Scott Hobbs Planning

Planning, Design and Access Statement on behalf of:
Harmony FL Ltd.

Date:
04 July 2025

Planning, Design and Access Statement

Proposed BESS, Land north of Flushing, Aberdeenshire

Ilustration of Battery Unit

Info

Proposed 400 MW BESS and associated infrastructure:

Land at Flushing, Longside, Peterhead
Planning, Design and Access Statement

Summary

Harmony FL Ltd. is proposing a battery energy storage system (BESS), with associated infrastructure and development. The application is submitted for determination by the Energy Consents Unit of the Scottish Government, which has already issued its Screening Opinion that an EIA is not required for the proposed development. The site is located within the countryside, lies outside any specifically designated site in terms of heritage and the environment (landscape, visual and ecological) and will be situated in close proximity to a major sub-station. This is a Planning, Design and Access Statement is one of a suite of interlinked documents supporting the application and which consider the merits of the proposal in relation to relevant material considerations. The application documentation concludes, subject to mitigation, which is proposed as part of the application, that the development will not cause any significant adverse impact to matters which should be protected. Accordingly, the proposed development is consistent with NPF4 and ACLDP, which support renewable energy developments to facilitate net zero emission targets in light of the global climate and nature crises.

Contents

1.0 Introduction

1.1 This Planning, Design and Access Statement (PDAS) is submitted on behalf of Harmony FL Ltd. ('the Applicant') and relates to an application for consent under S36 of the Electricity Act 1989 ('the application') and also comprises a request that Scottish Ministers give a direction under section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission for the development be deemed to be granted. It addresses matters referred to in Schedule 9 to the Electricity Act, to development plan and policy guidance and to consideration of material matters.

1.2 The application comprises land within Aberdeenshire Council Area – 20.72ha ('Application Site').

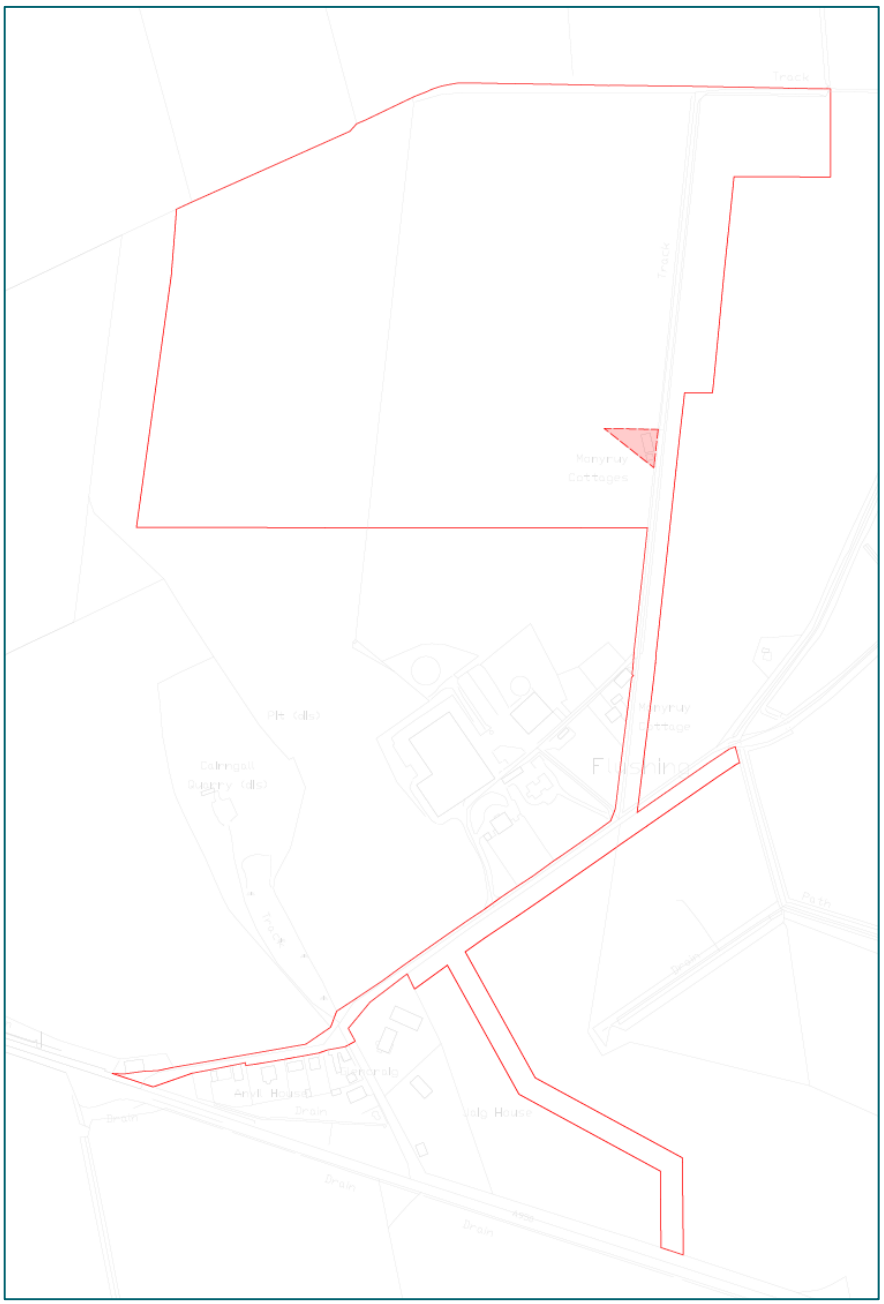

Figure 1 Site Location- Extract of Location Plan

1.3 The description of the proposed development which is the subject of this application is as follows:

> *'Construction and operation of a 400MW Battery Energy Storage System (BESS) with associated infrastructure including, access roads, sub-station buildings, supporting equipment, fencing, drainage infrastructure, landscaping, earth works and associated work.'* at Land North of Longside Road, Flushing, Peterhead (GR: 405524, 847560).

1.4 This PDAS is part of a suite of documents submitted with the application, as outlined below. These supporting documents are in addition to the formal application documents comprising the accompanying plans, sections, and elevations. The full suite of supporting documents is as follows:

- Planning Design and Access Statement (PDAS)
- Community Wealth Building Plan (CWBP)
- Pre-Application Consultation Report (PACR)
- Confidential Ecological Survey Report [note, contains sensitive information]
- Confidential Protected Species Report [note, contains sensitive information]
- Archaeological Desk-Based Assessment (ADBA)
- Landscape and Visual Impact Assessment (LVIA) and Landscape Strategy
- Noise Impact Assessment (NIA)
- Flood Risk & Drainage Assessment Report (FRDAR)
- Fire Water Management Plan (FWMP)
- Topographical Surveys
- Construction Traffic Management Plan (CTMP)
- Transport Statement
- Battery Safety Management Plan (OBSMP)

1.5 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) dictates that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Whilst this is an application under the Electricity Act and for deemed consent under the Planning Acts, this Planning Statement tests the proposed development against the national policy, the Development Plan and other material considerations and reaches conclusions to inform the determination of the application by the Energy Consents Unit of the Scottish Government ('ECU').

1.6 The Electricity Works Environmental Impact Assessment (Scotland) Regulations 2017 are also relevant to the proposal as the proposal comprises development falling within Schedule 2 of those Regulations. A Screening request has been submitted to the ECU and the Decision was received on 17th March 2025. It confirmed that, *"Scottish Ministers adopt the opinion that* ***the proposal does not constitute EIA development and that the application submitted for this development does not require to be accompanied by an EIA report."*** (Emphasis Added)

1.7 It is both the Applicant's and ECU's consideration that the proposed development is unlikely to result in effects on the environment which are sufficiently significant to require a formal environmental assessment of the proposed development. The supporting documents referred to constitute an environmental report and assess the proposed development against material considerations relating to environmental factors.

1.8 It is noted that Aberdeenshire Council, in their response to the ECU, did suggest that an EIA was required. In their assessment, the size of the proposed development, cumulative impact with other development, noise and impact on existing land use as possibly resulting in a significant impact. However, the ECU considered these matters and considered that on balance technical and environmental assessments would be sufficient to assess the proposed development and deliver mitigation. No EIA Report is submitted with this application, but those matters identified by Aberdeenshire Council above have been given detailed consideration in the design and development of the proposed development and within this application.

Structure of Planning Supporting and Policy Compliance Statement (PSS)

1.9 The PDAS will, following this introduction section, describe the proposed development / design and access (Section 2), describe the site and surrounding area (Section 3), identify relevant policy considerations (Section 4) against which the proposal is assessed (Section 5), and reach conclusion in respect of the acceptability of the proposal (Section 6).

Background

1.10 The applicant Harmony FL Ltd. is a part of Harmony Energy Ltd. which has been a reliable energy partner. Harmony Energy is an award-winning Yorkshire-based business (our head office is in Knaresborough) committed to generating and storing renewable energy to help create a clean, home-grown energy future. Founded in 2010, Harmony Energy are one of the UK's leading developers of large-scale battery energy storage schemes, with over 600MW of operational sites across the UK.

1.11 Harmony Energy have two sites operating in Scotland, at Little Raith (Fife) (50MW) and one at Jamesfield (phase 1 & 2 totalling 49MW) (Perth and Kinross).

Pre-Application Process

1.12 The Applicant has engaged at pre-application stage with the ECU, as the determining authority; and with Aberdeenshire Council (AC) within which boundary area the site lies and which is, therefore, a statutory consultee on the application.

1.13 A Pre-application enquiry was submitted to both AC (24th July 2024) and ECU (24th August 2024). A meeting with AC including representations from the following Council teams was held online on 31st October 2024.

- Planning
- Archaeology
- Built Heritage
- Contaminated Land
- Environmental Health

- Flood Risk and Coast Protection
- Natural Environment
- Roads Development

1.14 A response was received on 27th November 2024 with the Council's comments. In terms of matters of principle of development, there were no concerns raised, and it acknowledged that the proposed development was for renewable energy which was broadly supported by both National and Local planning policies (subject to compliance with other specific policies).

