and associated renewable energy and electricity targets are important considerations. It is important to be clear on the current position as it is a fast-moving topic of public policy. The context of international climate change commitments is set out. This is followed by reference to key UK level statutory and policy provisions and then a detailed description of relevant Scottish Government statutory and policy provisions is set out.

3.3 Conclusions on the Renewable Energy Policy & Legislative Framework

3.3.1 The Applicant's position is that the Proposed Development is strongly supported by the current renewable energy policy and legislative framework.

3.3.2 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s. The rate of emission reductions must increase otherwise the legally binding target of net zero by 2045 will not be met.

3.3.3 It should be noted that in the Linwood BESS Section 36 consent issued by the Scottish Ministers in May 2024, the Ministers stated in the decision letter with regard to consideration of the climate change plan that (paragraph 38):

"*The benefits of the proposed Development are energy storage and provision of services needed to ensure a secure electricity system, with economic benefits. The move to a net zero electricity system necessitates the delivery of a greater amount of electricity generation from renewable energy, including from sources such as wind and solar which are variable and non-dispatchable. Energy storage such as the proposed Development provides will be*

vital in that context to ensuring the balance between supply and demand, to ensuring security of supply, and to reducing the curtailment of renewable generators under grid constraints which would otherwise result in a loss of valuable renewable generation. Secure and stable energy supply is a fundamental need of a prosperous economy. As well as the potential economic benefit to local and national businesses during construction, the proposed Development would provide further benefit to the economy through its contribution to underpinning energy security and flexibility."

3.3.4 These comments were backed up in subsequent decisions on Smeaton BESS (August 2024) and Auchentiber BESS (September 2024)

1.1.1 Of note, the Scottish Ministers also make reference to the Draft Scottish Energy Strategy and Just Transition Plan of 2023. With reference to this document at paragraph 39 of the Decision Letter, the Ministers state that they have considered the role that the proposed development can play in relation to the generation of electricity from low carbon energy storage with its capacity of 69 MW from battery energy storage. They state with regard to the Draft Energy Strategy as follows:

"*The Energy Strategy states that 'Scotland should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of our homes and businesses as our energy transition takes place'. It adds that 'Scotland needs a balanced and secure electricity supply. That means a system and a range of technologies which provide sufficient generation and interconnection to meet demand. It means an electricity network which is resilient and sufficiently secure against any fluctuations or interruptions to supply*'."

1.1.2 The Ministers go on at paragraph 40 of their Decision Letter to state:

"*The generation of electricity from batteries is not in itself a renewable source of energy; Scottish Ministers do however regard the proposed Development as essential infrastructure. The proposed Development, through provision of energy storage, adds flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of our homes and businesses as our energy transition takes place. Scottish Ministers conclude that the proposed Development is supported by the Energy Strategy.*

The Draft Scottish Energy Strategy and Just Transition Plan 2023 signals that strong support from the Scottish Government for battery storage remains."

3.3.5 It is clear from the UK Energy White Paper and the forecasts by the Climate Change Committee (CCC) that electricity demand is expected to grow substantially (scenarios vary but potentially by a factor of three or four) as carbon intensive sources of energy are displaced by electrification of other industry sectors, particularly heat and transport.

3.3.6 The CCC has stated (June 2023) that there is declining confidence in the UK meeting its target obligations. Following COP28 the CCC has advised that the agreements made at COP28 require a sharper domestic response and "*time is now short for the gap to be bridged*".

3.3.7 Given significant capacities of low carbon generation (in particular this will be onshore wind in Scotland) BESS technology will play an essential part in delivering net zero for Scotland and the wider UK. The Proposed Development is therefore an essential near-term step in assisting to meet Government objectives for decarbonisation and achieving Net Zero, which will address the Climate Emergency. Such technology will help ensure energy supply is secure, will reduce the amount of time that renewable generation needs to be constrained off the grid system, will result in more low carbon and renewable energy being delivered.

3.3.8 As the volume of renewable electricity increases on the grid system, it is essential to sustain an energy balance in terms of supply/demand, when demand is either very high or very low. Furthermore, when demand is low and renewables provide a significant share of total power on the system, then maintenance of power quality and system stability levels requires services to achieve the appropriate balance.

3.3.9 Energy storage is increasingly well placed to deliver a number of services to the GB grid system. Therefore, whilst electricity storage does not generate low carbon energy, it helps make more useful that energy which has been generated by renewable sources.

3.3.10 Furthermore, batteries are well suited to displace other technologies (such as fossil fuel powered engines which are currently used to meet the role of meeting peak demand at certain times, but for which at the present time there is no carbon capture solution).

3.3.11 Additionally, as set out in this Chapter, the policy drive is to massively increase renewable generation volumes (such as set out in the Onshore Wind Policy Statement with the new target for 20 GW to be operational by 2030) and this increases the important role of electricity storage within the GB electricity system. In addition, in July 2024 the UK Government announced a new target to have 30 GW of onshore wind operational by 2030. This would involve a doubling of current capacity.

3.3.12 The Proposed Development is therefore in accordance with UK and Scottish Government energy policy on the need for such technologies to support the transition to a fully low carbon grid system.

3.3.13 In the most recent renewable energy policy documents referred to, there is a consistent and what might be termed a 'green thread' which ties a number of related policy matters together: namely the urgent challenge of net zero and the need to substantially increase renewable capacity, energy security and flexibility.

3.3.14 Overall, the Draft Energy Strategy and Just Transition Plan forms part of the new policy approach, alongside NPF4 which is addressed in Chapter 4 below. These documents confirm the Scottish Government's policy objectives and related targets, reaffirming the important role that BESS can play in response to the climate crisis which is at the heart of all these policies.

3.3.15 Any amendments that may be made to Scottish statute to reflect the CCC's advice (in relation to the 2030 emissions reduction target not being credible) does not dilute the Applicant's position that the Proposed Development can make a valuable contribution to targets and would deliver important benefits. Whilst emission reduction targets may be adjusted at the interim stage (2030) in terms of attaining net zero, all this means is that there is a change to the trajectory, but the overall target of net zero remains unchanged. Indeed, as set out in the Cabinet Secretary's Statement referenced above, the Government retains its "unwavering" commitment to attaining that legally binding target for net zero.

3.3.16 Decisions through the planning system must be responsive to this changed position. Decision makers can do this by affording substantial weight to the energy policy objectives articulated above, in the planning balance.

3.3.17 The trajectory, in terms of the scale and pace of action required to reduce emissions, grows ever steeper than before and it is essential that rapid progress is made through the 2020s.

4. Appraisal against NPF4

4.1 Introduction

4.1.1 NPF4 was approved by resolution of the Scottish Parliament on 11th January 2023 and came into force on 13th February 2023.

4.1.2 A Chief Planner's Letter was issued on 8th February 2023 entitled 'Transitional Arrangements for National Planning Framework 4'. It contains advice intended to support consistency in decision making ahead of new style Local Development Plans being in place.

4.1.3 The Letter confirms with regard to the Development Plan that from 13th February 2023, NPF3 and Scottish Planning Policy (SPP) no longer represent Scottish Ministers' planning policy and should not form the basis for or be a consideration when determining planning applications.

4.2 Development Management

4.2.1 Section 13 of the Planning (Scotland) Act 2019 Act (the "2019 Act") amends Section 24 of the 1997 Act regarding the meaning of the statutory Development Plan, such that for the purposes of the 1997 Act, the Development Plan for an area is taken as consisting of the provisions of:

- The National Planning Framework; and
- Any Local Development Plan (LDP).

4.2.2 Therefore, the statutory Development Plan covering the Site consists of NPF4 and the Highland Wide Local Development Plan (HwLDP) (2012) along with the Caithness and Sutherland Local Development Plan (CaSPlan) (2018). The latter provides area specific proposals and policies only and as such the HwLDP is considered the key LDP for determining the current submission.

4.2.3 The publication of NPF4 coincided with the implementation of certain parts of the 2019 Act. A key provision is that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, then whichever of them is the later in date will prevail. That includes where an LDP is silent on an issue that is now provided for in NPF4.

4.2.4 In terms of emerging LDPs prepared prior to the adoption and publication of NPF4, the Chief Planner's Letter of 8th February 2023 states that it may be that there are opportunities to reconcile identified inconsistencies with NPF4 through the Examination process.

4.2.5 The Chief Planner's Letter also states with regard to Supplementary Guidance associated with LDPs which were in force before 12th February 2023 (the date on which Section 13 of the 2019 Act came into force) that they will continue to be in force and be part of the Development Plan.

4.3 How NPF4 is to be used

4.3.1 Annex A (page 94) of NPF4 explains how it is to be used. It states:

"*The purpose of planning is to manage the development and use of land in the long-term public interest … Scotland in 2045 will be different. We must embrace and deliver radical change so we can tackle and adapt to climate change, restore biodiversity loss, improve health and wellbeing, reduce inequalities, build a wellbeing economy and create great places*."

4.3.2 Annex A states that NPF4 is required by law to set out the Scottish Ministers' policies and proposals for the development and use of land. It adds:

"*It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals*[7]*. NPF4 includes a long-term spatial strategy to 2045*."

4.3.3 NPF4 contains a spatial strategy and Scottish Government development management policies to be applied in all consenting decisions, and it identifies national developments which are aligned to the strategic themes of the Government's Infrastructure Investment Plan[8] (IIP).

4.3.4 NPF4 therefore for the first time, introduces centralised development management policies which are to be applied Scotland wide. It also provides guidance to Planning Authorities with regard to the content and preparation of LDPs.

4.3.5 Annex A adds that NPF4 is required by law to contribute to six outcomes. These relate to meeting housing needs, health and wellbeing, population of rural areas, addressing equality and discrimination and also, of particular relevance to the Proposed Development, "*meeting any targets relating to the reduction of emissions of greenhouses gases, and, securing positive effects for biodiversity*".

4.4 The National Spatial Strategy – Delivery of Sustainable Places

4.4.1 Part 1 of NPF4 sets out the Spatial Strategy for Scotland to 2045 based on six spatial principles which are to influence all plans and decisions. The introductory text to the Spatial Strategy starts by stating (page 3):

"*The world is facing unprecedented challenges. The global climate emergency means that we need to reduce greenhouse gas emissions and adapt to the future impacts of climate change*."

4.4.2 The principles are stated as playing a key role in delivering the United Nation's Sustainable Development Goals and the Scottish Government's National Performance Framework[9].

4.4.3 The Spatial Strategy is aimed at supporting the delivery of:

- 'Sustainable Places': "where we reduce emissions, restore and better connect biodiversity";
- 'Liveable Places': "where we can all live better, healthier lives"; and
- 'Productive places': "where we have a greener, fairer and more inclusive wellbeing economy".

4.4.4 Page 6 of NPF4 addresses the delivery of sustainable places. Reference is made to the consequences of Scotland's changing climate, and it states, *inter alia*:

"*Scotland's Climate Change Plan, backed by legislation, has set our approach to achieving net zero emissions by 2045, and we must make significant progress towards this by 2030…Scotland's Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment*."

4.4.5 The new Energy Strategy and Just Transition Plan for Scotland (as referenced in NPF4) was published as a consultative draft on 10th January 2023 (see below).

4.4.6 The National Spatial Strategy in relation to 'sustainable places' is described (page 7) as follows:

[7] The 17 UN Sustainable Development Goals are set out at page 95 of NPF4 and include *inter alia* 'affordable and clean energy' and 'climate action'.

[8] The Scottish Government's five-year Infrastructure Investment Plan (2021-22 to 2025-26) was published in February 2021. It set out a vision for Scotland's future infrastructure in order to support and enable an inclusive net zero emissions economy.

[9] The Scottish Government National Performance Framework sets out 'National Outcomes' and measures progress against a range of economic, social and environmental 'National Indicators'.

"*Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.*

Meeting our climate ambition will require a rapid transformation across all sectors of our economy and society. This means ensuring the right development happens in the right place.

Every decision on our future development must contribute to making Scotland a more sustainable place. We will encourage low and zero carbon design and energy efficiency, development that is accessible by sustainable travel, and expansion of renewable energy generation."

4.4.7 Six National Developments (NDs) support the delivery of sustainable places, one being 'Strategic Renewable Electricity Generation and Transmission Infrastructure'.

4.4.8 A summary description of this ND is provided at page 7 of NPF4 as follows:

"*Supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply*".

4.4.9 Page 8 of NPF4 sets out 'Cross-cutting Outcome and Policy Links' with regard to reducing greenhouse gas emissions. It states:

"*The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment*."

4.4.10 A key point in this statement is that the climate emergency and nature crisis are expressly stated as forming the foundations of the national spatial strategy. Recognising that tackling climate change and the nature crisis is an overriding imperative which is key to the outcomes of almost all policies within NPF4.

4.5 National Developments

Overview

4.5.1 Page 97 of NPF4 sets out that 18 National Developments have been identified. These are described as:

"*significant developments of national importance that will help to deliver the spatial strategy … National development status does not grant planning permission for the development and all relevant consents are required*".

4.5.2 It adds that:

"*Their designation means that the principle for development does not need to be agreed in later consenting processes, providing more certainty for communities, businesses and investors. … In addition to the statement of need at Annex B, decision makers for applications for consent for national developments should take into account all relevant policies*".

4.5.3 Annex B of NPF4 sets out the various NDs and related Statements of Need. It explains that NDs are significant developments of national importance that will help to deliver the Spatial Strategy. It states (page 99) that:

"*The statements of need set out in this annex are a requirement of the Town and Country Planning (Scotland) Act 1997 and describe the development to be considered as a national development for consent handling purposes*".

National Development 3 "Strategic Renewable Electricity Generation and Transmission Infrastructure"

4.5.4 Page 103 of NPF4 describes ND3 and it states:

"*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. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."

4.5.5 The location for ND3 is set out as being all of Scotland and in terms of need it is described as

"*Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas*."

4.5.6 The designation of classes of development confirms that the Proposed Development is National Development being of a scale or type that otherwise would have been classified as major by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (a) *on and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity"*.

4.5.7 The Proposed Development will further the delivery of the national Spatial Strategy. The Strategy requires a "*large and rapid increase*" in electricity generation and the delivery of an enhanced transmission network to enable this, it is recognised (NPF4, page 6) that "*we must make significant progress*" by 2030.

4.5.8 The Proposed Development could make a meaningful contribution to targets within this key timescale and that is a very important consideration.

4.6 National Planning Policy

4.6.1 Part 2 of NPF4 (page 36) addresses national planning policy by topic with reference to three themes formulated with the aim of delivering sustainable, liveable and productive places.

