A specialist energy consultancy

Planning, Design and Access Statement

Fyrish Battery Energy Storage System

Field Fyrish Ltd

16719-007-D1
19 February 2025

COMMERCIAL IN CONFIDENCE

FIELD

Quality Assurance

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TNEI Services Ltd
Company Registration Number: 03891836 **VAT Registration Number: 239 0146 20**

Registered Address Bainbridge House 86-90 London Road Manchester M1 2PW Tel: +44 (0)161 233 4800	7th Floor West One Forth Banks Newcastle upon Tyne NE1 3PA Tel: +44 (0)191 211 1400	7th Floor 80 St. Vincent Street Glasgow G2 5UB Tel: +44 (0)141 428 3180

TNEI Ireland Ltd
Registered Address: 104 Lower Baggot Street, Dublin 2, DO2 Y940
Company Registration Number: 662195 **VAT Registration Number: 3662952IH**

Unit S12, Synergy Centre
TU Dublin Tallaght Campus
Tallaght
D24 A386
Tel: +353 (0)190 36445

TNEI Africa (Pty) Ltd
Registered: Mazars House, Rialto Rd, Grand Moorings Precinct,7441 Century City, South Africa
Company Number: 2016/088929/07

Unit 514 Tyger Lake
Niagara Rd & Tyger Falls Blvd
Bellville, Cape Town
South Africa, 7530

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1 Introduction

1.1 Introduction

This Planning, Design and Access Statement (this Statement) has been prepared by TNEI Services Limited (TNEI) on behalf of Field Fyrish Ltd (the Applicant) to accompany an application for consent under Section 36 of the Electricity Act 1989 (the Electricity Act), and associated deemed planning permission, for the installation and operation of a Battery Energy Storage System (BESS) and associated infrastructure with a storage capacity of up to 200 megawatts (MW) (the Proposed Development).

It is the Applicant's intention to submit an application to the Scottish Government's Energy Consents Unit (ECU) for consent under Section 36 of the Electricity Act (the S36 Application), resulting in associated deemed planning permission under Section 57 of the Town and Country (Scotland) Act 1997 (as amended) (the Planning Act).

The Proposed Development is located on land 650 m south of Fyrish Substation, Alness (the Site). The Site is centred at an approximate National Grid Reference (NGR): NH 62991 68949 and is located within the postcode IV17 0XH. Although the Site's red line boundary is approximately 53.5 hectares (Ha) in size, the BESS compound area would only occupy c. 4.6 Ha of this area. The Proposed Development is situated wholly within the administrative boundary of The Highland Council (THC). The Site is illustrated in Drawing BTGBFYR01_001.1 - Site Layout Plan, accompanying this S36 Application.

1.2 The Applicant

The Applicant is a subsidiary of Virmati Energy Ltd who are developing, building, owning and optimising grid-scale energy infrastructure required to facilitate the transition to Net Zero. The Applicant focuses on the development of BESS in the UK and Europe to create a more reliable, flexible and greener grid and to facilitate the scaling of renewables such as wind and solar. The Applicant currently has three operational BESS sites in the UK; Oldham, Gerrards Cross and Newport, with a further three sites under construction, and a further 4.5 GWh in the pipeline for development or in exclusivity with partners across the UK and Europe. The Applicant is a committed and responsible developer for the long term, as it develops, owns, and operates its BESS sites throughout their entire lifecycles.

1.3 Planning Statement Approach

This Statement contains a series of sections which cover the design principles and concepts that have been applied to the Proposed Development in response to its context, and details how issues relating to access have been dealt with. It also includes a planning policy appraisal. The structure of the rest of this Statement is listed as follows:

- **Section 1:** Introduction;
- **Section 2:** Background to the Proposed Development;
- **Section 3:** Site Description;
- **Section 4:** Description of Proposed Development;
- **Section 5:** Needs and Benefits of the Development;
- **Section 6:** Design Considerations;
- **Section 7:** Development Phases;
- **Section 8:** The Renewable Energy Policy and Legislative Framework;

- **Section 9:** National and Local Planning Policy;
- **Section 10:** Planning Policy Appraisal; and
- **Section 11:** Conclusions.

This Planning, Design and Access Statement should be read in conjunction with the following reports which have been submitted to accompany the S36 Application:

- A **Tree Management Report** prepared by Bowlts Chartered Surveyors (document ref. Fyrish Tree Survey-bl-300424(694768.5));
- A **Historic Environment Desk-Based Assessment Report** prepared by RPS (document ref. 00810_Fyrish_DBA_1_Report v3 Redacted);
- A **Biodiversity Enhancement Assessment Report** prepared by Tetra Tech (document ref. 784-B067560_Fyrish_BESS_BiodiversityNetGain V2_ISSUE Redacted);
- A **Pre-Application Consultation Report** prepared by Alpaca Communications (document ref. Field Fyrish Pre-Application Consultation Report FINAL Redacted);
- A **Preliminary Ecological Appraisal** (PEA) Report prepared by Tetra Tech (document ref. 784-B067560 Fyrish BESS PEA Report V3 Final for Issue REDACTED);
- **A Protected Species Survey** Report prepared by Tetra Tech (document ref. 784-B067560 Fyrish BESS Protected Species Report V3 Final for Issue REDACTED);
- A **Bat Activity Survey Report** prepared by Tetra Tech (document ref. 784-B067560 - Fyrish BESS Bat Survey Report V3 Final for Issue REDACTED);
- A **Flood Risk Assessment** prepared by Haydn Evans (document ref. 336-009-RP1-FRA-3);
- A **Drainage Impact Assessment** prepared by Haydn Evans (document ref. 336-009-RP2-DIA-3);
- A **Geoenvironmental and Geotechnical Desk Study Report** prepared by Gavin & Doherty Geosolutions (document ref. 24093-R-001-01 - Fyrish BESS Rev1 (combined));
- **Hydrogeological Assessment Report** prepared by Fluid Environmental Consulting Ltd (document re. Field Fyrish BESS Hydrogeological Assessment Report FLUID Final Redacted);
- A **Land Capability for Agriculture Report** prepared by Wardell Armstrong (document ref. GL10503 002 Fyrish LCA Report Redacted);
- A **Landscape and Visual Appraisal** prepared by TGP (document ref. 2214 Fyrish LVA 250219);
- A set of **Landscape and Visual Appraisal Figures** prepared by TGP (document ref. 2214 Fyrish LVA Fig 1-2 Rev B and 2214 Fyrish LVA Fig 3-4 Rev A);
- A **Landscape Plan** prepared by TGP (ref. 2214 L01C Landscape Plan);
- A set of **Visualisations** prepared by TGP (document refs. 2214 Fyrish Visualisations 250219 lr);
- An **Outline Battery Safety Management Plan** (OBSMP) prepared by Field Fyrish Ltd (document ref. BTGBFYR01 – OBSMP FINAL redacted (combined);
- A **Transport Statement and Construction Traffic Management Plan** prepared by Pell Frischmann (document ref. 250217 Fyrish CTMP);
- A **Noise Impact Assessment** prepared by TNEI (document ref. 16819-003-R1);
- A **Planning Design and Access Statement** prepared by TNEI (document ref. 16719-007-R0 Planning Design and Access Statement);

- An **Alternative Site Assessment** prepared by TNEI Services Ltd (document ref. 16719-008 Alternative Site Assessment R2 (combined)); and
- A suite of detailed **planning drawings** and **elevations** prepared by Field Fyrish Ltd and CADmando respectively.

2 Background to the Proposed Development

2.1 Need for the Proposed Development

The Proposed Development would result in an improvement to the reliability of the electrical network. In the move toward a low carbon economy, it would allow increasing levels of renewable energy generation to be more fully integrated into the electricity grid.

2.2 Social and Economic Context

The Proposed Development would provide significant economic benefits to the local area. It could reduce curtailment costs by £11 million per year and is forecasted to generate £20 million in GVA and 115 jobs each year in Scotland over its two-year construction period. Although temporary, these benefits could support wider employment opportunities in the construction industry and supply chain. Additionally, the development would contribute annual payments of £200,000 in non-domestic rates, which would be spent in the local economy and on the delivery of local services. This, in turn, would strengthen the reliability of the electricity network.. The granting of this consent would support the deployment of a mature technology in the UK, with the ultimate aim of making a valuable contribution to the UK's secure, low carbon, and affordable electricity system, and resultantly reducing the cost of electricity for consumers.

2.3 Legislative Context

2.3.1 The Electricity Act 1989

In August 2020, the Scottish Government set out its position on electrical 'storage' and the appropriate consenting regime for decision making, noting the respective roles of the Town and Country Planning (Scotland) Act (as amended) (hereafter referred to as the Planning Act (Scotland)) and the Electricity Act. The Scottish Government considers that a battery installation generates electricity and is therefore to be treated as a generating station. As a result, a battery installation should be treated as any other generating station for the purposes of a Section 36 consent under the Electricity Act.

Therefore, as it has a capacity to generate over 50 MW, the Proposed Development requires consent from the Scottish Ministers under the Electricity Act. In such cases the Planning Authority is a statutory consultee in the development management process and procedures.

Schedule 9 sub-paragraph 3 (1) of the Electricity Act advises that a developer:

(a) "shall have regard 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

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."

Under sub-paragraph 3(2), in considering proposals, the Scottish Ministers are to have regard to:

(a) "the desirability of the matters mentioned in paragraph (a) of sub - paragraph (1) above; and

(b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph."

The provisions of Schedule 9 of the Electricity Act require to be considered by the Scottish Ministers in their determination of the S36 Application. They set out a range of environmental matters to which

regard must be had. The Developer must assess and, if required, mitigate the effects of the Proposed Development on environmental matters.

2.3.2 The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations 2017) came into force on 16th May 2017. The EIA Regulations 2017 apply in the case of applications submitted under Section 36 of the Electricity Act for consent to construct, extend or operate a generating station.

For applications submitted for consent under the Electricity Act, there may be a requirement to undertake an Environmental Impact Assessment (EIA).

EIA development in respect of an application for consent under the Electricity Act is defined in the EIA Regulations 2017 as a development which is either *"Schedule 1"* development, or a *"Schedule 2"* development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The Proposed Development, as a 'generating station', constitutes Schedule 2 development in terms of the EIA Regulations 2017. As such, a request to the Scottish Ministers for a Screening Opinion was required to determine whether the Proposed Development was deemed EIA development or not. Section 2.4.1, further below, includes further detail on the Screening Opinion.

2.3.3 The Town and Country Planning (Scotland) Act 1997 (as amended)

The principal planning statute in Scotland is the Planning Act (Scotland). Section 57(2) of the Planning Act (Scotland) provides:

"On granting or varying a consent under section 36 or 37 of the Electricity Act 1989, the Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to any conditions (if any) as may be specified in the direction".

Section 25 of the Planning Act (Scotland) states that:

"Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise-

(a) To be made in accordance with that plan…".

Section 57(2) of the Planning Act (Scotland) makes no reference to the provisions of Section 25 which requires regard to be had to the provisions of the Development Plan. The Courts have also confirmed that Section 57(3) does not operate so as to apply Section 25 to a decision, to make a direction to grant deemed planning permission pursuant to Section 57(2)17.

Accordingly, the Scottish Ministers will determine this S36 Application having regard to the statutory duties in Schedule 9 of the Electricity Act, so far as relevant, and any other relevant material considerations, one of which will be relevant aspects of the statutory Development Plan.

2.4 Planning History and Consultation

2.4.1 EIA Screening

On the 12th of July 2024 TNEI submitted request for an EIA Screening Opinion to the Scottish Minister's ECU for the Proposed Development under the EIA Regulations 2017. A Screening Opinion was issued by the ECU on the 7th January 2025 (ECU Ref: ECU00005179). Within this response the Scottish Ministers deemed that no significant environmental effects are likely to be caused by the Proposed

Development and therefore 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".*

As part of the EIA Screening process, an opinion was sought from THC as the relevant Local Planning Authority (LPA) (Planning Reference: 24/02885/SCRE). In a letter dated 11th October 2024, THC advised Scottish Ministers that, in its view, EIA is not required for the Proposed Development as it is considered unlikely to result in significant environmental effects.

2.4.2 Proposal of Application Notice

While it is not a statutory requirement to submit a Proposal of Application Notice (PoAN) for applications for consent under S36 of the Electricity Act, THC recommends that applicants still follow the PoAN process for S36 applications to ensure interested parties are given appropriate time and notice to input into the planning process. As such, a PoAN and an accompanying Site Location Plan was submitted to THC on the 27th August 2024 (Planning Reference: 24/03765/PAN). The PoAN was prepared and submitted in a manner which replicates the statutory requirements defined in Regulation 6 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (the DMR Regulations) and Section 35B (4) of the Planning Act (Scotland).

2.4.3 Planning Application History

There is no planning history available for the Site area to suggest that this area has been used for anything except for agricultural purposes. Historic applications may have taken place but are not sufficiently recent to be available to see online.

2.4.4 Consultation

2.4.4.1 Pre-Application Advice

A Pre-application Meeting with the THC took place on the 11th of September 2024 to provide THC with more detail on the Proposed Development and to try to understand any specific requirements or queries that may have for the forthcoming S36 Application.

Following the Pre-application Meeting with THC, written Pre-Application Advice was issued to the Applicant on the 7th of October 2024. In the response, THC was generally supportive of appropriately located and designed electricity transmission infrastructure / battery storage and noted that this applies particularly when facilitating a transition away from the reliance of fossil fuels towards renewable energy forms of electricity. As such, THC strongly support the principle of development. The summary of key issues outlined in THC's Pre-Application Advice identifies the industrial impact on local landscapes and residential areas, including health, safety, and visual effects.

Following the Pre-application meeting, the proposed viewpoint locations alongside the rationale for their selection were shared with THC (via email on 11/09/2024). The viewpoint locations and rationale behind their selection is listed in the Table 2.1 below.

Table 2.1: Landscape Viewpoints and Rationale for Their Selection

Viewpoint	Rationale
1. View southwest from the B9176 near Culcraggie Lodge	Representative of close proximity views from local road to the northeast of the Site, experienced by road users.

2. View north from NCR 1 & John O'Groats Trail at the B817 / B9176 junction	Representative of close proximity views from promoted cycle / walking route to the south, experienced by recreational receptors and road users.
3. View northeast from minor road on the edge of Novar GDL	View from local road on the edge of a designated landscape, experienced by recreational receptors.
4. View northwest Core Path RC03.03 at Teaninich Beach	View from walking route extending along the Cromarty Firth, experienced by recreational users.
5. View southeast from Cnoc Fyrish (Core Path RC05.01)	Elevated view from key summit, accessed via promoted Core Path. Experienced by recreational hillwalkers.

Table 2.2 below identifies where each subsection of the Pre-Application Advice response has been addressed within this submission package.

Table 2.2 Subheadings

Subheading	Location where this subheading item is addressed
Principle of Development, including local and national planning policies	This has been considered and addressed in the below reports: Planning Design and Access Statement prepared by TNEI (document ref. 16719-007 Planning Design and Access Statement R0); Alternative Site Assessment prepared by TNEI Services Ltd (document ref. 16719-008 Alternative Site Assessment R0); and Land Capability for Agriculture Report prepared by Wardell Armstrong (document ref. GL10503 002 Fyrish LCA Report FINAL.2).
Community Wealth Building	This has been considered and addressed within this Planning, Design and Access Statement, namely in the Social and Economic Benefits section.

Subheading	Location where this subheading item is addressed
Design Constraints and Considerations	These considerations have been addressed within the application package, including in the below reports: Layout and phasing – addressed within this Planning, Design and Access Statement; Access – addressed within the Transport Statement and Construction Traffic Management Plan prepared by Pell Frischmann (document ref. 241205 Fyrish CTMP), as well as within the Outline Battery Safety Management Plan prepared by Field Fyrish Ltd (document ref. BTGBFYR01 – OBSMP Final); Drainage – addressed in the Drainage Impact Assessment prepared by Haydn Evans (document ref. 336-009-RP2-DIA-2), as well as in the Flood Risk Assessment prepared by Haydn Evans (document ref. 336-009-RP1-FRA-2); Ecology considerations – please see the Natural Heritage and sections below; and Design life and decommissioning - addressed in outline within this Planning, Design and Access Statement, Section 6. It is proposed that this is dealt with via a suitably worded condition, should consent be forthcoming.
Fire Risk Management	This has been considered and addressed in the below accompanying reports: Drainage Impact Assessment prepared by Haydn Evans (document ref. 336-009-RP2-DIA-2); Outline Battery Safety Management Plan prepared by Field Fyrish Ltd (document ref. BTGBFYR01 – OBSMP Final); and Transport Statement and Construction Traffic Management Plan prepared by Pell Frischmann (document ref. 241205 Fyrish CTMP).
Natural Heritage	This has been considered and assessed in the below accompanying reports: A Preliminary Ecological Appraisal Report prepared by Tetra Tech (document ref. 784-B067560 Fyrish BESS PEA Report); A Protected Species Survey Report prepared by Tetra Tech (document ref. 784-B067560 Fyrish BESS Protected Species Report); A Bat Monitoring Report prepared by Tetra Tech (document ref. 784-B067560 - Fyrish BESS Bat Survey Report V2); A Biodiversity Enhancement Assessment Report prepared by Tetra Tech (784-B067560_Fyrish_BESS_BiodiversityNetGain V1 REDACTED).

Subheading	Location where this subheading item is addressed
Landscape and Visual Impacts	This has been considered and assessed in the below accompanying reports: A Landscape and Visual Appraisal prepared by TGP (document ref. 2214 Fyrish LVA 250218), encompassing Zone of Theoretical Visibility Figures; A Landscape Plan prepared by TGP (document refs. 2214 L01C Landscape Plan); and A set of Visualisations prepared by TGP (document refs. 2214 Fyrish Visualisations 250219 lr).
Operational Noise	This has been considered and assessed in the accompanying Noise Impact Assessment prepared by TNEI (document ref. 16819-003-R1).
Construction Noise	It is proposed that this is dealt with via a suitably worded condition, should a consent be forthcoming. TNEI would welcome continued consultation with both THC and the Energy Consents Unit to help draft an appropriate set of planning conditions relating to operational noise, prior to a decision notice being issued. Additionally, it is considered that a Construction Environmental Management Plan (CEMP), incorporating best practice measures, would adequately safeguard local amenity from any construction noise.
Pollution Prevention - Dust	It is proposed that this is dealt with via a suitably worded condition, should a consent be forthcoming. It is considered that a CEMP, incorporating best practice measures, would adequately safeguard local amenity and biodiversity from any potential construction-related dust.
Private Water Supplies	This has been considered in the accompanying Drainage Impact Assessment prepared by Haydn Evans (document ref. 336-009-RP2-DIA-2).
Transport and Wider Access	This has been considered and addressed within the Transport Statement and Construction Traffic Management Plan prepared by Pell Frischmann (document ref. 250212 Fyrish CTMP)
Drainage	This has been addressed in the accompanying reports: Drainage Impact Assessment prepared by Haydn Evans (document ref. 336-009-RP2-DIA-2); and Flood Risk Assessment prepared by Haydn Evans (document ref. 336-009-RP1-FRA-2).
Fire Water Source and Retention	This has been addressed in the accompanying reports: Drainage Impact Assessment prepared by Haydn Evans (document ref. 336-009-RP2-DIA-2); and Outline Battery Safety Management Plan prepared by Field Fyrish Ltd (document ref. BTGBFYR01 – OBSMP Final).
Built and Cultural Heritage	This has been considered and assessed as shown in the accompanying Historic Environment Desk-Based Assessment Report prepared by RPS (document ref. 00810_Fyrish_DBA_1_Report v3_2).