1.15 The response further confirmed that in respect of Aberdeenshire's Local Development Plan (LDP) the following policies were relevant:

- Policy P1 Layout, Siting and Design
- Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land
- Policy E1 Natural Heritage
- Policy E2 Landscape
- Policy HE1 Protecting Listed Buildings, Scheduled Ancient Monuments and Archaeological Sites (including other historic buildings)
- Policy HE2 Protecting Historic, Cultural and Conservation Areas
- Policy PR1 Protecting Important Resources
- Policy C2 Renewable Energy
- Policy C4 Flooding
- Policy RD1 Providing Suitable Services

1.16 The response further identifies the relevant national planning policies it considers relevant to the proposed development, which are:

- Policy 1: Tackling the climate and nature crises
- Policy 2: Climate Mitigation and adaptation
- Policy 3: Biodiversity undertaken as this is the responsibility of the ECU.
- Policy 4: Natural Places
- Policy 7: Historic Assets and Places
- Policy 11: Energy
- Policy 22: Flood Risk and Water Management
- Policy 23 Health and safety

- National Development 3 – Strategic Renewable Electricity Generation and Transmission Infrastructure

1.17 These policies are assessed and considered later within this statement.

Pre-Application Consultation

1.18 For full details of this process please refer to the submitted Pre-application Consultation Report (PACR). Information detailing the dates of the two Pre-Application Consultation events were circulated to the appropriate local MPs, MSPs and the Community Council including:

- Councillor Geoff Crowson
- Councillor David Mair
- Councillor Hannah Powell
- Councillor Anne Simpson
- MSP Gillian Martin
- Longside and District Community Council

1.19 A direct presentation of the proposals was offered to the Community Council but not accepted to date.

1.20 Overall, discussions have been thorough and are detailed within the PACR, a supporting document.

1.21 A site-specific website has been created www.scotthobbsplanning.com/consultation/flushing, which contains details of the proposed development. A copy of the submitted application will be available to download from the website.

Design and Development Evolution

1.22 The Applicant has carried out a thorough design exercise that has seen a number of iterations of site layout and design.

1.23 Design revisions have included significant reduction in the red line boundary. The layout of the proposed development has been amended as well as the point of access to minimise disruption and maximise the effectiveness of migration measures proposed.

1.24 The type of battery model itself has also been amended in response to NIA assessment and findings. In addition, the site location, landscaping options, boundary and other enclosure treatment, size of attenuation basin, presence of fire water tanks, and amended access routes have all been amended over the design evolution.

1.25 The suite of application documents illustrates the manner within which the proposals have evolved to address issues raised, acknowledging that not all issues can or should be addressed. The PACR report identifies the extent to which comments made during the pre-application process have been considered and addressed and the extent to which the proposal has been modified.

Pre-Application Conclusion

1.26 There is no statutory pre-application process for S36 applications for consent for battery storage sites, although the ECU has issued best practice guidance and encourages applicants to carry out such pre-application consultation. The best practice refers to all types of S36 applications including significant wind power proposals.

1.27 It is considered that the extent of pre-application enquiries and consultation has been thorough, relative to and proportional to the proposal, in this particular location. Engagement with the ECU and AC has been extensive and positive. The Applicant welcomed the opportunity to discuss the proposal with the local community, community council who attended the events and stakeholders during the Pre-Application Consultation events and directly at their regular meetings. The consultation process has had the social, economic, and environmental well-being and interests of the area at its foundation. Representatives welcomed feedback from members of the public that consultation with them was open and available.

2.0 The Proposal

2.1 This proposal seeks to meet the requirements of the contract that the Applicant has with the National Grid for the erection of a 400MW storage facility in this general location. The description of development is:

2.2 "*Construction and operation of a 400MW Battery Energy Storage System (BESS) with associated infrastructure including, access roads, sub-station buildings, supporting equipment, fencing, drainage infrastructure, landscaping, earth works and associated work' at* Land North of Longside Road, Flushing, Peterhead (GR: 405524, 847560).

The proposal consists of:

- 400kv Sub-station
- Hardstanding (e.g., for manoeuvring and parking of trucks);
- Access Tracks;
- Up to 204 containerised Energy Storage Units;
- Up to 51 inverter/transformer units;
- Switch Room;
- Switchgear;
- Subterranean fire water tanks;
- Welfare Unit;
- 2.4m Perimeter security fencing;
- 23 x CCTV columns;
- Profiled development platform and associated cuttings and embankments;
- SUDs pond;
- Landscape works including tree and shrub planting, 2.5 m high, timber post and wire, perimeter deer proof fencing
- External artificial lighting to specific work areas.
- 4.5m Acoustic Fencing
- An underground cable connection to the substation to the south (circa 770m to the south through).
- The containers will be laid out in rows running circa east to west across the site's gradient.
- Each terrace will be provided with an access track for accessibility and maintenance as well as a perimeter track.

- Drainage channels runs will be provided for each group of batteries feeding into the attenuation pond.
- Access to the site will be provided from the south from unnamed road.
- A perimeter route around the site for emergency vehicular movements, and alternate access point at the north east of the site.

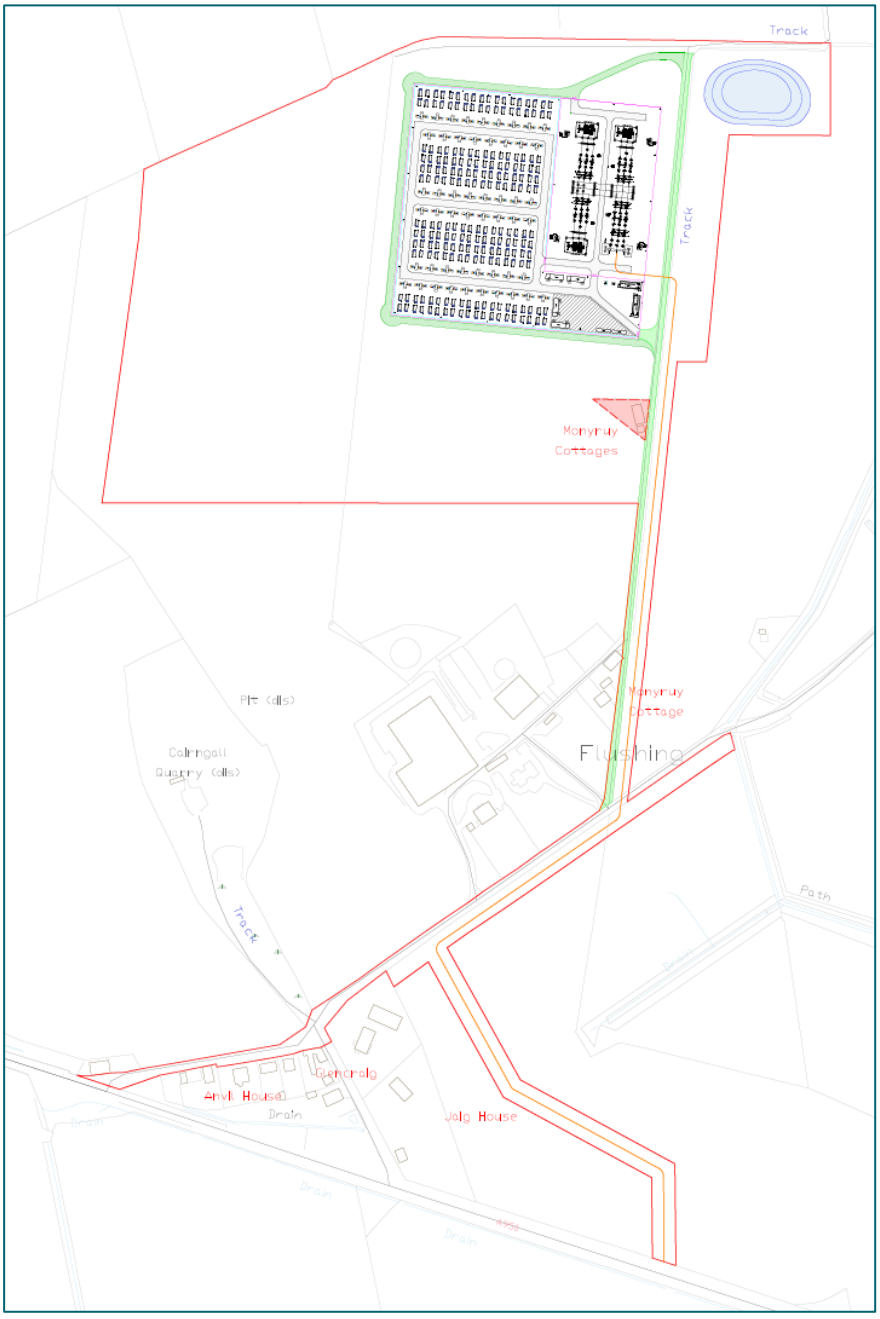

Figure 2 Typical Layout – Extract of Site Layout Plan

2.3 The proposed development is a battery energy storage system (BESS) facility within a site of approximately 20.72 ha as outlined on the enclosed Site Location Plan.

2.4 The principal part of the development is formed by the siting of 204 battery unit containers, arranged in groups of four. Each group will have a transformer unit with two power conversion system unit attached to the transformer. A total of 51 transformers are proposed. Battery units and containers are to be mounted on a concrete plinth.

2.5 The containers are configured in rows within an internal access arrangement. The main blocks of battery infrastructure are made up of rows of 16 battery units with some longer rows of 18 and 20 units. Units are, 6m wide 2.4m long, and 2.9m high.

2.6 There will be 2 x control centres which are low-lying structure measuring circa 16.6m long, 5.8m wide and 4m high.

2.7 There will be 4 x switchroom in low-lying structures measuring circa 15.2m long, 4.4m wide and 3.2m high.

2.8 Other infrastructure within the main compound includes a buried fire water tank and distribution system. A grid of internal access tracks facilitates convenient maintenance access to each group of battery equipment.

2.9 23 x CCTV posts are to be installed in the main compound, with a perimeter palisade fence security fence up to 2.4m in height surrounding the equipment.

2.10 The 400kv substation is located at the north east of the site and is enclosed within a 2.4m high palisade fencing, separating it from the rest of the site and providing additional security for it.

2.11 The facility in incorporating the above elements would measure to approximately 200m (north-south) x 216m (west-east) extending to 4.3 ha, with the residual site area at the south of the site remaining to be used for landscaping, ecological enhancement, access, and cable connection.

2.12 The design of the proposal is pre-determined by the required electrical layout of pre-manufactured equipment and structures. However, what is critical from a design standpoint is to ensure a landscape strategy for the proposal to assimilate it into its surroundings. This has evolved through the need to deliver biodiversity enhancement as well as landscape enhancements and has benefitted from pre-application engagement with the Council.

2.13 The proposed development has also responded to the presence of residential properties to the south and as such seeks to pull development away from the southern boundary. Further noise mitigation has been added to the southern boundary in the form of a 4.5m high acoustic fence.