4.6.2 In terms of planning, development management and the application of the national level policies, NPF4 states:

"*The policy sections are for use in the determination of planning applications. The policies should be read as a whole. Planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise. It is for the decision maker to determine what weight to attach to policies on a case by case basis. Where a policy states that development will be supported, it is in principle, and it is for the decision maker to take into account all other relevant policies*".

4.6.3 In terms of "sustainable places" the relevant policies to the Proposed Development include the following:

> Policy 1: Tackling the Climate and Nature Crisis;

> Policy 3: Biodiversity;

- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 6: Forestry, Woodland and Trees;
- Policy 7: Historic Assets and Places;
- Policy 11: Energy;
- Policy 22: Flood Risk and Water Management;
- Policy 23: Health and Safety;

4.6.4 These policies are addressed below.

4.6.5 The Chief Planner's Letter of 8th February 2023 provides advice in relation to applying NPF4 policy. It states that the application of planning judgement to the circumstances of an individual situation remains essential for all decision making, informed by principles of proportionality and reasonableness. It states:

"*It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement*."

4.6.6 The Letter adds:

"*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 the provision of NPF and the 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*".

4.7 NPF4 Policy 1: Tackling the Climate and Nature Crisis

Policy 1 & Principles

4.7.1 The intent of Policy 1 is "*to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis*".

4.7.2 **Policy 1** directs decision makers that *"when considering all development proposals significant weight will be given to the global climate and nature crises.*"

4.7.3 This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker. Significant weight should therefore be attributed to the Proposed Development given it would be consistent with the intent of Policy 1 and would make a positive contribution by helping to attain its outcome of net zero.

4.7.4 The Chief Planner's Letter of 8th February 2023 refers to Policy 1. It states:

"This policy prioritises the climate and nature crises in all decisions. It should be applied together with the other policies in NPF4. It will be for the decision maker to determine whether the significant weight to be applied tips the balance in favour for, or against a proposal on the basis of its positive or negative contribution to the climate and nature crises."

4.7.5 This statement from the Chief Planner confirms that the decision maker must apply significant weight, but it is for the decision maker to decide if it is for or against the proposal. The Proposed Development's contribution is positive and therefore the significant weight in this case is for the Proposed Development.

4.7.6 The term "Tackling" the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take

positive action. Furthermore, NPF4 (page 8) refers to cross cutting outcomes and states with regard to Policy 1 that the policy gives significant weight "*to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions*".

The Application of Policy 1

4.7.7 Given the nature of the Proposed Development it would make a valuable contribution in relation to targets. It will directly further the policy intent and outcomes of Policy 1 and should be afforded significant positive weight in terms of tackling the climate and nature crises. The contribution to decarbonisation and grid support to support net zero also need to be recognised in the context of NPF4 Policy 11 (Energy) which requires the contribution that a development would make to targets to be taken into account.

4.7.8 A further important point is the need to recognise that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a valuable contribution of renewable energy, to facilitate the earliest possible decarbonisation of the energy system and the achievement of "net zero" no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.7.9 The Reporter's comments on this particular policy in the Sanquhar II Wind Farm Inquiry Report[10] are informative. At paragraph 2.48 of the Supplementary Report, the Reporter addresses NPF4 Policy 1 and states that:

"*tackling the nature crisis is required to be given significant weight alongside the climate crisis. There is no indication that one strand should be given greater priority over the other. That does not necessarily mean that an individual proposal must be shown to respond to both crises in equal measure, however. The two matters are also inextricably linked, with the nature crisis being, in part, exacerbated by climate change*."

4.7.10 Furthermore, as explained below with reference to NPF4 Policy 3, biodiversity enhancement measures are proposed as part of the Proposed Development.

4.8 NPF4 Policy 11: Energy

Policy 11 & Principles

4.8.1 For the consideration of energy transmission proposals, Policy 11 'Energy' (page 53) is the lead policy. Policy 11's intent is set out as:

"*to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low carbon and zero emission technologies including hydrogen and carbon capture utilisation and storage.*"

4.8.2 Policy Outcomes are identified as: "expansion of renewable, low carbon and zero emission technologies".

4.8.3 Policy 11 is as follows:

"a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:

> *i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;*

[10] Sanquhar II Wind Farm, Section 36 Decision dated 31 August 2023, Supplementary Report of Inquiry dated 20 February 2023 (Case Reference WIN-170-2006) and Scottish Ministers' Decision dated 31 August 2023.

ii. enabling works, such as grid transmission and distribution infrastructure;

iii. energy storage, such as battery storage and pumped storage hydro;

iv. small scale renewable energy generation technology;

v. solar arrays;

vi. proposals associated with negative emissions technologies and carbon capture; and

vii. proposals including co-location of these technologies.

b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.

c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;

ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;

iii. public access, including impact on long distance walking and cycling routes and scenic routes;

iv. impacts on aviation and defence interests including seismological recording;

v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;

vi. impacts on road traffic and on adjacent trunk roads, including during construction;

vii. impacts on historic environment;

viii. effects on hydrology, the water environment and flood risk;

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity".

4.8.4 The intent and desired outcome of the policy is expressly clear – the expansion of renewable energy, through encouragement, promotion and facilitation, all of which the Proposed Development will help to deliver.

4.8.5 The wording of Policy 11 Paragraph (a)(ii) makes it clear that the policy supports new and replacement grid transmission and distribution infrastructure and energy storage.

4.8.6 Scottish Ministers evidenced this further in a recent decision letter for Auchentiber BESS in Inverclyde Council area (ECU00004979) stating that *"The proposed Development will store and supply a considerable amount of electricity per year, and act as an enabling technology for harnessing more electricity generated from renewable sources in Scotland"* (para 46).

4.8.7 Further at paragraph 47 it is stated *"Grid scale battery energy storage provides a means to store the electricity generated from the wind, solar etc at times when electricity generation outstrips demand or when the capacity of a constrained electricity grid is insufficient to supply the generated electricity to consumers. On this basis battery energy storage makes an indirect but significant contribution to renewable energy generation targets and greenhouse gas emissions reduction targets, by effectively increasing the productivity of renewable generators elsewhere on the grid".*

4.8.8 This recent decision clearly recognises the importance the Scottish Government is placing on the role of battery storage in meeting targets and tackling the climate and energy crisis, within the context of NPF4 Policy 11.

The application of Policy 11

4.8.9 **Paragraph c) of Policy 11** requires socio-economic benefits to be maximised, rather than just taken into account.

4.8.10 With regard to maximising socio-economic benefits, the Applicant has committed to seek to maximise local employment and economic gain and social benefits.

4.8.11 From a supply chain perspective this will include:

- Establishing a clear and accessibly framework to promote supply chain opportunities in the local area;
- Regularly participating in supply chain events and promoting tendering opportunities through local industry bodies and organisations;
- Engaging directly with competent local contractors with a view to developing long term partnerships across Field's portfolio of sites in the North of Scotland;
- Including local content considerations within Field's procurement evaluation criteria across both construction and operational contracts; and
- Monitoring the local content of sub-contracts and encouraging main contractors to utilise local resource where possible.

4.8.12 The estimated capital expenditure of the Proposed Development is approximately £100 million, an estimated £20 million of which would be spent in Scotland, and £7.7 million of which would be spent in Highland. During construction, the Proposed Development is expected to generate 100 jobs in Scotland and 50 jobs in Highland each year.

4.8.13 Whilst operational requirements are minimal for BESS, the Proposed Development is estimated to create up to 30 jobs in Scotland over the course of its lifecycle, including 10 jobs in Highland.

4.8.14 The importance BESS development can have economically in this regard is recognised, again within the recent Auchentiber BESS decision by Scottish Ministers. Paragraph 38 of that Decision Letter states that *"As well as the potential economic benefit to local and national businesses during construction, the proposed Development would provide further benefit to the economy through its contribution to underpinning energy security and flexibility".* The same economic benefits would arise from the Proposed Development at Spittal.

4.8.15 **Paragraph d) of Policy 11** states that development proposals that impact on international and national designations "*will be assessed in relation to Policy* 4". Policy 4 also deals with impacts in relation to local landscape designations. Therefore, the matter of the impacts of the Proposed Development in relation to such national and local designations is examined further below with specific regard to the provisions of Policy 4.

4.8.16 There are no identified significant impacts on international or national designations as a result of the Proposed Development.

4.8.17 **Paragraph e) of Policy 11** states that project design and mitigation *"will demonstrate how"* impacts are addressed. These are listed in the quotation of the policy above and are addressed in turn below.

Impacts on Communities and Individual Dwellings

4.8.18 There are a number of receptors within proximity of the Proposed Development. Settlement pattern is relatively sparse within 3 km of the Site, comprising scattered, isolated farmsteads and settlement groupings. Spittal is the nearest settlement along the A9, approximately 1.6 km south-east.

4.8.19 The A9 is the only key route near the Proposed Development and is the key transportation route.

4.8.20 Visibility of the Proposed Development would be restricted by localised landform, existing woodland / forestry and embedded mitigation measures including sinking of the site through cut and fill design and the implementation of landscaped earth bunds along the southern and eastern boundaries of the Proposed Development. These would be adverse, localised impacts during construction, which would be reduced to minor adverse impacts during operation.

Noise and Shadow Flicker

4.8.21 The consideration of shadow flicker is not relevant to the consideration of the Proposed Development.

4.8.22 As regards noise, a Noise Impact Assessment (NIA) has been prepared and is submitted in support of the application. A sound level survey was carried out to determine the existing ambient and background sound levels at locations that are representative of the nearest noise sensitive receptors (NSRs).

4.8.23 Noise levels from the Proposed Development have been calculation at the nearest NSRs using a 3D noise model and a noise assessment has been undertaken in accordance with BS4142:2014+A1:2019.

4.8.24 The noise modelling demonstrates that a suitable fixed noise limit prescribed by THC can be achieved at all NSRs. A second criterion proposed by THC relates to sound level in the 100 Hz one-third octave band, however it has been demonstrated that this is not applicable to the Proposed Development as the proposed infrastructure does not exhibit tonal sound characteristics. Overall the noise assessment predicts a low impact at receptors.

4.8.25 As such, the Proposed Development is not expected to have an adverse noise impact on the local area and no specific noise mitigation measures are anticipated to be required. It is

considered that should Ministers be minded to grant consent for the Proposed Development, an appropriate suite of noise conditions can be drafted in consultation with the Applicant's advisors and in line with the findings of the NIA.

Landscape and Visual Considerations

4.8.26 Before examining the landscape and visual effects of the Proposed Development, Part e(ii) of Policy 11 makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of renewable energy and transmission infrastructure. This is a very different starting point compared to the position in the former SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to appropriate design mitigation, they should generally be acceptable.

4.8.27 The overall landscape is rural in character but is subject to several energy generation and transmission projects either consented or proposed within the landscape character area. The addition of the Proposed Development would increase the influence of such infrastructure within a very localised area only. Owing to the screening effect of intervening localised landform, Spittal Converter Station and blocks of forestry and woodland there would be no notable effects on landscape character with potential effects confined to the site fabric and its immediate surroundings; these would be limited to the host LCT 143 Farmed Lowland Plain. The proposed earth screening bunds would further screen the majority of battery storage units and substation infrastructure from the A9.

Overview of Design Approach

4.8.28 The need for the Proposed Development was identified in response to grid network needs and current and future renewable generation. BESS are required to be located as near to a point of connection to the grid as possible to reduce electrical losses and avoid additional impacts through long and intrusive grid connection works.

4.8.29 The final design of the Proposed Development is the culmination of an iterative design process responding to the completion of baseline surveys, studies, technical assessments and consultation with relevant stakeholders over the pre-application period. These studies have ensured that the Proposed Development delivers a safe, effective and constructable asset that also fits seamlessly into its surrounding land use and environmental context. The design changes that have been made during this iterative design process include:

Archaeology:

- The overall height of the Proposed Development was reduced by:
  - Site civil works have been designed in order to reduce the ground level in the higher, eastern part of the site by up to approximately 1.5 m and create a level surface. Site-won material for the excavations will also be re-used within the bunding in order to reduce construction impacts.
  - The tallest elements of the Proposed Development (i.e. the substation building) have been re-located to this lowered area and its overall height has been reduced by slackening the roof pitch.
  - The substation building, which is the tallest element of the Proposed Development, has been located towards the northern edge of the development, maximising its distance from the archaeological constraints.
- The overall footprint of the site was reduced through the selection of smaller candidate BESS technology to increase the setback of the site from the Scheduled Monument located south of the site;
- Landscape bunds have been introduced along the site's southern and eastern boundaries to mitigate impacts to the setting of the Scheduled Monument by screening north facing views.

Noise:

- Noise generating infrastructure has been sited away from nearby noise receptors as much as possible, with the nearest residential property approximately 400 m away from the nearest noise emitting equipment.
- The selection of quieter candidate BESS technology has been adopted in order to meet the required noise criteria.

Topography:

- The substation compound has been located as much as possible in a lower lying area of the site;
- Detailed cut and fill analysis has informed the final design to ensure the site is situated on a generally flat working area, as well as cutting the site compound into the site as much as possible, further reducing the overall height and visibility of the Proposed Development.
- Two earth bunds are proposed along the site's southern along the site's southern and eastern boundaries. The bunds will screen the Proposed Development from existing viewpoints, and they have been designed to align with the existing topography of the surrounding landscape. The bunds will also use the excess soil produced from cut and fill works in order to reduce construction impacts.

Access:

- Detailed site design and swept path analyses have been undertaken to ensure that the width and geometry of the access route can accommodate all required HGV and AIL vehicles during construction / decommissioning, and emergency vehicles during an emergency event.
- A new access point from the A9 is proposed which prevents the need for operational access to pass through the private access at Spittal Mains.
- Two separate access points are provided into the site itself from the existing farm access track, including one access point on the site compound's eastern boundary and one at its northern boundary.

Drainage:

- The proposed drainage solution has been informed by the existing drainage of the site which outfalls into the Burn of Achanarras along the site's western boundary.
- An attenuation basin located west of the BESS compound will ensure surface water discharge is limited to its greenfield run-off rate.
- The drainage design is capable of collecting and holding contaminated water run-off associated with fire water from potential site perimeter cooling in the unlikely event of a fire for a maximum volume of up to 1,900 l/min for up to two hours. Through the use of penstock valves on the attenuation basin, contaminated water will not enter surrounding environment.