Subheading	Location where this subheading item is addressed
Pre-application Procedures	These have been meaningfully fulfilled as detailed in the accompanying Pre-Application Consultation Report prepared by Alpaca Communications.

2.4.4.2 Public Consultation

Under the provisions of the Electricity Act, there is no statutory requirement to undertake Pre-application Consultation (PAC) for S36 Applications. Nevertheless, for S36 applications THC recommends that applicants follow the PAC and PoAN processes detailed within the Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021 (the PAC Amendment Regulations), to ensure interested parties are given appropriate time and notice to input into the planning process. The Applicant has undertaken PAC with the community for the Proposed Development as per best practice[1]; through this, the Applicant has provided the opportunity for meaningful engagement with stakeholders such as relevant Members of Parliament, site ward councillors and members of the local communities/residents during the design phase of the Proposed Development and prior to submitting this S36 Application.

A range of community engagement measures were undertaken including hosting two public exhibitions to engage with local residents, Community Councils and Councillors, attending a Community Council meeting to provide updates on the project and answer any concerns, and hosting Councillors at one of its operational sites for a BESS information session. Advertisements of the consultation events were published in a local newspaper, and the Applicant has also undertaken further advertisement via means of establishing a dedicated project website for the Proposed Development, which provided access to all pre-application consultation materials and an online feedback form.

The two public exhibition events were held in close proximity to the Site, at Ardross Community Hall, Ardross, IV17 0XW from 2pm-7pm on Tuesday 3rd September 2024, and Thursday 3rd October 2024. These events introduced the Proposed Development and provided members of the public with the opportunity to make comments to the Applicant. The second event focused on providing feedback to the public with regards to their comments, as well as how these comments had been considered within the design evolution of the Proposed Development.

A PAC Report has been prepared and is submitted as part of this S36 Application (document reference: Field Fyrish Pre-Application Consultation Report – February 2025). The PAC Report provides the full details on the PAC exercises undertaken with regards to the Proposed Development, including attendance, details of what was presented, the queries raised by attendees and how these queries have been addressed.

The feedback received from the public events revolved primarily around visual impacts from the Fyrish monument, battery safety, overabundance of renewable energy development in the area and community benefit.

1 Energy Consents Unit (2022) *Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989* [online] Available at: Electricity Act 1989 - sections 36 and 37: applications guidance - gov.scot (www.gov.scot) (Accessed 13/08/24).

3 Site Location and Description

3.1 Site Location

The Site covers approximately 53.5 ha of primarily agricultural land on land 650 m south of Fyrish Substation, c.1 km southwest of Alness and c. 2.7 km northeast of Evanton. The Site is centred at approximate NGR - NH 62991 68949, with the nearest postcode being IV17 0XH. The Site Location Plan (drawing ref. BTGBFYR01_002.1.1 - Location Plan) shows the location of the Site, and the Site boundary edged in red.

The area immediately surrounding the Site is predominantly rural comprising woodland to the north west and north, with agricultural land to the east, south, and south west. The existing Fyrish Substation influences the wider character of the Site surroundings due to several Overhead Lines (OHLs) travelling to and from the substation. Similarly, Alness substation is located c. 2.25 km northeast of the Site. Also influencing the surrounding landscape is the presence of the Evanton Industrial Estate, approximately 900 m to the south.

The Proposed Development will be situated within the Site boundary as detailed in the Site Location Plan. The placement of battery storage infrastructure is influenced by constraints and pressures on the grid network, particularly due to the rise in renewable energy generation. Consequently, BESS developments, like the Proposed Development, need to be located near large substations where there is available capacity. However, securing a grid connection in the UK is currently very challenging due to the highly constrained national grid network. A BESS development requires both an import and export connection to operate effectively on the grid network. Accordingly, the Applicant has accepted a grid connection from SSEN at Fyrish Substation as there is capacity at this grid connection point to support grid stabilising infrastructure.

Furthermore, potential sites for a BESS development are required to be situated within a certain distance from the point of connection for the project to be feasible - greater cable distances result in transmission loss and significant increase in cable costs. As a result, a 2 km radius is employed Fyrish Substation to identify potential sites around a substation.

The site selection process was also led by the need to minimise any environmental impacts. Accordingly, an Alternative Site Assessment was undertaken, and which is submitted with this application, which considered key criteria, including:

- Size, shape and topography of the land;
- Environmental factors;
    - Landscape setting and value;
    - Residential noise and visual amenity;
    - Ecological and ornithological value;
    - Opportunities for biodiversity and landscape enhancements;
    - Forestry and woodlands;
    - Cultural heritage and archaeological value;
    - Flood risk category;
    - Drainage requirements; and
    - Access requirements.
- Existing infrastructure, such as underground or overhead cables;
- Land ownership negotiations; and
- LDP allocations, such as for economic or residential development.

3.2 Site Surroundings

The area immediately surrounding the Site is predominantly rural in nature. There are no identified statutory landscape, ecological, or historic designations situated within the Site. The closest ecological designation is an Ancient Woodland situated adjacent to the northern Site boundary, characterised as 'Long-Established' woodland of plantation origin. There are seven identified ecological or ornithological designations within a 3 km radius of the Site. These comprise two Special Protection Areas (SPA), two Site of Special Scientific Interest (SSSI), two Important Bird Areas (IBA), and one RAMSAR Site. The closest designations to the Site are as follows:

- Novar – SPA and IBA – located approximately 745 m to the northwest;
- Cromarty Firth – SPA, SSSI, RAMSAR – located approximately 992 m to the southeast; and
- Moray Basin, Firths and Bays – IBA – located approximately 992 m to the southeast.

There are no Core Paths located within the Site boundary. However, the following are the closest to the Site:

- 'Evanton – Skiach Cycleway' is located approximately 520 m to the southwest;
- 'Ballachraggan Cycleway' is located approximately 520 m to the southwest;
- 'Whinnie Road' is located approximately 1.38 km to the northeast; and
- 'Fyrish Path' is located approximately 1.5 km to the northwest.

There are no cultural heritage assets located within or adjacent to the Site, therefore no direct effects are expected to occur. There are however, 36 cultural heritage assets identified within 3 km of the Site, comprising 32 Listed Buildings, three SAMs and one GDL. The closest of these are listed below:

- Novar - GDL – c. 259 m west;
    - Alness Old Manse – Category B Listed Building – c. 1.03 km east;

Gun Port, burial mound 45m N of - SAM – c. 1.04 km southwest;

- Alness Old Parish Church and Burial Ground - Category B Listed Building – c. 1.1 km east; and
- Fyrish Monument, a Grade B Listed Building situated c. 2.07 km northwest of the Site.

Given the location of Fyrish Monument, which is situated at a greater elevation than the Site (c. 380 m AOD) potential impacts from the Fyrish Monument are addressed in Section 10.3.4.

Existing drainage channels (likely agricultural) flow along the eastern and western Site boundaries. The Culcraggie Burn flows along the southern boundary of the Site. A further existing drain extends from near the centre of the Site to the southern Site boundary.

With regards to topography, the Site slopes down from the northwest to the southeast, from c. 50 m Above Ordnance Datum (AOD) to c. 30 m AOD, across the entire Site. This decline is most prominent towards the eastern portion of the Site, with a change in elevation of c. 20 m AOD, and slightly less prominent towards the western portion of the Site, with a change in elevation of c. 17 m AOD. When considering the northeast-southwest cross-section, the topography experiences a slight decline across the Site from c. 44 m AOD to 34 m AOD.

There is one residential property located within the Site itself located near the centre of the Site's southeast boundary. The application for the Proposed Development will seek to change the use of this residential property, and due to the applicant obtaining the property rights, it would be used as an incidental building to the Proposed Development. There are also other residential properties located approximately 230 m to the south of the proposed equipment, beyond a cluster of farm buildings. The impacts of which are addressed in the Noise Impact Assessment (NIA) (document reference. 16819-

003-R1) submitted in support of this application. Further properties are located approximately 250 to 300 m (depending on final equipment location) to the northeast. The closest settlement is Alness, situated c. 1 km northeast of the Site.

The existing Fyrish Substation influences the wider character of the Site surroundings due to several OHLs travelling to and from the substation. Similarly, Alness substation is located c. 2.25 km northeast of the Site. Also influencing the surrounding landscape is the presence of the Evanton Industrial Estate, approximately 900 m to the south.

4 Description of the Proposed Development

4.1 Overview

The Proposed Development relates to the construction and operation of a BESS with a capacity of up to 200 MW and associated infrastructure. The Proposed Development is proposed for a temporary period of 40 years.

The Site boundary for the Proposed Development totals approximately 53.5 Ha, as shown on the Site Location Plan (document reference: BTGBFYR01_002.1.1 - Location Plan) and the Site Layout Plan (document reference: BTGBFYR01_001.1 - Site Layout Plan) enclosed within the S36 Application.

The main elements of the Proposed Development are summarised within Table 4.1 below. There are two temporary construction compound areas within the Site, approximately 1540 m^2 and 1843 m^2 in size, one of which would be installed towards the eastern boundary near the gated access, and one to the south of substation compound area, both of these will be in situ for approximately 24 months.

The dimensions and descriptions provided herein represent the indicative specifications based on the current design and best available information at the time of the submission of this S36 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.

Table 4.1 Key details and dimensions of the Proposed Development components

Development Component	Dimensions	Details	Drawing ref.
Battery Storage Units (up to 384 units)	6.06m (L) x 2.44m (W) x 3.20m (H)	Individual battery storage units are arranged into pairs. Two battery units are serviced by an adjacent 'MV skid'	BTGBFYR01_005.3 - BESS Compound Equipment Levels Plan
MV Skid (up to 96): MV Twin Skid includes MV transformer and two PCS (inverter) units	12.69m (L) x 2.44m (W) x 3.60m (H)	Each MV Skid serves two battery units, converting the power from AC to DC when charging, and back to AC from DC when discharging, whilst also transforming the power down from 33 kV to 690 V and up from 690 V to 33 kV respectively.	BTGBFYR01_004.3 - Transformer Plan and Elevations
Transmission Operator (TO) Substation building	28m (W) x 38m (L) x 5.5m (H)	The TO substation building houses electrical switchgear as well as office, welfare and storage space for the Transmission Operator.	BTGBFYR01_004.1 - Substation Building Plan and Elevations

Development Component	Dimensions	Details	Drawing ref.
132 kV High voltage transformer (x2)	4.41 m (W) x 7.56 m (L) x 6.32 m (H)	The high voltage transformer transforms the power between 33 kV and 132 kV for the connection to the national grid.	BTGBFYR01_004.2 - High Voltage Transformer Plan and Elevations
Substation building; including office, welfare and SCADA	20.47 m (W) x 25.42 m (L) x 4.92 m (H)	The control building will house a control room, a switchroom, storage, office facilities and welfare for the developer.	BTGBFYR01_005.4 - 132kV Compound Equipment and Structure Level Plan
Standby Generator	2.42 m (W) x 3.8 m (L) x 2.6 m (H)	Emergency back-up power supply for the control rooms and site safety systems.	BTGBFYR01_004.10 - Standby Generator Plan and Elevations
Site Access (x2)	8 m (W)	Temporary construction access from the main road. Operational access to use the existing farm access.	241015 Fyrish Access
Internal Access Tracks	5 m (W)	Internal access tracks will be present throughout the Site and will be surfaced with crushed aggregate.	BTGBFYR01_005.1 - Detailed Site Plan
Security Fencing	Palisade fencing at 3 m (H)	Palisade security fencing will be installed around the perimeter of the Site.	BTGBFYR01_004.7 - Typical Fencing Plan and Elevations
Acoustic Fencing	5 m (H), 4 m (H)	A noise barrier will be installed along the eastern and southern boundaries of the Site.	BTGBFYR01_004.7.3 - 4m Acoustic Fencing Plan and Elevations BTGBFYR01_004.7.1 - Acoustic Fencing and Gate Plan and Elevations
Lighting Columns	5 m (H)	Columns with Closed-Circuit TV (CCTV) cameras and lighting will be installed along the perimeter security fencing.	BTGBFYR01_004.8 - CCTV and Lighting Columns Plan and Elevations
Car Parking	5 m (L) x 10 m (W)	For staff and site visitors.	BTGBFYR01_005.1 - Detailed Site Plan

4.2 Battery Storage Units

The Proposed Development would consist of multiple containerised lithium-ion (Li-ion) battery storage units along with associated equipment including battery storage units, inverters and transformers and auxiliary transformers. Battery storage units are typically a neutral grey in colour,

but materials and finishes will depend on the final equipment selection. This equipment would be sited on a levelled and stoned platform with appropriate surface water drainage.

The battery storage units will be sited within the main Site compound area, as illustrated on Drawing BTGBFYR01_001.1 - Site Layout Plan. The main Site compound area contains the battery storage units and associated infrastructure, excluding the landscape and biodiversity enhancements and internal access tracks. The main Site compound area will be contained within suitable security fencing of up to a height of 4 m, and acoustic fence of 4 m or 5 m height as required. A 4 m high acoustic fence is proposed towards the northern boundary and on partial southern boundary of BESS compound. A 5 m high acoustic fence is proposed towards the east of the HV transformer compound. CCTV and lighting columns of up to 5 m in height are proposed to be installed around the perimeter of the main Site compound area for security purposes.

Batteries are used widely as an energy storage technology and recognised technology in the fight against climate change. Batteries offer a high energy density and charge/discharge cycle fatigue resistance in comparison to competing technologies and responsive demand to the National Grid when required. Li-ion batteries have a fast response time which makes them suitable for power application in grid-scale deployment.

The battery industry is continually evolving, and designs continue to improve, both technically and economically. The most suitable technology can change with time and therefore the final technical choice for the Proposed Development would be made before construction, through a competitive tender process and technical evaluation. The battery technology type for the Proposed Development will meet all relevant safety standards and will ensure a high level of performance, as detailed within the submitted OBSMP.

4.3 Medium Voltage Skid

Medium Voltage (MV) Transformers provide a voltage transformation, allowing the voltage to be ‘stepped-up’ or ‘stepped-down’ in order for energy to be stored by the batteries.

The Proposed Development includes for up to 96 MV Skids, each containing a power conversion system and associated MV Transformer, whereby each MV Skid is connected into a pair of battery storage unit strings.

4.4 High Voltage Transformers

High Voltage (HV) Transformers further ‘step-up’ the voltage, from 33 kV to 132 kV as used by the national electricity transmission network. HV transformers are essential components in the electricity supply network responding to the increasing needs for long-distance electricity transmission at high currents from power sources in remote areas with the spread of power demand.

This Application proposes two HV Transformer units to be located within the compound.

4.5 Other Associated Infrastructure

Other associated infrastructure will comprise of the following components:

- Office, welfare and SCADA buildings;
- Standby Generator;
- Security fencing;
- Acoustic fencing;
- Lighting/CCTV columns;
- Temporary construction access;

- Parking; and
- Internal site access tracks.

4.6 Site Access

During the operational and construction period, vehicular access to the Site would be achieved via a proposed new access road which travels west into the Site from a new junction with the B9176 on the local road network. This new access junction is proposed south of the existing junction that currently provides access to the nearby substation. This new Site access junction ensures good levels of visibility splays in both directions along the B9176 for High Goods Vehicles (HGV) and the Abnormal Invisible Loads (AIL) and has been suitably designed to allow the delivery of the electrical infrastructure to the Site.

A further access point is provided to the south via an existing access route to provide a secondary point of access for emergency use only. Access to the Site would be for authorised people only, and a security gate would be installed to ensure that the Site would not be accessible to members of the public.

4.7 Grid Connection Route

The Proposed Development includes an underground cable that would connect to Fyrish Substation to the north of the Site. The route of the underground cable would predominately follow the B9176 north, before heading northwest towards Fyrish substation. The cable route would join the B9176 from the southwest crossing an agricultural field currently being used for livestock rearing. For further clarity on the location of the cable route please see the Site Layout Plan (document ref. BTGBFYR01_001.1 - Site Layout Plan).

The cable route is proposed to be underground to minimise the impacts on environmental constraints such as landscape character, and visual impacts. Any impacts would be minimised during the construction period.

4.8 Landscaping and Biodiversity Enhancements

To ensure that the Proposed Development would not have any significant landscape and visual impacts on the local community and/or road users, landscape enhancements have been proposed to effectively screen the development. Specifically, a belt of native woodland with native broadleaved trees would be used to screen the Proposed Development from the north, with further pockets of woodland to be planted in the southwestern, southern, and eastern parts of the Site. Furthermore, screening bunds would also be utilized alongside the woodland in the north, east, and south parts of the Site. A total of ten woodland areas and four screening bunds would be used. Further enhancements by planting native broadleaved trees would be carried out in the southeast and east area of the site around the SuDS basin.

For further biodiversity enhancement, a species-rich meadow (20% wildflower, 80% grass) would encompass the Site to the north, east, and west, and a wetland meadow located to the south. Moreover, electrical infrastructure such as the proposed grid connection cable would be located underground to avoid visual impacts, and the existing OHL would be removed. Further details of the proposed landscaping scheme are provided within the Landscape Plan (drawing ref: 2214 L01C Landscape Plan) submitted as part of the S36 Application.

The Proposed Development incorporates sustainable design, with the aim of conserving and enhancing the character of the Highland area, using resources efficiently, minimizing the potential environmental impact of development, and enhancing the viability of Highland communities. As part of this process, the Proposed Development includes minimum tree felling or removal of habitats such

as woodlands, hedgerows, and meadows. New planting is proposed to be of native species with the aim of enhancing biodiversity.

The proposed BESS compound area, as detailed in the Site Layout Plan (document ref. BTGBFYR01_001.1 - Site Layout Plan) would result in a loss of approximately 9.81 hectares of various habitats, such as bramble scrub, broadleaved woodland, neutral grassland, lowland meadow, mixed scrub, and tall herb communities, totalling loss of 31.14 habitat units. In order to achieve the 10% biodiversity enhancement, the Proposed Development needs a gain of 81.85 habitat units which the Proposed Development achieves with the proposed Landscaping Plan (ref. 2214 L01C Landscape Plan). The Proposed Development would result in a post-intervention value of 95.05 habitat units and achieved a 27.74% increase in habitat biodiversity.