2.14 The landscape masterplan submitted with the application as prepare HELPA consultants which delivers the proposed landscaping around four sides of the proposed compound. Not only do these journey the proposal has taken to deliver visual screening but also secure ecological enhancements.

2.15 A Landscape and Ecological Management Plan would be expected to be secured by planning condition; should permission be forthcoming to ensure the proposals are delivered and managed effectively throughout the lifetime of the project.

Figure 3: Landscape Strategy Extract

Access Statement

2.16 The application is accompanied by a Transport Statement (TS) and a Construction Traffic Management Plan (CTMP), both produced by LTP.

2.17 The site is to be accessed via an existing access track which is approximately 3m in width and provides access to several fields to the north, serving three residential properties, and forms Tarred Road to the south of the site. Tarred Road is a two-way single-track road which measures between approximately 4.0m and 4.5m in width and is subject to a derestricted speed limit (60mph)

2.18 Approximately 500m to the south-west of the existing access track, Tarred Road meets Longside Road at a simple priority T-junction. Longside Road is a two-way single carriageway that forms part of the A950 and measures approximately 6.3m in width and is subject to a derestricted speed limit (60mph) in the vicinity of the site.

2.19 The proposed Construction Vehicle Routing is shown below at figure 4. A maximum of 16 two-way daily HGV movements (8 HGVs) are expected to be generated during the construction period. BESS development would generate approximately between 10 and 15 visits per month (20-30 two-way vehicle movements) during operation.

Figure 4: Proposed Construction Vehicle Route

2.20 Approximately 110 jobs will be created during the construction of the project, and as far as possible, attempts will be made to source jobs locally. It is also intended to source construction materials locally, as far as is practical, both to reduce costs and transportation.

2.21 During the operational phase, the nature of the BESS development is one of high energy generation but low employment generation. It will largely be an unmanned site in terms of physical presence with the potential for 5 long term positions created to look after the site, mainly in groundworks and landscape maintenance. Further information on the economic and social benefit is contained in the CWBP.

3.0 The Site and Surroundings

3.1 The application site covers an area of approximately 20.72ha. The subject site lies in the countryside, approximately 6.5km to the west of the centre of Peterhead. The site is located to the north of the A950 that runs east/west between Peterhead and Longside.

3.2 One of the principal features of the site is a farm complex centrally in the south of the site (Monyruy Farm). The land is currently used for agricultural purposes. The boundaries to the site are generally open, marked by an existing access track to the east of the proposed compound. To the south, east and north there are field boundaries, but there are no other strong landscape features defining the site area.

3.3 The sloping site lies between c.45 m and c.27 m Above Ordnance Datum (AOD). The landscape is low-lying and very gently undulating, with a pattern of low rounded hills framing the lower lying valley of the River Ugie, which meanders across a large floodplain west of Peterhead.

3.4 At the sites south east boundary is Monyruy Cottage. These are within the landowners' control and will be vacant prior to the commencement of development.

3.5 The nearest water course to the site marks the eastern boundary of the red line area and is called Burn of Faichfield.

3.6 The site is located to the north of the proposed Netherton 400kV Substation which is separated from the site by Longside Road (A950) and from the proposed compound by circa 750m.

3.7 Occasional coniferous shelter belts and woodland blocks provide some limited local containment to visibility across this open terrain.

3.8 The wider area generally has a countryside characteristic with agricultural fields and a scattering of houses and local businesses along narrow country roads. The largest concentration of dwellings in the immediate area is Flushing, a small hamlet. Whilst in the countryside, the area is influenced by other development, including energy-related infrastructure, including:

- Overhead lines running east / west across the site;
- Silage silos and agricultural buildings located at Monyruy Farm;
- Monyruy Cottages located at the eastern edge of the site;
- Wind turbines within visibility of the site, to the north east.

3.9 Overhead power lines and telegraph poles cross the site to the south of the proposed main compound and cross the proposed access route.

3.10 The red line boundary has included an area of public highway to ensure that any minor works / widening would be achievable. The red line progresses to the south along the proposed buried cable route and point of entry into the Netherton Hub substation. The corridor allowed for the cable route is circa 20m in width.

Planning History

3.11 There is no known relevant planning history to the application site itself. An EIA Screening Opinion for the proposed development was submitted to the ECU (ref: ECU00006086) on 5th February 2024. A decision was received on 17th March 2025 following consultation with Aberdeenshire Council. It was the ECU consideration that, "*Scottish Ministers adopt the opinion that* ***the proposal does not constitute EIA development and that the application submitted for this development does not require to be accompanied by an EIA report*****."**

3.12 There are number of applications relating to offshore / onshore windfarm infrastructure in the area. Application ref: ENQ/2023/1286 seeks Formation of Onshore Landfall Point, Laying of Underground Cable and Erection of Substation and relates to the 400kV substation development to south of the site. The following application (ref: APP/2024/1714) was submitted by Scottish Hydro Electric Transmission Plc. for:

"Planning Permission in Principle for National for Erection of a Strategic Electricity Transmission Hub Including 400kV AC Substation, 132kV AC Substation, 2 HVDC Converter Stations, Transmission Hall, Spares Warehouse, Operations Base and Associated Works at Netherton Hub", Land To The West Of Parkhill Farm, Blackhills, (Peterhead. See figure 6 below).

3.13 This substation is the proposed point of connection and so the proposed development is dependent on the approval of this application. The cumulative impact of the proposed development and the new substation was considered as part of the EIA Screening Opinion. The cumulative impact has further been considered by key documentation submitted to support this application, including the LVIA and Transport Statement and CTMP.

Figure 5: Proposed Netherton Hub

3.14 Other energy infrastructure has been approved in the location, including Planning Permission in Principle (ref: APP/2024/2000) for Onshore Transmission Infrastructure for Muir Mhòr Offshore Wind Farm including Formation of Onshore Landfall Point, Laying of Underground Cables, Erection of Substation, and Associated Works to connect to the Transmission Grid at Land North, North West and West of Peterhead. Report to Infrastructure Services Committee 19 June 2025 recommended the Granting of this application. See figure 7 below. Development in proximity to the proposed development would be underground cabling.

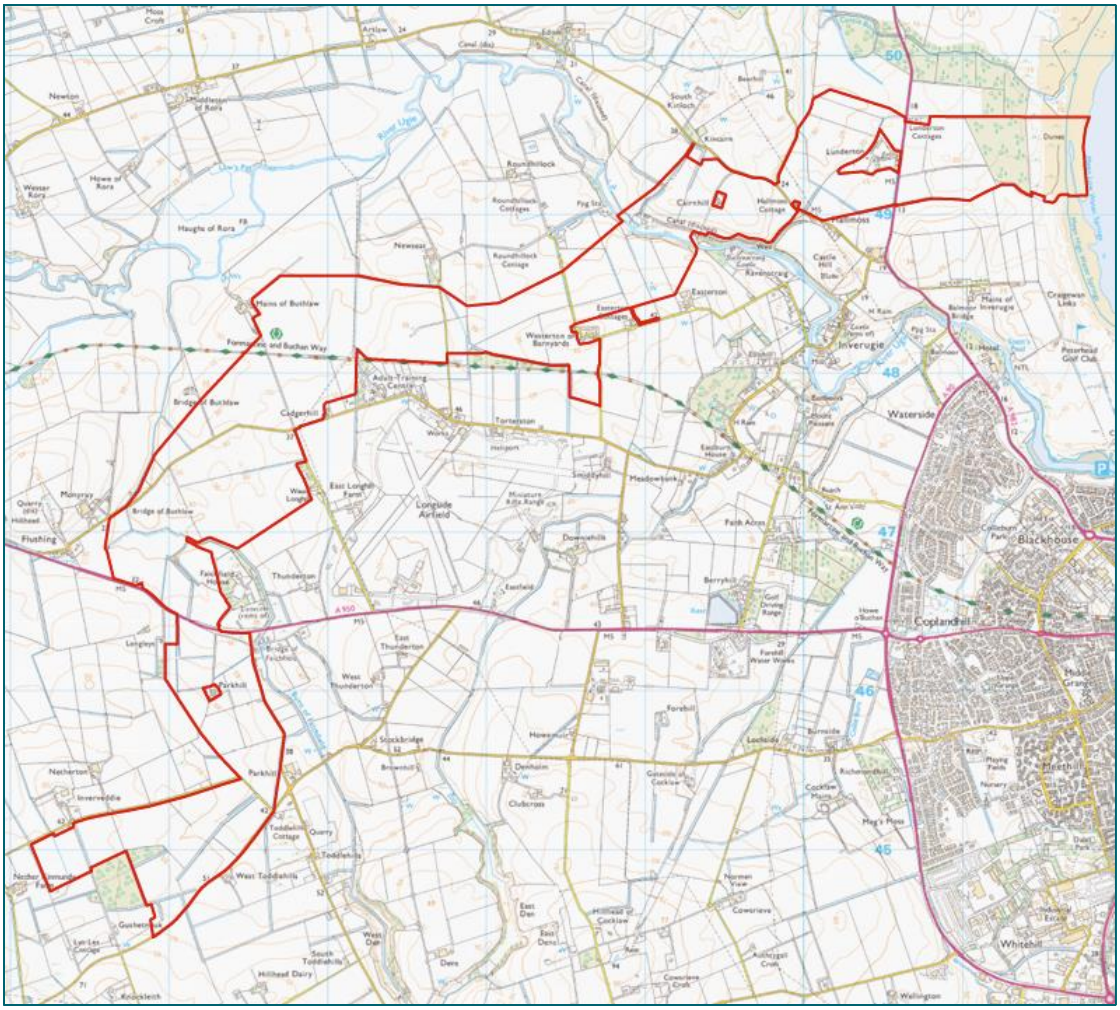

Figure 6: Location Plan Extract ref: APP/2024/2000

3.15 ENQ/2025/0503 (ECU ref: ECU00006137) Installation of Battery Energy Storage System (BESS) with an Installed Capacity of up to 400MW with Associated Infrastructure. See figure 8 below with the BESS facility outlined in dashed line. No formal application is submitted for this development and therefore it is not known (at the time of writing) whether this application will come forward.