Ecology:

- Early site selection ensured that no designated ecological sites or protection areas were present on-site, and ecological surveys have confirmed that the area is largely dominated by habitats of low ecological importance.
- The implementation of the proposed Landscape Mitigation Plan will result in the creation of new habitats which will mitigate for the expected losses of baseline habitats and result in significant biodiversity enhancement.

- Subject to the implementation of the mitigation and precautionary measures proposed within this Assessment, no significant adverse ecological effects are anticipated.

Landscape and Visual:

- A landscape plan has been developed for the Proposed Development which includes earth bunds along the site's eastern and southern boundaries and screens the site from views along the A9 and other surrounding long distance viewpoints.
- Landscape planting has been carefully selected to ensure the Proposed Development contributes significant biodiversity enhancements in accordance with relevant planning policies.

Landscape Character

1.1.3 A Landscape and Visual Appraisal (LVA) is submitted with the application. Effects on landscape character arising from the Proposed Development would affect only the host Landscape Character Type (LCT) area. Minor adverse effects on character of the Farmer Lowland Plain LCT would be restricted to the site and immediate surroundings with effects reducing to minor / negligible adverse at year 10 of operation. Construction effects would be highly localised.

Designated Landscapes

4.8.30 There are no landscape designation or other landscape constraints within the Site or its immediate setting.

4.8.31 The Proposed Development will not give rise to unacceptable effects on any Designated sites or their setting within the wider Study Area.

Visual Effects

4.8.32 The visual assessment determines visual effects would occur within a short distance of the Proposed Development on a limited number of receptor groups. Potential visibility would be restricted by localised landform, the Spittal Converter Station and pockets of forestry to the west. The Proposed Development would largely be contained at a lower elevation compared to the surrounding landscape; two earth bunds are also proposed that would screen views of most of the BESS from the very short section of the A9. The bunds have been sensitively designed to fit sensitively in the existing landscape. Once established, landscape mitigation comprising native grassland and hedgerow would help to integrate the earth bunds into views from the A9. Intervisibility from the wider areas would be restricted by topography and vegetation with visual effects markedly reducing with increasing distance beyond 1 km. Effects are therefore localised.

Cumulative Effects

4.8.33 Cumulative landscape effects would be limited to the host LCT and would be minor adverse. Several energy generation and transmission projects (operational and proposed) within the LCT are concentrated within a linear corridor. The addition of the Proposed Development would result in a slight increase in the influence of the infrastructure within the localised area of the LCT.

4.8.34 Cumulative visual effects would be limited to the Spittal Hill and Achanarras Hill receptors groups and the A9. The addition of the Proposed Development would be perceptible but in combination with other schemes the level of effect would range from moderate/minor and minor adverse. A limited number of proposed cumulative schemes would be visible in sequential views along a short section of the A9 but limited in geographic extent and the addition of the Proposed Development would result in moderate/minor adverse cumulative effects.

4.8.35 The effects are considered to be localised and acceptable relative to the provision of NPF4 Policy 11.

Public Access

4.8.36 There are no rights of way or Core paths that would be impacted during construction or in the operational period.

4.8.37 The LVA provides an assessment of potential effects from roads and tourist routes and no significant effects are predicted.

4.8.38 There are no public access routes on or through the Site.

Aviation, Defence Interests and Telecommunications

4.8.39 The Proposed Development will not give rise to any negative effects with regard to aviation, defence interests or telecommunications.

Impacts on Road Traffic and Trunk Roads

4.8.40 Once operational, the Site will be primarily unmanned, with a light schedule of maintenance and safety visits (approximately one operational visit per month). There will therefore be a low quantum of operational trips which would not have a detrimental impact on the local highway network. Impacts of construction traffic have been considered within the Transport Statement and outline Construction Traffic Management Plan (oCTMP). Where appropriate, effects will be mitigated via the measures to be put in place as a result of the finalised CTMP, secured via an appropriately worded planning condition.

4.8.41 The scope of the Transport Statement was agreed with Transport Scotland in February 2024 with surveys of existing traffic conditions on the A9 demonstrating that the road is operated at less than 10% of anticipated link capacity. There are no existing road safety or capacity concerns that would be exacerbated by construction traffic.

4.8.42 The Proposed Development includes a new vehicular access located on the A9 and a new access road which links the A9 to an existing access track. The new access will be designed to Transport Scotland requirements and would enable all AILs access.

4.8.43 Potential developments in the wider local area that could potentially result in cumulative traffic impacts have been identified. Given the uncertainty regarding the timing of the cumulative developments, and in light of the A9 operating at less than 10% link capacity, there is ample spare capacity. If necessary, the potential cumulative traffic impacts could be detailed at the pre-construction stage, in liaison with the other schemes and Transport Scotland.

4.8.44 The temporary impact of construction traffic would be mitigated by the measures set out in the oCTMP.

Historic Environment

4.8.45 An initial review of the cultural heritage value of the Site was undertaken and the application is supported by an Archaeological Desk Based Assessment (ADBA). Extensive consultation with Historic Environment Scotland (HES) has been undertaken in light of the identification at pre-application stage of the potential impacts of the Proposed Development on St Magnus' Church burial ground and hospital, a Scheduled Monument (SM5413). The potential effects on this monument have impacted upon the design as proposed and this has been summarised previously. As a result of the extensive stakeholder engagement and resulting design changes at the pre-application stage, HES have confirmed that they do not object to the Proposed Development.

4.8.46 Potential for other remains/ effects on undesignated assets have also been completed and are reported within the ADBA.

4.8.47 Assessments determined that post mitigation, including embedded mitigation in the form of design to minimise potential harm to the setting and heritage significance of St Magnus' that effects would be minimised to a non-significant level. The Proposed Development would appear non dominant in key viewpoints and the bunding would limit the view of the existing infrastructure in northward views. The Proposed Development would therefore represent a

low magnitude of change to the setting of the asset and would not appear as an intrusive modern element within the existing rural setting. The bunding helps to remove the potentially 'cluttered' and modern appearance of the BESS as well as reducing the sense of encroachment from the transmission infrastructure by screening the lower-level elements in views from the monument.

4.8.48 With the implementation of embedded mitigation measures the impacts on the setting of the asset are anticipated to be adverse, but not sufficient to compromise the integrity of the monument's setting.

4.8.49 Construction effects are considered temporary and short term and therefore not significant overall.

4.8.50 No cumulative physical effects arise as a result of the Proposed Development.

Hydrology, the Water Environment and Flood Risk

4.8.51 The application is supported by a Drainage Impact Assessment (DIA) and Flood Risk Assessment (FRA).

4.8.52 As regards drainage, ground investigations have confirmed that infiltration drainage is not feasible on Site. It is therefore proposed to discharge surface water to the Burn of Achanarras at a restricted rate to match the 1:1 year greenfield run off rate. Attenuation has been provided for the 1 in 200-year event.

4.8.53 The use of filter drains and an attenuation basin provides the appropriate mitigation for the pollutants likely to arise as a result of the Proposed Development, including potential fire water run-off.

4.8.54 The FRA has appropriately demonstrated that the Proposed Development would not increase on or off-site flood risk and therefore meets the requirements of NPF4 in terms of appropriate development. The site is at low risk of flooding from all sources.

4.8.55 Intrusive site investigations have been undertaken to characterise site soils, assess extents of contamination, assess gas risk to future site users and allow for a geotechnical assessment of the Site. These findings are summarised in the Ground Investigation Preliminary Risk Assessment and Ground Investigations Phase 2 Report which confirm that the risks to future site users and the water environment are low and no further environmental works are considered necessary and a remediation strategy is not required.

Biodiversity

Ecology and Ornithology

4.8.56 An assessment of the potential effects on ecology resulting from the Proposed Development is contained within the Ecological Impact Assessment (EcIA) submitted with the Application.

4.8.57 The ecological study area is dominated by sheep grazed modified grassland habitat of low ecological importance. Other habitats present within the Site include types of neutral grassland, standing water and other river and stream habitats, the majority of which will be retained alongside the Proposed Development.

4.8.58 There is approximately 608 m of hedgerows present on the Site and around 288 m is anticipated to be lost as a result of the Proposed Development. To mitigate the loss of this habitat the project is proposing the creation of 345 m of species rich native hedgerow. This results in significant biodiversity enhancement.

4.8.59 Subject to the implementation of mitigation measures and safeguards detailed within the EcIA, no significant adverse ecological effects are anticipated as a result of the Proposed Development.

4.8.60 The Applicant is committed to protecting and enhancing the environment in which it operates by minimising the potential impacts of their construction and operational activities. A series of

commitments adopted for the Proposed Development will be provided pre-construction within a Construction and Environmental Management Plan (CEMP).

4.8.61 Proposed biodiversity enhancement measures are described below with regard to NPF4 Policy 3 (biodiversity).

Balancing the Contribution of a Development and Conclusions on Policy 11

4.8.62 **Part e) ii) of NPF4 Policy 11 (Energy)** makes it clear and recognises that in terms of significant landscape and visual impacts, such impacts are to be expected for some forms of energy proposals. This is a very different starting point compared to the position in the former SPP and there is a very clear steer that significant effects are to be expected, and where localised and/or subject to design mitigation, they should generally be acceptable

4.8.63 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.8.64 The second last paragraph **of Paragraph e) of Policy 11** is expressly clear that in considering any identified impacts of developments, significant weight must be placed on the contribution of the proposal to renewable energy generation targets and greenhouse gas emissions reduction targets.

4.8.65 The "contributions" are inextricably related to the scale of a proposed development and policy recognises that any identified impacts must be assessed in the context of these contributions.

4.8.66 In terms of contribution to targets, the proposal's contributions have been set out previously. The scale of the energy output and emissions savings linked to BESS operation is an enabling factor directly related to renewable transmission capacity and operation, and security of supply, are valuable and should be afforded significant weight.

4.9 NPF4 Policy 3: Biodiversity

Policy 3 & Principles

4.9.1 In summary, there are no unacceptable effects arising in relation to biodiversity matters, nor in relation to nature conservation designations which NPF4 **Policies 3 and 4** (the latter in terms of designations – see below) respectively address.

4.9.2 **Policy 3** requires developments to wherever feasible, provide nature-based solutions that have been integrated and made best use of and for significant biodiversity enhancements to be provided.

4.9.3 There is currently no direct guidance that has been issued on a statutory basis on how Major or EIA developments should fulfil Policy 3 of NPF4. The Scottish Government and NatureScot have issued guidance which provide an indication of how the assessment of biodiversity enhancement under policy 3 might be undertaken. The Scottish Government's guidance is currently in draft. THC has also published guidance which is considered further below.

Scottish Government Guidance

4.9.4 The **letter from the Chief Planner issued on 08 February 2023** refers to the application of policy where specific supporting guidance / parameters for assessment are not yet available to aid assessments. The letter states:

"recognising that currently there is not a single accepted methodology for calculating and / or measuring biodiversity 'enhancement' – we have commissioned research to explore options for development a biodiversity metric or other tool, specifically for use in Scotland. There will be some proposals which will not give rise for opportunities to contribute to the enhancement of biodiversity, and 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". (underlining added)

4.9.5 The Scottish Government published in November 2023 its Draft Planning Guidance: Biodiversity ("SG Draft Guidance"), which "*sets out the Scottish Ministers' expectations for implementing NPF4 policies which support the cross-cutting NPF4 outcome 'improving biodiversity'*". The SG Draft Guidance supports NatureScot's 'Developing with Nature Guidance' ("NatureScot Guidance"), which is considered in more detail below.

4.9.6 In relation to Policy 3b of NPF4, which applies to EIA development such as the Proposed Development, paragraphs 4.6 and 4.7 of SG Draft Guidance state:

"*It will be for the applicant to demonstrate, through the planning application, those ways in which biodiversity will be left in a 'demonstrably better state' than before intervention. NPF4 does not specify or require a particular assessment approach or methodology to be used, though the policy makes clear best practice assessment methods should be utilised*."

"*Assessment may be qualitative or quantitative (for example through use of a metric) and where relevant should align with existing statutory and other assessment requirements, taking an integrated approach to avoid duplication and ensure efficiency. For example, early data gathering and survey work should be aligned wherever possible. Data sources may include National Biodiversity Atlas, NatureScot (Biodiversity data), SiteLink (Scotland's register of European sites), Local Biodiversity Action Plans and local biodiversity record centres amongst other known species and habitat distribution mapping*."

4.9.7 Paragraph 4.12 of the SG Draft Guidance continues:

"*The absence of a universally adopted Scottish methodology/tool should not be used to frustrate or delay decision making, and a flexible approach will be required. Wherever relevant and applicable, and as indicated above, information and evidence gathered for statutory and other assessment obligations, such as EIA, can be utilised to demonstrate those ways in which the policy tests set out in NPF4 have been met*."

4.9.8 Paragraph 4.14 of SG Draft Guidance notes that NPF4 does not specify how much enhancement or 'net gain' should be delivered. Instead, the selection of design of enhancement is a matter of judgement based on the circumstances of the individual case, and should take account of the following considerations:

- The location of the development site and the opportunities it provides for enhancing biodiversity;
- The character and scale of the development;
- The requirements and cost of maintenance and future management measures proposed;
- The distinctiveness and scale of the biodiversity damaged or lost; and
- The time required to deliver biodiversity enhancements and any risks or uncertainty in achieving this.

4.9.9 The draft guidance also makes reference to off-site delivery of enhancement proposals and states at Paragraph 4.19 that:

"*Where the relevant policy tests cannot be met on site, off-site provision may be considered alongside on site. In these circumstances, off-site delivery should be as close as possible to the development site, with consideration being given firstly to the immediate landscape context and existing ecological value of the site*."

NatureScot Guidance

4.9.10 The NatureScot Guidance applies to Policy 3c of NPF4, which relates to local development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Although the Proposed Development is not a local scheme, this guidance is considered helpful in interpreting how Policy 3 should be applied more generally, as well as setting out best practice that can be applied.