5 Need for the Proposed Development

5.1 The Need for the Proposed Development

The UK's electricity grid has historically relied on large, centralised power plants. With no remaining operational coal plants within the UK, existing nuclear power plants now reaching the end of their design lives, and with no new concrete plans for nuclear facilities in Scotland, there is a requirement to deliver an increasing amount of clean energy through renewable technologies, as acknowledged by the Westminster Government in the Energy White Paper [2], and later emphasised by the UK Government's Energy Security Plan released in 2023 [3]. In 2019, the First Minister at that time announced that the Climate Emergency is at the forefront of the Scottish Government programme[4] going forward. The 2021 – 22 Programme[5] states:

"Energy and industry must be at the forefront of our progress towards net zero – securing the necessary emissions reductions, while driving investment and innovation in new technologies across the supply chain and, in turn, creating new, good, and green jobs. To help drive that innovation and transition forward, the Scottish Government is investing £2 billion across 2021-22 to 2025-26 in large-scale, low carbon infrastructure".

Clearly, addressing the climate emergency is a priority issue that extends beyond politics and is a social responsibility that must permeate all industry and development to meet carefully considered and ambitious targets within national and global energy and climate change initiatives.

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 Climate Change (Scotland) Act 2009 and has set even more ambitious targets, reducing the target date to 2032.

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 Climate Change Commission (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.

The CCC report calls 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*

[2] HM Government (2020) *Energy White Paper Powering our Net Zero Future* [Online] Available at: https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future (Accessed 23/05/2024).

[3] HM Government (2023) *Powering Up Britain: Energy Security Plan* [online] Available at: https://assets.publishing.service.gov.uk/media/642708eafbe620000f17daa2/powering-up-britain-energy-security-plan.pdf (Accesses 16/07/2024).

[4] Scottish Government (2019*) Protecting Scotland's Future: The Government's Programme for Scotland 2019-20* [Online] Available at: https://www.gov.scot/publications/protecting-scotlands-future-governments-programme-scotland-2019-20/ http://www.legislation.gov.uk/ukpga/1989/29/contents (Accessed 23/05/2024).

[5] Scottish Government (2021) *A Fairer, Greener Scotland Programme for Government 2021 – 22* [Online] Available at: https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/documents/ (Accessed 23/05/2024).

its high ambition and implement policies that enable the 75% emissions reduction target to be achieved at the earliest date possible".

Given this national context there is a growing demand by the electricity system operators for a broad range of services, such as storage and grid management. The Proposed Development helps tackle bottlenecks in the existing grid and enables the network to operate at greater capacity, while helping to add stability to the grid. It also addresses the intermittency of renewable generation charging up during high levels of supply (when it's windy or sunny) to meet high demand later. This isn't only better for the planet, but more cost-efficient than deploying carbon-intensive, expensive gas plants at short notice.

The Atkins Report – Engineering Net Zero – The Race to Net Zero 2020[6] dispels the myth that the UK can achieve Net Zero without further concerted action in relation to how we generate and distribute electricity. This report quantifies the minimum requirement for new generation of energy to meet Net Zero by 2050 at 250 GW, with the UK system needing between 15 and 30 GW of new storage, during this time.

To put this into perspective *"the UK currently has 3GW of capacity in pumped storage plus about 1.6GW in batteries. We may need up to ten times this to achieve net zero"*.

The UK Government's recent Clean Power 2030 Action Plan sets out 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.

There is currently 4.5 GW of battery storage capacity in Great Britain, a very significant level of increase is therefore required. 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.

As an established technology, the Proposed Development can offer short-duration flexibility, storing electricity when it is plentiful and low cost, such as during low demand periods when wind and solar output is high, for use when electricity generation is less plentiful or during times of peak electricity demand. Batteries can reduce the amount of generation and associated network that needs to be built to meet peak demand, helping Britain reach clean power in a cost-effective way and reducing delivery risk associated with other types of energy infrastructure.

The Proposed Development is a key component in the wider renewable's diversity mix and in meeting the commitments of the Climate Change Act, as it is designed to support the flexible operation of the National Grid. Given the rapid uptake of onshore wind and other non-synchronous renewable power in Scotland, this Site is essential for the grid to function efficiently. Without this project, there will be continued curtailment of wind power and other intermittent renewables, increased use of flexible fossil fuel generation, lower levels of system security, and higher bills for consumers.

5.2 Stability

The decommissioning and reduction of synchronous generation (i.e. gas and coal fired generators), and the increase in non-synchronous generation (i.e. renewables) reduces the levels of inertia and stability on the network. The inherent intermittent nature in which wind and solar generate (i.e., only when the wind is blowing, and the sun is shining) does not give National Grid the same stabilising properties. Therefore, another way is needed to find new providers to help support the system. Grid-

6 SNC Lavalin/Atkins – Engineering Net Zero – The Race to Net Zero July 2020 [Online] Available at: https://www.snclavalin.com/~/media/Files/S/SNC-Lavalin/download-centre/en/report/the-race-to-net-zero.pdf (Accessed 20/12/2021).

forming, transmission connected batteries can ease constraints, deliver fast frequency response as well as provide 'stability' (inertia and short circuit level). Grid scale battery storage is a therefore a primary solution to this widely recognised issue within Government.

The Proposed Development is a strong technical solution that will not only help solve the constraint management issue for National Grid in the Highlands, with the proximity to substation and its connection at a transmission level key criteria to provide the stability services effectively. (The effectiveness of any proposed solution significantly drops with increasing distance from key substations which is the reason for the selection of the proposed location for this project.)

5.3 Constraint Management

At certain times, an excess of renewable power generation in Scotland would overload the electricity transmission lines or circuits between Scotland and England. To prevent this, NESO requests renewable energy generators in Scotland to turn off. The lost energy must now be replaced to balance supply and demand. Therefore, NESO switches on dispatchable power stations (typically gas power plants that can be fired up quickly) in England and Wales. However, this is expensive and carbon-intensive compared to using more of the wind energy that would have been produced in Scotland if it hadn't been 'curtailed'.

In 2023 alone, £920 million of curtailment costs were added to electricity bills for homes and businesses because the grid was unable to transmit abundant energy from wind farms to areas of demand. A quarter of this cost (£250 million) was paid in bid prices to turn off wind farms, while nearly three-quarters (£670 million) was paid in offer prices to fire up gas power plants in England and Wales. The impact of switching on these gas power plants was significant, as an additional 1.7 million tonnes of carbon emissions were subsequently released into the atmosphere[7].

5.4 Balancing Mechanism

National Grid has a constant supply of 'extra power' available for use when the power required by customers is not equal to the power generated. The Balancing Mechanism is used to ensure that the network is in balance and reserve power is then used when the network comes under 'stress'.

When unforeseen demand is put on the network, such as when a large power station suddenly goes offline, then the National Grid control room needs alternative sources of power. This is achieved from rapid responding facilities such as the Proposed Development which can absorb energy from the grid or release it to the grid as required.

5.5 The Capacity Market

Through the Energy Act 2013[8], the Capacity Market mechanism was introduced to ensure security of electricity supply at the least cost to the consumer. The Proposed Development will participate in the Capacity Market and a number of balancing mechanisms for the National Grid.

To deliver a supply of secure, sustainable, and affordable electricity, the UK needs not only investment in new generation projects and innovative technologies but to get the best out of existing assets on the network. The Capacity Market aims to deal with both these issues by bringing forward new investment while maximising current generation capabilities.

7 Field Energy, Battery Storage: A Key Enabler for Clean Power 2030, White Paper, Published October 2024

8 Energy Act 2013, C. 32 [Online] Available at: http://www.legislation.gov.uk/ukpga/2013/32/contents/enacted [Accessed 21/10/2021].

The Capacity Market aims to balance the difference between demand and supply and to bring forward investment in new generation projects and innovative technologies, in parallel to maximising the utilisation of the existing generation capacity.

5.6 Social and Economic Benefits

THC's Community Wealth Building Strategy 2024 to 2027[9] sets out the THC's strategy to creating a strong and inclusive economy by retaining greater local wealth and maximising the impact of investment in local areas. The strategy sets out five objectives for a transformed economy:

- *Objective 1: Spending*
- *Objective 2: Fair Employment*
- *Objective 3: Land and Property*
- *Objective 4: Financial Power*
- *Objective 5: Inclusive Ownership*

The Proposed Development would provide economic benefits to the local area, which in turn could support wider employment opportunities with associated jobs e.g. construction industry, supply chains, as well as providing more reliability of the electricity network.

The potential social and economic effects generated from the Proposed Development can be categorised as follows:

- **Direct effects:**
    - Direct effects on employment levels (e.g., construction jobs) during construction, and to a lesser extent, operation and then decommissioning.
    - Direct effects on land use within the Site (e.g., agriculture) during construction, operation, and decommissioning.
    - Direct effect on achieving net zero by virtue of decreasing overall reliance on gas powered stations.
- **Indirect effects:**
    - Indirect effects on economic activity at a regional and local level (e.g., supply chains, multiplier effects, economic stimulus generated from the expenditure of additional employment income) during construction and to a lesser extent, operation and decommissioning.
    - Indirect effects on public services through the payment of non-domestic annual payments.
    - Indirect effects on the operator providing services during construction, operation and decommissioning.
    - Indirect effect on strengthening energy security, and further protecting local communities and businesses from international energy shocks.
    - Indirect effect on improved national food security (by virtue of helping to combat climate change, its associated impact on precipitation and weather patterns, its impact on the biodiversity crisis, including decline in pollinators, and increase in invasive species that could damage crop yields).
- **Induced effects**:

[9] The Highland Council (2024) *Community Wealth Building Strategy* [online] Available at: https://www.highland.gov.uk/downloads/file/28728/community_wealth_building_strategy_2024 [Access 15/10/2024].

- For instance, employment created by the additional spend of wages into the local economy.

Socio-Economic impacts during the construction, operation, and decommissioning phases of the Proposed Development would include the creation of employment opportunities, largely during construction and decommissioning.

The employment associated with the construction of the Proposed Development would likely increase occupancy in nearby hotels and other short-term accommodation, as well as increasing trade in local hospitality establishments. There could be a significant number of hotel bookings during the construction phase, subject to the exact number of construction workers and the length of stay. During the operational phase much of the management of the facility would be undertaken remotely, although specialist jobs would still be required to undertake periodic maintenance visits to the Site. Effects during decommissioning would be similar to those during construction.

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.

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 THC 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 and runs for one year, supports educators to provide secondary school students with 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, 31 schools in Scotland had registered, with 1110 pupils reached. An additional 26 schools outside scope (either outside Scotland or different ages than intended) have also accessed the programme; equating to a further 1235 pupils. This demand-led education strategy bolsters the region's capability to maximise the employment opportunities available in the wider energy transition.

Demographic trends in the local area, Highland and Scotland suggest that a declining working-age population will have to support an increasingly ageing population. Local employment opportunities therefore become even more important in order for Highland to attract and retain people of working age. The renewables sector provides a substantial opportunity for economic growth thereby aligning with national and regional strategies.

If this S36 Application is granted consent, one of the greatest economic benefits from this scheme is the potential to significantly reduce energy bills in the future. The Proposed Development will make an important contribution to wider efforts to reach net zero and provide stability to the grid system to help balance the varying electricity demands on the grid system. The Proposed Development will additionally provide varying localised socio-economic and environmental benefits.

As set out later in this Statement, the Proposed Development benefits from support from various energy and planning policy documents and this is considered to carry significant weight in addition to the clear need for the Proposed Development as set out here.

6 Design Considerations

6.1 Overview

The Proposed Development has been designed to be as visually unobtrusive as possible and avoid incursions into more environmentally sensitive areas of the Site. The proposed planting and landscape improvements have been designed to provide visual screening using native species which will integrate the Proposed Development into the wider landscape, as well as enhance the local foraging network, benefitting local wildlife. The design has been an iterative process that has been informed by stakeholder engagement, including THC and the local community.

The key design objectives were as follows:

- The introduction of landscaping and biodiversity enhancements;
- The avoidance of sensitive habitats and designations;
- Maximising visual screening;
- Installation of a noise attenuation barrier to minimise operational noise impacts;
- The minimisation of land-take;
- Fire safety requirements including access, fire water storage and run-off;
- The inclusion of a new temporary access for construction purposes; and
- Utilisation of a new access with the B9176.

6.2 Site Selection

It is imperative for projects of this nature to be located near the substation they are connecting to. This proximity helps avoid the need for lengthy transmission cables. When selecting the appropriate site, the connection to Fyrish Substation was a key consideration. The Proposed Development has been strategically placed to avoid sensitive receptors, while ensuring it is close enough to minimise environmental impacts, transmission losses and cable costs associated with the cable connection.

Notwithstanding the requirement to remain in close proximity to the connecting substation, there are only a limited number of sites which are actually able to facilitate development such as that proposed. As such, when looking at the available appropriate sites within close proximity to Fyrish substation, the Site was strategically selected to avoid environmental designations as far as practicable. In particular, the proposed Site is not subject to any designations nor are there any within close proximity to the Site. The Proposed Development Site also provides a suitable setback from surrounding residential properties and the town of Alness, including mitigation to limit potential effects on residential amenity. For further information, please see the Alternative Site Assessment being submitted with this application (Doc ref. 16719-008-R0 - Alternative Site Assessment).

By virtue of careful design and use of appropriate mitigation measures, it is considered that the Site's location can accommodate the Proposed Development without resulting in unacceptable impacts on the environment or on the local community. By helping to accommodate the increased generation of low carbon power from intermittent and distribution connected sources, the project will make a key contribution towards delivering the Government's decarbonisation and climate change targets.

6.3 Design

Following Site selection, the Site layout was subject to an iterative design process whereby all relevant environmental factors and public consultation feedback were integrated into the design of the Proposed Development, where appropriate. Key determining factors also included the protection of residential and recreational amenity through the minimisation of impacts relating to noise and visual

impact. It is important to recognise that the components of the Proposed Development are necessarily functional, and that the footprint is considered to be the minimal amount needed. Components are grouped together and uniform in their design. The site design and layout are the most compact solution in this location taking into account layout constraints and its relationship to surrounding buildings and landscape.

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.

The design and spatial arrangement of the Proposed Development has given regard to fire and electrical safety critical distances; construction, operational and maintenance requirements; as well as access and asset protection considerations The Site has two access points, the one towards the south is proposed to be used for emergency purposes such as in the event of a fire. To ensure the access tracks have the ability to support emergency vehicles, vehicle tracking has been considered as part of this application. The location of the HV transformers has been considered to facilitate safe delivery and future removal of this AIL.

The design principles and evolution of the Proposed Development have considered both environmental and physical constraints within the Site and the surrounding area, with further design mitigation measures adopted to protect and enhance the surrounding environment including both landscape and biodiversity enhancements to achieve a minimum of 10% Biodiversity Net Gain. In doing so, the technical and financial viability of the Proposed Development has been maintained, ensuring that the Proposed Development provides grid stability and constraints management to the National Grid, while avoiding adverse impacts on the surrounding environment as a result of its construction and operation. Key design measures to ensure the avoidance of adverse environmental impacts include the following:

- Reduction in the footprint of battery units due to use of more compact equipment;
- Addition of SuDS features within the drainage design;
- A comprehensive landscaping scheme and bunding;
- No disturbance to the potential Ground Water Dependent Terrestrial Ecosystem (GWDTE) through undertaking Ground Investigations (GIs) and careful siting within the Site to maximise both separation distance between the BESS compound and the potential GWDTE area;
- Routing the cable along the road to avoid woodland to the north;
- Avoiding areas of potential peat located towards the south of the Site;
- Minimise interference within Prime Agricultural Land area located toward the northwestern corner;
- Any buried archaeological finding on Site will be preserved in situ.
- No disturbance to any protected species present on Site;
- Re-using won material in screening bunds to reduce traffic impacts; and
- Introduction of noise attenuation barriers and selection of quieter equipment.

It is important to recognise that the components of the Proposed Development are necessarily functional, and that the footprint is considered to be the minimal amount needed in order to ensure that its proposed benefits are maximised. Components are grouped together and uniform in their design. The site design and layout is the most compact solution in this location taking into account layout constraints and its relationship to the buildings and structures in the surrounding area.

6.3.1 Design Mitigation

A number of mitigation measures have been embedded into the design of the Proposed Development as set out below. The Site layout design considers the height of each type of electrical infrastructure and takes advantage of the established woodland to the north to screen views from Fyrish Monument. For example, the tallest equipment elements are located within the high voltage compound towards the eastern boundary, further away from the monument. The Site has been designed to make the most of the screening afforded by the existing woodland to the north west, which together with proposed new planting, would help minimise landscape and visual impacts from surrounding viewpoints.

As detailed above, the Proposed Development has been subject to a careful iterative design process to ensure that the BESS compound is sensitively designed and positioned. This includes incorporating landscaping measures, including tree and hedgerow planting, and the introduction of earth mounds – these would serve to minimise landscape and visual impacts on sensitive receptors identified within the Landscape and Visual Appraisal. These measures have also provided biodiversity enhancements in accordance with NPF4. This enables the Proposed Development to protect and enhance the wider landscape and maintain the setting of sensitive receptors surrounding the Site. The Proposed Development includes planting of native hedgerows, trees, and woodlands. The planting of native species would enable habitat retention onsite with the potential for habitat connectivity with the surrounding environment to and from the Site.

To minimise impacts identified in the Landscape and Visual Impact Assessment (doc ref. 2214 Fyrish LVA 250218) a Landscape Plan has been produced (doc ref. 2214 L01C Landscape Plan) and submitted in support of this application.

The inclusion of noise attenuation fencing and the selection of quieter plant will ensure that noise levels can be maintained below the limits at the nearest Noise Sensitive Receptors. This minimises the operational noise emitted from the Proposed Development, therefore ensuring the protection of residential amenity surrounding the Site.

A historic environment desk-based assessment (document ref: 00810_Fyrish_DBA_1) was undertaken by RPS to confirm whether the Proposed Development has the potential to generate any significant impacts on cultural heritage and archaeology. The assessment found that there are no designated heritage assets within the Site, nor are there any heritage assets identified previously within the Site. There is, however, the remains of a late 18th/early 19th century millpond in the southwest part of the Site. This would be preserved in situ.

The design principles and evolution of the Proposed Development have accounted for environmental and physical constraints highlighted through the various technical assessments included within this planning submission, with mitigation measures adopted to minimise the potential impact of the Proposed Development highlighted within these assessments. Mitigation measures adopted have ensured the technical and financial viability of the Proposed Development has been maintained, providing grid stability and constraints management to the National Grid when operational.