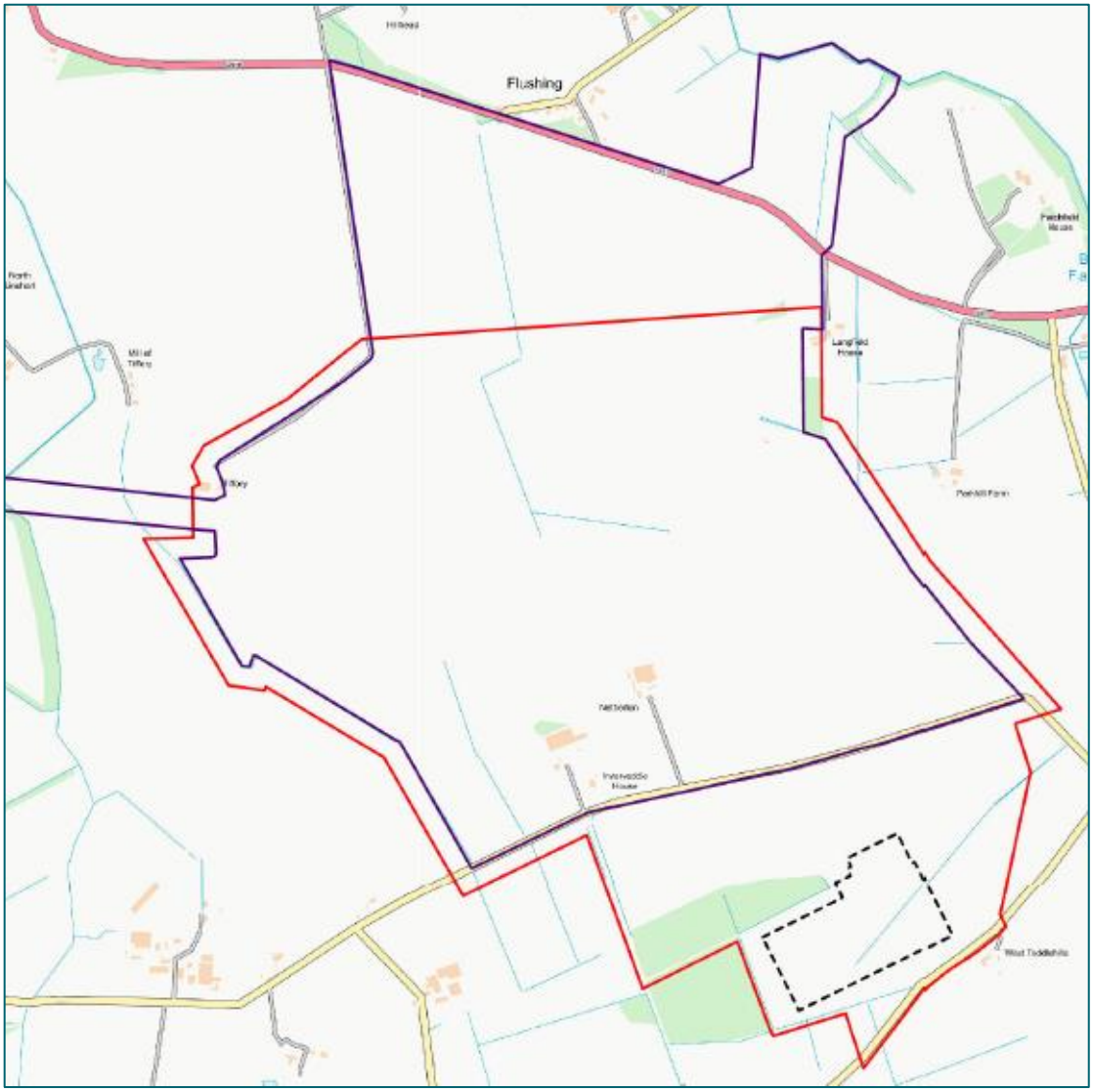

Figure 7: Location Plan Extract ref: ENQ/2025/0503

3.16 ENQ/2024/1010 - EIA Scoping Request for Section 37 Application for Erection of Double Circuit Steel Structure 400KV OHL (EIA Opinion Adopted – October 2024), See figure 9 below. The likely route for these OHL is to the south and west of Netherton Hub and so would not be in closer proximity to the site than the substation.

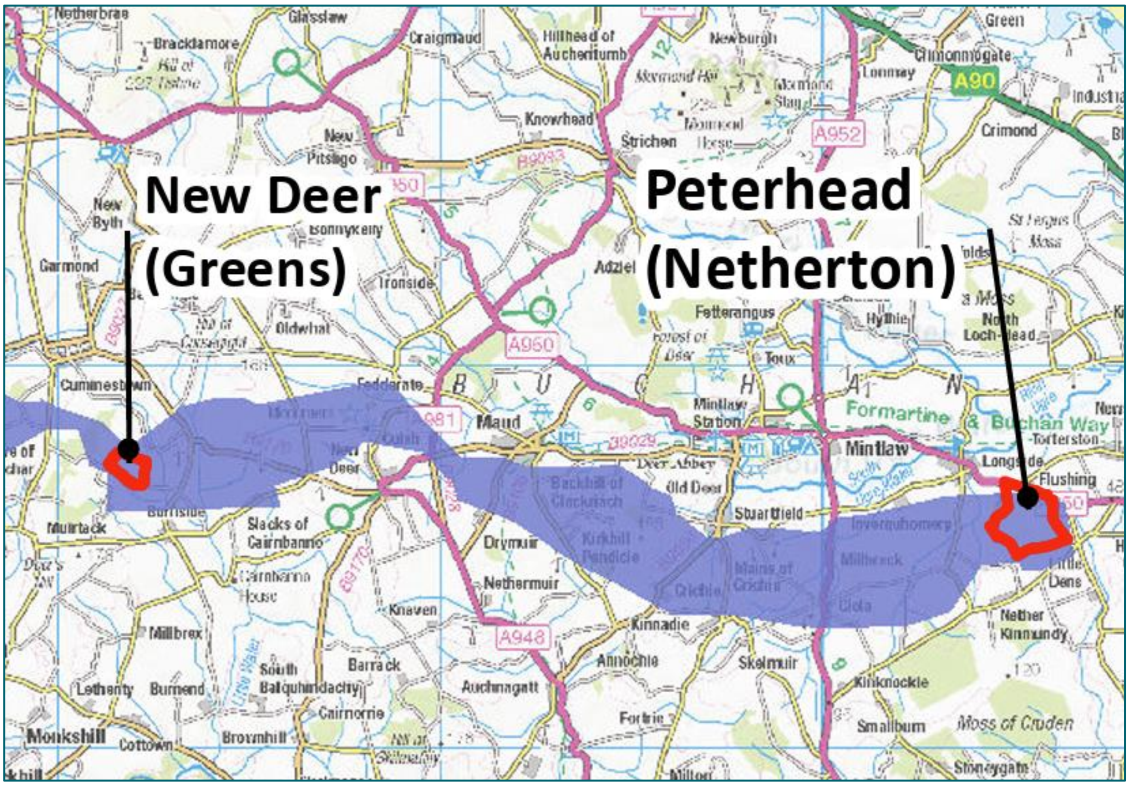

Figure 8: OHL Corridor Route extract from ref: ENQ/2024/1010

3.17 ENQ/2023/1286 Formation of Onshore Landfall Point, Laying of Underground Cable and Erection of Substation at Land North, North West And West of Peterhead Aberdeenshire. This Proposal of Application Notice covers a large area and the exact route is not known, but it is highlighted that it is underground, reducing its visual impact.

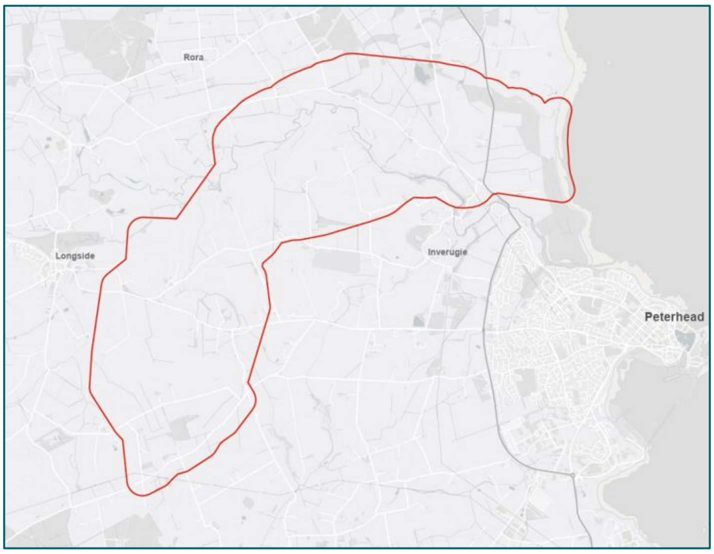

Figure 9: Extract from ref: ENQ/2023/1286

4.0 Policy Assessment

The Development Plan

4.1 The Development Plan is formed principally of National Planning Framework 4 (NPF4) and Aberdeenshire's Local Development Plan January 2023. Given that NPF4 is the newer document, the Chief Planner for Scotland has advised in their Transitional Arrangements Letter (Dated 8th February 2023) that where policies within an LDP and NPF4 are in conflict and incompatible, the more recently adopted policy will hold sway. In this instance, NPF4.

NPF4

4.2 National Planning Framework 4 (NPF4) was adopted by the Scottish Government and became effective as part of the development plan on 13 February 2023 and carries significant weight in the determination of this development proposal.

National Development

4.3 NPF4 identifies the national spatial strategy, including a commitment to net zero ('just transition') and identifies 18 National Developments. National developments are stated as being '*significant developments of national importance that will help to deliver our spatial strategy*'.

4.4 BESS are included within the definition of National Development 3 in the NPF4. National Development 3 is recognised as being important to support '*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. …… 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…*" (Emphasis Added)

4.5 The associated Statement of Need clearly demonstrates the requirement for energy storage to meet national energy and emission targets. The statement of need states, "*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.*" (Emphasis Added).

4.6 The Scottish Government, by letter from the Chief Planner dated August 2020, has determined that BESS is defined as a generator of electricity. NPF4 defines the National Development as one which would have been classed as 'major' including *'a) On and offshore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity'* and concludes that such developments '*will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets*.

4.7 In designating national developments, NPF4 confirms that development for "*On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity*" would be a national development. The proposed development clearly complies with this requirement.

4.8 NPF4 states that, "*Their designation* (National Developments) *means that the principle of the development does not need to be agreed in later consenting processes*". This demonstrates the priority required for the type of development proposed.

4.9 Moreover, in Part 3 – Annexes, NPF4 sets out its Spatial Strategy and states in respect of National Developments, "*Their designation means that the principle of the development does not need to be agreed in later consenting processes*" (Emphasis Added). Whilst the Development Plan requires consideration, the support for National Development is encapsulated in this quotation and directs that a pro-development position should be adopted.