4.9.11 Section 2 of the NatureScot Guidance sets out a range of measures that a developer can take in the planning stage to achieve biodiversity enhancement, including:

- **Ensuring a nature rich approach -** Each of the component parts that a development commonly comprises should be considered for their potential to enhance biodiversity, including any nature-based solutions that will be implemented.
- **Applying the mitigation hierarchy** - Securing positive effects is additional to the measures already expected to be applied to mitigate a development's impact.
- **Considering biodiversity from the outset** – opportunities should be considered in the formulation of a development, rather than 'bolted on' at the end.
- **Provide synergies and connectivity for nature** - Individual measures should not be considered in isolation, but as an important component of their wider setting.
- **Integrate nature to deliver multiple benefits**
- **Prioritise on-site enhancement before off-site delivery** - Wherever possible measures for enhancing biodiversity should be provided within the development site, where the loss of, or damage to, biodiversity is taking place
- **Take a placed-based and inclusive approach** – this requires an understanding of the main natural assets of the Site and its surroundings, the opportunities they provide for enhancement, and how the development will be used. Consideration should be given to any opportunities to contribute towards restoring or enhancing any habitats and species identified as national, strategic or local priorities.
- **Ensure long term enhancement is secured**
- **Selecting the measures that are appropriate**

4.9.12 NatureScot has been commissioned by the Scottish Government to develop a biodiversity metric for Scotland's planning system to support policy 3b of NPF4.

4.9.13 NatureScot published a paper on this work: 'A Biodiversity Metric for Scotland's Planning System – Key Issues consultation' ("Key Issues Consultation Paper"). This consultation closed on 10 May 2024, and NatureScot or the Scottish Government have not yet set out next steps in the creation of a Scottish biodiversity metric at the time of writing. Section 1.2 of this Key Issues Consultation Paper states:

"The commission's focus is on adapting England's statutory biodiversity metric to better reflect Scotland's different legislative, policy and environmental context. England's statutory approach prescribes that a mandatory level of biodiversity net gain (calculated by the statutory biodiversity metric) is able to be delivered before planning consent can be granted. Scotland's policy led approach to delivering biodiversity enhancement is less rigid, with the policy requirement to be considered within the overall planning balance. Scotland's metric must therefore be suitable for informing professional judgement and evidence-based decision-making when consenting development."

4.9.14 Section 2.1 of the Key Issues Consultation Paper highlights that the English biodiversity metric and principles underpinning such are being reviewed to check the extent to which they are applicable in Scotland. A separate, biodiversity enhancement metric will then be delivered in Scotland.

4.9.15 The final output of NatureScot's work on a biodiversity metric will be production of a Scottish biodiversity planning metric tool alongside a user guide and recommendations on requirements for maintaining and updating the metric and supporting information.

Highland Council Guidance

4.9.16 THC adopted supplementary planning guidance in May 2024 titled 'Biodiversity Enhancement Planning Guidance' ("THC Guidance"). The THC Guidance was prepared for developers, agents and consultants in support of the application of NPF4 and is intended to be read in

conjunction with national and local policy and planning guidance, including the NatureScot Guidance.

4.9.17 Paragraphs 4.34 – 4.53 sets out THC's expectations on how developers of Major, National and EIA-scale development should assess biodiversity enhancement and the information to be included in support of a planning application to demonstrate this. Paragraph 4.40 of THC Guidance states:

"A minimum 10% biodiversity enhancement is required although a higher percentage and/or bespoke measures may be expected where development impacts a non-statutory designated area or a locally important area as designated by the local Authority. It is the developer's responsibility to demonstrate to the satisfaction of the Planning Authority that this threshold has been achieved. Until a Scottish metric is available and to assist the smooth passage of the application, it is recommended that England's Statutory Metric is used to demonstrate and to justify the type and extent of biodiversity enhancement proposed. Until a Scottish metric is available, applicants may wish to use an alternative metric, adapt or amend England's Statutory metric or utilise a different methodology. Where these or other alternative approaches have been taken the rationale must be clearly justified and set out in a supporting statement. Where habitat enhancement measures cannot be accurately taken into account through a metric, such as INNS removal, this will still be given consideration by the planning authority as contributing towards enhancement. It is the developer's responsibility to ensure that all relevant sections of Policy 3 have been fulfilled."

4.9.18 Paragraph 4.47 states that a Habitat Management Plan should be provided that details the enhancement, offsetting/restoration management prescriptions and monitoring strategies.

4.9.19 The Applicant notes that THC Guidance does not fully align with the Scottish Government and NatureScot's approach to Policy 3 of NPF4. The suggestion in the THC Guidance that Policy 3 should require a minimum 10% biodiversity enhancement does not reflect the wording of the policy, or how the Scottish Government have stated it should be applied. In short, the Proposed Development does not need to demonstrate a percentage increase in biodiversity.

4.9.20 The SG Draft Guidance is clear that there is flexibility in how a decision maker should assess whether or not a development has demonstrated that biodiversity will be left in a 'demonstrably better state' than before intervention. The SG Draft Guidance and the NatureScot Guidance is clear that this will depend on the individual circumstances of each case, that there is no particular methodology to be followed, and that the assessment can be done qualitatively or quantitatively.

4.9.21 The Applicant respectfully submits that the THC Guidance should be afforded limited weight in considering how Policy 3 should be applied, and compliance with it demonstrated. Therefore, the Applicant has adopted a combined approach to assess the biodiversity enhancement through the use of the biodiversity coupled with a qualitative assessment to ensure bespoke and appropriate enhancement for the site and local context.

The application of Policy 3

4.9.22 Notwithstanding the lack of policy guidance at the present time, in terms of environmental benefit, there will be a permanent enhancement delivered through the Applicant's proposed enhancements to the natural habitat.

4.9.23 The supporting Ecology Impact Assessment (EcIA) report proposal sets out that significant beneficial effects are considered likely as a result of the delivery and implementation of a scheme of biodiversity enhancement. The proposed biodiversity enhancement measures are detailed in outline within the EcIA Report, and it is anticipated that an appropriate worded condition will require a detailed Habitat Management and Monitoring Plan (HMMP) to be submitted and approved pre-construction should planning consent be granted.

4.9.24 The biodiversity value of the Ecology Study Area has been calculated using the Statutory Biodiversity Metric (Defra, 2024) for this project with full details provided within the EcIA Report.

4.9.25 The Proposed Development will, by its construction, result in a permanent loss of habitat on-site. Appendix D of the EcIA Report includes the associated biodiversity value lost. Post-development habitats will be created on-site and these are detailed in terms of the proposed habitats and biodiversity units in the EcIA Report and in the Landscape Masterplan (Stephenson Halliday, 2024).

4.9.26 The scheme will deliver significant biodiversity enhancement within the context of the Site, comprising of a net gain of 29.83% for hedgerow habitats and 54.87% for Area habitats. The expected positive effects will be delivered through the provision of new landscaping alongside the Proposed Development.

4.9.27 The HMMP will detail future management which will include periodic inspection of the habitats created to ensure that the scheme meets the Applicant's biodiversity enhancement commitments as well as the requirements of Policy 3. The Applicant is content to agree an appropriately worded condition to secure the biodiversity enhancement proposals as necessary.

4.9.28 Given the very limited level of significant adverse effects of the Proposed Development, and the scale of the habitat enhancements proposed, the Proposed Development will demonstrably deliver significant positive effects and the connections between them, so they are in a demonstrably better state than without intervention consistent with the provisions of Policy 3.

4.9.29 The Approach taken by the Applicant accords with the best practice set out in the SG Draft Guidance and the NatureScot Guidance. Policy 3 of NPF4 does not require a metric or quantitative assessment of biodiversity enhancement to be undertaken. The Applicant considers that it is clear from the supporting information with the application and the HMP that the enhancement measures proposed as part of the Proposed Development would bring about significant beneficial effects for biodiversity.

4.9.30 It is important to keep in mind that the greatest threat to biodiversity is climate change. The principal and essential benefit of the Proposed Development is a significant contribution of energy transmission and security within a modern grid network with enhanced capacity, to facilitate the earliest possible decarbonisation of the energy system and the achievement of net zero no later than 2045, in accordance with the objectives of the Climate Change (Scotland) Act 2009 (as amended). The purpose of net zero is to protect biodiversity and the earlier it can be achieved, the greater the benefits to biodiversity.

4.10 NPF4 Policy 4: Natural Places

Policy 4 & Principles

4.10.1 Policy 4, Paragraph c) deals with national landscape designations and has a similar approach in relation to the former SPP in terms of how a proposal that affects a National Park or NSA should be addressed.

4.10.2 Policy 4, Part c) states that:

"*Development proposals that will affect the National Park or National Scenic Area….. will only be supported where:*

the objectives of designation and the overall integrity of the areas will not be compromised; or

any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance."

4.10.3 There are no national landscape interests that would be affected by the Proposed Development.

4.10.4 **Policy 4**, **Paragraph d)** deals with local landscape designations and contains a different policy approach as follows:

"*Development proposals that affect a site designated as …a local landscape area in the LDP will only be supported where:*

Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or

Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance".

4.10.5 The policy follows a similar construct to that which deals with national level designations. The first limb of the policy refers to significant effects on the "*integrity*" of the area or "*the qualities for which it has been identified*".

4.10.6 The policy set out in the second limb of NPF4 Policy 4, Part d) provides that development proposals that affect a site designated as a local landscape area will only be supported where any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance. It must be noted that:

> this is a new policy provision, reflecting the wider NPF4 policy that adverse effects (including adverse landscape and visual effects outside of a National Park or National Scenic Area) must be balanced against the benefits of a proposed development;

> the second limb is independent of the first ("or") and is to be applied where a decision-maker concludes that a proposed development will have significant adverse effects on the integrity of a local designation;

> NPF4, Policy 4, Part d) now expressly includes a balancing mechanism ("*clearly outweighed by social, environmental or economic benefits*") and sets out the threshold to be used ("*of at least local importance*").

The application of Policy 4

4.10.7 As explained above in the context of NPF4 Policy 11 (Energy), the landscape and visual assessment contains an assessment of the effects of the Proposed Development and concludes that the Proposed Development can be well integrated into the context of the surrounding landscape and that the Site has the capacity to accommodate the scale and type of development proposed, without significantly affecting local landscape character and visual amenity. There are no predicted effects on Special Landscape Areas or any other national or local designations.

4.10.8 Localised effects during construction are predicted however are short term and temporary.

4.10.9 The Proposed Development would however result in benefits of national importance with no significant national or local landscape effects. The Proposed Development is considered to be in accordance with Policy 4.

4.11 NPF4 Policy 5: Soils

Policy 5 & Principles

4.11.1 In terms of soils, Policy 5 states that where development on peatland or carbon rich soils or priority peatland habitat is proposed, a detailed site-specific assessment is required to identify baseline, likely effects and net effects. The policy intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. This is very similar to the policy position that was in SPP; however, a key difference is that essential infrastructure with a specific locational need is a type of development expressly envisaged to be acceptable in principle on peatlands (Paragraph c).

The application of Policy 5

4.11.2 An assessment of the potential impacts of the Proposed Development on geology, hydrogeology and peat has been considered as part of Phase 1 and Phase 2 Ground Investigation works completed to inform the project design and feasibility.

4.11.3 No peat is found on Site and as such there are no predicted effects on peatland resources and there is no requirement for a Peat Management Plan to support the application.

4.11.4 Intrusive site investigation has been undertaken to characterise site soils, assess extents of contamination, assess gas risk to future site users and allow for a geotechnical assessment of the Site. These findings confirm that the risks to future site users and the water environment are low.

4.11.5 No land contamination has been identified to soils on Site. The findings of the reporting to date conclude that no further environmental works are considered necessary, and no site remediation is required on Site.

4.11.6 The Proposed Development is considered to be in accordance with Policy 5.

4.12 NPF4 Policy 7: Historic Assets and Places

Policy 7 & Principles

4.12.1 The intent of Policy 7 is to protect and enhance the historic environment, assets and places and to enable positive change. Key parts of the policy include the following:

- **Paragraph c)** states that "*development proposals affecting the setting of a Listed building should preserve its character, and its special architectural or historic interest*".
- **Paragraph d)** states that "*development proposals in or affecting Conservation Areas will only be supported where the character and appearance of the Conservation Area and its setting is preserved or enhanced*".
- **Paragraph h)** states that "*development proposals affecting Scheduled Monuments will only be supported where*:
  - **(i)** direct impact on the Scheduled Monument are avoided;
  - **(ii)** significant adverse impacts on the integrity of the setting of the Scheduled Monument are avoided; or
  - **(iii)** exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impact on the monument or its setting have been minimised.
- **Paragraph l)** states that "*development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site or its setting*".
- **Paragraph o)** states that "*non designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impact*".

The application of Policy 7

4.12.2 The assessment of effects on cultural heritage has been undertaken by way of an ADBA and it has determined that there are no significant adverse direct or indirect impacts on designated heritage assets or their settings as a result of the Proposed Development due to embedded mitigation within the design and layout.

4.12.3 A scheme of works will be prepared to address potential unknown findings during construction, and this can be addressed via a suitably worded condition.

4.12.4 The Proposed Development is considered to accord with the provisions of Policy 7 so far as they are relevant to the nature of the development as proposed.

4.13 NPF4 Policy 22: Flood Risk and Water Management

Policy 22 & Principles

4.13.1 The intent of Policy 22 is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Key parts of the policy include:

> **Paragraph a)** states that *"Development proposals at risk of flooding or in a flood risk area will only be supported if i. essential infrastructure where the location is required for operational reasons"*. In such cases it will be demonstrated by the applicant that:

- *All risks of flooding are understood and addressed;*
- *There is no reduction in floodplain capacity, increased risk for others or a need for future flood protection schemes;*
- *The development remains safe and operational during floods;*
- *Flood resistant and resilient materials and construction methods are used; and*
- *Future adaptations can be made to accommodate the effects of climate change.*

> Paragraph b) states that proposals will:

i. *Not increase the risk of surface water flooding to others, or itself be at risk;*

ii. *Manage all rain and surface water through sustainable urban drainage systems (SUDS) which should form part of and integrate with proposed and existing blue-green infrastructure.*

iii. *Seek to minimise the area of impermeable surface.*

The Application of Policy 22

4.13.2 A FRA and DIA are submitted with the application and identify no increased risk of flooding as a result of the Proposed Development. The BESS is not in an area of flooding or located within the floodplain. The proposals have been designed and located such that the development operation can continue safely should an adverse flood event arise. There is no risk of reduced floodplain capacity or increased risk for others as a result of the Proposed Development.

4.13.3 Due to the lack of surface water features both on and near the Site and the absence of groundwater detected during monitoring, the risk to the water environment is considered to be low. Additionally, no significant sources of mobile contamination were found on the Site during the ground investigations.

4.13.4 Appropriate materials and design have been proposed such that the effects of climate change are accommodated. It is important to note also that the Proposed Development is specifically targeted at delivering green energy to reduce the effects of greenhouse gases and carbon emissions such that the drive to net zero emissions is facilitated and climate change is addressed.