6.4 Access

6.4.1 Access Route to Site

Operational and construction access to the Site is proposed via a new junction from the B9176, located to the south of the existing junction that provides access to the nearby substation. During operation, the Site is expected to generate minimal traffic, primarily from periodic maintenance.

There are two high voltage transformers, weighting approximately 88.4 te proposed to be used on Site and the TS and CTMP has also considered the Abnormal Indivisible Loads (AIL) due to their weight

and the need for a specialist trailer to transport them on the public road network. The Proposed route for this is similar to the route used for the construction of the operation Fyrish Substation, located to the north of the Site. Pell Frischmann has prepared a combined Transport Statement and Construction traffic Management Plan (TS & CTMP) to support the Proposed Development (document ref: 241121 Fyrish Transport Statement and CTMP). The proposed new junction has been assessed to be suitable and capable of accommodating the AILs. The proposed temporary access for the Proposed Development has been designed considerate of the proposed AIL delivery trailer arrangements.

Furthermore, the TS & CTMP has also outlined the likely traffic generated by the Proposed Development during construction and operational phases, with these impacts considered to be acceptable on the highway network. The Access has been designed to accommodate AIL vehicles and to ensure highway safety along the B9172 for all road users.

6.4.2 Emergency Access

The existing agricultural access road to the south of the Site would be used to provide a secondary point of access for emergency use only. This is not proposed to be used by construction or operational traffic. All construction and operational traffic would use the proposed new access track to the east of the Site.

An Outline Battery Storage Management Plan (OBSMP) has been prepared in support of this S36 application (document ref. BTGBFYR01 - OBSMP FINAL). As detailed within the OBSMP:

- The site includes two access points to the BESS compound for emergency use;
- All internal access tracks are at least 4 m wide, ensuring the route is wide enough to accommodate emergency vehicles; and
- The design includes a looped access track around the BESS units.

6.5 Fire Safety

The Applicant has completed a comprehensive OBSMP in support of this S36 application. The purpose of the OBSMP is to set out the key safety management features and principles adhered to as part of the design of the Proposed Development. The design of the development adheres to industry standards and best practice guidance, including consideration to the National Fire Chiefs Council (NFCC) 2023 Guidance and draft NFCC 2024 Guidance. Key safety features include:

- A commitment to BESS suppliers in line with these safety standards;
- Appropriate safety distances between equipment and appropriate setback of equipment from flammable surroundings;
- Safe access arrangements; and
- Provision of fire water on site and an accompanying drainage strategy to ensure containment of fire water.

A fire management strategy is included within the OBSMP and an Emergency Response Plan will be produced pre-construction in close consultation with the local Fire and Rescue Service.

The above measures ensure fire safety is embedded within the overall design of the Proposed Development from the outset to minimise the risk of a fire event occurring, while further reducing the impact of such an event should it occur. The implementation of further safety prevention and fire management measures ensures fire safety risk is reduced to as low as is reasonably practicable.

6.6 Micro-siting Requirements

The Applicant suggests the use of an appropriate planning condition to enable micro-siting of up to 50 m in all directions from the fence line shown on Site Layout Plan (Drawing BTGBFYR01_001.1 - Site Layout Plan), as part of the consent (providing that the changes do not adversely impact the results shown in the technical assessments). This micro-siting allowance is to allow for the flexible procurement of site equipment.

Therefore, the design of the Proposed Development at present is purposefully flexible so as to retain a variety of different battery solutions within the assessed envelope and the footprint shown on the site plan without requiring numerous formal variations to the consent for the project.

The Applicant proposes the following condition to be included in the deemed planning permission to be discharged by the THC:

All infrastructure shall be constructed in the locations shown in Drawing BTGBFYR01_005.1 - Detailed Site Plan*. Infrastructure may be adjusted by micro-siting of no more than 50m from the original position* also shown on Drawing BTGBFYR01_005.1 - Detailed Site Plan*. All micro-siting permissible under this condition must be approved in advance in writing by the Planning Authority.*

Upon completion of the construction of the development a final as built plan shall be submitted to the Local Planning Authority.

6.7 Summary

The design considerations section has established the following:

- The design principles and rationale that have been applied to the Proposed Development, including the various relevant environmental and technical criteria;
- The steps taken to appraise the context of the Site, and how the design of the Proposed Development has accounted for context, design iterations, various related environmental and technical constraints, and each design component and its siting;
- The relevant considerations in the form of the proposed Site access within the design of the Proposed Development; and
- All other relevant issues likely to affect access to the Proposed Development, through both construction and operation phases.

This section has therefore demonstrated the integrated approach conducted through the design and mitigation measures to achieve a variety of design and access requirements for the Proposed Development.

7 Development Phases

7.1 Construction

The construction process would consist of the following principal activities:

- Site preparation and establishment activities, including vegetation removal and the erection of temporary fencing;
- Earthworks and establishment of site compound;
- Construction of temporary and permanent accesses and internal tracks;
- 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;
- Testing and commissioning; and
- Landscape planting, earthworks, and site restoration.

It is likely that these operations would be carried out predominantly in the order listed above to minimise the overall length of the construction programme, subject to a detailed construction programme post-consent.

Site restoration would be programmed and carried out to allow restoration of disturbed areas as early as possible and in a progressive manner.

A combined Transport Statement and CTMP has been prepared in support of the S36 Application and the Applicant is willing to accept a planning condition requiring an updated CTMP to be provided for approval prior to construction works commencing.

7.2 Operation

The facility would be used to import, store and export electricity on demand and as required to support the electrical grid network. The plant would be available to import and export electricity on a 24/7 basis.

During the operational phase, the Proposed Development would be controlled remotely as the facility is fully automated. It would only be necessary for a maintenance engineer to visit the Site on an occasional basis (i.e., for monthly routine maintenance visit). As such the operational phase of the project would not generate any significant traffic impacts.

The SuDS basins would also be regularly maintained to ensure optimum performance throughout the operational life. A management and maintenance plan is part of the proposed drainage strategy submitted alongside this S36 Application. The Site would not be open to members of the public or unauthorised personnel.

7.2.1 Security and Lighting

The Site would generally be unmanned and as such a range of security measures are proposed. The key infrastructure components would be located within a secure compound (the main Site compound area).

To reduce light pollution and running costs, lighting at the Site would be kept to a minimum and it would only be used when maintenance staff are present on Site to allow them to safely move around

the Site or when triggered by a security breach. Any lighting proposed for the Proposed Development will be motion activated. This lighting would be low level directional LED lighting with shrouds to prevent upwards light spillage. Lighting would be fitted to CCTV columns and containers as required for safe working.

7.3 Decommissioning

Decommissioning will take account of the environmental legislation and technology available at the time of decommissioning. Notice will be given to THC in advance of commencement of the decommissioning works, with all necessary licenses or permits being acquired. Decommissioning will be timed to minimise its environmental impact.

The associated works will be undertaken in accordance with a statement of operations, covering safety and environmental issues during decommissioning and will include removal of electrical equipment, and concrete foundations down to 1 m below ground level.

The Applicant would be happy to accept a suitably worded condition requiring the submission of a decommissioning strategy prior to construction start.

8 Renewable Energy Policy and Legislative Framework

8.1 Introduction

This section refers to the renewable energy policy and emissions reduction legislative framework with reference to relevant international, UK and Scottish provisions. 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 from which the Proposed Development can draw a high level of support.

The Proposed Development requires 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 battery storage in principle.

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, and for storage technologies, 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.

The Proposed Development 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.

Batteries play a vital role in ensuring the realisation of the full potential capacity of existing and future renewable energy generation, and the successful transition to a net-zero future. Batteries 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 then exporting it back to the grid when demand is high, but supply is low (e.g. still, cloudy days).

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.

8.2 International Commitments

8.2.1 The Paris Agreement – COP21 (December 2015)

At the Paris Climate Conference (COP21), December of 2015 saw 195 countries adopt the Paris Agreement[10] within the United Nations Framework Convention on Climate Change, the first ever legally binding global framework for tackling climate change.

The Paris Agreement's fundamental objective is to keep this century's global temperature rise below 20C above pre-industrial levels, and to pursue efforts to limit global warming even further: to 1.5^{0}C. The UK is legally bound through commitment to the Paris Agreement to reduce GHG emissions and work towards a common, global goal of Net Zero. The UK Government has translated this common goal of moving towards a low carbon economy, into targets for Net Zero for both 2045 (Scotland) and

[10] United Nations Climate Change - The Paris Agreement (2015) [Online] Available at: https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement (Accessed 22/05/2024).

2050 (UK). The purpose of domestic and renewable energy and GHG reduction targets is to meet the UK's commitment in the Paris Agreement.

8.2.2 UN Emissions Gap Report (2024)

The UN Emissions Gap Report (2024)[11] provides the annual independent science-based assessment of the gap between the pledged GHG reductions, and the reductions required to align with the long-term temperature goal of the Paris Agreement. The report set out that not only have temperature records continued to be broken, but global greenhouse emissions and atmospheric concentrations of carbon dioxide have increased since 2022. The report sets out that energy is the dominant source of GHG emissions, currently accounting for 68% of global CO_2 emissions.

The report (page 1) states *"Global GHG emissions reached a record high of 57.1 $GtCO_2e$ in 2023, growing by 1.3 per cent (0.7 $GtCO_2e$) from the previous year."*

8.2.3 The Intergovernmental Panel on Climate Change Sixth Assessment Report – Synthesis Report (2023)

The Intergovernmental Panel on Climate Change (IPCC) finalised the Synthesis Report for the Sixth Assessment Report (AR6) during the Panel's 58th Session held in Interlaken, Switzerland from 13 - 19 March 2023.

In August 2021, the first part of the Inter-Governmental Panel on Climate Change ('IPCC') 6th Assessment Report was published, comprising the first major assessment of climate change science since 2013. In February and April 2022 respectively, the second and third parts of the IPCC 6th Assessment Report were released. When outlining new estimates of the potential to reach 1.5^0C global warming levels, the 6th Assessment Report concluded this would be unachievable without rapid and extensive GHG reductions.

Ultimately, the latest report presents an urgent warning of the detrimental consequences of failing to meet global temperature rise targets and emphasises the absolute necessity of scaling up global climate action to reduce GHG emissions as an immediate priority.

The 6th Assessment Report highlights that immediate short-term acceleration of renewable energy is required if limiting warming below danger levels is to remain feasible. The 6th Assessment report outlines key timescales which explicitly express how transformative this next decade needs to be.

8.2.4 United Nations Statement, July 2023

The UN issued a statement on 27th 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 will become 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].

[11] UN Environmental Programme, (2023). Emissions Gap Report 2023 [Online] Available at: https://www.unep.org/resources/emissions-gap-report-2023 (Accessed 22/08/2024)

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*."

8.2.5 The Global Stocktake – COP28 (November 2023)

COP28 took place in in Dubai and was the biggest UN Climate Change Conference of its kind in which the UN member parties gathered and agreed on the first 'global stocktake'. A statement released following COP28[12] calls on the Parties to *"take action towards achieving, at a global scale, a tripling of renewable energy capacity and doubling of energy efficiency improvements by 2030."* (emphasis added).

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 COP28 Agreement Signals the *"beginning of the end of the fossil fuel era"* by laying the ground for a swift, just and equitable transition, underpinned by deep emissions cuts and scaled-up finance. The global stocktake is considered the central outcome of COP28 – as it contains every element that was under negotiation and can now be used by countries to develop stronger climate action plans due by 2025.

8.2.6 COP 29, Baku 2024

The 29th UN Climate Conference hosted in Baku; Azerbaijan concluded on November 24, 2024. New financial goals at COP 29 will build on the significant strides on global action at COP27, which agreed an historic Loss and Damage Fund, and COP 28, which delivered a global agreement to transition away from fossil fuels in energy systems in a swift and fair manor, as well as triple renewable energy and boost climate resilience. Unlike COP 27 and 28 however, COP 29 reached an agreement on carbon markets which will help countries deliver their respective climate plans on a quicker and cheaper basis, as well as make faster progress in halving global emissions

8.3 UK Climate Change and Energy Legislation and Policy

8.3.1 The Climate Emergency

In 2019, the former Scottish First Minister, Nicola Sturgeon, announced that the climate emergency is at the forefront of the Scottish Government Programme going forward. The Programme states:

"*Scotland, like the rest of the world is facing a climate emergency and our wellbeing, and that of future generations, is at stake. As a country, we have a strong record in cutting our emissions but our response to the global climate emergency requires us to accelerate our good work and make many fundamental changes in how we travel, live, heat our homes and in what jobs we do."*

Addressing the climate emergency is therefore a priority issue that extends beyond politics and is a social responsibility that must permeate all industry and development to meet carefully considered and ambitious targets within national and global energy and climate change initiatives.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and sets a target to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045. This is ambitious and is five years ahead of the UK's net- zero target for 2050. Projects,

[12] United Nations Climate Change - COP28 Agreement Signals "Beginning of the End" of the Fossil Fuel Era, Available at: https://unfccc.int/news/cop28-agreement-signals-beginning-of-the-end-of-the-fossil-fuel-era (Accessed on 10/07/2024)

such as the Proposed Development, play a key role in decarbonising the energy sector, whilst providing environmental and economic benefits such as clean and reliable energy at low cost to consumers.

THC has adopted the Scottish Government's Net Zero target and aim to achieve this sooner. THC has pledged to reduce emissions by at least 75% by 2030 and by at least 90% by 2040, understanding the urgency of decarbonising all operations and service provisions. Furthermore THC's 'Future Highland' programme sets out a vision for the Highlands as a 'centre for global renewable energy'. THC hope to achieve this by capitalising on areas of natural capital to deliver alternative energy solutions.

8.3.2 The Climate Change Act 2008 & Carbon Budgets

Under the Climate Change Act 2008 (the 2008 Act), the UK committed to a net reduction in GHG emissions of 80% against the 1990 baseline by 2050. That target was extended in June 2019 to at least 100% against the 1990 baseline by 2050 under secondary legislation (with Scotland committing to Net Zero by 2045).

The 2008 Act also established the Committee on Climate Change (the CCC) which has produced six four-yearly Carbon Budgets (covering 2008 – 2037) and which reports on progress made in reducing GHG emissions to the UK Government. These legally binding carbon budgets act as stepping-stones towards the overarching target of Net Zero by 2050. 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 8.1.

Table 8.1 Carbon Budgets and Progress

Budget	Carbon Budget Level	Reduction below 1990 Level	Progress on Budgetary Period
1st Carbon budget (2008 – 2012)	3,018 $MtCO_2e$	26%	-27%
2nd Carbon budget (2013 – 2017)	2,782 $MtCO_2e$	32%	-42%
3rd Carbon budget (2018 – 2022)	2,544 $MtCO_2e$	38% by 2020	48.7%
4th Carbon budget (2023 – 2027)	1,950 $MtCO_2e$	52% by 2025	n/a
5th Carbon budget (2028 – 2032)	1,725 $MtCO_2e$	57% by 2030	n/a
6th Carbon budget (2033 – 2037)	965 $MtCO_2e$	78% by 2035	n/a
7th Carbon budget (2038 – 2042)	To be set in 2025	-	n/a
Net Zero Target	100%	By 2050	

The world leading commitments made in the Sixth Carbon Budget (for a reduction in UK GHG of 78% by 2035 relative to 1990 levels) will require strong Policy action in Scotland and will require much more and faster deployment of renewable energy and storage than has been realised thus far.

8.3.3 The UK Energy White Paper: Powering Our Net-Zero Future (December 2020)

In December 2020, the UK Energy White Paper: Powering Our Net-Zero Future[13] (the White Paper) was published. The White Paper sets out the UK strategy (and thus the measures which will need to be put in place) to clean up its energy system, fight climate change and reach Net Zero emissions by 2050. The following points are relevant to the Proposed Development:

- Page 43: *"A low-cost consistent system is likely to be comprised predominantly of wind and solar. But ensuring the system is also reliable, means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when the wind is not blowing, or the sun does not shine. Today this includes nuclear, gas with carbon capture and storage and flexibility provided by batteries, demand side response interconnectors (see 'Energy system' chapter) and short-term dispatchable generation providing peaking capacity, which can be flexed as required"*.
- Page 44: *"By 2050, we expect low-carbon options, such as clean hydrogen and long-duration storage to satisfy the need for peaking capacity and ensure security of supply at low cost, likely eliminating the reliance on generation from unabated gas"*.
- Page 72: emphasises the fact that energy storage in batteries will provide *"…the flexibility needed to match supply to demand at peak hours, or when renewables output is low"*, such flexibility will lower future costs for consumers and can be deployed quickly to meet spikes in demand. Page 72 also states *"Increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries, increased interconnected capacity from neighbouring electricity markets, or from consumer using smart technologies to reduce how much energy they use or shift when they use the energy to different times in the day"*.

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.

8.3.4 The British Energy Security Strategy (April 2022)

The UK Government released its Energy Security Strategy in April 2022, of which intends to guide planning Policy to accelerate the transition away from hydrocarbons within the energy sectors and roll out new renewables. Building on the government's 'Ten Point Plan for a Green Industrial Revolution', together with the 'Net Zero Strategy' and this Energy Strategy, the UK government is driving an unprecedented private sector investment into clean energy jobs by the end of the decade. Ambitious targets are being set to ensure the rapid decarbonisation of the electricity sector within the UK, with a potential 95% of British electricity potentially being low-carbon by 2030.

Networks, storage and flexibility features is a primary area of focus within the Energy Strategy, accelerating the domestic supply of clean electricity and facilitating the network infrastructure to support its increased generation. In this area, of which the Proposed Development sits in, the strategy aims to prioritise:

"anticipating need because planning ahead minimises cost and public disruption; and hyper-flexibility in matching supply and demand so that minimal energy is wasted. This more efficient, locally responsive system could bring down costs by up to £10 billion a year by 2050".

[13] HM Government (2020) *Energy White Paper – Powering our Net Zero Future* [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/943807/201214_BEIS_EWP_Command_Paper_LR.pdf (Accessed 22/05/2024)

A flexible and efficient system of electricity transmission and distribution requires increased deployment of BESS and additional electrical infrastructure, such as synchronous compensators. As such the strategy aims to ensure:

"encouraging all forms of flexibility with sufficient large-scale, long-duration electricity storage to balance the overall system by developing appropriate Policy to enable investment".

The Proposed Development intends to contribute to the objectives set out in the strategy above. The components included within the Proposed Development allows for greater flexibility and stability of electricity demand in tandem with the growth of renewable energy generation within the electrical infrastructure.

8.3.5 Powering up Britain: The Net Zero Growth Plan (2023)

On 30th 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[14].

Powering Up Britain additionally highlights the need to deliver for the transformation of the electricity network, which is required to manage the anticipated increase in electricity demand as it intends to decarbonise. The Proposed Development provides a flexibility services which enable the grid to rely more on decarbonised electricity generation, moving away from the requirement to call on fossil fuel emitting energy sources during periods of low renewable energy generation.