National Planning Policies

4.10 NPF4 reaffirms that Scotland's:

- Climate Change Plan has set out the approach to achieving net zero emissions by 2045,
- Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment.
- Environment Strategy will set out the vision for tackling the twin climate and nature crises.
- Biodiversity Strategy will set targets for halting biodiversity loss by 2030 and for restoring and regenerating biodiversity by 2045.

4.11 **Policy 1 - Tackling the climate and nature crises** – When considering all development proposals *significant weight* will be given to the global climate and nature crises. As a core policy, this policy gives significant weight to the proposed renewable development. The scale of the proposed development, delivering 400MW of storage is a material contribution to Scotland energy storage objectives and increases the robustness of the grid and energy provision for the nation.

4.12 **Policy 2 – Climate mitigation and adaptation** – a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. b) Development proposals will be sited and designed to adapt to current and future risks from climate change. As the proposal is related to renewable energy, this policy provides support in principle.

4.13 **Policy 3 - Biodiversity seeks** a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. b) Development proposals for national or major development, or for development that requires an EIA will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. Criteria are set out including the need to (i) understand the characteristics and context of the site (ii), for integrated nature-based solutions (iii) identify potential negative effects (iv) include significant biodiversity enhancements and that (v) local community benefits of the biodiversity is considered.

4.14 Policy 3 is, therefore, supportive of the proposal providing the scheme is demonstrated to have been developed with a clear understanding of the biodiversity value of the land and with proposals to enhance that value. The Ecology Assessment is clearly an important matter for the consideration of the application and should be read in conjunction with the landscaping strategy submitted. Paragraphs below identify the extent to which the proposal is consistent with these requirements.

4.15 Policy 5 – Soils – this policy seeks to support carbon-rich soils, restore peatlands, and minimise disturbance to soil from development. It seeks to (a) support development only if there is minimised disturbance to soils and (b) on good grade agricultural land if (iv) for renewable energy providing the amount of land taken is also minimised.

4.16 Aberdeenshire Council has directed that the site is not Prime Agricultural Land (PAL), neither is the site peatland. Through positioning the site in close proximity to the future substation, soil disturbance through underground cabling is minimised.

4.17 Whilst the site is located within a larger agricultural field pattern, it is not necessary in this instance to utilise the entire parcel of land and so leaves useable areas to the north and east. In addition, the development is reversible, and the Applicant will commit to restoration as will be addressed below, over the long-term minimal land will be lost from agricultural use.

4.18 Policy 6 – Forestry, Woodlands, and Trees – the policy intent is to protect and expand forests, woodland and trees. There are no trees within the site and no trees will be felled or removed as part of the proposed development. There is no AWI in proximity to the site.

4.19 The proposed development, through the new woodland planting would significantly increase the canopy cover and sequester more carbon. The proposed development does not draw any conflict with the policy, and it delivers the intent of the policy. The proposed development is therefore in compliance with the policy.

4.20 Policy 11 – Energy – This policy seeks to '*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 emissions technologies…*' and is, therefore, the most significant policy in the NPF4 relating to this proposal, particularly as it gives '*significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets*' (Emphasis Added) when balancing potentially conflicting materials interests.

4.21 It fully supports the development with Policy 11a) iii specifically referring to '*energy storage, such as battery storage*;'

4.22 11c) only supports such development where net economic impact is maximised and which includes local socio-economic benefits such as employment and supply chain opportunities. The Applicant recognises the limited direct employment benefit of the BESS post construction, though through its landscape strategy will require additional maintenance requirements.

4.23 It also recognises the creation of approximately 110 jobs during the construction phase, and the requirement to provide material / resources. A Community Wealth Build Plan (CWBP) is also submitted to this application to further evidence the economic benefits and proposed engagement to facilitate retention of economic benefit in the local area. It commits to utilising local suppliers and seeking employment of the local population where this is possible, all-in accordance with this policy.

4.24 Policy 11e) requires the project design and mitigation to address a number of factors which may be affected by the development. Not all are relevant to this proposal (for example defence interests and telecommunications) but the application's supporting documents assess all relevant considerations, such as impact on communities and residential (for example, noise assessment), landscape and visual (LVIA), access (Transport Statement), nature (Confidential Ecological report).

4.25 All assessments demonstrate that there is no significant impact on any factor to warrant greater weight to be paid to that consideration than to the benefit of the proposal to enhancing renewal energy provision and reducing gas emissions.

4.26 Policy 12 – Zero Waste – this policy seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. No waste would be generated by the development in day-to-day operation. Development will seek to reuse or recycle any materials in line with the waste hierarchy. Soil works would be reused in the bunding proposed.

4.27 Policy 14 – Design, quality and place- NPF4 also seeks that development meets the requirements of the Six Qualities of Successful Places, including:

1. Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.
2. Pleasant: Supporting attractive natural and built spaces.
3. Connected: Supporting well connected networks that make moving around easy and reduce car dependency.
4. Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted into designs to reinforce identity.
5. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience and integrating nature positive biodiversity solutions.
6. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can meet the changing needs and accommodate different uses over time.

4.28 Whilst all six qualities are not directly applicable to the BESS proposal as there will be no onsite staffing presence, of particular importance are matters 5 and 6 which support the transition to net-zero including energy/carbon efficient solutions, seek climate resilience and nature recovery with positive biodiversity solutions and which seek longevity and resilience in development.

4.29 Policy 18 – Infrastructure First – this policy seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. The proposed development contributes to the energy infrastructure.

4.30 Policy 22 – Flood risk and water management – this policy seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. The FRA concludes that, "*The Flood Risk Screening Assessment confirms that the site is overall of low risk or lower of flooding from all sources and thus no bespoke flood mitigation measures are required.*".

4.31 The battery storage development area will be drained via a herringbone drainage system and perimeter filter drains conveying runoff to a proposed SuDS attenuation basin.

4.32 The FRDA states, "*surface water runoff generated from the proposed development can be attenuated and discharged at rates less than the greenfield QBAR for the catchment, for all design events up to and including the 200yr + 37% CC event.*"

4.33 Were there any need for the use of water to cool batteries in the event of a fire, that water would be collected via the same drainage system, but the attenuation pond would be remotely disconnected via penstock valve from the wider water environment. Once collected, that water would be tested and if necessary, removed from the site in tankers.

4.34 On the basis of the above the proposed development is considered to comply with policy 22.

4.35 Policy 23 – Health and safety – this policy seeks to not support development which is likely to have significant adverse effects on air quality (23d) and unacceptable noise impacts (23e).

4.36 The Noise Impact Assessment (NIA) submitted to this application demonstrates that the proposed development will be compliant with standards required by the LPA and have utilised, in agreement with the LPA, multiple methodologies for assessing noise impact, including BS4142 and NR20.

4.37 In respect of the two methodologies of assessment, the report identifies that BS4142 results when assessing typical operation show "*low or no impact for the typical operational scenario and the worst case scenario with the exception of NSR 1 where 'an indication of adverse impact is shown in the worst case scenario dependent of the context*". However, the report goes onto state, "*Due to a combination of the conservative approach to background noise measurement and processing, estimation of the source operational capacity, predicted internal nighttime levels and the general context of the residual noise environment RMP would propose that there would be 'low or no impact' on nearby noise sensitive receivers from the proposed BESS development with the inclusion of a 4.5m absorbative barrier around the BESS development.*"

4.38 The results of the NR20 assessment concludes that "*the predicted noise levels for the units during both operational scenarios inside the most affected noise sensitive receiver are below the NR20 secondary (internal) criteria with an open window.*"

4.39 Mitigation has been designed into the proposed development. The principal noise mitigation features are acoustic fencing. The BESS proposal has a 4.5m acoustic barrier around the BESS compound.

4.40 In regard to safety more generally, and whilst not raised by Policy 23 directly, fire risk and safety has been carefully considered in the Battery Safety Management Plan (BSMP), which concludes:

"OWC considers that the Project meets the requirements of the NFCC guidance with the exception of the spacing between BESS cabinets; however, the 4m spacing is compliant with the NFPA 855 standard. A Detailed BSMP is proposed to be secured by Planning Condition and will be developed further in consultation with relevant stakeholders and consultees, especially SFRS, and shall be approved by the LPA prior to the construction of the proposed development."

4.41 By the development's nature, a BESS development contributes to improvements to health and air quality as it is often classed as 'clean' energy and will contribute to long term, national and global environmental benefits. The proposed development is considered to comply with policy 23.

4.42 Policy 25 – Community wealth building – this policy seeks to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses. A Community Wealth Building Plan (CWBP) has been developed by the applicant following the guidance of NPF4 and The CWBP details the benefits the development will have of community resilience, the creation of local job creation and demonstrates that the development is in line with the principles of community wealth building. 110 jobs will be created through the development, with as many as possible being targeted towards the local employment pool. Therefore, the proposed development complies with NPF4 Policy 25.

4.43 Policy 29 - Rural Development – seeks to encourage economic activity, innovation and diversification and identifies forms of development to meet this aspiration and the policy outcome of a balanced and sustainable rural population. Energy developments are not directly identified within the scope of developments which would be supported, but the policy provides linkages to Policy 1 and 2 identified above. In association with Policy 11, therefore, it is considered that the development is in accordance with this policy.

4.44 It is clear from assessment of NPF4 that the document is supportive of the development in principle. The matters of detail which have to be assessed in relation to site specific considerations are given less weight than the overriding policy to improve renewable energy generating infrastructure such as this BESS proposed development. Such site-specific matters are addressed below.

4.45 It is considered, therefore, that NPF4 is fully supportive of the BESS development and that there has to be overriding harm caused to biodiversity, landscape and visual, safety and residential amenity to justify a refusal of the application. It is considered that such harm will not occur and, therefore, consent should be granted in accordance with the overarching policies of NPF4 in relation to this National Development. This is addressed in Section 5.

Aberdeenshire Council Local Development Plan 2023

4.46 AC formally adopted its Local Development Plan (ACLDP) in January 2023. Through pre-application advice the Council advised the applicant that the following policies from the ACLDP were relevant to the proposed development.

4.47 Policy C2 Renewable Energy – The policy states, "*We will support renewable energy developments, including solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydroelectricity projects, as well as energy storage projects, which are in appropriate sites and of the appropriate design*." The 'in principle' support for energy storage development is clearly set out here. The policy also requires development to take account of impacts on socio-economic aspects; renewable energy targets; greenhouse gas emissions; communities; landscape and visual aspects; natural heritage; carbon rich soils; the historic environment; tourism and recreation; aviation, defence, telecommunications and broadcasting interests; road traffic; hydrology. These matters are considered through the assessment against other policy requirements.