4.13.5 The Proposed Development is designed to be consistent with the aims and objectives of Policy 22 and no negative impacts arise as a result of the development.

4.14 NPF4 Policy 23: Health and Safety

Policy 23 & Principles

4.14.1 The policy intent of Policy 23 is to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. Key parts of the policy include:

> Paragraph d) development proposals that are likely to have significant adverse effects on air quality will not be supported….an air quality assessment may be required where the location suggests significant effects are likely;

> Paragraph e) relates to noise and states that proposals that are likely to raise unacceptable noise issues will not be supported. A NIA may be required.

> Paragraph h) applications for hazardous substances consent will consider the likely potential impacts on surrounding populations and the environment.

The Application of Policy 23

4.14.2 An NIA has been prepared and submitted with the application. This demonstrates that no adverse effects above agreed target levels arise as a result of the Proposed Development.

4.14.3 There are no predicted effects arising to air quality and this was scoped out of further assessment.

4.14.4 There is no requirement for hazardous substance consent for BESS proposals.

4.14.5 The risk to future site users is considered low. The risk presented by ground gases is assessed as low for the Site and no ground gas protection measures are required for the Proposed Development.

4.14.6 An Outline Battery Safety Management Plan (OBSMP) has been prepared and submitted to support the application. The report assesses any key potential hazards the project might present, even if considered very unlikely, and assesses these against the steps the Applicant has, and will continue to implement throughout the construction and operation of the Site. The safety mechanisms outlined in the plan aim to protect people, the surrounding environment and the BESS in the unlikely event of an incident occurring. The safety mechanisms will reduce the likelihood of accidents occurring and reduce potential impacts if they do.

4.14.7 The OBSMP demonstrates that the Applicant has employed a pro-active risk aware approach to development, with many key safety mitigation measures embedded into the design (Section 4.3 of OBSMP). In addition, the report sets out the principles and commitments they will undertake to manage safety risk through the lifetime of the Proposed Development (See Chapter 4 of the OBSMP). This goes beyond the requirements of Policy 23 but is consistent with its aims and objectives.

4.15 Conclusions on NPF4 Appraisal: Sustainable Place

4.15.1 The Proposed Development is considered to be acceptable in relation to all of Policy 11's environmental and technical topic criteria.

4.15.2 A key point within Policy 11 (Energy) is that any identified impacts have to be weighed against a development's specific contribution to meeting targets – which attracts significant positive weight in this case.

4.15.3 Significant weight is also afforded in relation to Policy 1 (Tackling the climate and nature crises). This policy direction fundamentally alters the planning balance compared to the position that was set out in in NPF3 and SPP.

4.15.4 The term “tackling” the respective crises in Policy 1 is also important – this means that decision makers should ensure an urgent and positive response to these issues and take positive action.

4.15.5 The National Spatial Strategy set out in NPF4 is intended to support the delivery of three types of ‘place’ in Scotland: namely, Sustainable, Liveable and Productive places.

4.15.6 Eighteen National Developments are identified to support the strategy and they are to be “focus for delivery” (NPF4 page 4). National Development 3 (strategic renewable electricity generation and transmission infrastructure) is one of six National Developments which support the delivery of Sustainable Places.

4.15.7 Sustainable Places are primarily concerned with dealing with the climate crisis, and this issue is seen as a fundamental threat to the capacity of the natural environment to provide the services and amenities relied on, including clean air, water and food (NPF4, page 6).

4.15.8 In order to deliver Sustainable Places, NPF4 makes it clear that there must be significant progress in achieving net zero emissions by 2030 in order to hit the overall target of net zero by 2045.

4.15.9 Furthermore, it sets out that meeting the Government's climate ambition will require a rapid transformation across all sectors of the economy and society and that this means ensuring “the right development happens in the right place”. (Page 7)

4.15.10 In a development management context, this is to be achieved by the application of NPF4 policies which are to be read as a whole. The policy appraisal contained in this Statement has demonstrated that the Proposed Development would accord with NPF4 when it is read as a whole, and as a consequence, the proposal is considered to be the right one in the right location and one which will contribute to Scotland being a Sustainable Place.

5. Appraisal against the Local Development Plan

5.1 Introduction

5.1.1 The other elements of the statutory Development Plan covering the Site comprise:

> The Highland Wide Local Development Plan (HwLDP) (2012); and

> The Caithness and Sutherland Local Development Plan (CASPlan) (2018).

5.1.2 The CASPlan focuses largely on regional and settlement strategies and specific site allocations, rather than planning policies of relevance for the Proposed Development.

5.1.3 The Site does not lie within a site allocation or Settlement Development Area and therefore lies within what is known in the HwLDP as the 'Hinterland around Inverness'. For non-housing development the principle of development within such areas is assessed against HwLDP Policy 36 Development in the Wider Countryside, alongside relevant policies of NPF4. HwLDP notes at paragraph 19.9.3 that exceptions to this include renewable energy proposals which will be assessed against renewable energy policies and relevant guidance.

5.2 Lead LDP Policy: Renewable Energy / Electricity Transmission Infrastructure

5.2.1 Policy 67 of the HwLDP is an important LDP policy in relation to the Proposed Development in light of the planning system classification of BESS as 'generation' and given its role in supporting local distribution and national transmission electricity networks with the balancing of supply and demand from large renewable connections. The contribution that the Proposed Development makes towards meeting net zero targets has been clearly set out in Chapter 2.

5.2.2 Policy 67 – 'Renewable Energy Developments' sets out the Council's support in principle for renewable energy development subject to addressing important key issues and other criteria. The Council must be satisfied that the development is located, sited and designed in a way that will not be significantly detrimental to such considerations as set out in the Policy. These include:

> Natural built and cultural heritage features;

> Species and habitats;

> Visual impact and the impacts on landscape character of the surrounding area;

> Amenity at sensitive locations including residential properties;

> Safety and amenity of occupied buildings and their grounds;

> Ground water, surface water (including water supply), aquatic ecosystems and fisheries;

> Amenity of core path users;

> Tourism and recreation interests;

> Traffic and transport.

5.2.3 Policy 69 'Electricity Transmission Infrastructure' is also important in that it sets out the importance the Highlands plays in generating and transmitting electricity from areas of generation to areas of consumption. The Proposed Development, whilst classified formally as generation, plays an important role in supporting the transmission network and balancing supply and demand of renewable energy within the system, reducing over reliance on fossil

fuels and other energy sources. (See Chapter 2 for explanation of operation and purpose of the Proposed Development).

5.2.4 In light of the age of the HwLDP relative to NPF4, where conflict arises or the LDP is silent, the provisions of NPF4 must prevail.

5.2.5 It should be noted that the Reporter in the Meall Buidhe Appeal Decision Notice of 14 June 2023, commented on the relationship between the HwLDP and NPF4 and stated (paragraph 76):

"*I find some inconsistency overall between the Local Development Plan approach and the relevant balance of considerations now applied through NPF4.*

The later adopted document places emphasis on the significant weight to be placed on the contribution to renewable energy targets. It also states that landscape and visual impacts of a localised scale will generally be acceptable subject to appropriate design mitigation. The Act advises that in the event of any incompatibility between the provision of National Planning Policy Framework 4 and the provision of an LDP, the later in date is to prevail. In that context I rely on my conclusions above in relation to the topic specific National Planning Framework 4 Policy 11."

5.2.6 The Proposed Development has been assessed as being in accordance with the relevant policies of NPF4 and with NPF4 when read as a whole.

5.3 Other Relevant LDP Policies

5.3.1 Policy 36 - Development in the Countryside - is a generic policy and provides that development proposals located in the countryside, per the Proposed Development, will be assessed for the extent to which they are:

- Acceptable in terms of siting and design;
- Are sympathetic to existing patterns of development in the area;
- Are compatible with the landscape character and capacity;
- Avoid incremental expansion of one particular development type;
- Avoid where possible the loss of locally important croft land; and
- Would address drainage constraints that otherwise cannot be adequately services.

5.3.2 Renewable energy proposals will be assessed against the renewable energy policies.

5.3.3 As noted above Policy 67 is therefore considered the lead LDP policy, with NPF4 Policy 11 taking precedence and forming the overall assessment baseline. It has to be noted that NPF4 Policy 11 makes it explicitly clear, as a starting point, that developments such as BESS will be supported in all area of Scotland except in National Parks and National Scenic Areas.

5.3.4 The other policies of relevance in the HwLDP are summarised below in **Table 5.1** with brief comment added with regard to how the policies relate to the policies of NPF4, where relevant:

Table 5.1: HwLDP Policy Summaries

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
Policy 28	Sustainable Design	Provides support for development which promote and enhance social, economic and environmental wellbeing to communities in Highland. Proposals will be assessed on the extent to which they are compatible a range of listed factors and should utilise good siting and design etc. Developments which are considered detrimental will not accord with the LDP. All development must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance to conserve and enhance the character of the area, use resources efficiently, minimise environmental impact and enhance the viability of Highland Communities. Where appropriate a Sustainable Design Statement should be submitted. The precautionary principle will be applied where appropriate, developments with significant detrimental impact will only be supported where this is demonstrable over-riding strategic benefit or if satisfactory mitigation measures are incorporated.	The provisions of this general policy insofar as relevant are contained within the scope of NPF4 Policy 11. No conflicts of contradictions with NPF4.
Policy 30	Physical Constraints	Requirement to consider Physical Constraints to development and refer to Supplementary Guidance of same name if relevant. Main principles are to ensure proposed developments do not adversely affect human health and safety or pose risk to safeguarded sites.	NPF4 Policy 11 deals with impacts in relation to aviation and other infrastructure safeguarding. No conflicts or contradictions with NPF4.
Policy 51	Trees and Development	Support for development which promotes significant protection to existing hedges, trees and woodlands on and around sites. Where appropriate woodland management plans will be required. Enables the Council to secure additional planting to compensate for removal.	NPF4 Policy 4 deals with forestry, woodland and trees. No conflicts or contradictions with NPF4.
Policy 52	Principle of Development in Woodland	Requires applicants to demonstrate the need to develop a woodland site and to show that the site has capacity to accommodate that development. A strong presumption in favour of protecting woodland resources is retained. Support is provided only where development offers clear and significant public benefit and where compensatory planting is provided.	NPF4 Policy 4 deals with forestry, woodland and trees. No conflicts or contradictions with NPF4.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
Policy 55	Peat and Soils	Requires proposals to demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. Unacceptable disturbance will not be accepted unless it is shown that the adverse effects are clearly outweighed by social, environmental or economic benefits arising from the proposals. Requirement for Peat Management Plans where development on peat is demonstrated as unavoidable in order to show how impacts have been minimised and mitigated.	NPF4 Policy 5 deals with soils including peatland and related habitat. There is conflict with NPF4. The Reporter in the Meall Buidhe decision (paragraph 82) commented in relation to Policy 55 as follows: "*Framework Policy 5: Soils applies in relation to peat and peatland habitat. Similar considerations are applied in Policy 55 of the Highland-wide Local Development Plan. However, this is the older expression of Development Plan policy and unlike Policy 5, it does not specifically reference the location of energy generation proposals, nor does it reflect Part (d) of that policy. Consequently, I have applied the more recent statement of Development Plan Policy*."
Policy 57	Natural, Built and Cultural Heritage	Requires proposals to be assessed taking into account the level of importance and type of heritage features, the from and scale of development and the impact on the feature and its setting. The policy sets a series of criteria based on level of features importance (local, regional or international). Appendix 2 of the HwLDP defines the features. For features of local / regional importance – developments will be permitted if it can be demonstrated that they will not have an unacceptable effect. For features of national importance, where any significant adverse effects arise, they must be clearly outweighed by social or economic benefits of national importance. In international designations development with adverse effects on integrity will only be allowed where no alternative solution exists and there are imperative reasons of overriding public interest (IROPI).	NPF4 Policies 4 and 7 deal with natural heritage and historic assets and places respectively. There is conflict with NPF4. The Reporter in the Meall Buidhe decision (paragraph 81) commented in relation to Policy 57 and stated that the HwLDP Policy does not contain: "*the same clarification as Policy 4(g). Consequently, I rely on the terms of Framework Policy 4.*" The policy is also considered to be in conflict with the NPF4 Policy 4 provisions in relation to local landscape designations.
Policy 58	Protected Species	Requirement for surveys to establish presence of protected species and to consider necessary mitigation to avoid or minimise any impacts. Development likely to have an	NPF4 Policy 4 deals with natural heritage matters. No conflicts or contradictions with NPF4.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		adverse effect, individually or cumulatively on European Protected Species will only be permitted where there is no satisfactory alternative, where there is IROPI, the development is required in the public interest, health or safety, where there is no other satisfactory solution, or it can be demonstrated the effects will not be detrimental to the population of species concerned, or impact on the conservation status thereof.	
Policy 59	Other Important Species	Protection of other species not protected by other legislation or nature conservation site designations.	NPF4 Policy 4 deals with natural heritage matters. No conflicts or contradictions with NPF4.
Policy 60	Other Important Habitats	Safeguards the integrity of features of the landscape which are of major importance because of their linear or continuous structure or combinations. The Council will also seek to create new habitats which are supportive of this concept.	NPF4 Policy 4 deals with natural heritage matters. No conflicts or contradictions with NPF4.
Policy 61	Landscape	New development should be designed to reflect the landscape characteristics and special qualities identified in the area they are located as well as considering cumulative effects. Measures to enhance landscape characteristics of the area in which they are located are encouraged. The policy requires the Council to take into account Landscape Character Assessments. The policy contains no balancing provision to allow benefits to be taken into account.	NPF4 Policy 4 deals with natural heritage matters including landscape designations. No conflicts or contradictions with NPF4.
Policy 63	Water Environment	Supports proposals that do not compromise the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection of the water environment.	NPF4 Policies 11 and 22 deals with hydrology, the water environment and flood risk. No conflicts or contradictions with NPF4.
Policy 66	Surface Water Drainage	All proposals must be drained by Sustainable Urban Drainage Systems (SUDs) designed in accordance with CIRIA C697.	NPF4 Policy 22 deals with hydrology, the water environment and flood risk. No conflicts or contradictions with NPF4.
Policy 72	Pollution	Proposals that may result in significant pollution (noise, air, water and light) will only be approved where a detailed assessment on the levels character and transmission and receiving environment of the	NPF4 Policy 11 deals with impacts in relation to amenity arising from energy developments.