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 that the Government's 2021 Net Zero Strategy did not comply with the Climate Change Act. The Government has therefore had to provide a firmer public commitment to its plans, which has resulted in some changes in approach and ambition.

Before, Powering Up Britain was published, the UK Net Zero Strategy[15] was the most relevant document on net zero targets. The UK Net Zero Strategy was first published in October 2021 and was later updated in April 2022, presents policies and proposals in order to keep the UK on track for meeting its established carbon budgets and the commitments made under the Paris Agreement.

The Net Zero Strategy stated that Britain's power system "*will consist of abundant, cheap British renewables, cutting edge new nuclear power stations, and be underpinned by flexibility including storage*" (emphasis added). This exemplifies the Government's recognition that storage and other flexible systems will be essential to support the rapid increase in renewable energy generation which is projected.

Additionally, the introduction of the Net Zero Growth Plan states (page 5):

"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".*

[14] HM Government, (2023). Powering Up Britain: The Net Zero Growth Plan [Online] Available at: https://www.gov.uk/government/publications/powering-up-britain/powering-up-britain-net-zero-growth-plan (Accessed 23/08/2024)

[15] HM Government, (2021). Net Zero Strategy: Build Back Greener [Online] Available at: https://assets.publishing.service.gov.uk/media/6194dfa4d3bf7f0555071b1b/net-zero-strategy-beis.pdf (Accessed 23/08/2024)

However, it is important to note, that in July 2022 the High Court ruled that the UK Government's Net Zero Strategy was inadequate and unlawful as it does not set out how the UK's legally binding carbon budgets will be met. The UK Government had initially intended to appeal the High Court ruling however, in October 2022 it confirmed that it would not be pursuing its appeal. The UK Government was given until March 2023 to update its Net Zero Strategy and provide further information on how its policies would achieve targets set out in the Climate Change Act 2008. This is when Powering Up Britain: The Net Zero Growth Plan was subsequently published by the UK Government in March 2023 to meet the statutory obligations set out under the Climate Change Act 2008, which included CBDP. However, even CBDP was found unlawful by the High Court following a second legal challenge, R (Friends of the Earth & Others) v Secretary of State for Energy Security and Net Zero [2024] EWHC 995 (Admin).

8.3.6 Climate Change Committee – 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:

- 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"*.

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

The CCC issued a report and related Statement[16] 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.

[16] CCC, (2024). COP28 outcomes must lead to acceleration of action in the UK [Online] Available at: https://www.theccc.org.uk/publication/cop28-key-outcomes-and-next-steps-for-the-uk/ (Accessed 09/12/2024)

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:

- *"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."*

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:

- 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).

The CCC report makes it clear 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 supply by 2035, the Government must increase efforts to deliver against its existing targets on time*".

8.3.8 Labour Government & Commitment to Renewables

The change in UK Government at Westminster and a Labour administration after the July 2024 UK elections has resulted in a new UK Government policy regarding the approach to Net Zero.

The Labour Party Manifesto[17] 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.

It is clear that the new administration will accelerate the pace of renewable development in order 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 a reference to double UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030.

8.3.9 UK Battery Strategy (2023)

The UK Government published the UK Battery Strategy[18] on 26th 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.

[17] Labour, (2024). Make Britain a clean energy superpower [Online] Available at: https://labour.org.uk/change/make-britain-a-clean-energy-superpower/ (Accessed 09/12/2024)

[18] Department for Business & Trade, (2023). UK Battery Strategy [Online] Available at: https://assets.publishing.service.gov.uk/media/656ef4871104cf000dfa74f3/uk-battery-strategy.pdf (Accessed 09/12/2024).

8.4 Scottish Climate Change and Renewable Energy Legislation and Policy

8.4.1 Scottish Energy Strategy: The Future of Energy in Scotland (2017)

The Scottish Energy Strategy (SES) was published in December 2017[19]. The SES preceded the important events and publications referred to above but nevertheless sets out that 50 % of energy from renewable sources is 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".*

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

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019[20] sets targets for the reduction of Scotland's emission of all GHG to net-zero by 2045, in doing so amending the Climate Change (Scotland) Act 2009. 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.

The Proposed Development would support the decarbonisation of the electricity network which will subsequently assist these emission reduction targets.

8.4.3 The Update to the Climate Change Plan (2018-2032) (December 2020)

The Scottish Government published an update to the 2018 Climate Change Plan: Securing a Green Recovery on a Path to Net Zero[21] (the CCP Update) in December 2020. The CCP Update responds to the new net zero targets aimed at ending Scotland's contribution to climate change by 2045 and therefore covers the period throughout which the Scottish Government committed to reduce greenhouse gas emissions by 75% (by 2030) and 90% (by 2040).

The plan sets out the approach to delivering a green recovery, and a pathway to meeting world leading climate change targets for the period from publication to 2032. Amongst other things, the CCP Update states at Page 18 that "*our electricity system will have deepened its transformation for the better, with over 100% of Scotland's electricity demand being met from renewable sources… There will also be a*

[19] Scottish Government, (2017) Scottish Energy Strategy: The Future of Energy in Scotland [Online] Available at: https://www.gov.scot/publications/scottish-energy-strategy-future-energy-scotland-9781788515276/ (Accessed 23/08/2024)

20 Scottish Parliament (2019) The Climate Change (Emissions reduction Targets) (Scotland) Act 2019 [online] Available at: https://www.legislation.gov.uk/asp/2019/15/enacted (Accessed 23/05/2024)

[21] Scottish Government (2020) Securing a green recovery on a path to net zero: climate change plan 2018–2032 – update [Online] Available at: https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/ (Accessed 28/05/2024)

substantial increase in renewable generation, particularly through new offshore and on shore wind capacity".

In Chapter 1 when addressing electricity, the CCP Update recognises that as Scotland transitions to net zero, a growing and increasingly decarbonised electricity sector *"is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry"*. Also outlined is a vision for the *"development of between 11 and 16 GW of capacity"* of renewable energy generation by 2032. Whilst much of Scotland's electricity generation has decarbonised over the last decade, there is a need for increased investment in renewable energy, particularly onshore and offshore wind. Onshore grid storage will be required for offshore and onshore wind turbines and as such, the Proposed Development would be of benefit to accommodate excess energy storage.

Planning is recognised in the CCP Update as a key delivery mechanism for *"rapid renewables deployment in Scotland"* and will be for many of the policies within the Climate Change Plan update, across all sectors. Ensuring the correct choices are made regarding where and what development should be permitted in the future will help to reduce emissions whilst improving communities' wellbeing and the quality and resilience of Scotland's places.

8.4.4 CCC, Progress in reducing emissions in Scotland Report to Parliament (2022)

The report from the CCC published in December 2022[22] addresses Scotland's progress in emissions reduction. The report is specifically referenced in the Inquiry Report for the Corriegarth Wind Farm Extension[23], which was prepared by Reporters (21st August 2023) and which informed the decision on the proposal by the Scottish Ministers (20th December 2023). At paragraph 128 of the Inquiry Report, the Reporters state that with regard to the CCC report it *"includes several findings that are relevant to this application"*. The Reporters then note the following from the report:

- Scotland met its 2020 target because of the impact of the Covid-19 pandemic.
- To date, Scotland has missed 7 out of its 11 annual targets.
- There is a significant risk of the remaining annual targets for 2020s being missed.
- A stepped change in action across all sectors of the economy will be required.
- If targets for the 2020s and early 2030s are not met, there will require to be compensatory overperformance against the later targets; and
- It is not yet clear how much overperformance would be required in that later period.

The Reporters go on at paragraph 129 to state:

"On the basis of those findings, together with NPF4 Policy 1 on giving significant weight to the climate crisis, we conclude that the fact the proposed development would contribute towards reducing Scotland's greenhouse gas emissions, and achieving its targets thereon, should be given significant weight in the planning balance for this case."

8.4.5 Draft Energy Strategy and Just Transition Plan (2023)

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'[24] on 10th January 2023. The new

[22] CCC, (2022). Progress in reducing emissions in Scotland [Online] Available at: https://www.theccc.org.uk/publication/scottish-emission-targets-progress-in-reducing-emissions-in-scotland-2022-report-to-parliament/ (Accessed 09/12/2024)

[23] DPEA, (2024). Planning and Environmental Appeals Division [Online] Available at: https://dpea.scotland.gov.uk/casedetails.aspx?id=122740&T=20 (Accessed 11/12/2024)

[24] Scottish Government, (2023). Draft Energy Strategy and Just Transition Plan [Online] Available at: https://www.gov.scot/publications/draft-energy-strategy-transition-plan/documents/ (Accessed 09/12/2024).

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; and
- 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".

8.4.5.1 Recognition of the role of Battery Storage

With regard to 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 Draft 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.

8.4.6 Current Progress in Scottish Emission Reduction Targets

The Scottish Government publishes an annual report that sets out whether each annual emissions reduction target has been met. In their 2024 Progress in Reducing Emissions in Scotland report[25], the CCC stated that Scotland has missed its annual emission reduction targets eight times and Scotland has only met its emissions reduction target once. This was in 2020, during which lockdown restrictions severely reduced commercial, industrial, and transport emissions.

The related CCC press release of the same date (2024) 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.

[25] Climate Change Committee, (2024). Progress in reducing emissions in Scotland – 2023 [Online] Available at: https://www.theccc.org.uk/publication/progress-in-reducing-emissions-in-scotland-2023-report-to-parliament/ (Accessed 23/08/2024)

In light of this CCC report, the Cabinet Secretary made a statement to the Scottish Parliament on 18th April 2024 entitled 'Climate Change Committee Scotland Report – Next Steps: Net Zero Secretary Statement'[26].

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 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 adds:

"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, possibly around 65% to match the UK position.

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 multi-year carbon budget approach to measuring emissions reduction (instead of annual targets) 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' enroute to achieving the net zero legally binding target by 2045.

Furthermore, the CCC's May 2024 letter to Scottish Government advised on the approach to carbon budgets, recommending a 5 yearly approach in line with UK and Wales. Among the key messages is:

"The Committee strongly urges the Scottish Government to act quickly to implement a new legal framework, bringing its approach in line with the other nations of the UK. This is crucial to restore confidence and avoid a vacuum of ambition around Net Zero."

It is considered that the Proposed Development is very strongly supported by the climate change and renewable energy policy and legislative framework, thereby helping Scotland reach these targets and obligations.

[26] Màiri McAllan, (2024). Climate Change Committee Scotland report – next steps: Net Zero Secretary statement – 18 April 2024 [Online] Available at: https://www.gov.scot/publications/climate-change-committee-scotland-report-next-steps/ (Accessed 09/12/2024)

8.4.7 A Vision for Scotland's Electricity and Gas Networks 2019-2030

Further guidance for the development of security and resilience within the electricity transmission infrastructure in Scotland is provided in the Vision for Scotland's Electricity and Gas Networks 2019-2030 ('Scotland's Networks Vision')[27]. Based on the SES, Scotland's Networks Vision looks at ways in which electricity and gas network infrastructure will continue to support the energy transition. Critically important is for opportunities to accelerate progress to decarbonise the energy network:

"We must work to ensure that our networks continue to support a resilient energy system, throughout and beyond the low carbon transition. There needs to be a greater strategic focus on regional security of supply which considers not only the networks themselves but also the location and characteristics of the resources connected to them".

The strategy sets out the requirement to meet demand within this quest for reliance within the energy network:

"The ability to operate the electricity system as a whole is becoming more challenging. The closures of large, thermal power stations across Britain, including those in Scotland, means that while discussions about infrastructure often focus on the capacity of networks to move power, a stable electricity system needs other services such as the ability to support voltage, detect faults, and remain resilient to unexpected events".

The Proposed Development seeks to directly addresses the requirement to maintain adequate supply in meeting demand where generation and transmission are unable to do so. Balancing both peaks and troughs associated with electricity supply to keep the electricity system stable, the Proposed Development will support Scotland's Network Vision whilst aiding the decarbonisation of the electricity supply network.

[27] Scottish Government (2017) *A Vision for Scotland's Electricity and Gas Networks 2019-2030* [online] Available at: https://www.gov.scot/publications/vision-scotlands-electricity-gas-networks-2030/#:~:text=We%20believe%20that%20they%20must,mainland%20Scotland%20and%20our%20islands. (Accessed 27/05/2024).

9 National and Local Planning Policy

9.1 Introduction

The Scottish Ministers, in determining the S36 Application, will have regard to the extent to which the Applicant has met its duties in terms of Schedule 9 (3) of the Electricity Act. Furthermore, the decision making will also involve consideration of National Energy and Planning Policy, and, in the context of a Section 36 application, the statutory Development Plan which in the case of the Proposed Development consists of NPF4 (see Section 9.2), the Highland-Wide Local Development Plan (HwLDP) (see section 9.3.2), the Inner Moray Firth (see section 9.3.3) Local Development Plan (2024), and any related Supplementary Guidance (see Section 9.3.4).

9.2 National Planning Framework 4

9.2.1 Adoption of NPF4

The Scottish Parliament approved NPF4 on 11th January 2023 and it was formally adopted by the Scottish Ministers on 13th February 2023.

NPF4 forms part of the statutory Development Plan and replaced National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP).

Certain parts of the 1997 Planning Act have been put into effect in response to the adoption of NPF4. In particular, Section 13 of the Town and Country Planning (Scotland) Act amends Section 24 of the 1997 Planning Act to provide that: "*In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail*". Included in this is where an LDP is silent on an issue that is now provided for in NPF4.

9.2.2 Applying/Using NPF4

NPF4 is a long-term plan which sets out where development and infrastructure is needed across Scotland up to 2045. In the ministerial foreword NPF4, Tom Arthur MSP states, amongst other things, that *"putting the twin global climate and nature crises at the heart of our vision for a future Scotland will ensure the decisions we make today will be in the long-term interest of our country"*.

Furthermore, when explaining how the plan is to be used, it is stated in Annex A of NPF4 that *"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".*

The plan is intended to guide and manage the spatial development and use of land in the public interest, set out national planning policies, designate national developments and highlight regional spatial priorities for the country.

Centralised development management policies are introduced in NPF4 which are to be applied Scotland wide. Furthermore, guidance is also offered to Planning Authorities regarding the content and preparation of 'new style' LDPs.

NPF4 is also required by law to contribute to six outcomes (Annex A of NPF4) linked to, amongst other things, *"meeting any targets relating to the reduction of emissions of greenhouses gases".*

9.2.2.1 The National Spatial Strategy for Scotland 2045

Part 1 of NPF4 outlines the National Spatial Strategy for Scotland 2045 (NSS) which has been developed based on six spatial principles to support the planning and 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".*

The NSS recognises the urgency of addressing climate change, particularly when stating that *"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"* (emphasis added).

Of particular relevance to the Proposed Development is the aim to deliver *"Sustainable Places".* When discussing the NSS with regard to delivering sustainable places, the Scottish Government highlight how, by 2030 we must have made significant progress towards reaching Net Zero emissions by 2045.

Furthermore, the headline of the NSS for *"Sustainable Places"* is outlined as follows:

"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".

The Scottish Government continue in the NSS for *"Sustainable Places"* to emphasise that:

"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".

When describing Cross-cutting Outcome and Policy Links with regard to reducing GHG, NPF4 expresses how "*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".*

By explicitly asserting that the climate emergency and nature crisis underpin the whole NSS, NPF4 positions these as essential to the outcomes of almost all of the document's policies.

9.2.2.2 National Developments

As part of the NSS, NPF4 identifies a total of 18 National Developments (NADs) (6 for each of the 3 delivery themes mentioned above), which are defined as:

"significant developments of national importance that will help to deliver the spatial strategy…Their designation means that the principle of the development does not need to be agreed in later consenting processes" (pg. 97).

NPF4 discusses the 18 NADs in turn, as well as their related Statements of Need, at Annex B. The third of the 6 NADs defined to support the delivery of sustainable places is Strategic Renewable Electricity Generation and Transmission Infrastructure (NAD 3) and is described in Annex B as follows:

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

A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will

also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions".

Annex B defines all forms of electricity generation exceeding 50 MW capacity as National Development, in locations across all of Scotland. In terms of the need for such development the NPF4 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".

As aforementioned in Section 2.3.1 the Scottish Government considers that battery installations should be treated as generating stations for the purposes of a S36 consent under the Electricity Act. Exceeding the 50 MW threshold for constituting as NAD 3, with an anticipated installed capacity of up to 200 MW, the Proposed Development can be considered of national importance for the delivery of the NSS. The Proposed Development will significantly contribute to energy targets through the generation of renewable energy for the country.

9.2.2.3 National Planning Policy

Part 2 of NPF4 uses the three identified delivery themes (sustainable, liveable and productive places) to group the national planning policies. With regard to the application of the national levels 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."

The NPF4 contains various policies of relevance and, as aforementioned, is the primary consideration for the determination of the Proposed Development. Falling under the delivery theme of 'sustainable places', the policies relevant to the Proposed Development are as follows:

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 2: Climate Mitigation and Adaptation;
- 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;
- Policy 25: Community Wealth Building; and

- Policy 29: Rural Development.

For the consideration of BESS development, Policy 11 is the lead policy. However, Policy 1 is also considered to be very relevant, as it gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions.

A summary of the relevant provisions of the above policies is provided in sections 9.2.2.3.1 - 9.2.2.3.12 and as assessment of the Proposed Development against these policies is detailed in Section 10 further below.

9.2.2.3.1 Policy 1: Tackling the Climate and Nature Crisis

A significant shift in the policy context under which national planning policy has been prepared is exemplified through Policy 1 in NPF4.

Policy 1 directs that that *"significant weight"* should be given to the matters of the climate change emergency and nature crisis when considering *"all development proposals"* (emphasis added) and the policy intent is *"to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis"*.

By making this the first policy in NPF4, its Policy Intent (above) and Policy Outcome of *"Zero carbon, nature positive places"* are re-positioned as a priority of the document, and for all plans and planning decisions.

The Climate and Nature Crises (the twin Crises) have undoubtedly been placed front and centre of NPF4 and of how planning is expected to operate, which has never before been the case in national planning policy. Planning policy no longer leaves the judgement of how much weight should be afforded to the climate emergence solely to the decision maker, thus, the Proposed Development should be given significant weight in response to its contribution to meeting energy targets and reaching Net Zero.

9.2.2.3.2 Policy 11: Energy

The Policy Intent for Policy 11 – the principal policy for the Proposed Development – is to *"encourage, promote and facilitate all forms of renewable energy development"* including *"energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)".* The Policy Outcomes consist of the "*expansion of renewable, low carbon and zero emission technologies".*

Policy 11 also affirms that *"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). This illustrates a further departure from SPP in that decision makers are now specifically instructed to attribute significant weight to generation and emission targets moving forward. Substantial policy support has been introduced for larger scale renewable energy developments as NPF4 explicitly recognises the importance of hitting national targets to combat climate change.