4.48 Policy P1 Layout, Siting and Design – Policy P1 relates significantly to residential and mixed-use development. There is no reference to renewable energy types of development within the policy. However, the policy, like the NPF4, requires development to be distinctive, safe and pleasant, welcoming, adaptable, efficient and well connected. The first three criteria are not so applicable to energy infrastructure of this kind as there would be no public access to the site.

4.49 In terms of adaptability, the site laid out in such a way that would facilitate easy movement for vehicles where batteries, or other equipment require replacing, the layout allows for this to be undertaken easily.

4.50 The proposed development is efficient in its layout and has sought to minimise land take and visual impact by working with existing gradients on the site. The red line boundary was reduced from pre-application stages of enquiry to release land to the north back to agricultural use, demonstrating the efficient use of land.

4.51 The site is well connected for the proposed use. Most notably it is in close proximity to the proposed Netherton Hub 400kv substation (the point of connection), and as such the proposed connection cable would result in less land disturbance. In addition, the site has been appraised from a construction vehicle access perspective and is deemed to be appropriately connected to the road network.

4.52 The proposed development is therefore considered to comply with this policy.

4.53 Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land – The policy seeks to resist development that will cause significant pollution, create a significant nuisance (for example through impacts on air quality or noise), or present an unacceptable danger to the public or the environment.

4.54 The proposed development does not have an impact on air quality other than in relation to construction, which will be controlled by a Construction and Environmental Management Plan (CEMP) that can be secured by condition.

4.55 The proposed development does generate noise, and a noise impact assessment is submitted to this application which has already been address under NPF4 policy 23 and is expected to have a low or no impact. The proposed development is considered to not result in detrimental impact in relation to noise.

4.56 The proposed development does not produce any gas, liquid / chemical output in normal operation conditions. In the event of a fire, the proposed drainage system is disconnected from discharge into the water courses in proximity to the site. In addition, an impermeable membrane is proposed to be installed around the SuDS pond to avoid any seepage of contaminated water (in the event of fire).

4.57 Policy E1 Natural Heritage – The policy sets out that development will be refused where it has an unacceptable adverse effect on a nature conservation site designated for its biodiversity, species, habitat, or geodiversity importance. There are no designations within proximity to the site. The proposed development avoids conflict with existing trees

4.58 Protected species have been surveyed and detailed results have been set out in the confidential ecology reports and appropriate mitigations are proposed. The reports conclude that any impact on such species is appropriately mitigated.

4.59 As is discussed in relation to NPF4 policy 3, the submitted Landscape Strategy in combination with the proposed Ecological Report and Protected Species surveys clearly demonstrate that the proposed development will have an enhancement to local biodiversity and will aid in combating the nature crisis referred to in Policy 1 of NPF4.

4.60 Policy E2 Landscape – The policy seeks to resist development that has an adverse impact on the key characteristics, natural landscape elements, features or the composition or quality of the landscape character as defined in the Landscape Character Assessments produced by NatureScot. Moreover, the policy states, "*Development that has a significant adverse impact on the qualifying interests of a Special Landscape Area will not be permitted unless it is adequately demonstrated that these effects are clearly outweighed by social, environmental or economic benefits*". In respect of this application, the submitted LVIA identifies that the site is not within an SLA, and that once mitigation is established the proposed development would not result in a significant impact. Indeed, the LVIA further concludes, "*Although there will be locally moderate effects to both the landscape resource and to visual amenity, these effects will be localised… Whilst there will be an increase in the footprint of development seen in very localised views, giving rise to local change, the overall massing and scale of development proposed will be seen to merge with the existing setting and as an appropriate scale of new development in the wider landscape*". The proposed development is considered to be compliant with this policy.

4.61 Policy HE1 Protecting Listed Buildings, Scheduled Ancient Monuments and Archaeological Sites (including other historic buildings) – As is summarised in reference to NPF4 policy 7, the submitted ADBA demonstrates no detrimental impact on above ground heritage assets. Archaeology is proposed to be assessed further through the preparation of a detailed Programme of Archaeological Works should be conditioned, the detail of which can be secured by an appropriate condition.

4.62 Policy PR1 Protecting Important Resources – The policy states that development will be refused where it is assessed to have a "*negative effect on important environmental resources associated with air quality, the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland.*" The majority of these matters have been assessed elsewhere in this statement and will not be repeated here.

4.63 With reference to the water environment, a Private Water Supply (PWS) Impact Assessment has been completed within the FRDA and submitted to this application. It identifies that A freedom of information request was submitted to Aberdeenshire Council to obtain any PWS records within a 2km search radius of the Proposed Development. Several properties circa 270m to the southeast of the main developable area are fed by a borehole. The PWS assessment concluded that "*The borehole location is considered not to hydraulically connected to the proposed development area and thus the proposed development poses no risk to this supply. All other recorded PWS in the local area are considerably distanced from the site and not considered to be affected by the development. Therefore, PWS are not considered further in this assessment.*"

4.64 Policy RD1 Providing Suitable Services – The policy states, "*we will only allow development that is located and designed to take advantage of or incorporate the services, facilities and infrastructure necessary to support it.*" For the proposed development, the principle locational requirements for the BESS are proximity to the substation, and road access.

4.65 The site is located in proximity to the future substation and so can connect via short underground cable. Access by road is demonstrated in the CTMP as achievable.

4.66 The proposed development is considered to comply with policy RD1.

Other Material Considerations

Clean Power 2030 Action Plan (CP30AP): A new era of clean electricity (published by the Department for Energy Security and Net Zero (DESNZ) 13 December 2024)

4.67 Recently published CP30AP sets out that successful delivery will require rapid deployment of new clean energy capacity across the whole of the UK, reflecting the shared renewable ambitions of the UK, Scottish and Welsh Governments.

4.68 As a summary, the CP30AP states that the Labour Government is "*accepting government's central role in steering the creation of this new energy system, setting our expectations for the 2030 capacities of key technologies at national and regional level.*"

4.69 CP30AP states that the Government has a high ambition and that this means "*43-50 GW of offshore wind, 27-29 GW of onshore wind, and 45-47 GW of solar power, significantly reducing our fossil-fuel dependency. These will be complemented by flexible capacity, including 23-27 GW of battery capacity, 4-6 GW of long-duration energy storage, and development of flexibility technologies including gas carbon capture utilisation & storage, hydrogen, and substantial opportunity for consumer-led flexibility*"

4.70 This application is an important opportunity to contribute towards securing the required 23-27 GW of battery capacity. It is highlighted that there is currently only 4.5 GW of flexible battery storage capacity on the network (ref. Page 32).

4.71 In so far as the need to ensure energy security, Page 23 of CP30AP states that "*As we aim for clean power by 2030, it is crucial we complement renewables with flexible capacity to ensure we can deliver clean power no matter the weather*".

4.72 Page 29 continues to state that "*there will be periods over the year, mostly during winter and autumn, where weather conditions and higher electricity demand mean our fleet of renewables and firm generation alone are not able to meet electricity demand. Many of these periods will only be for a few hours. These short periods offer opportunities for flexible, low carbon solutions to meet our needs.*" The quotation highlights the need to maximise the energy storage in these high generation periods, so that renewable energy generation can more readily be match with demand.

4.73 Page 38 progresses to advise that "*The new, more flexible consumer-led energy system will also offer many opportunities to lower the bills customers face*".

4.74 Page 93 progresses to discuss short term flexibility and its important role in helping deliver 2030 net zero targets. In Summary CP30AP states that:

"A significant increase in short-duration flexibility of 29-35 GW across battery storage, consumer-led flexibility and interconnection capacity from 2023 levels is possible and can play a role in achieving clean power in 2030.

The opportunity is huge, as battery storage and consumer-led flexibility are scalable and could be relatively quick to deploy. Their deployment could not only cut bills for consumers but minimise the amount of more costly generation and associated network infrastructure that needs to be built, whilst maintaining security of supply"

4.75 Page 96 summarises the position in the statement, "*Based on NESO and DESNZbattery storage growth scenarios for 2030,* ***we expect 23-27 GW of battery storage to be needed by 2030 to support clean power, a very significant level of increase.***" (Emphasis Added). This is illustrated by figure 11 below.

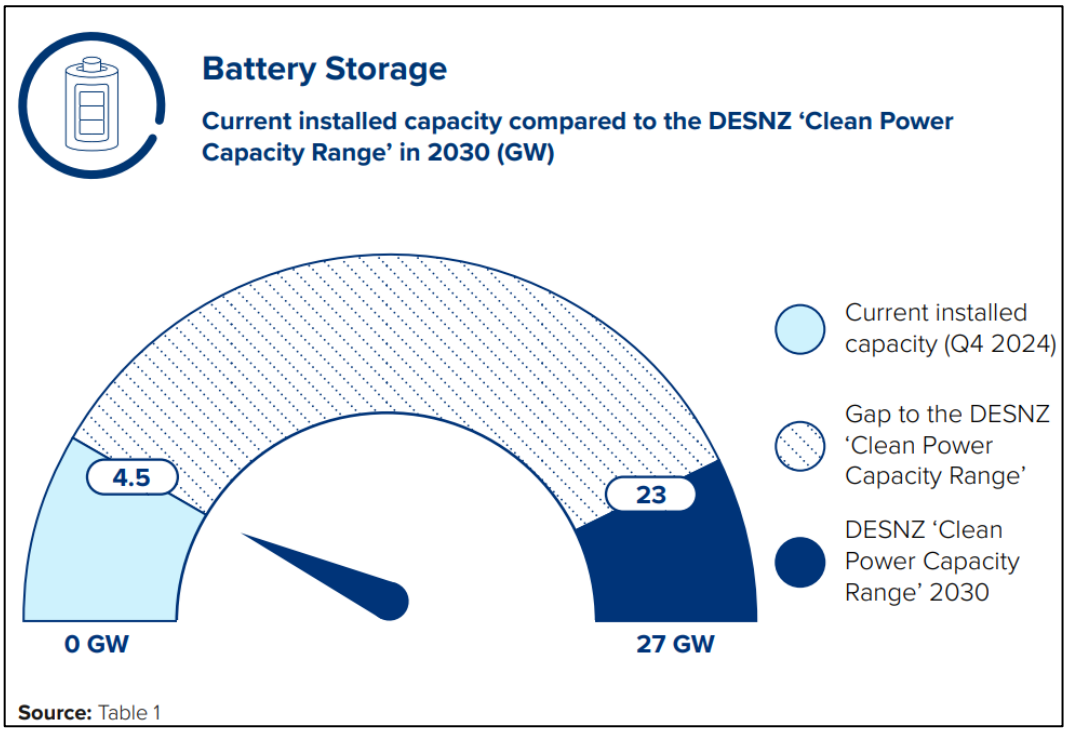

Figure 10: Current installed capacity of battery storage facilities

4.76 The requirement to maintain cost effective and reliable networks as we transition to net zero can be delivered by a combination of smart technology deployment and smart infrastructure investment. BESS are the only non-subsidised, commercially proven, scaled technology that can manage renewable intermittency, grid constraints and balancing. The asset is fundamental in reducing our dependence on fossil fuels and our reliance on overseas imports and maximising clean energy generation.