HwLDP Policy	Topic	Policy Summary	Comment re NPF4
		potential pollution is provided and mitigated if necessary.	No conflicts or contradictions with NPF4.
Policy 77	Public Access	Provides protection to Core Paths and access points to water or rights of way providing presumption of retention and enhancement of amenity value, and use of alternative access that is no less attractive or safe where necessary.	NPF4 Policy 11 public access and recreational routes. No conflicts or contradictions with NPF4.

5.4 Conclusions on the LDP

5.4.1 The relevant development management policy considerations have been addressed above (Chapter 4) in the context of NPF4 Policy 11 and other relevant national policies and are not repeated with reference to the HwLDP.

5.4.2 It is considered that the effects arising from the Proposed Development would not be unacceptable in terms of Policy 67 or indeed other relevant policies within the HwLDP.

5.4.3 Moreover, through considering the other relevant policies, it is considered that the Proposed Development accords with the HwLDP when it is read as whole.

5.4.4 The renewable energy and transmission policy provisions of the HwLDP are based on those of the pre 2014 SPP. In addition, there are a number of incompatibilities between the HwLDP and the policies of NPF4 as explained above. This means, as per the amendments made to the 1997 Act, the provisions of NPF4 (which is the most recent part of the Development Plan) must prevail.

5.4.5 Insofar as there are other relevant policies within the HwLDP, they are considered to be generally consistent with those of NPF4 and given the appraisal set out above in Chapter 4 in relation to the various environmental and technical topics of relevance to the proposal, there would be no conflict with their terms.

6. Conclusions

6.1 The Electricity Act 1989

6.1.1 Paragraph 3 of Schedule 9 to the 1989 Act provides a specific statutory requirement on the Scottish Ministers to have regard to various matters when considering development proposals for consent under section 36 of the 1989 Act.

6.1.2 The information that is contained within the individual topic assessments submitted with the Application therefore enables Scottish Ministers to be satisfied that the obligations under Schedule 9 are met and that suitable mitigation has been identified. It is also considered that the detailed work undertaken in the formulation of these assessments has confirmed and provides confidence that the Proposed Development would be undertaken in an environmentally acceptable manner.

6.2 The Climate Crisis & Renewable Energy Policy Framework

6.2.1 The nationally important benefits of the Proposed Development have been set out in the context of the current Climate Emergency – the Proposed Development would help address the issue of global heating and very challenging net zero targets and contribute to improving balancing and security of supply.

6.3 The Planning Balance

6.3.1 In NPF4 there is a clear recognition that climate change must become a primary guiding principle for all plans and decisions. Significant weight is to be given to the Climate Emergency and the contribution of individual developments to tackling climate change.

6.3.2 NPF4 came into force on 13th February 2023 and provides up to date statements of Scottish Government policy, directly applicable to determination of this application. This should be afforded very considerable weight in decision-making.

6.3.3 NPF4 is unambiguous as regards the policy imperative to combat climate change, the crucial role of facilitating further renewable energy production and transmission and the scale and urgency of renewables deployment required. As described in this Planning Statement:

- The global climate emergency and the nature crisis are the foundations for the NPF4 Spatial Strategy as a whole. The twin global climate and nature crises are "*at the heart of our vision for a future Scotland*" so that "*the decisions we make today will be in the long-term interest of our country*"[11]. The policy position, and the priority afforded to combatting the Climate Emergency, is different to that which was set out in NPF3 and SPP;
- NPF4 Policy 1 (Tackling the climate and nature crises) directs decision-makers to give significant weight to the global Climate Emergency in all decisions. This is a radical departure from the usual approach to policy and weight, and clearly denotes a step change in planning policy response to climate change. The matter of weight is no longer left entirely to the discretion of the decision maker; and
- NPF4 is clear that renewable energy and grid transmission infrastructure plays a crucial role in combatting climate change, transitioning to a net zero Scotland and ensuring security of energy supply. NPF4 Policy 11 (Energy) strongly supports proposals for all forms of renewable, low-carbon and zero emissions technologies, including transmission and generation infrastructure.

[11] NPF4, page 2.

6.3.4 This change in policy is also seen in the designation of energy storage infrastructure applications as National Developments. National Developments are significant developments of national importance that will help to deliver the spatial strategy, as the Statement of Need for Strategic Renewable Electricity Generation and Transmission Infrastructure explains.

6.3.5 The Proposed Development does not give rise to any policy conflicts with the Development Plan. The development has been designed with embedded mitigation to ensure a satisfactory relationship with the receiving environment and to protect residents and communities from undue impact. Where potential significant effects arise, appropriate mitigation measures are proposed such that no significant residual effects arise that cannot be deemed acceptable when balanced against the substantial benefits arising from the Proposed Development.

6.3.6 The Proposed Development is considered to be in accordance with policy and delivers essential infrastructure improvements whilst ensuring biodiversity enhancement and local socio-economic benefits where possible, in order to contribute to Net Zero and in doing so addresses both the global climate and nature crisis.

Annex A: The Renewable Energy Policy & Legislative Framework

International Commitments

The Paris Agreement (2016)

In December 2015, 196 countries adopted the first ever universal, legally binding global climate deal at the Paris Climate Conference (COP21). The Paris Agreement within the United Nations Framework Convention on Climate Change sets out a global action plan towards climate neutrality with the aims of stopping the increase in global average temperature to well below 2°C above pre-industrial levels and to pursue efforts to limit global warming to 1.5°C.

It is clear that moving to a low carbon economy is a globally shared goal and will require absolute emission reduction targets. The UK Government's commitment under the Paris Agreement links to the Climate Change Committee's (CCC) advice to both the UK and Scottish Governments on 'net zero' targets which have now, at both the UK and Scottish levels, been translated into new legislative provisions and targets for both 2045 (Scotland) and 2050 (UK). This is referred to below.

The Paris Agreement does not itself represent Government policy in the UK or Scotland. However, the purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

United Nations - Intergovernmental Panel on Climate Change

The Intergovernmental Panel on Climate Change (IPCC) is the United Nations Body for assessing the science related to climate change.

The IPCC prepares comprehensive assessment reports about the state of scientific, technical, and socio-economic knowledge on climate change, its impacts and future risks and options for reducing the rate at which climate change is taking place. IPCC reports are commissioned by the worlds' Governments and are an agreed basis for COP[12] negotiations.

The IPCC's Special Report on Warming of 1.5°C, published in 2018, was a key piece of evidence for the CCC's recommendation to the UK Government for a 2050 net zero greenhouse gas emission target. The IPCC's reports since 2018 have provided an up-to-date estimate of how close global temperatures are to 1.5°C of warming above pre-industrial levels and the remaining volume of global cumulative carbon dioxide that could be emitted to be consistent with keeping global warming below any particular threshold (such as the 1.5°C and 2°C levels referred to in the Paris Agreement).

The IPCC's 6th Assessment Report was published in March 2023. The Summary for Policymakers Report (page 10) states that it is likely that warming will exceed 1.5°C during the 21st Century and make it harder to limit warming 2°C. It states (page 12):

"*Continued greenhouse gas emissions will lead to increasing global warming, with the best estimate of reaching 1.5°C in the near term in considered scenarios and modelled pathways. Every increment of global warming will intensify multiple and concurrent hazards (high confidence). Deep, rapid and sustained reductions in greenhouse gas emissions would lead to a discernible slowdown in global warming within around two decades, and also to discernible changes in atmospheric composition within a few years (high confidence)*".

[12] United Nations Framework Convention on Climate Change, Conference of the Parties (COP).

Page 24 of the report states "There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all (very high confidence)".

United Nations Statement, July 2023

The UN issued a statement on 27 July 2023 with regard to increasing global temperatures. The UN Secretary General Antonio Guterres stated that it was "*virtually certain that July 2023 will be the warmest on record*".

The Secretary General stated "*Climate change is here. It is terrifying. And it is just the beginning. The era of global warming has ended, and the era of global boiling has arrived*."

The statement refers to climate conditions in the month of July 2023 as being remarkable and unprecedented, and that there is virtual certainty that the month of July as a whole became the warmest July on record and the warmest month on record. In addition, the statement sets out that ocean temperatures are at their highest ever level recorded for this time of year [July].

The statement also refers to the net zero goal and the Secretary General stated "*The need for new national emissions targets from G20 members and urged all countries to push to reach net zero emissions by mid-century*."

COP 28, Dubai 2023

The United Nations Climate Change Conference (COP28) closed on 13 December 2023. The UN press release of the same date states that the agreement reached "Signals the 'beginning of the end' of the fossil fuel era by laying the ground for swift, just and equitable transition, underpinned by deep emissions cuts and scaled up finance."

The statement adds:

"*The stocktake recognises the science that indicates global greenhouse gas emissions need to be cut 43% by 2030, compared to 2019 levels, to limit global warming to 1.5°C. But it notes parties are off track when it comes to meeting their Paris Agreement goals*.

The stocktake calls on parties to take actions towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030. The list also includes accelerating efforts towards the phase down of unabated coal power, phasing out inefficient fossil fuel subsidies, and other measures that drive the transition away from fossil fuels in energy systems, in a just, orderly and equitable manner, with developed countries continuing to take the lead." (underlining added)

UK Climate Change & Energy Legislation & Policy

The Climate Emergency

A critical part of the response to the challenge of climate change was the Climate Emergency which was declared by the Scottish Government in April 2019 and by the UK Parliament in May 2019. The declaration of Climate Emergency needs to be viewed in the context in which it was declared (advice from the CCC) and in response to commitments under the Paris Agreement and what followed from it as a result of the declaration (new emissions reduction law).

The Climate Change Act 2008 & Carbon Budgets

The Climate Change Act 2008 (the 2008 Act) provides a system of carbon budgeting. Under the 2008 Act, the UK committed to a net reduction in GHG emissions by 2050 of 80% against the 1990 baseline. In June 2019, secondary legislation was passed that extended that target to at least 100% against the 1990 baseline by 2050, with Scotland committing to net zero by 2045.

The 2008 Act also established the CCC which advises the UK Government on emissions targets, and reports to Parliament on progress made in reducing GHG emissions.

The CCC has produced six four yearly carbon budgets, covering 2008 – 2037. These carbon budgets represent a progressive limitation on the total quantity of GHG emissions to be emitted over the five-year period as summarised in **Table 2.1** below. Essentially, they are five yearly caps on emissions.

These legally binding 'carbon budgets' act as stepping-stones toward the 2050 target. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037.

Table 2.1: Carbon Budgets and Progress[13]

2. Budget	3. Carbon budget level	4. Reduction below 1990 levels	5. Progress on Budgetary Period
1st carbon budget (2008 – 2012)	6. 3,018 $MtCO_2e$	7. 26%	8. -27%
2nd carbon budget (2013 – 2017)	9. 2,782 $MtCO_2e$	10. 32%	11. -42%
3rd carbon budget (2018 – 2022)	12. 2,544 $MtCO_2e$	13. 38% by 2020	14. 48.7%[14]
4th carbon budget (2023 – 2027)	15. 1,950 $MtCO_2e$	16. 52% by 2025	17. n/a
5th carbon budget (2028 – 2032)	18. 1,725 $MtCO_2e$	19. 57% by 2030	20. n/a
6th carbon budget (2033 – 2037)	21. 965 $MtCO_2e$	22. 78% by 2035	23. n/a
7th carbon budget (2038 – 2042)	24. To be set in 2025	25. -	26. n/a
27. Net Zero Target	28. 100%	29. By 2050	30.

The Sixth Carbon Budget (CB6) requires a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels. This is seen as a world leading commitment, placing the UK "*decisively on the path to net zero by 2050 at the latest, with a trajectory that is consistent with the Paris Agreement*" (CB6, page 13).

Page 23 of CB6 refers to the devolved nations and sets out that UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland. Key points from CB6 include:

> The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and doubling or even trebling by 2050.

> CB6 needs to be met and that will need more and faster deployment of renewable energy developments than has happened in the past.

[13] Source: CCC.

[14] This figure is a provisional estimate and will not be confirmed by HM Government until later in 2024.

> The related 'Methodology Report' from the CCC advice, states that in all scenarios for the carbon budget and looking ahead to 2050, the CCC sees new onshore wind generation being deployed by 2050. They set out that their modelling reflects this by almost doubling onshore wind capacity to 20-30 GW in all scenarios by 2050.

Page 156 of the Methodology Report advises that "*in addition to low carbon dispatchable generation, demand flexibility can help address the intermittency of renewable generation*". Such flexibility can be provided by a range of options including battery storage which can "provide within-day flexibility when renewable output falls rapidly".

Following the Sixth Carbon Budget, the UK Government announced on 20 April 2021 that it would set the world's most ambitious climate change target into law (by the Carbon Budget Order 2021 (the Order)[15]) to reduce emissions by 78% by 2035 compared to 1990 levels. This effectively brings forward the UK's previous commitment of an 80% reduction by 2050 by 15 years.

The UK Energy White Paper (December 2020)

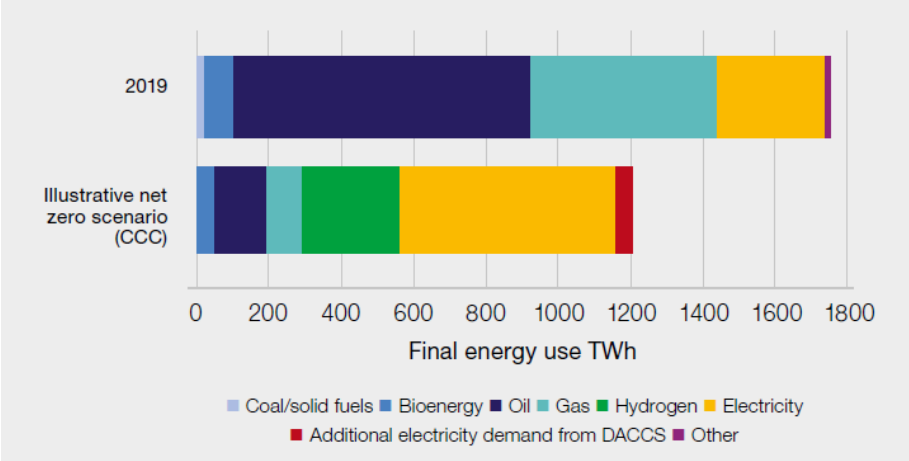
The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020, represents a sea change in UK policy, and highlights the importance of renewable electricity.

It sets out that "*electricity is a key enabler for the transition away from fossil fuels and decarbonising the economy cost-effectively by 2050". A key objective is to "accelerate the deployment of clean electricity generation through the 2020s*" (page 38).