An emphasis is placed on economic benefits of energy proposals in Policy 11 c) as it is illustrated that proposals will not be supported unless they "*maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities".*

Policy 11 also states the following:

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."

"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."

The objective of Policy 11 is obvious in that it is clearly advocating for significant expansion in renewable energy across Scotland, which the Proposed Development would contribute to. Policy 11 provides a response to Policy 1 in that it offers renewable energy as a big part in the Scottish Government's expected solution for tackling the Climate Emergency.

Also notable is that paragraph e) ii recognises that significant landscape and visual impacts *are "to be expected"* for some types of renewable energy development and that these will generally be considered as acceptable so long as *"impacts are localised and/or design mitigation has been applied".*

Policy 11 is therefore significantly different from the previously adopted SPP as it removes a lot of the policy hurdles and obstacles which have encumbered renewable energy development in the past. Ultimately, Policy 11 (in combination with Policy 1) is advocating that, so long as the site-specific environmental impacts of a project are within acceptable limits, all renewable energy projects should be consented.

9.2.2.3.3 Policy 2: Climate Mitigation and Adaptation

Policy 2 of NPF4 aims to "*encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change*".

Policy 2 states that the siting and design of the Proposed Development is required to minimise emissions of greenhouse gases and adapt to the current and potential future risks resulting from climate change.

9.2.2.3.4 Policy 3: Biodiversity

The Policy Intent for Policy 3 is *"to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks"*.

Policy 3 requires proposals to contribute to the enhancement of biodiversity through development and to also, where possible, integrate nature-based solutions. For proposals of national or major scale, or for development which requires an EIA, support will only be granted where it is demonstrated that *"the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention"* (emphasis added).

The policy sets out the following criteria which development proposals of national or major scale, or which require EIA, are required to illustrate:

i. *"the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;*
ii. *wherever feasible, nature-based solutions have been integrated and made best use of;*
iii. *an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;*
iv. *significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and*
v. *local community benefits of the biodiversity and/or nature networks have been considered".*

Policy 3 does not however set any specific targets or offer advice on what constitutes as acceptable biodiversity gain or *"significant enhancements",* instead it is stated that *"best practice assessment methods should be used".* Draft Biodiversity Planning Guidance was published by the Scottish Government in November 2023 and while labelled as "Draft" Guidance, NatureScot have advised that it is intended to be used now to assist in the implementation and delivery of Policy 3. To further support the preparation of applications, in discussion with the Scottish Government, NatureScot have prepared a guidance document named Developing with Nature which outlines various widely used and widely applicable biodiversity enhancement measures. NatureScot are also in the process of developing a metric suitable for use in supporting the delivery of Policy 3b. Until a metric is developed and formally adopted, it is expected that applicants use the aforementioned guidance documents to inform the appropriate design of developments and the judgement of whether the criteria outlined in Policy 3 have been met will remain down to the judgement of the decision maker.

9.2.2.3.5 Policy 4: Natural Places

The Policy Intent for Policy 4 is *"to protect, restore and enhance natural assets making best use of nature-based solutions"* and the Policy Outcomes are that natural places are *"protected and restored"*

and natural assets are *"managed in a sustainable way that maintains and grows their essential benefits and services"*.

Policy 4a) underlines how development proposals which will unacceptably impact the natural environment will not be supported.

With regards to nationally important designations, development proposals should not compromise the overall integrity or objectives of said areas or any significant adverse effects must be clearly outweighed by social, environmental or economic benefits of national importance (policy 4c)). With regards to significant adverse effects on local designations, development proposals should not compromise the integrity of said area or the qualities for which it has been identified. If they do, for local designations, the social, environmental or economic benefits of the proposal must be of "*at least local importance"* (Policy 4d)).

Policy 4 states that *"the precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance"* and explains how if adverse effects on species protected by legislation occur, proposals will not be supported unless they meet the relevant statutory tests.

9.2.2.3.6 Policy 5: Soils

The Policy Intent of Policy 5 is *"to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development".*

Policy 5 states the following:

> *"b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:*
>
> *i) Essential infrastructure and there is a specific locational need and no other suitable site;*
>
> *ii) Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;*
>
> *iii) The development of production and processing facilities associated with the land produce where no other local site is suitable;*
>
> *iv) The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and*
>
> *In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required."*

9.2.2.3.7 Policy 6: Forestry, Woodland and Trees

The Policy Intent of Policy 6 is "*to protect and expand forests, woodland and trees".*

Policy 6a) states that *"Development proposals that enhance, expand and improve woodland and tree cover will be supported."*

9.2.2.3.8 Policy 7: Historic Assets and Places

The Policy Intent of Policy 7 is *"to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places"* and the first of the three Policy Outcomes is that *"the historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change".*

Part a) of Policy 7 is as follows:

"Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change".

With regards to proposals which affect conservation areas, development will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced.

Development proposals affecting scheduled monuments will only be supported where direct impacts and significant adverse impacts on the integrity of its setting are avoided, or, where exceptional circumstances have been demonstrated and effects are minimised.

Policy 7 requires, where feasible, for non-designated historic environment assets and their settings to be protected and preserved in situ.

Developers must provide an evaluation of any potential non-designated buried archaeological early on in proposal, and where impacts cannot be avoided, they should be minimised.

9.2.2.3.9 Policy 22: Flood Risk and Water Management

The intent of Policy 22 is to *"strengthen resilience to flood risk by promoting avoidance as a first principal and reducing the vulnerability of existing and future development to flooding"*. This Policy aims to strengthen resilience to the risks posed by current and future flood risk, use water resources in a sustainable way, and to use natural flood risk management techniques.

Policy 22 states the following:

a) "Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

i. essential infrastructure where the location is required for operational reasons;

ii. water compatible uses;

iii. redevelopment of an existing building or site for an equal or less vulnerable use; or

iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk

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.*

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- *the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and*

- *that the proposal does not create an island of development and that safe access/ egress can be achieved.*

b) Development proposals will:

a. not increase the risk of surface water flooding to others, or itself be at risk.

b. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer.

c. seek to minimise the area of impermeable surface.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported."

9.2.2.3.10 Policy 23: Health and Safety

Policy 23 intends 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".*

Policy 23 states that development proposals would not be supported if unacceptable noise impacts arise as a result. Where there is a potential for noise impacts, a Noise Impact Assessment may be required.

9.2.2.3.11 Policy 25: Community Wealth Building

The Policy Intent of Policy 25 is to *"encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels."*

Policy 25 states the following:

A) "Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets."

9.2.2.3.12 Policy 29: Rural Development

The Policy Intent of Policy 29 is *"to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced."*

Policy 29 states the following:

a) "Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:

i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;

ii. diversification of existing businesses;

iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;

iv. essential community services;

v. essential infrastructure;

vi. reuse of a redundant or unused building;

vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;

viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;

ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or

x. improvement or restoration of the natural environment.

B) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location."

9.3 Local planning Policy

9.3.1 Introduction

The Site is located entirely within the administrative area of THC. THC holds its own Local Development Plan (LDP), the Highland-Wide Local Development Plan (2012) (HwLDP), as well as three individual Local Development Plans which are regionally specific. These are listed as follows:

- Inner Moray Firth LDP 2;
- Caithness and Sutherland LDP; and
- West Highland and Islands LDP.

Therefore, the statutory development plan pertinent to the Site and the Proposed Development is comprised of the HwLDP and the Inner Moray Firth Local Development Plan 2, as well as any relevant Supplementary Planning Guidance (SPG) such as the Highland Renewable Energy Strategy and the Strategic Renewable Energy Resource Assessment for the Highland Area.

9.3.2 Highland-Wide Local Development Plan (HwLDP)

The Highland-Wide Local Development Plan (HWLDP) was adopted on the 5th April 2012. It constitutes as the local development plan setting out the overarching spatial planning policy for the whole of the Highland area.

It should be noted that a new Local Development Plan is being prepared for release in 2027, where it will replace all current Local Development Plans including the HwLDP, Inner Moray Firth LDP2, Caithness and Sutherland LDP, and the West Highland and Islands LDP. The work for the new plan includes the preparation of an Evidence Report towards the end of 2024 and a subsequent Gate Check, with the Proposed Plan stage towards the end of 2025[28].

[28] The Highland Council (2024) *Highland Local Development Plan* [online] Available at: https://www.highland.gov.uk/info/178/development_plans/1101/highland_local_development_plan_hldp (Accessed 17/07/2024).

9.3.2.1 HwLDP Policies

The HwLDP policies relevant to the Proposed Development are listed as follows:

- Policy 28: Sustainable design
- Policy 29: Design quality and placemaking
- Policy 30: Physical constraints
- Policy 36: Development in the wider countryside
- Policy 51: Trees and development
- Policy 55: Peat and Soils
- Policy 56: Travel
- Policy 57: Natural, built and cultural heritage
- Policy 58: Protected species
- Policy 59: Other important species
- Policy 60: Other important habitats
- Policy 61: Landscape
- Policy 63: Water environment
- Policy 64: Flood Risk
- Policy 66: Surface water drainage
- Policy 67: Renewable energy developments
- Policy 69: Electricity transmission infrastructure
- Policy 72: Pollution
- Policy 74: Green Networks
- Policy 77: Public Access

9.3.2.1.1 Policy 67: Renewable Energy Developments

The HwLDP Policy with the most relevance to the Proposed Development is Policy 67 – Renewable Energy Developments**,** which sets out THC's support in principle for renewable energy developments. The first part of Policy 67 states that *"Renewable energy development proposals should be well related to the source of the primary renewable resources that are needed for their operation".* It is further stated that THC will consider the development's contribution to renewable energy targets, as well as the likely effects on the local and national economy, both positive and negative. THC will assess all renewable energy development proposals against other HwLDP policies and other material considerations such as the Highland Renewable Energy Strategy and Planning Guidance.

Policy 67 further states that THC are in support of renewable energy development proposals which do not generate significant adverse impacts on the environment (individually and cumulatively), taking into account appropriate proposed mitigation measures. Environmental considerations are taken from Policy 67 and listed below as follows:

- *"natural, built and cultural heritage features;*
- *species and habitats;*
- *visual impact and impact on the landscape character of the surrounding area (the design and location of the proposal should reflect the scale and character of the landscape and seek to minimise landscape and visual impact, subject to any other considerations);*
- *amenity at sensitive locations, including residential properties, work places and recognised visitor sites (in or out with a settlement boundary);*

- *the safety and amenity of any regularly occupied buildings and the grounds that they occupy having regard to visual intrusion or the likely effect of noise generation;*
- *ground water, surface water (including water supply), aquatic ecosystems and fisheries;*
- *the safe use of airport, defence or emergency service operations, including flight activity, navigation and surveillance systems and associated infrastructure, or on aircraft flight paths or MoD low-flying areas;*
- *other communications installations or the quality of radio or TV reception;*
- *the amenity of users of any Core Path or other established public access for walking, cycling or horse riding;*
- *tourism and recreation interests;*
- *land and water-based traffic and transport interests."*

The following policies within the HwLDP outlined below are also considered to be of relevance to the development.

9.3.2.1.2 Policy 28: Sustainable Design

This policy states that development proposals should promote and enhance the social, economic and environmental wellbeing of the people of the Highlands, demonstrating compatibility with the following Supplementary Guidance: Physical Constraints on Development; and Sustainable Design Guide.

Proposals will be assessed on the extent to which they:

- Are compatible with public service provision;
- Are accessible by public transport;
- Make use of brownfield sites;
- Minimise waste generation;
- Impact on individual and community residential amenity;
- Impact on non-renewable resources; and
- Contribute to the economic and social development of the community.

All developments must comply with greenhouse gas emissions requirements of the Sustainable Design Guide.

9.3.2.1.3 Policy 29: Design Quality and Placemaking

Under Policy 29, the design of new developments is required to *"make a positive contribution to the architectural and visual quality of the place in which it is located, where appropriate",* as well demonstrating *"sensitivity and respect towards the local distinctiveness of the landscape"* within the design of a development.

9.3.2.1.4 Policy 30: Physical Constraints

This policy states that development proposals should consider constraints as set out in the Physical Constraints Supplementary Guidance. Where a proposed development is affected by any of the constraints detailed within the guidance, developers must demonstrate compatibility with the constraint or outline appropriate mitigation measures to be provided.

9.3.2.1.5 Policy 36: Development in the Wider Countryside

This policy states that renewable energy development proposals will be assessed against the THC's Renewable Energy Policies, the non-statutory Highland Renewable Energy Strategy and the Onshore Wind Energy: Supplementary Guidance.

9.3.2.1.6 Policy 51: Trees and Development

This policy supports development *"which promotes significant protection to existing hedges, trees and woodlands on and around development sites".* The impact a development proposal has on trees will influence the acceptable area allocated for development on a site. Furthermore, the policy states that *"adequate separation distances will be required between established trees and any new development".* The policy is supported by the Trees, Woodland and Development Supplementary Guidance.

9.3.2.1.7 Policy 55: Peat and Soils

Policy 55 details that development proposals should be able to demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. Unacceptable impacts on peat will need to be outweighed by social, environmental or economic benefits of the development. If development on peat is unavoidable, then a Peatland Management Plan is likely to be required, clearly demonstrating how impacts have been mitigated.

9.3.2.1.8 Policy 56: Travel

Proposals which generate an increase in travel will be required to include information to sufficiently identify any likely on-site and off-site implications on travel. The proposal should also ensure the following:

- Walking and cycling routes are maximised;
- The design is safe and convenient;
- Appropriate enhancement measures are implemented where necessary; and
- An appropriate level of parking provision.

Potential bus provisions and level crossings will be protected from development.

9.3.2.1.9 Policy 57: Natural, Built and Cultural Heritage

This policy states that development proposals will be assessed with regards to heritage by considering the level of impact on such sites designated at local, national and international levels for their type, importance and setting.

- Local/regional importance – developments will be allowed if it is demonstrated that there will be no impact on the natural environment, amenity and heritage resource.
- National importance – developments will be allowed if it can be shown not to compromise the natural environment, amenity and heritage resource. Where there are significant affects, these must be clearly outweighed by social or economic benefits of national importance.
- International importance – Developments likely to have a significant effect on a site, either alone or cumulatively, will be subject to an appropriate assessment.

9.3.2.1.10 Policy 58: Protected Species

This policy states that development proposal should avoid adverse effects, individually and/or cumulatively, on European Protected Species, priority protected bird species and protected bird species, or on other protected animals and plants where the development is required for preserving public health or public safety. Development proposals should avoid adverse disturbance, including

[redacted]

9.3.2.1.11 Policy 59: Other Important Species

Development proposals should avoid adverse effects, individually and/or cumulatively, on Other Important Species which includes Species listed in Annexes II and V of the EC Habitats Directive; Priority species listed in the UK and Local Biodiversity Action Plans; and Species included on the Scottish Biodiversity List.

9.3.2.1.12 Policy 60: Other Important Habitats and Article 10 Features

Development proposals should avoid adverse effects, individually and/or cumulatively, on Other Important Habitats which includes Habitats listed in Annex I of the EC Habitats Directive; Habitats of priority and protected bird species (see Glossary); Priority habitats listed in the UK and Local Biodiversity Action Plans; and Habitats included on the Scottish Biodiversity List.

THC will use conditions and agreements to ensure that significant harm to the ecological function and integrity of Article 10 Features and Other Important Habitats is avoided.

THC will seek 'satisfactory' mitigation measures, including, where appropriate, consideration of compensatory habitat creation, where it is judged that the reasons in favour of a development clearly outweigh the desirability of retaining those important habitats.

9.3.2.1.13 Policy 61: Landscape

Policy 61 details that development proposals should integrate well within the surrounding landscape, i.e., reflecting the landscape character, including the consideration of scale, pattern and materials. The potential for the generation of cumulative impacts should also be considered within the design of development proposals Furthermore, the policy states that the THC encourages incorporating landscape enhancements into development design, particularly in those developments situated within deteriorated landscapes that have lost distinctive sense of place.

In assessing the Proposed Development against this policy, the Council will take into account Landscape Character Assessments, Landscape Capacity Studies and relevant Supplementary Guidance such as 'Sustainable Design'.

9.3.2.1.14 Policy 63: Water Environment

This policy details that development proposals should not compromise the objectives of the Water Framework Directive (2000/60/EC), which has a key aim of protecting the water environment in Scotland.

When assessing the Proposed Development against this policy, the Council will take into account the River Basin Management Plan for the Scotland River Basin District, associated Area Management Plans, and supporting information on opportunities for improvements and constraints.

9.3.2.1.15 Policy 64: Flood Risk

Policy 64 states that development proposals should avoid areas susceptible to flooding and promote sustainable flood management.

Development proposals within or bordering medium to high flood risk areas, need to demonstrate compliance with SPP through the submission of suitable information which may take the form of a Flood Risk Assessment.

Developments should not compromise the objectives of the Water Framework Directive (2000/60/EC).

Where flood management measures are required, natural methods such as restoration of floodplains, wetlands and water bodies should be incorporated, or adequate justification should be provided as to why they are impracticable.

9.3.2.1.16 Policy 66: Surface Water Drainage

Development proposals must incorporate SuDS into their design. SuDS should be designed in accordance with The SuDS Manual (CIRIA C697) and, where appropriate, the Sewers for Scotland Manual 2nd Edition. Each drainage scheme design must be detail how this would be maintained long-term.

Furthermore, it is stated by Policy 66 that *"planning applications should be submitted with information in accordance with Planning Advice Note 69: Planning and Building Standards Advice on Flooding paragraphs 23 and 24".*

9.3.2.1.17 Policy 69: Electricity Transmission Infrastructure

Policy 69 describes the requirements under the HWLDP with regards to overground, underground or sub-sea electricity transmission infrastructure. THC will have regard to the strategic levels of significance in transmitting electricity from generation to consumption. Support for proposals will be provided by THC, should they not generate unacceptable significant impacts on the environment. Mitigation measures may be required for those proposals situated within sensitive areas.

Although the Proposed Development does not include the transmission cable, due care would be given by SSE to ensure that the preferred cable route minimises any construction and environmental impacts, including any impacts on the local community.

9.3.2.1.18 Policy 72: Pollution

This policy states that development proposals will only be supported subject to the production of detailed assessments on noise, air, water and light, where it is likely that such factors will generate significant pollution as a result of a proposed development. Applicants are required to demonstrate how pollution can be avoided where possible and appropriately mitigated. Furthermore, the policy states that Major developments *"are expected to follow a robust project environmental management process, as set out in the Council's Guidance Note 'Construction Environmental Management Process for Large Scale Projects' or a similar approach".*

9.3.2.1.19 Policy 73: Air Quality

Development proposals which, individually or cumulatively, adversely affect air quality in an area to a level which could cause harm to human health and wellbeing or the natural environment, must be accompanied by appropriate provisions, such as an Air Quality Assessment, (deemed satisfactory to the THC and SEPA as appropriate) which demonstrate how such impacts will be mitigated.