4.77 The proposed development would therefore be in line with the aims of this document and would aid in delivering the identified storage requirements. As a 400MW BESS, this scheme could power up to 640,000 homes for 2 hours. This is based on Ofgem's current estimate for annual domestic electricity consumption figures for a typical UK home.

5.0 Assessment of Development

5.1 The following section assesses the main material considerations relating to the proposed development and demonstrates the manner within which regard has been paid to material considerations relating to the development and to the 'desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest' and of means of mitigating any effects, as required by Schedule 9 (3) of the Electricity Act 1989.

Principle of Development

5.2 As NPF4 policy places significant weight on the need for energy infrastructure and supports BESS proposals in countryside areas on agricultural land. As the Applicant has an agreement to connect to the grid for the 400MW supply, this demonstrates that the facility will be provided and will contribute to the delivery of NPF4 National Development 3 (Strategic Renewable Electricity Generation and Transmission Infrastructure) of NPF4. Policy 1 of NPF4 stipulates that significant weight will be given to development that combats the global climate crises. The delivery of renewable energy infrastructure is directly linked to this goal and therefore draws significant positive weight. Policy 11 of NPF4 further states that all forms of renewable, low carbon and zero emission technology will be support and specifically identified battery storage within this technology group. The 'in principle' support for BESS from NPF4 is a significant positive.

5.3 Policy C2 of the ACLDP states as a starting point that: *"We will support renewable energy developments, including solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydro-electricity projects, as well as energy storage projects, which are in appropriate sites and of the appropriate design."* Neither the NPF4 and or the ACLDP provide a more detailed spatial strategy for renewable energy projects of this type. I.e. BESS development.

5.4 It is clear, therefore that the principle of this proposal is acceptable in relation to the development plan and supporting guidance, subject to detailed consideration of the particular merits of the proposal.

5.5 The proposed site is justified on the basis of:

- within the immediate proximity of the site in proximity to the proposed 400kV Netherton Substation.
- Sufficient size of the land parcel to accommodate and deliver the license requirement and available for use within the required development timescale of 18 – 24 months
- in an 'unsensitive' area, as defined in The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 – i.e., not identified as an SSSI, nature conservation area, European site, World Heritage Site, scheduled monument, national scenic area, national park or marine protected area.
- would not result in significant cumulative harmful development.
- separated from residential properties, to protect residential amenity (particularly noise and visual) as demonstrated by the submitted NIA and LVIA.

- with access to the road network without causing highway safety issues during construction as confirmed by the submitted CTMP.
- with an ability to provide sufficient water management, including where water was used in an emergency context relating to fire.
- Does not have a detrimental impact on natural features or habitats within or outside the application site.

5.6 It is clear from the above policy assessment that the site falls outside any defined settlement limit and does enable separation from existing residential dwellings and population centres. It is reiterated that whilst Monyruy Cottages are within a closer proximity to the proposed development, they will be within the ownership of the landowner and will either be vacant or repurposed for personnel involved in site construction or maintenance (separate consenting would be required for any change of use sought for Monyruy Cottages).

5.7 A location within this countryside area, however, is appropriate particularly as it facilitates co-location with a centre of distribution (i.e., the Netherton substation) which is proposed to be built in close proximity to the site. Whilst the close proximity to the substation reduces environmental impact associated with underground connection cabling, and improves the viability of the development, the sites benefit from a degree of separation that allows for the implementation of visual screening / mitigation, reducing their cumulative impact.

5.8 As the proposal is consistent with the policies in the NPF4 and ACLDP in locational terms, it is considered that the proposal is acceptable in principle.

Details / Site Specific Considerations

5.9 Policy also requires consideration of matters of detail relating to energy storage proposals, and for which robust supporting information and assessment has been submitted with the application. The proposed BESS facility evolved following detailed assessment of the site-specific matters technical and environmental detail, as detailed below.

Landscape and Visual Amenity

5.10 The site is not within a designated landscape area and is not subject to any other special landscape designation. An LVIA has been carried out and is submitted as a supporting document.

5.11 The LVIA submitted in support of this application is a more detailed and specific assessment of the proposed development and its potential impact on landscape and visual impact within this area and has influenced the detailed design and layout of this proposal.

5.12 It is highlighted here that, "*The Development does not have intervisibility with any landscape designations and the key characteristics and integrity of designated landscapes will not be altered by the Proposed Development*."

5.13 The HV Switch Gear will be higher than the battery containers, to a maximum height of some 13m. These are situated at the north east of the site, which is set lower, cut into the existing topography to reduce its impact.

5.14 In landscape character terms the LVIA identifies the site as having a Medium sensitivity to change. A field survey was undertaken to confirm the appropriateness of 7 viewpoints chosen to assess the proposed development. It sets out that the effect on Landscape Character will be significantly improved with the proposed mitigation, and that "*As the proposed structure planting matures over the short to medium term local effects on landscape character will reduce to Slight, with a Moderate/Minor effect with the establishment of beneficial new landscape elements.*"

5.15 In respect of visual impact, the 7 viewpoints were utilised and photomontages of pre-development, post completion and then at year 15. Table 7 of the LVIA summarises the impact. The post mitigation assessment of impact ranges from 'Moderate/ Minor' to 'Slight'.

5.16 It is highlighted here that photomontages used to demonstrate the effectiveness of proposed landscaping reflect winter scenarios. As such they represent a worst-case scenario. Spring, Summer and Autumn will offer additional visual screening.

5.17 The cumulative impact of the proposed development in combination with other development in the locality including the future substation. The ECU concluded that no EIA in regard to cumulative development was required. The LVIA states, "*These changes give rise to no greater than Moderate and Not Significant local effects which will not influence the key characteristics of the wider landscape.*"

5.18 It is clear from the LVIA that impact from the proposed development would be experienced predominantly within a short area of the site, and that mitigation planting reduced the impact effectively. Overall, taken with the significant weight which should be paid to the provision of energy proposals, it is, on balance, considered that the proposal is acceptable in landscape terms.

5.19 Substantial landscaping will be provided around the proposed development, which will soften the appearance of the development as the landscaping matures. Visual impact, therefore, will be contained to a relatively small area so whilst it is accepted that there will be a change to the local environment, such change will be minimised and will not be significant in relation to the positive benefit of delivering National Development 3 infrastructure, particularly when the existing energy-infrastructure context to the site is taken into consideration.

Nature – Ecology, Habitat

5.20 The appointed Ecologist (Brindley Associates) have undertaken a Preliminary Ecology Appraisal (PEA) of the site which informed a Scoping Report (Submitted to this application). The Scoping Report directs the need for further protected species surveys. These have been completed and are also submitted the application.

5.21 The Scoping Report assessed the baseline conditions for the site. Moreover, the Report and PEA were conducted on a much larger site area, as can be seen from Appendix A of the Scoping Report. The red line area for the application has subsequently been amended to reflect the final layout and design. Appendix A of the Scoping Report identifies the site area and predominantly consisting of non-cereal arable crop, cereal crop and semi improve grass land, with more defied habitat features at field boundaries.

5.22 The Scoping Report states, "*There are no statutory designated sites within the site or immediately adjacent, therefore statutory and non-statutory sites have been scoped out of further assessment.*". Based on the features of the site, the Scoping Report recommends further protected species surveys, including Otter, Water Vole, Bat and Badger surveys.

5.23 The report does identify the potential presence of protected species close to the site and recommends additional surveys to be completed (submitted to this application in the CONFID Protected Species Report). The results of the protected species surveys are set out below.

- No potential bat roost features were identified within the red line boundary. Recommends additional survey prior to heavy engineering works within the 30m of some bat roosts identified outwith the site, but within the 50m zone of influence. These are located a significant distance to the south of the main compound and heavy engineering works are unlikely to be undertaken within proximity of those roosts.
- No evidence of badger was observed during the survey, within the site or 30m from its boundary. No further survey for badger is currently required.
- No evidence of otter or water vole was recorded along the Burn of Faichfield to the east of the site.

5.24 The submitted Ecology surveys demonstrate the proposed development is very unlikely to have a detrimental impact on protected species. The proposed development includes the planting of significant tree belts, SuDS pond and significant planting of MG5 Meadow Grassland Mix wildflower areas. The existing land use is agricultural fields for arable purposes and as such has limited biodiversity benefit. The proposed development would enhance the biodiversity of the site. Further confirmation of this can be secured by condition for a Habitat Management Plan. Given this significant enhancement, the proposed development is considered to be fully compliant with policy 3 of NPF4 and Policy P1 and E1 of ACLDP.

Agricultural Land

5.25 The site comprises approximately 20.72 hectares of grade 3.2 agricultural land. It is not Prime Agricultural Land (PAL) and Soils Maps do not identify peat potential on the site.

5.26 The Applicant has been advised by the owner that the loss of this area to agriculture will not be significant in the wider land holding, and that the remaining agricultural unit will remain viable. Access to the wider holding will be maintained.

5.27 The site will be fully decommissioned at the end of its operational life and the land will be restored and returned to its former agricultural use. Topsoil will be retained on site in the form of the proposed bunding. These will be used to restore the site when decommissioned.

5.28 The proposal, therefore, will not affect agricultural land, particularly as the development can be 'reversed' in the future and re-used for agricultural purposes. The Applicant has agreed to a license for 40 years, after which the agreement with the landowner is to decommission the site and to the restore it to agricultural use (as existing). A financial bond will be created ahead of commencing development to ensure that monies are available to facilitate all necessary decommissioning.

5.29 Accordingly, the use of the land for BESS development is entirely consistent with policy 5 of NPF4 and policy PR1 of ACLDP

Cultural Heritage

5.30 The site is not within a conservation area and does not contain any listed buildings or Scheduled Monuments within or immediately surrounding the site. There will be no impact on any feature of importance or its setting.