Electricity demand is forecast to double out to 2050, which will "*require a four-fold increase in clean electricity generation with the decarbonisation of electricity increasingly underpinning the delivery of our net zero target*" (page 42).

This anticipated growth of renewable electricity is illustrated in the graph below – **Figure 2.1**.

Figure 2.1: Illustrative UK Final Energy Use in 2050[16]



Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that "*onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios*" (page 45).

[15] The Order sets the carbon budget for the 2033-2037 budgetary period at 965 million tonnes of carbon dioxide equivalent. The net UK carbon account is defined in section 27 of the Climate Change Act 2008.

[16] Source: Energy White Paper page 9 (2020).

As a consequence of rapid growth and deployment of renewable technology, the White Paper recognises that electricity markets need to adapt as the deployment of renewable generation increases. It states (page 72): "*Balancing supply and demand becomes more complex because most renewables are, by their nature, intermittent and generate electricity only when the wind blows or the sun shines. Gas-fired power stations have traditionally provided the flexibility needed to match supply to demand at peak hours, or when renewables output is low. Increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries…*"

BESS therefore provides an important additional mechanism within the mix of solar and wind energy and assists in achieving the tandem aims of energy security and stability.

The British Energy Security Strategy (April 2022)

The British Energy Security Strategy ("the Strategy") was published by the UK Government on 07 April 2022. The Strategy focuses on energy supply and states that in the future nuclear will have an expanded role and that renewables have an important role: the foreword states *inter alia*:

"*this government will reverse decades of myopia and make the big call to lead again in a technology the UK was the first to pioneer, by investing massively in nuclear power….*

Accelerating the transition away from oil and gas then depends critically on how quickly we can roll out new renewables….

The growing proportion of our electricity coming from renewables reduces our exposure to volatile fossil fuel markets. Indeed, without the renewables we are putting on the grid today, and the green levies that support them, energy bills would be higher than they are now. But now we need to be bolder in removing the red tape that holds back new clean energy developments and exploit the potential of all renewable technologies."

Reducing Scotland's and the wider UK's dependency on hydrocarbons has important security of supply, electricity cost and fuel poverty avoidance benefits. Those actions already urgently required in the fight against climate change are now required even more urgently for global political stability and insulation against dependencies on rogue nation states.

As regards networks, storage and flexibility it is clearly stated that *"Within this decade, our modern system will prioritise two key features: anticipating need because planning ahead minimises cost and public disruption; and hyper flexibility in matching supply and demand so that minimal energy is wasted"* (page 24). In doing so a key aim as regards flexibility is stated as *"Encouraging all forms of flexibility within sufficient large-scale, long duration electricity storage to balance the overall system…"*

Powering up Britain

On 30 March 2023, the UK Government (Department for Energy Security and Net Zero) published 'Power Up Britain' which comprises a series of documents including an Energy Security Plan, Carbon Budget Delivery Plan (CBDP) and Net Zero Growth Plan.

The CBDP is the means by which the UK Government satisfies Section 14 of the Climate Change Act 2008 to publish proposals and policies for enabling Carbon Budgets 4, 5 and 6 to be met. The CBDP was published in response to the High Court ruling[17] that the Government's 2021 Net Zero Strategy did not comply with the Climate Change Act. The

[17] The High Court ruled in July 2022 (*R (Friends of the Earth & Others) v Secretary of State for Business, Energy and Industrial Strategy* [2022] EWHC 1841) that the UK Government's Net Zero Strategy unlawful as it did not meet its obligations under the Climate Change Act 2008 to clearly evaluate how the Government intended to achieve its Carbon Budgets.

Government has therefore had to provide a firmer public commitment to its plans, which has resulted in some changes in approach and ambition.

The Energy Security Plan sets out the steps that the UK Government is taking to ensure that the UK is more energy independent, secure and resilient. It builds upon the British Energy Security Strategy and the Net Zero Strategy. The report sets out that the Government is aiming for a doubling of Britain's electricity generation capacity by the late 2030s in line with the aim to fully decarbonise the power sector by 2035, subject to security of supply.

The introduction of the Net Zero Growth Plan states:

"*Energy Security and net zero are two sides of the same coin. The energy transition and net zero are among the greatest opportunities facing this country and we are committed to ensuring that the UK takes advantage of its early mover status. Global action to mitigate climate change is essential to long term prosperity…".*

Furthermore *"The government will enable the acceleration of low-carbon flexible technologies and services deployment through: … Facilitating the deployment of electricity storage*".

CCC – Report to Parliament 2023

The CCC published its report to Parliament 'Progress in Reducing Emissions' in June 2023. It sets out (page 13) that despite the UK Government having issued the CBDP, "*policy development continues to be too slow and our assessment of the CBDP has raised new concerns. Despite new detail from Government, our confidence in the UK meeting its medium-term targets has decreased in the past year*".

The CCC adds that:

"*At COP26, the UK made stretching 2030 commitments in its Nationally Determined Contribution (NDC) – now only 7 years away. To achieve the NDC goal of at least a 68% fall in territorial emissions from 1990 levels, the rate of emissions reduction outside the power sector must almost quadruple. Continued delays in policy development and implementation mean that the NDCs achievement is increasingly challenging*".

Key messages include (pages 14 and 15):

> A lack of urgency – the CCC note that the net zero target was legislated in 2019 but there remains a lack of urgency over its delivery. It states, "*the net zero transition is scheduled to take around three decades, but to do so requires a sustained high intensity of action. This is required all the more, due to the slow start to policy development so far. Pace should be prioritised over perfection*".

> Planning policy needs radical reform to support net zero – the CCC state that in this regard that: "*In a range of areas, there is now a danger that the rapid deployment of infrastructure required by the Net Zero transition is stymied or delayed by restrictive planning rules. The planning system must have an overarching requirement that all planning decisions must be taken given full regard to the imperative of Net Zero*".

The UK Battery Strategy (2023)

The UK Government published the UK Battery Strategy on 26 November 2023. The Strategy brings together Government activity to achieve a globally competitive battery supply chain by 2030 that supports economic prosperity and the net zero transition in the UK.

In summary, the Government's vision is for the UK to continue to grow a thriving battery innovation system and to become a world leader in sustainable design, manufacture and use.

The Strategy was developed with the UK Battery Strategy Task Force, drawing upon a call for evidence and engagement with business and stakeholders. The Strategy is based around

the 'design, build, sustain' approach and through the strategy sets the key objectives that the UK will:

> Design and develop batteries for the future;

> Strengthen the resilience of UK manufacturing supply chains; and

> Enable the development of a sustainable battery industry.

In the foreword to the document, the Minister of State for Industry and Economic Security at the Department of Business and Trade states that (page 3):

"Batteries will play an essential role in our energy transition and our ability to successfully achieve net zero by 2050."

Batteries are seen as key to the net zero transition as they enable more flexible use of energy such as maximising use of intermittent low carbon generation.

CCC - Report on COP28: Key Outcomes and Next Steps for the UK (January 2024)

The CCC issued a report and related Statement18 in January 2024 with reference to COP28 and next steps for the UK. The Statement set out that:

"*2023 was the hottest year on record, with worsening extreme weather events across the world. With global greenhouse gas emissions at an all-time high, COP28 took important steps to try to change the direction of travel.*

The UK played an important role in this hard-fought COP28 outcome. We may be further into the decarbonisation journey than many nations, but the obligation on every country is now to push even harder. This also frames the economic challenge for the UK. We must rapidly replace fossil fuels with low-carbon alternatives to get back on track to meet our 2030 goal."

In terms of next steps for the UK, the Statement sets out that:

"*In June 2023, the Committee noted a significant delivery gap to the UK's Nationally Determined Contribution (NDC) of reducing emissions by 68% by 2030. The agreements made at COP28 require a sharper domestic response and time is now short for the gap to be bridged.*

Achieving the 2030 NDC will require the rate of emission reductions outside of the electricity sector to quadruple from that of recent years. Addressing these gaps in a transparent way remains one of the most important ways for the UK to show climate leadership."

The related Outcomes Report, in addressing next steps for the UK sets out the following points (page 5) *inter alia*:

> "*The Global Stocktake undertaken at COP28 marks the first formal assessment of progress of the Paris Agreement process and it reinforced the growing momentum in renewables and other low carbon technology deployment.*

> *Countries were called upon to support a trebling of renewables globally….. Alongside this was the crucial brokering of recognition of the need to transition away from all fossil fuels to achieve a net zero energy system by 2050.*

> *The UK can continue to lead by example and support actions elsewhere to accelerate the pace of the low carbon transition and develop resilience to climate impacts. It must demonstrate delivery towards to its ambitious 2030 and 2035 targets on the path to Net Zero*."

[18] CCC Statement 'COP28 outcomes must lead to acceleration of action in the UK' (30 January 2024).

Section 1.2.2 of the Outcomes Report specifically addresses 'next steps for the UK'. Reference is made to opportunities for climate leadership and in terms of energy there is a clear statement (page 21) which refers to a number of actions that will be important for ensuring domestic action is consistent with the language the UK signed up to at COP28. This includes *inter alia*:

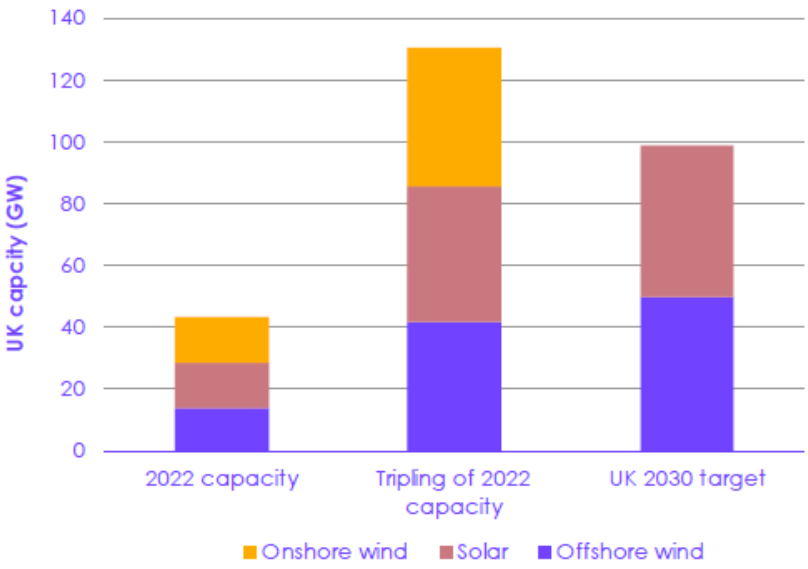
> Delivering rapid deployment of renewables. The report states that solar and onshore wind is progressing too slowly due to barriers around planning and consenting and access to network connections, despite being the cheapest form of generation.

> In terms of the UK's 2030 NDC, the report states that the UK must continue to focus on addressing delivery gaps to the 2030 NDC. Reference is made to the CCC's 2023 Progress Report which established that if the UK is to achieve its 2030 NDC then the rate of emissions reduction "*outside electricity supply must almost quadruple from 1.2% annual reductions to 4.7%*".

> In terms of the tripling of renewable energy capacity by 2030, the Outcomes Report sets out (page 23) that the UK Government only has renewables deployment targets for offshore wind (aiming for up to 50 GW by 2030) and solar PV (aiming for up to 70 GW by 2035).

Figure 2.2 below contrasts the level of deployment implied by a tripling of 2022 levels with UK targets.

Figure 2.2: The tripling of Renewable Energy Capacity in a UK Context[19]



The CCC report makes it clear that (page 23) that:

"*UK targets for offshore wind and solar PV are broadly consistent with COP28 calls to triple renewable energy capacity by 2030. However, a tripling of total renewable energy capacity (on 2022 levels) would also require growth in onshore wind.*"

The CCC also highlight that their 2023 Progress Report (referred to above) showed that the Government is currently off-track to meeting its renewables targets. It states that in order to support the ambitions agreed at COP28 "*and to meet the target of a decarbonised electricity*

[19] Source: CCC, COP28: Key Outcomes and next steps for the UK, page 24, (January 2024).

supply by 2035, the Government must increase efforts to deliver against its existing targets on time". (page 23)

Labour Government & Commitment to Renewables (2024)

The recent UK Government change at Westminster and a Labour administration for the UK is of relevance in terms of the new UK Government policy approach to net zero. The Labour Party Manifesto states that it has "*a national mission for clean power by 2030" and it explicitly states that this is achievable "and should be prioritised*". The Manifesto sees the clean energy transition as a huge opportunity to generate growth and also to tackle the cost-of-living crisis. This objective is set out as Labour's "second mission" for the UK.

The policy detail has yet to be seen; however, from the information available it is clear that the new administration will accelerate the pace of renewable development to achieve net zero. Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.

The Department for Energy Security and Net Zero issued a Statement on 8th July 2024 which included references:

> to double UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030; and

> to triple UK solar capacity from its current level of around 14 GW to a planned capacity of 50 GW by 2030.

Clean Power Action Plan (2024)

The UK Government published the Clean Power 2030 Action Plan in December 2024. It sets out (page 11) that:

"*Clean power by 2030 will herald a new era of clean energy independence and tackle three major challenges: the need for secure and affordable energy supply, the creation of a central new energy industry, supported by skilled workers in their thousands, the need to reduce greenhouse gas emissions and limit our contribution to the damaging effect of climate change. Clean power by 2030 is a sprint towards these essential goals*".

It states that the ambition is deployment of considerable volumes of renewable energy and that this will be "*complemented by flexible capacity including 23-27 GW of battery capacity*".

Page 14 adds that a significant increase in short duration flexibility of 29-35 GW across battery storage, consumer led flexibility and inter-connection capacity from 2023 levels "*will reduce the amount of more costly generation and associated network infrastructure that needs to be built*".

It adds (page 14) that in relation to short duration energy storage and flexibility, "*As we build an energy system reliant increasingly on variable renewables, improving the flexibility of the wider electricity system is key*".

The Government has therefore set ranges for deployment of each technology by 2030. Whilst there is some optionality retained until there is clarity on which scenario is most likely, battery storage, as noted, is key technology within all scenarios within the range 23-27 GW to be operational by 2030.

Page 35 of the Action Plan, with regard to delivering clean power, states that delivering capacity requires "*deployment at a very significant scale and pace*".