9.3.2.1.20 Policy 74: Green Networks

Policy 74 seeks to protect and enhance green networks. Development in areas identified for the creation of green networks should seek to avoid the fragmentation of the network as well as take steps to improve its connectivity, where appropriate. Developers should identify, protect and enhance

the existing network of green spaces and green corridors which link built-up areas to the surrounding countryside, using the methodology in the supplementary guidance.

The main principles of the guidance are to:

- help promote greenspace linkages and to safeguard and enhance wildlife corridors in and around new and existing developments;
- set out a methodology for identifying the Highland Green Network;
- enable new development to take advantage of the outstanding landscape in the area while also preserving areas of significant landscape value; and
- set out mechanisms for delivery of projects to maintain and enhance the existing green network.

9.3.2.1.21 Policy 77: Public Access

Policy 77 states that where a proposal affects a route included in a Core Paths Plan or an access point to water, or significantly affects wider access rights, then requirements are expected to be met. These are to:

- retain the existing path or water access point while maintaining or enhancing its amenity value; or
- ensure alternative access provision that is no less attractive, is safe and convenient for public use, and does not damage or disturb species or habitats.

Furthermore, for a proposal that's classed as a major development, an Access Plan is required to be submitted, showing the existing public, non-motorised public access footpaths, bridleways and cycleways on the site. These should be shown with the proposed public access provision, both during construction and after completion of the development.

It is not considered that an Access Plan is required in this instance, as although the BESS compound would be restricted to Site personnel only, the Proposed Development would not be affecting a Core Path or an access point to water.

9.3.3 Inner Moray Firth Local Development Plan (2024)

Adopted in June 2024, the Inner Moray Firth Local Development Plan (IMFLDP2), aims to enable the delivery of a vision and strategy for future development across the Inner Moray Firth area. Furthermore, the plan sets out the Councils view on where development should and should not occur over the next 10-20 years and how growth should be encouraged, managed and delivered. The IMFLDP2 forms part of the statutory development plan for the area, along with the HwLDP, Supplementary Guidance and NPF4, which would be the main documents for decision making. The IMFLDP2 will be used in the determination of planning applications. In the event of incompatibility between provisions of the IMFLDP2, HwLDP and NPF4, then the most up to date document will be used as the Council's policy for that site.

9.3.3.1 IMFLDP2 Policies

According to the IMFLDP2 Vision and Spatial Strategy, the Proposed Development is not located in sustainable tourism potential growth areas or strategic renewable energy zones. However, the Site is within the IMF Hinterland zone and Between-settlement active travel network zone. Furthermore, a main settlement and town centre, specifically, Fyrish, is located nearby. The Hinterland area is marked as areas of open countryside close to major employment settlements, and most at risk of uncontrolled sporadic housing development. The Proposed Development is for a BESS and will not contribute to a growth in rural housing. While the Proposed Development, is within the Between-settlement active travel network zone, the Site is not on any Potential Active Travel routes. As aforementioned, access

to the Site would be for authorised people only, and a security gate would be installed to ensure that the Site would not be accessible to members of the public.

9.3.3.1.1 Policy 2: Nature Protection, Restoration and Enhancement

This policy states that all developments must enhance biodiversity, including, where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. In the event of potential adverse impacts of development proposals on biodiversity, nature networks and the natural environment must be minimised though careful planning and design. Furthermore, design and layouts must show how they have considered enhancing biodiversity and builds resilience of nature by enhancing nature networks and maximising the potential for restoration.

Local developments will only be supported if they include appropriate measures to integrate nature-based solutions and enhance biodiversity, in proportion to the nature and scale of the proposed development. National, major and EIA development will be supported if it is demonstrated that the proposal will conserve and enhance biodiversity. Biodiversity enhancements proposed will be required to be delivered within an agreed timescale and should include supporting nature networks, linking to and strengthening habitat connectivity within and beyond the development, where appropriate. Submissions should include management arrangements for long-term retention and monitoring of the approved biodiversity enhancements.

9.3.3.1.2 Policy 5: Green Networks

Developments within or close to an identified Green Network will be assessed as to the extent to which they affect the physical, visual and habitat connectivity of that Network. Additionally, they will be assessed on the extent to which they safeguard, enhance or extend Green Network as well as offer any mitigation which assists the safeguarding, enhancement or extension of that Green Network, including the physical, visual or habitat connectivity effects.

9.3.3.1.3 Policy 8: Placemaking

All proposals must follow a site design-led approach, which must be demonstrated by outlining which Design Tool(s) have been utilised and why; how the scheme has evolved and the changes adopted as a result of using the Design Tool and feedback from the public consultation and/or consultees (if appropriate) within the Supporting Statement submitted as part of an application.

9.3.3.1.4 Policy 9: Delivering Development and Infrastructure

Developments will be assessed on the impact on relevant infrastructure networks. Developers will be required to demonstrate that adequate capacity to serve each proposal exists or can be created via a programmed improvement and/or by direct developer provision or funding.

9.3.3.1.5 Policy 14: Transport

An assessment should be included as part of the Transport Assessment or Statement, where one is required, and is expected to include relevant information such as trip generation information and route quality to the proposed development.

9.3.4 Supplementary Planning Guidance

9.3.4.1 Flood Risk and Drainage Impact Assessment (January 2013)

The Flood Risk and Drainage Impact Assessment Supplementary Guidance was produced in collaboration with THC and SEPA and it aims to improve upon the design and understanding of

drainage requirements for proposed developments to ensure that developers are implementing the correct drainage measures to mitigate flood risk both within a site and a site's surrounding area.

9.3.4.2 Highland Historic Environment Strategy (January 2013)

The Highland Historic Environment Strategy has been prepared as SPG for Policy 57: Natural, Built and Cultural Heritage. Its purpose is to ensure that development proposals consider the historic environment and that their design and quality enhances the historic environment to bring both economic and social benefits. This strategy defines THC's approach to protecting the historic environment and is therefore a material consideration in the determination of planning applications.

9.3.4.3 Highland's Statutorily Protected Species

The Highland's Statutorily Protected Species SPG was adopted in March 2013 and provides support for and supplements HwLDP policies. In particular, Policy 58: Protected Species of the HwLDP which states the following:

"Where there is good reason to believe a protected species may be present on site or may be affected by a proposed development, we will require a survey to be carried out to establish any such presence and if necessary a mitigation plan to avoid or minimise any impacts on the species, before determining the application."

Policy 58 further states that should a development proposal likely adversely affect a species on the European Protection Species list, the development would only be permitted in the following circumstances:

- *"There is no satisfactory alternative;*
- *The development is required for preserving public health or public safety…; and*
- *The development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range."*

9.3.4.4 Construction Environmental Management Process for Large Scale Projects (August 2010)

The purpose of this Supplementary Guidance is to assist with environmental management for large scale construction projects, including highlighting the benefits of following a Project Environmental Management Process (PEMP), the key responsibilities of developers, and the timescales involved.

The Applicant will accept a suitably worded planning condition regarding the requirement of a Construction Environmental Management Plan (CEMP) to discuss the relevant environmental management measures which would be implemented throughout the construction phase of the Proposed Development and how these would be implemented.

9.3.4.5 Managing Waste in New Developments (March 2013)

This guidance was produced to support Policy 70 – Waste Management Facilities of the HwLDP. With regard to the Proposed Development, the following passage would be relevant:

"To help meet recycling targets outlined by the Scottish Government, all new developments involving the creation of additional residential, commercial, retail or industrial units will be expected to comply with the requirements for waste management (such as the provision of bins and recycling points) set out in the Council's supplementary guidance: Managing Waste in New Developments: Supplementary Guidance."

Such requirements for waste management involve the increase in recycling, composting, energy from waste, and a reduction in landfill waste. By 2025, the Scottish Government expects to be recycling and/or composting 70% of waste, turning 25% into energy, with 5% going to landfill as part of the Scottish Government's Zero Waste Plan.

It is expected, should consent be granted, that a suitably worded planning condition with regard to the requirement of a CEMP would be included, within which waste management measures would be detailed, with the aim of re-using and recycling as many materials as possible during both the construction and decommissioning phases of the Proposed Development.

9.3.4.6 Physical Constraints (March 2013)

The Physical Constraints Supplementary Guidance was produced to provide developers with a list of updated constraints which should have due consideration in development proposals. It is stated within the guidance that should a development proposal impact, or be impacted by, such constraints, then mitigation measures should be clearly demonstrated. The Applicant is submitting a wide range of technical assessments covering all relevant constraints which demonstrate due consideration of the impacts on such items including noise, landscape, ecology, transport etc. as well as detailing any appropriate mitigation measures to be implemented should consent be granted for the Proposed Development.

9.3.4.7 Roads and Transport Guidelines for New Developments (May 2013)

The purpose of this guidance is to detail the standards of provision of transport infrastructure associated with development proposals as well as detailing the requirement to measure and assess the impact on transport as a result of a proposed development. It is stated that all transport proposals associated with new developments will need to be approved by the relevant Roads Authority.

9.3.4.8 Reporting Standards for Archaeological Work (August 2023)

This Supplementary Guidance provides a set of minimum standards for all fieldwork or desk-based studies and subsequent reporting, including required content, for consistency purposes and are used by all those involved within the planning process. The desk-based heritage assessment produced by RPS ensures that all relevant required content has been included within the report submitted alongside this S36 Application (document ref: 00810 Fyrish_DBA).

9.3.4.9 Sustainable Design Guide (January 2013)

The Sustainable Design Guide Supplementary Guidance was produced in support of Policy 28: Sustainable Design and Policy 29: Design Quality & Place-Making of the HwLDP and is based on the following four main principles:

- Conserving and enhancing the character of the Highland area;
- Using resources efficiently;
- Minimising the environmental impact of development; and
- Enhancing the viability of Highland communities.

9.3.4.10 Trees, Woodlands, and Development (January 2013)

This Supplementary Guidance was produced to support Policies 51 and 52 of the HwLDP due to the increasing awareness of the important role trees and woodland can play in mitigating global warming and flood risk, providing valuable habitats, and supporting the timber industry. Trees and woodland can also provide natural screening from new development which has the potential to generate impacts on the visual amenity of the surrounding landscape. This guidance seeks to support developers in understanding how to manage existing trees and woodland and opportunities for planting and management of new growth.

9.3.4.11 Biodiversity Enhancement Planning Guidance (May 2024)

The guidance is aimed at developers, to explain the approach that is required by the Highland Council to deliver biodiversity conservation, restoration and enhancement through the planning system. As such the guidance has been prepared to support the NPF4, and to be used in conjunction with relevant national and local planning policy and planning guidance.

9.3.4.12 Developer Contributions (November 2018)

The Developer contributions guidance sets out the approach to mitigating the impacts of development on services and infrastructure by seeking fair and realistic developer contributions to the delivery of such facilities. The guidance relates to the area covered by the HwLDP and other associated LDPs.

As per the guidance, Developments should not unacceptably impact upon existing levels of service provision. Where development, either individually or cumulatively, is identified to have an adverse impact developers can be asked to provide or make financial contributions towards the delivery of new or improved infrastructure. The Council's preference, however, is for direct developer provision either on-site or off-site.

To support the delivery of LDPs, the guidance sets out the Council's proposed approach to determining infrastructure requirements associated with development and a framework for the collection and expenditure of contributions to ensure the timely delivery of infrastructure.

9.3.4.13 Green Networks (January 2013)

The guidance aims to promote green space linkages and to safeguard and enhance wildlife corridors in and around new and existing developments. The Council seeks to protect and where possible enhance these spaces and places, enabling new development to take advantage of the outstanding landscape in the area. The purpose of the guidance is to put in place a means of identifying the Highland Green Network and a mechanism for the delivery of its enhancement, in line with Policy 74 of the HwLDP.

It is not the intention of the Green network to contribute new formal open spaces in the countryside, but to prevent the existing spaces being broken up where there are development proposals, identifying how they can help to link up existing spaces where appropriate.

10 Planning Policy Appraisal

10.1 Introduction

The NPF4 takes precedence as the primary policy document against which to assess the Proposed Development, followed by the LDPs and other relevant material considerations.

This section addresses those planning matters raised by the Proposed Development against the planning policy context outlined in Section 9 above. Compliance with NPF4 is considered first. Compliance with the HwLDP and IMFLDP2 policies are considered second, with a particular emphasis on *Policy 67: Renewable Energy Development* as this is considered to be the most relevant HwLDP policy in the absence of any specific policy which relates directly to electrical grid infrastructure.

10.2 Principle of the Proposed Development

10.2.1 Suitability of the Proposed Site

Details of the proposed Site and the Site's surrounding area has been detailed within Section 3 of this Statement following a site search for environmental designations within a 10 km radius of the Site using available Geographical Information Systems (GIS) data from stakeholders such as SEPA, NatureScot, and Historic Environment Scotland (HES). The Site itself is not subject to any statutory international, national or regional ecological, historical or landscape designations or assets including the following: National Scenic Areas (NSAs); Special Landscape Areas (SLAs); WLAs; SACs; SPAs; SSSIs; RAMSAR Wetland Sites; IBAs; Ancient Woodlands; Gardens and Designed Landscapes (GDLs); Conservation Areas; Scheduled Monuments (SMs); Registered Battlefields; or Listed Buildings. No archaeological features have been identified on the Site.

With regard to the surrounding area, there are minimal existing residential properties within close proximity of the Site, limited to a few isolated properties situated to the south, with more densely populated settlements existing in the form of the Alness, approximately 0.7 km to the east. Furthermore, the Site is situated within close proximity to the operational Fyrish Substation reducing the requirement of lengthy and potentially disruptive transmission cables for connection to the grid. It is important to note that the woodland area immediately to the north of the BESS development area is not considered a part of the RLB, with a suitable distance included in the Proposed Development's design to ensure the integrity of this woodland habitat is protected.

10.2.2 Contribution to Renewable Energy Targets

By improving the availability of renewable generation to the National Grid network, the Proposed Development will provide the grid network with increased flexibility and stability. This provides more opportunities for renewable energy generation developments to connect onto the National Grid and to provide stable availability of electricity transmission to the surrounding area. The Proposed Development therefore supports the contribution to international and national climate change commitments towards a Net Zero future.

The Proposed Development will contribute significantly to the renewable energy directive (2009/28/EC) as it will provide the grid network with stability throughout varying changes in electricity demand. This will enable the National Grid Network the flexibility with increasing sources of renewable energy being introduced to the grid in an effort to tackle climate change, as the growing demand for such services can be provided by the Proposed Development. As further demand for electricity transmission is growing, the Proposed Development provides further certainty and support to this increased renewable electricity generation.

The Proposed Development will act as a balancing service and will therefore contribute to the Scottish Government's NSS in NPF4; particularly in the planning and delivery of 'Sustainable Places': "*where we reduce emissions, restore and better connect biodiversity"*. As previously mentioned, the Proposed Development will constitute as NAD 3 - Strategic Renewable Electricity Generation and Transmission Infrastructure. In the statement of need for NAD 3, it is emphasised how *"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"*. The Proposed Development will therefore undoubtedly help towards achieving the Scottish Government's NSS and related renewable energy targets.

Additionally, NPF4 Policy 11: Energy set outs intentions to support low-carbon and net zero energy technologies throughout the transition to a net-zero Scotland by 2045, with its Policy Intent being to:

"Encourage, promote and facilitate all forms of renewable energy development" including *"energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage"* (emphasis added).

The Proposed Development is a facility designed to provide much needed flexibility and support to the grid during periods of high electricity demand and high generation from renewable sources, in line with the intent of Policy 11. It is also supported by the Scottish Government as it is an improved, more responsive mechanism to support the grid network and facilitate greater flexibility and stability within the national grid. As such, the Proposed Development will contribute to the low carbon energy effort by being able to provide a balance to renewable energy generation. The Proposed Development is also considered to be of national strategic importance and should be afforded significant material weight in line with NPF4.

10.3 Compliance with National Planning Framework 4

As noted above, the Second Part of NPF4 uses three themes (sustainable, liveable, and productive places) to address national planning policy. Under sustainable places, the third National Development identified is named *"Strategic Renewable Electricity Generation and Transmission Infrastructure*".

As previously discussed, the Proposed Development supports the substantial reinforcement of the electricity transmission grid through storage and flexibility services, as is therefore considered a piece of *"Strategic Renewable Electricity Generation and Transmission Infrastructure*".

In terms of 'sustainable places' relevant NPF4 policies include the following:

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 2: Climate Mitigation and Adaptation;
- 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;
- Policy 25: Community Wealth Building; and
- Policy 29: Rural Development.

The Proposed Development's purpose is to provide storage, flexibility, and stabilisation services to the electricity grid, further enabling a decreased reliance on the use of fossil fuels to manage periods of peak energy demand within the grid. These services provide both direct and indirect effects to help tackle the climate change and nature crises, ensuring the Proposed Development maintains compliance with **Policy 1** contained within NPF4.

10.3.1 Ecology and Biodiversity

A Preliminary Ecological Appraisal (document ref: 784-B067560) was undertaken by Tetra Tech in January 2025 to inform on the initial ecological constraints on the Site, provide recommendations on Site design, and to advise on whether any Phase 2 ecology surveys were required. Key findings of the report include the identification of several protected species sites within 10 km of the development, such as the Novar SPA and Cromarty Firth SPA and Ramsar site, which supports significant population of species such as capercaillie, osprey, and whooper swan. The site itself comprises of a mosaic of habitats which have the potential to support GWDTEs and various protected and notable species. As such further targeted surveys were recommended.

A survey of bat activity across the Site has also been undertaken to identify species of bats and bat behaviors around the Site. The findings of the study (ref: 784-B067560 - Fyrish BESS Bat Survey Report) found that a minimum of five species of bats are active on the site and that the grassland habitats, areas of mixed scrub and adjacent conifer woodland habitats provide an important foraging resource in this landscape. Furthermore, potential roost features are present in trees within and adjacent to the Site, however it was confirmed that the development would not cause damage or destruction to these features. Mitigation measures include the implementation of good practice construction and operation measures, to avoid displacement and disturbance of bat activity. Over the long term, positive effects are expected in terms of bat foraging and commuting resource as a result of habitat creation, enhancement, and management, particularly of the proposed planting of native broadleaved woodland which would enhance the Site's biodiversity and connectivity. Overall, it is expected that with the mitigation measure implemented, there Proposed Development is not expected to present a risk to roosting, foraging and commuting bats.