5.31 An Archaeological Desk Based Assessment (ADBA) has been undertaken and is submitted to the application. The baseline assessment identifies that, "*There is one known cultural heritage site located within the Site and a further 11 are located within the 200 m buffer around the Site. One designated cultural heritage site is located within 1 km of the Site. A further 11 cultural heritage sites recorded on the Aberdeenshire Historic Environment Record are also located within 1 km of the proposed development*." It further identifies that, Prehistoric, Roman and Early Medieval sites, Medieval sites and Post-Medieval sites were not identified on the site. In addition, No previously unrecorded cultural heritage sites were identified during this walkover survey. In conclusion the DBA states that a programme of archaeological evaluation works *may* be required where ground breaking will take place. If required a suitable condition can secure these works.

5.32 On this basis, it is considered that the proposal is acceptable in terms of heritage importance and is consistent with policy HE1 and the balance falls in favour of the proposed BESS development.

Community Impact

5.33 The site lies some 250m from the nearest occupied residential property and significant mitigation has been proposed on a number of fronts to minimise impact on the community.

Visual Impact

5.34 Proposed landscaping and earth works are designed to minimise intervisibility with the wider landscape. The photomontages demonstrate that, once landscaping is established, there will be a significant visual screen to the proposed development from selected vantage points.

5.35 For example, View Point 6 evidence that the proposed landscaping would significantly screen the visibility of the proposed development. The LVIA summarises that there would be an initial visual impact which diminishes overtime as a result of mitigation.

Noise

5.36 The NIA identifies key residential receptors in proximity to the site and as such seeks to ensure that they are not detrimentally impacted by the proposed development. The proposals deliver 4.5m high acoustic fencing to minimise noise propagation. The operational impact of the proposed development is considered in the NIA to be "*low or no*" impact during typical operation, and the NIA identifies the site to be fully compliant with the NR20 standard required by Aberdeenshire Council.

5.37 Accordingly, any impact from the development in terms of loss of residential amenity from noise, visual impact or general activity would not be significant in relation to the benefit of the proposal in terms of contribution to National Development 3 and energy targets.

Access and Transport

5.38 In regard to accessibility and impact of paths and cycle lanes, the proposed development has been assessed against policy 13 of the NPF4 and C2 of the ACLDP. The site is not immediately adjacent to any core path; however, the site is visible from the Formatine and Buchan Way Core Path to the north of the site. It was made clear through public consultation, and pre-application discussion that the visual impact from this route should be carefully considered. In response, the LVIA has assessed multiple views from this Core Path, and whilst there will be some visual impact, the proposed mitigation reduces this impact. It is highlighted again that the photomontages are prepared in a winter / bare branch context and so visual screening would be greater in spring and summer months when Core Paths are busier.

5.39 The CTMP details the means by which construction traffic will access and egress from the site and concludes that the facility can be constructed without harm to highway safety, subject to detailed management processes and minor works to the existing highway, all of which can be controlled by condition.

5.40 It is anticipated that the construction period will be approximately 20 months. The CTMP states, "*A maximum of 16 two-way daily HGV movements (8 HGVs) are expected to be generated during the construction period. It is expected that the maximum number of construction staff on-site will vary subject to the construction phase as outlined above, with a maximum of 15 staff expected to be working on site at any one time.*" In addition, it states, "*It is envisaged that construction activities will take place during suitable daytime hours across the week (Monday to Friday), in order to protect local amenity, possibly with some limited construction activity and HGV movements on Saturdays."* Conditions can control this time frame more definitively. Mitigation measures can include:

- Controlled Traffic Movements and scheduling
- Banksman monitoring of access route
- Suitable Parking Arrangements
- Pedestrian signage
- Road cleaning regime
- Noise and dust suppression; and
- Traffic signage

5.41 The proposal, therefore, will not impact pedestrian, cycle, or vehicular use of the surrounding public highway and so would comply with policy 13 of NPF4, C2 and RD1 of the ACLDP.

Drainage / Flooding

5.42 The Drainage Strategy, submitted as part of the FRDA supporting document, identifies that the site is currently undeveloped greenfield. The development will increase in the rate and volume of runoff compared to the existing position. However, mitigation is proposed which will result in appropriate drainage being provided to ensure surface water can be properly drained without contaminants entering the water system and without increasing the risk of flooding. Water runoff will be attenuated and discharged to Faichfield Burn. As such, whilst new impermeable surfaces are introduced, the discharge from the site as a whole will not worsen.

5.43 To control any water runoff used in any emergency event that may be contaminated, the attenuation features are equipped with the ability to be remotely disconnected from Faichfield Burn.

5.44 THE FRDA further identifies that the risk of flooding from any source is low. The proposed development would therefore comply with policy 22 and 20 of NPF4 and ACLDP policy C4.

Soils

5.45 The site is neither peatland or Prime Agricultural Land and whilst the proposed development would require land cutting to facilitate its development the proposals are not considered to have a detrimental impact on protected soils. Moreover, after the site has reached its lifespan end a decommissioning plan can be secured to facilitate its return to agricultural land.

Construction

5.46 It is acknowledged that there may be short term impact during the construction period, as is common with major development. However, this is temporary and short term and will be mitigated through, for example, restrictions on hours of construction. The CTMP submitted as a supporting document demonstrates the manner within which the construction activity will be controlled and can be covered by condition for the submission of a detailed CEMP prior to works starting on site.

5.47 There will be a necessity for temporary illumination at the site during the construction period, which is expected to be approximately 20months. Lights will be switched off outside working hours. The Applicant will ensure that lighting is minimised as much as possible and directed into the site (in line with operational requirements). During the operational stage, there will be no requirement for lighting, other than motion-controlled security lighting and occasional maintenance. During the operational stage, activity at the site will be negligible as the BESS facility is primarily unmanned.

5.48 It is considered, therefore, that whilst there will be a change to the immediate countryside landscape, the development will not result in harm to the amenity of residents and the wider community to an extent which outweighs the wider benefit of the development. A Community Wealth Building Plan (CWBP) has been developed for the proposed development which sets out the measures and engagement proposed to maximise economic benefit for the area.

Utilities and Infrastructure

5.49 There are no known utilities within the immediate vicinity of the site with the exception of the telegraph pole and overhead lines which lie to the south of the main compound and traverses the proposed access from east to west. The proposed development will not interfere with these.

Conditions

5.50 The assessment demonstrates that the balance in determination of this development should fall in favour of granting consent under S36, and deemed planning consent, as no site-specific detail would be breached to such an extent to warrant refusal particularly when the location near to the substation/point of connection and the benefit of the proposed development to contributing to enhanced energy provision is taken into consideration. This approach complies with NPF4 Policy 11 which seeks that significant weight be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. Policy 1 of the NPF4 also sets out that significant weight should be given to combating the climate and nature crises. The proposed development therefore draws significant positive weight from these policies, which on balance, outweighs other matters and impact, and is in compliance with the development plan.

5.51 It is acknowledged that certain mitigation will be required to minimise any potential impact, to which the Applicant is fully committed and accepts the need for condition on the consent. Such mitigation relates to:

- Approval of and implementation of detailed CTMP and CEMP prior to works starting
- Detailed Landscaping plans prior to works starting and completion in the first planting season following completion of the development, including maintenance.
- Approval of and implementation of detailed Habitat Management Plan prior to works starting and obtaining licenses as may be necessary from NatureScot.
- Approval of decommissioning programme of works prior to the site becoming non-operational and implementation of those works after operations cease.
- Habitat Restoration Plan and method statement prior to the site becoming non-operational and implementation of those works after operations cease.
- Limitation on noise emissions from the installations and provision of acoustic treatment in accordance with the Noise Assessment.
- Detailed Drainage Strategy and Specifications.
- Archaeological evaluation and works.

Development Assessment Summary

5.52 The above assessment demonstrates that there is a clear need for energy related development, including storage proposals and which should carry significant weight in considering development proposals. Policy seeks to encourage BESS facilities providing there is a locational need, and the development will not cause such harm to any material consideration such that the benefit of the proposal should be outweighed by that consideration. The application documentation demonstrates that due to the absence of any special designation at the site, the location of the site in relation to adjacent land uses, characteristics of the land and the proposed mitigations there will be no significant adverse impact which cannot be appropriately mitigated. Therefore, it is considered that the development is in accordance with national and local policy.

6.0 Conclusion

6.1 Consent and deemed planning permission is sought from the Scottish Ministers under Section 36 of the Electricity Act 1989 for a 400MW BESS facility proposed on land north of Flushing, Longside, in the Aberdeenshire Council administrative area. In determining the application, it is necessary for the Scottish Ministers to determine whether the requirements of Schedule 9 of that Act have been met, taking into consideration also national policy relating to energy and planning.

6.2 BESS facilities are recognised as being essential to support the continued development of renewable energy sources and to enhance the National Grid network to ensure sufficient supply of stable energy. It directly responds in meeting a need identified in the Clean Power 2030 Action Plan. The development, therefore, will be of national and local benefit.

6.3 The application is supported by a full suite of assessments which demonstrate that careful consideration has been paid to the appropriate siting and design of the facility, to ensure appropriate connection to the grid, without significant adverse impact on the environment. It is a site which benefits from no special landscape, nature or cultural designation and development is separated from the surrounding residential dwellings. It is acknowledged that the development will change the local landscape, but siting, design and planting mitigation is proposed which will reduce any potential impact. Through implementation of a CWBP the development will have local, regional and national economic and social benefit.

6.4 The proposed development has been tested against relevant national and local policy, and it is considered that, subject to mitigation, there will be no significant environmental effects, and the proposed BESS facility will not have any adverse impact on any material matter as:

- The development complies with the requirements of NPF4 and the ACLDP, as the development plan.
- There will be benefit from the proposal to the National Grid, to decarbonising electricity supply and meeting renewable energy and gas emission targets.
- Connection can be made to the grid, at the proposed Netherton Hub substation, via a short connection, further reducing environmental impact.
- There will be economic benefit through employment generation particularly during the construction period.
- The site provides some separation from surrounding residential properties whose amenity will be maintained through intervening landform, planting and acoustic features and no significant impact would exist in the long term.
- There are no special environmental, landscape or cultural designations in the vicinity of the site so the development will be carried out in a non-sensitive countryside location of non-prime agricultural land.
- Access to the site can be achieved via the existing highway with limited requirement for improvement or modification.

The Scottish Ministers, therefore, are respectively requested to grant S36 consent and deemed planning permission.

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