Climate Change & Renewable Energy Policy: Scotland

The Climate Emergency

The former Scottish First Minister Nicola Sturgeon declared a "Climate Emergency" in her speech to the SNP Conference in April 2019. Furthermore, Climate Change Secretary Roseanna Cunningham made a statement on 14 May 2019 to the Scottish Parliament on the 'Global Climate Emergency' and stated:

"*There is a global climate emergency. The evidence is irrefutable. The science is clear and people have been clear: they expect action. The Intergovernmental Panel on Climate Change issued a stark warning last year the world must act now or by 2030 it will be too late to limit warming to 1.5 degrees.*

We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions - as we said we'd do. If agreed by Parliament, these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...."

The key issue in relation to these statements is that they acknowledge the very pressing need to achieve radical change and that by 2030 it will be too late to limit warming to 1.5 degrees. The Scottish Government therefore acted on the climate emergency in 2019 by bringing in legislation.

Furthermore, the declaration of the climate emergency is not simply a political declaration, it is now the key priority of the Scottish Government at all levels. Indeed, defining the issue as an emergency is a reflection of both the seriousness of climate change and its potential effects and the need for urgent action to cut carbon dioxide and other GHG emissions.

The scale of the challenge presented by the new targets for net zero within the timescale adopted by the Scottish Government on the advice of the CCC is considerable, especially given the requirements for decarbonisation of heat and transport – this will require very substantial increases in renewable electricity generation by 2030.

The grid connection date for the Proposed Development is 2031, however it is expected that this will come forward to 2029 as part of the Accelerated Offers process with SSE, which is a key consideration.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019

Against this backdrop, the Scottish Government has set legal obligations to decarbonise and reduce emissions. Most notably, the Scottish Government has a statutory target to achieve “net zero” by 2045. It is clear that to have any hope of achieving the net zero target, much needs to happen by 2030.

When it was enacted, the Climate Change (Scotland) Act 2009 set world leading greenhouse gas emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the 2009 Act and has set the even more ambitious targets.

The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy made a Statement to the Scottish Parliament on 18 April 2024 with regard to the report to the Scottish Parliament prepared by the (CCC, ‘Progress in reducing emissions in Scotland’ (March 2024). The Statement focussed on the implications the CCC report contains for Scottish emission reduction targets as set out in legislation, namely as set out in the Climate Change (Scotland) Act 2009. The Statement sets out that the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and this is expected to be a change to the 2030 emissions reduction target. This is further referenced below.

The Scottish Energy Strategy (2017)

The Scottish Energy Strategy (SES) was published in December 2017. The SES preceded the important events and publications referred to above but nevertheless sets out that onshore wind is recognised as a key contributor to the delivery of renewable energy targets – specifically 50% energy from renewable sources to be attained by 2030. The SES did not and could not take account of what may be required in terms of additional renewable generation capacity to attain the new legally binding 'net zero' targets so it is out of date in that respect.

The SES refers to "Renewable and Low Carbon Solutions" as a strategic priority (page 41) and states "*we will continue to champion and explore the potential of Scotland's huge renewable energy resource, its ability to meet our local and national heat, transport and electricity needs – helping to achieve our ambitious emissions reduction targets*".

Scottish Emission Reduction Targets

Current Progress against Emission Reduction Targets

The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. **Table 2.2** below sets out the annual targets for every year to net zero.

The Scottish GHG Statistics for 2020 were released in June 2022. These show that the GHG account reduced by some 58.7% between the baseline period and 2020. However, according to the report[20], the drop in emissions between 2019 and 2020 was mainly down to lower emissions from domestic transport, international flights and shipping and energy supply. All other sectors demonstrated modest reductions over this period, except the housing sector.

Coronavirus restrictions were responsible for the large drop in emissions from transport, while residential emissions increased by 0.1 MtCO2e as more people worked from home during the pandemic. The Scottish GHG Statistics for 2021 were released in June 2023 and show that the interim target for 2021 was not achieved.

Table 2.2: Scotland's Annual Emission Reduction Targets to Net Zero

Year	Original % Reduction Target	New Targets (2023)	% Actual Emissions Reduction	Year	Original % Reduction Target
2018	54	-	50	2032	78
2019	55	-	51.5	2033	79.5
2020	**56**	**48.5**	**58.7**	2034	81
2021	57.9	51.1	49.9	2035	82.5
2022	59.8	53.8	-	2036	84
2023	61.7	56.4	-	2037	85.5
2024	63.6	59.1	-	2038	87
2025	65.5	61.7	-	2039	88.5
2026	67.4	64.4	-	**2040**	**90 (Interim)**
2027	69.3	67.0	-	2041	92
2028	71.2	69.7	-	2042	94

[20] Scottish Government. Official Statistics, Scottish Greenhouse Gas Statistics 2020, (June 2022).

2029	73.1	72.3	-	2043	96
2030	**75**	**75**	**Interim Target**	2044	98
2031	*76.5*		-	***2045***	***100% Net Zero***

The targets set out in the above Table clearly illustrate the speed and scale of change that is required, essentially prior to 2030. If there is a continuous growing shortfall each year, then it will be increasingly difficult to attain targets.

This means the trajectory, in terms of the scale and pace of action to reduce carbon dioxide emissions, is steeper than before and although the 2020s is a critical decade, all the indicators are that the 2030s will be even more critical, because of slower-than-planned action to date.

CCC Report to Scottish Parliament – Progress in reducing emissions in Scotland (March 2024)

The CCC produced a report to the Scottish Parliament entitled 'Progress in reducing emissions in Scotland' in March 2024. The related press release of the same date states that Scotland's 2030 climate goals are no longer credible. It states:

"*Continued delays to the updated Climate Change Plan and further slippage in promised climate policies mean that the Climate Change Committee no longer believes that the Scottish Government will meet its statutory 2030 goal to reduce emissions by 75%. There is no comprehensive strategy for Scotland to decarbonise towards Net Zero.*

The Scottish Government delayed its draft Climate Change Plan last year despite the 2030 target being only six years away. This has left a significant period without sufficient actions or policies to reach the target; the required acceleration in emissions reduction in Scotland is now beyond what is credible."

The CCC calls in the report for Scotland's Climate Change Plan to be published urgently in order that the CCC can assess it and identify the actions which will deliver on its future targets.

The press release states that there is a path to Scotland's post-2030 targets, but stronger action is needed to reduce emissions across the economy.

The main report (page 10) states that "*The Scottish Government should build on its high ambition and implement policies that enable the 75% emissions reduction target to be achieved at the earliest date possible*."

Page 18 of the report addresses electricity supply and it states that there has been some progress in delivering renewable electricity generation in Scotland. Reference is made to the Government aim to develop 8-11 GW of offshore wind and 20 GW on onshore wind capacity, both by 2030. The report notes that "*The growth in onshore wind capacity has slowed, however, and is slightly off track to deliver its 2030 target, which will require operational capacity to more than double.*"

Page 40 states that in terms of onshore wind, Scotland must increase the deployment rate by more than a factor of 4 to an average annual rate of 1.4 GW.

Statement to Scottish parliament (18 April 2024)

In light of the CCC Report, the Cabinet Secretary made a statement to the Scottish Parliament on 18 April 2024 entitled 'Climate Change Committee Scotland Report – Next Steps: Net Zero Secretary Statement'.

The key points in the statement include:

> The Scottish Government has an "*unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis*".

> The Cabinet Secretary states that she is "*announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to net zero*" and the Statement goes out to reference these specific measures.

> The Statement states sets out that in terms of the policies for these measures that "*they sit alongside extensive ongoing work that will be built upon through our next Climate Change Plan and Green Industrial Strategy*."

> The Cabinet Secretary states that, "*The Climate Change Committee is clear that the 'UK is already substantially off track for 2030' and achieving future UK carbon budgets 'will require a sustained increase in the pace and breadth of decarbonisation across most major sectors'. Indeed, we do see climate backtracking at UK level*."

The Cabinet Secretary added:

"*And with this in mind, I can today confirm that, working with Parliament on a timetable, the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and ensure our legislative framework better reflects the reality of long term climate policy making*."

The last reference in the Statement (as set out above) is key, namely that the Scottish Government intends to work with Parliament to amend existing legislation. This is anticipated to be a change from the current 75% emissions reductions target by 2030 to a lower figure and possibly to a system of carbon budgets, consistent with the approach taken at a UK level.

A further key point in the Statement is that the Scottish Government has reiterated its commitment to achieving net zero by 2045. It would seem therefore that the proposed approach to dealing with the position set out by the CCC in relation to the 2030 target being unachievable, is to amend the emissions reduction target for 2030 such that it better reflects reality and move to a carbon budget approach to measuring emissions reduction which would bring the Scottish Parliament in line with the Welsh and UK approaches. There is as yet, no clarity on what the new target will be, however it will remain a 'stepping stone' en route to achieving the net zero legally binding target by 2045.

The Draft Energy Strategy and Just Transition Plan

The Scottish Government published a new Draft 'Energy Strategy and Just Transition Plan' entitled 'Delivering a fair and secure zero carbon energy system for Scotland' on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. The draft document is however consistent with the adopted policy set out in NPF4 and the identification of the 2020s as a crucial decade for the large-scale delivery of renewable energy projects supporting urgent transition to net zero.

The Ministerial Foreword states:

"*The imperative is clear: in this decisive decade, we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generate economic opportunities, and builds a just transition*…

The delivery of this draft Energy Strategy and Just Transition Plan will reduce energy costs in the long term and reduce the likelihood of future energy cost crises….

It is also clear that as part of our response to the climate crisis we must reduce our dependence on oil and gas and that Scotland is well positioned to do so in a way that ensures we have sufficient, secure and affordable energy to meet our needs, to support economic growth and to capture sustainable export opportunities….

For all these reasons, this draft Strategy and Plan supports the fastest possible just transition for the oil and gas sector in order to secure a bright future for a revitalised North Sea energy sector focused on renewables."

The Foreword adds that the draft Strategy sets out key ambitions for Scotland's energy future including:

> More than 20 GW of additional renewable electricity on and offshore by 2030.

> Accelerated decarbonisation of domestic industry, transport and heat.

> Generation of surplus electricity, enabling export of electricity and renewable hydrogen to support decarbonisation across Europe.

> **Energy security through development of our own resources and additional energy storage** (emphasis added).

> A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.

The draft Strategy states (page 7, Executive Summary) that the vision for Scotland's energy system is:

"…*that by 2045 Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve a wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.*

In order to deliver that vision, this Strategy sets out clear policy positions and a route map of actions with a focus out to 2030".

A fundamental part of the Strategy is expanding the energy generation sector. The Executive Summary states (page 8) that Scotland's renewable resources mean that:

"….*we can not only generate enough cheap green electricity to power Scotland's economy, but also export electricity to our neighbours, supporting jobs here in Scotland and the decarbonisation ambitions of our partners.*

We are setting an ambition of more than 20 GW of additional low-cost renewable electricity generation capacity by 2030, including 12 GW of onshore wind….

An additional 20 GW of renewable generation will more than double our existing renewable generation capacity by 2030……"

The draft Strategy specifically addresses energy networks (page 36) and states "*Significant infrastructure investment in Scotland's transmission system is needed to ameliorate constraints and enable more renewable power to flow to centres of demand*."

It states that National Grid has identified the requirement for over £21 billion of investment in GB electricity transmission infrastructure to meet 2030 targets.

The draft Strategy adds that: "*the Scottish Government is working closely with network companies to support timely delivery of this infrastructure*".

Reference is made to the ambitious business plans of transmission businesses which "*reflect the scale and pace of delivery required to meet Scottish Government ambitions*".

Chapter 5 of the Strategy refers to 'creating the conditions for a net zero energy system'. It states (page 125) that "*As we transition to a net zero energy system, renewables and other zero carbon technologies… will need to provide all the services required to ensure a secure energy system*".

The Chapter goes on to reference in this regard energy markets and network regulation and with regard to network investment (page 126), it states that the Government is working closely with the network companies "*to support timely delivery of required electricity network infrastructure*".

Recognition of the role of Battery Storage

As regard the potential of battery storage the draft strategy recognises:

"Batteries can be combined to provide energy storage: In a domestic setting supporting the energy efficiency of individual homes; In communities and neighbourhoods, supporting the energy efficiency of the local low energy network; In strategic locations and through aggregating a large number of fixed and vehicle batteries to support regional energy and grid balancing a high energy network".

Furthermore, it adds:

"Utility scale battery storage offers fast responding, dispatchable power when required. As of September 2021, only 124 MW of the total 864 MW of energy storage was provided by Battery Energy Storage Systems (BESS) capacity installed in Scotland. However, there is a further 2.1GW that has secured planning permission. Typically, these systems use lithium-ion technology, and only contain energy to dispatch full power continuously for a short number of hours. They also provide a number of ancillary services required to maintain stability within the electricity networks". (Page 130).

The Draft Strategy reiterates the support for energy storage set out in NPF4 (page 130).

The Draft Strategy further recognises the potential contribution BESS can make to achieving net zero in summarising the key areas where it is considered that the UK Government needs to take action to support the delivery of the strategy with particular regard to energy system flexibility stating: *"We urge the UK Government to make ancillary markets more accessible for Battery Energy Storage Systems (BESS) and other low carbon technologies ahead of fossil fuel powered alternatives".*

It further adds with regard to constraint costs that the Government will continue to work with National Grid ESO, transmission owners and Ofgem "*to explore opportunities to accelerate planned network investment to relieve constraints*".

Therefore, a key aspect of the Energy Strategy in terms of network investment is the need for speed of delivery of infrastructure to ensure not only that need can be met, but that there can be energy security and resilience within the wider energy system.

The Scottish Government's Green Industrial Strategy (2024)

The Scottish Government published a Green Industrial Strategy (GIS) in September 2024. The Executive Summary sets out the mission of the GIS, namely:

"*This Green Industrial Strategy's mission is to ensure that Scotland realises the maximum possible economic benefit from the opportunities created by the global transition to net zero*".

The GIS sets out five opportunity areas for Scotland where identified strengths are most likely to lead to growth and the potential to grow Scotland's exports. The sectors relate to Scotland's wind economy, carbon capture and storage, supporting the green economy by way of professional and financial services, growing the hydrogen sector and establishing Scotland as a competitive centre for clean energy intensive industries of the future.

Page 6 sets out that GIS forms a key part of the Government's broader National Strategy for Economic Transformation. It states that "*It also links explicitly to our Just Transition Plans which describe how the transition to net zero in the most emitting sectors will be achieved in a way that delivers economic, social and community benefits, including fair work, environmental preservation and reduced poverty and inequality*."

The Proposed Development would contribute to the realisation of the Government's GIS.

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