Consultation with NatureScot was undertaken to receive confirmation on the proposed approach to undertaking the Habitat Regulation Assessment (HRA). The response received agreed with the overall proposed approach however advised a further consultation with RSPB Capercaillie officer to obtain records for adjacent woodland and nearby areas. Although, a response was pending from RSPB at the time of submission, the Stage 1 and Stage 2 of the HRA was undertaken using best practice guidelines and professional judgement by experienced ecologists. NatureScot's response, once received, would further inform the HRA process and amendments would be made as necessary.

Habitat enhancement measures have been incorporated into the design, primarily through the establishment of a species-rich meadow mix along with the creation of broadleaved woodland in pockets of the Site. In addition, an area of neutral grassland and areas of tall herbs, not directly

impacted by the development, have been targeted for enhancement. This overall this contributes to a 27.74% increase in BNG – this is in compliance with NPF4 **Policy 3.** Moreover, the applicant has conducted the necessary Phase 2 surveys to ensure that the Proposed Development has mitigated against any potential impacts on biodiversity though Site design, as further required in **Policy 3**.

10.3.1.1 Groundwater Dependent Terrestrial Ecosystem (GWDTE)

A Hydrogeological Assessment Report has been prepared by Fluid Environmental Consulting (document ref. Field Fyrish BESS Hydrogeological Assessment Report) in support of this Section 36 Application. The report has identified an area of potential GWDTE to the south of the BESS compound area, however it should be noted that this area has been assumed to contain GWDTE as a conservative precaution. The groundwater levels are at lower elevations than the BESS infrastructure, and whilst there is potential that groundwater throughflow may have minor disturbance towards the northeastern corner, groundwater flow across the rest of the Proposed Development would not be affected. Furthermore, the potential GWDTE area is considered fully protected during and after construction of the proposed BESS using simple mitigation measures consisting of the following:

- Recharge Management;
- Monitoring of Groundwater Levels; and
- Drainage during Construction.

Any potential impacts on the Culcraggie Burn are also expected to have no overall reduction in groundwater flow.

As per the hydrogeological study, long term groundwater monitoring to provide better spatial coverage is on-going, with mitigation measures included within the current project design to ensure that the integrity of any GWDTE, should it be present, would not be affected.

10.3.2 Landscape and Visual Amenity

A Zone of theoretical visibility (ZTV) (document ref: 2214 LVA Fig 1a-1b RevA Fyrish BESS) was undertaken by TGP as part of this S36 Application to determine the extent of theoretical visibility of the Proposed Development. Five potential viewpoints were identified after a ZTV was modelled using digital surface model data. Viewpoint 1 is the closest located at the side of the B9176 road, 365m to the northwest of the BESS compound, within the Farmed and Forested Slopes - Ross & Cromarty Landscape Character Type (LCT). The existing views to the southwest are characterised by pastoral farmland in the foreground, which is demarcated by established gorse scrub at the opposite side of the field. Established tree cover is visible in the landscape beyond the Site boundary.

A Landscape and Visual Appraisal (LVA) was undertaken by TGP as part of this S36 Application, including associated visualisations, and a Landscaping Plan. The LVA aims to identify the predicted landscape and visual effects of the Proposed Development within a 4 km radius Study Area. The Study Area was widened to a radius of 4 km from the Site, to ensure an even more robust assessment compared to just using a 3 km radius. The site location avoids any notable ridgelines / visually prominent hills, or designed landscapes that are recognised for their scenic value. As such, the Site benefits from partial visual containment by field trees and parcels of woodland in the surrounding area. This limits the potential spread and extent of visibility, as well as the potential influence upon surrounding landscape character. The Site also currently hosts existing infrastructure in the form of overhead power lines, which extend east-west through the centre of the Site. The Proposed Development would therefore be introduced to a locality that already hosts electricity infrastructure.

The proposed design aims to integrate the Proposed Development into the surrounding landscape through a comprehensive mitigation strategy. This strategy considers the scale and spread of the development to minimise its impact on the landscape and visual amenity. Key objectives include

limiting land clearance and occupation to necessary areas, routing the underground cable connection along existing infrastructure to avoid tree loss, and using recessive colours to soften the development's appearance.

Additionally, the Proposed Development includes creating native woodland and tree planting around the compound's edges to provide visual containment and enhance the local landscape. The planting approach focuses on native broadleaved species, contributing to both visual screening and biodiversity enhancement.

The visual containment of the Proposed Development would be further improved by the creation of new earthwork bunds located to the north, east and southeast of the BESS compound area. These bunds would be graded into the surrounding terrain, and finished with a species-rich wildflower mix as described above. Due to the containment by woodland and tree cover from the north and northeast and proposed bunds to the east and southeast of the Site, the landscape effects would be very localised.

The Proposed Development is located within the Farmed and Forested Slopes - Ross & Cromarty LCT and would involve clearing grassland and areas of scrub/trees to make way for new buildings, infrastructure, and an access track. The Proposed Development incorporates native woodland planting around the compound, which will enhance the local landscape over time. This proposed planting will gradually increase its influence on the landscape character as it establishes.

Indirect effects from the Proposed Development are evaluated to be limited due to the surrounding landform and tree cover, which restricts views of the development to the immediate area. The Zone of Theoretical Visibility (ZTV) indicates that potential views are confined to within 400 - 500 meters to the south, southwest, and east of the site. However, the complex pattern of farmland, tree cover, and forests helps to screen the Proposed Development from more distant views. Across the wider LCT, the magnitude of change is minor to negligible.

By Year 10, the established planting around the compound will further contain views of the infrastructure, ensuring that the main effects remain focused within the confines of the main compound. This gradual integration into the landscape will help to mitigate the visual impact of the Proposed Development over time.

In conclusion, it is assessed that the Proposed Development could be accommodated at the Site with limited and very localised effects on landscape character and visual amenity. NPF4 acknowledges that for some renewable energy developments, significant landscape and visual impacts may occur. However, where these are localised and appropriate mitigation measures have been implemented, then a development proposal would be deemed acceptable. For further detail please see the LVA submitted with this application.

10.3.3 Soil and Agricultural Land Classification

A Land Capability for Agriculture (LCA) survey was undertaken by Wardell Armstrong LLP (document ref. GL10503). The report concluded that the Site has varying levels of agricultural land classification, with the majority of the Site has Class 3.2 agricultural land, within only 2.8 ha of Class 3.1 prime agricultural land towards the northwestern corner.

Policy 5 of the NPF4 states that developments will only be supported if they are designed and constructed in accordance with the mitigation hierarchy and minimising the amount of disturbance to soils on undeveloped land. Policy 5 also states that developments on prime agricultural land will be supported when it is for the generation of energy from renewable sources, and the layout and design of the proposal minimises the amount of protected land that is required.

The Site layout was subject to an iterative design process whereby all relevant environmental factors and public consultation feedback were integrated into the design of the Proposed Development,

where appropriate. The Proposed Development has been designed to be as compact as possible and utilising the most up-to-date battery technology and would therefore only temporarily take up a limited area of approximately 4.6 Ha of the entire 53.5 Site area. The footprint is therefore considered to be the minimal amount needed in order to ensure that minimum operational requirements are met.

The soil resource covering the 4.6 Ha of the BESS compound would be handled and stored in discreet bunds in accordance with best practice guidance. These bunds would be seeded with a grass mix to prevent their erosion but would not be planted with either hedgerows or trees. These measures will protect the volume, quality, and availability of the soils, such that they can be respread, and the Site restored to full agricultural use post decommissioning.

This submission is accompanied by an Alternative Site Assessment, which serves to demonstrate the constrained nature of the 2 km radius area from Fyrish Substation for accommodating a BESS development and that this location offers the benefits of supporting the transition to renewable energy, while minimising environmental and landscape impacts. It is therefore considered that the Proposed Development is compliant with **Policy 5** of the NPF4.

10.3.4 Cultural Heritage and Archaeology

A historic environment desk-based assessment (document ref: 00810_Fyrish_DBA_1) was undertaken by RPS to confirm whether the Proposed Development has the potential to generate any significant impacts on cultural heritage and archaeology. The assessment found that there are no designated heritage assets within the Site, nor are there any heritage assets identified previously within the Site. There is, however, the remains of a late 18th/early 19th century millpond in the southwest part of the Site. This would be preserved in situ.

The ZTV indicates that with two exceptions the Proposed Development would not be visible from designated assets in the surrounding area. The two exceptions are the Novar Inventory Garden and Designated Landscape and the Fyrish Monument, a Category B Listed Building. The historic environment report stated however that there would be a barely visible change in their settings and therefore no potential to adversely affect them. This indicates that no impacts on cultural heritage assets would arise as a result of the Proposed Development.

Due to the nature of the Site and its current and historic land use, the potential for unrecorded assets to be present is considered to be moderate in respect of Prehistoric period as there is a background of chance finds of Prehistoric artefacts and burials in the area. However, the potential for Early Medieval, Medieval and Post-Medieval periods are low and in respect of the Modern period is negligible. Although the BESS compound area, i.e., the construction footprint area, is only 4.6 hectares out of the total 53.5 ha Site area, mitigation in the form of a phased programme of archaeological assessment and works, can address this, if required.

Policy 7 of the NPF4 requires non-designated historic environment assets and their settings to be protected and preserved and for Developers to provide an evaluation of any potential non-designated buried archaeological early on in proposal, and where impacts cannot be avoided, they should be minimised. It is therefore considered that the Proposed Development is in compliance with **Policy 7** and **Policy 11 part e) vii** of NPF4.

10.3.5 Safety

An Outline Battery Safety Management Plan (OBSMP) has been prepared by Field Fyrish Ltd to demonstrate the key safety management features of the Proposed Development as well as the integrated mitigation measures to reduce the risk of a battery fire. These are detailed within section 6.6. As a result of implementing the measures detailed within section 6.6, the Proposed Development is therefore in compliance with **Policy 23 – Health and Safety** of the NPF4.

10.3.6 Arboriculture

A Tree Management Report has been prepared by Bowlts Chartered Surveyors (document ref. Fyrish Battery Storage project – Tree Management Report) in support of this Section 36 Application. The assessment identified 24 individual trees, three of which would be removed to accommodate the Proposed Development. The trees / shrubs identified for removal are small and of poor quality at the proposed access point and a single aging elder shrub in the middle of the Site. The assessment stated that the woodland onsite are of low ecological value and has little long-term value. However, the Site has signs of natural revegetation and generation, therefore woodland planting is proposed in the landscape plan and biodiversity enhancement plan of this application, to result in biodiversity enhancement.

Overall, the report concluded that this project can be accommodated on this Site without long term detriment to the tree and woodland environment. Measures would be put in place to protect the trees that would remain. Due to there being no long term detriment, as well as the incorporation of woodland areas as per the landscape plan and biodiversity enhancement plan, the Proposed Development is considered to be compliant with Policy 6 of the NPF4.

10.3.7 Flood Risk and Drainage

A Flood Risk Assessment (FRA) (document ref. 336-009-RP01) and Drainage Impact Assessment (DIA) (document ref. 336-009-RP02) has been prepared by to support this Section 36 application. The FRA concluded that the Site is at low risk of tidal flooding but that there are two areas expected to be affected by pluvial flooding. One of these areas is located outside the BESS development area and the surface water drainage scheme mitigates any adverse effect on the other which is located within the BESS development area. Ground water flooding is also low risk apart from in the southern corner of the Site and not within the BESS development area. This therefore has been mitigated through the design of the development.

The DIA concluded that due to impermeable soils present at the Site, surface water would have to be discharged into the Culcraggie Burn. Drainage would use of filter drains, and attenuation basins in order to provide the appropriate mitigation that would help protect the quality and integrity of the local water resource and drainage plans have ensured that any overland flow would be intercepted and diverted around the BESS infrastructure. This overall means that surface water generated by the proposed Development can be attenuated on site in the relevant extreme event and discharged to a water course. The Proposed Development would also not increase on or off-site flood risk, and due to the integration of valves in the drainage infrastructure, fire water run-off contamination would also be prevented. As such the Proposed Development is considered acceptable.

Policy 22 of the NPF4 states that developments will not increase the risk of surface water flooding to other or itself and at risk and manage surface water through SuDS. As a result of the mitigation measures outlines in the FRA and DIA, it is considered that the Proposed Development would not impact flooding to other areas or itself and would be using a SuDS as well as further drainage infrastructure to ensure no flooding occurs at the Site. As such, the Proposed Development is considered to comply with **Policy 22** of the NPF4.

10.3.8 Compliance with Policy 11 - Energy

Further to the aforementioned environmental impacts of the Proposed Development detailed within sections 10.3.1 to 10.3.7, the Proposed Development is supported by **Policy 11 part a**) of NPF4 which states *development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include; iii. Energy storage, such as battery storage.*

Policy 11 part 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. As detailed within Section 5.6, the Proposed development would provide a range of social and economic benefits throughout the construction, operation and decommissioning phases of the Proposed Development, ranging from both direct and indirect effects. Additional measures are also proposed by the Applicant to maximise local employment and economic gain and social benefits from a supply chain perspective, maintaining compliance with this element of the Policy 11.

Policy 11 part 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;

The previously mentioned LVA concluded that landscape effects would be minimal and localised due to established woodland located towards the north and northeast, and proposed bunds towards the northeast, east and south of the BESS compound area. The magnitude of change would be Negligible at most, and the level of effect would be Negligible, not notable.

i. 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;

The TS & CTMP submitted as part of this application noted there were no Core Paths or National Cycle Route (NCR) identified within or on the road frontage of the Proposed Development. The LVA assessed the visual effects on any nearby Core Paths and NSRs, a summary of this is provided below:

- Core Paths RC16.08 and RC03.12 and NCR 1: These paths link between Evanton and Alness and it is anticipated that there would be no views of the Proposed Development from these routes.
- Core Paths RC03.02, RC03.05, and RC03.07: These form a circuit at Coul Hill / Coulhill Wood, 1.4km northeast of the Proposed Development. The views of the Proposed Development would be fully screened by woodland, resulting in no views or effects for walkers.
- Core Path RC03.03: This path extends across the coastal landscape at Alness Point, 1.5km southeast of the Site. Views of the Proposed Development would mostly be screened by landform and vegetation, leading to no discernible effect on views.

The LVA also identifies that any potential views from roads would be limited to a localised 100 m long section at the junction of the B9176 and B817. From this localised section, views of the Proposed Development would be limited to the proposed infrastructure within the southeastern part of the compound, representing a low-lying addition to the landscape beyond intervening farmland. The Proposed Development would account for a narrow angle of view and would be benefitted by the well-established woodland on the rising landform immediately to the north of the BESS compound area.

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

The TS and CTMP submitted as part of this application noted there were no Core Paths or National Cycle Network (NCN) routes identified within or on the road frontage of the Proposed Development.

Regarding public access, the BESS compound would be restricted to Site personnel only for security reasons. For these reasons, there would be no unacceptable impacts on public access, long distance walking and cycling routes, or on scenic routes, as a result of the Proposed Development – it is therefore also in compliance with this part of Policy 11.

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

A proposed battery energy storage scheme within this location is not expected to affect any aviation or defence interests with the Proposed Development in compliance with this part of Policy 11.

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

A proposed battery energy storage scheme within this location is not expected to affect any telecommunications and broadcasting installations with the Proposed Development in compliance with this part of Policy 11.

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

A review based on the Fyrish Substation application, has been undertaken to conclude that there is a suitable, safe and acceptable construction route that can accommodate AILs and HGVs during the construction phase, as well as appropriate for the minimal traffic visiting the Site during the operational phase. The route taken for AILs and HGVs for the Fyrish Substation would be the same route taken for the Proposed Development and as such there are expected to be no unacceptable impacts on road traffic or adjacent trunk roads during construction with the Proposed Development in compliance with this Policy.

vi. impacts on historic environment;

The historic environment desk-based assessment submitted as part of this S36 application has concluded there are no designated heritage assets within the Site. A ZTV model has indicated that there are two designated assets in the immediate surrounding area of the Proposed Development. Where the ZTV suggests that partial views of the Proposed Development would be experienced, it is relevant to note that the ZTV does not take into account intervening features such as buildings, woodland, tree belts etc. that significantly reduce the potential for intervisibility. These are the Novar Inventory Garden and Designated Landscape and the Fyrish Monument.

The assessment further concluded that no heritage assets have been previously identified within the Site. The potential for unrecorded assets to be present is considered moderate for the Prehistoric period, low for the Early Medieval, Medieval, and Post-Medieval periods, and negligible for the Modern period. However, any archaeological presence encountered during construction can be addressed through mitigation in the form of a phased programme of archaeological assessment and works, if required.

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

A comprehensive FRA and DIA accompany this S36 submission to ensure the Proposed Development has been assessed against the hydrological baseline of the Site and subsequently designed to avoid any adverse flood risk or surface water impacts on the surrounding environment. The Site is at low risk of flooding from all sources and the inclusion of embedded mitigation measures associated with the drainage strategy has ensured the Proposed Development is not at risk of surface water flooding, does not increase on or off-site flood risk and provides the appropriate mitigation for the pollutants likely for this type of development including containment of fire water. As a result, the Proposed Development is in compliance with this Policy.

viii. biodiversity including impacts on birds;

As mentioned previously, ecological surveys, reporting and mitigation measures have been submitted alongside this S36 application to ensure there are no adverse or significant impacts on identified ecological receptors. Additionally, by including embedded native species planting within the design of the Proposed Development the Applicant has sought to maximise Biodiversity Enhancement measures within the design of the Proposed Development. The Site achieves a 27.74% Biodiversity Enhancement for area-based habitats, as well as an area of neutral grassland and areas of tall herbs. This means that overall, the Proposed Development has been designed in accordance with this part of Policy 11.

ix. impacts on trees, woods and forests;

There would be no woodland or forest removal (other than two small and poor-quality trees to allow for the creation of the new access point and a single aging elder shrub in the middle of the Site to facilitate the BESS compound) during the construction and operational phase of the Proposed Development. All the removed groups are classed as Category C. Furthermore, as outlined in 4.8 of this Statement, there would be native tree, hedgerow and meadow planting, enhancing the biodiversity at the Site and providing compensatory planting. As a result, the Proposed Development is in compliance with this part of Policy 11.

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

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

As detailed with Section 7.3, the Applicant will account for the environmental legislation and technology available at the time of decommissioning. Notice will be given to THC in advance of commencement of the decommissioning works, with all necessary licenses or permits being acquired. The associated works will be undertaken in accordance with a statement of operations, covering safety and environmental issues during decommissioning, ensuring compliance with both of the above parts of Policy 11.

10.4 Compliance with the Local Development Plans

The Proposed Development has been assessed against the following HwLDP and IMFLDP2 policies throughout this S36 Application:

- HwLDP
    - Policy 28: Sustainable design
    - Policy 29: Design quality and placemaking
    - Policy 30: Physical constraints
    - Policy 31: Developer contributions
    - Policy 36: Development in the wider countryside
    - Policy 51: Trees and development
    - Policy 52: Principle of development in woodland
    - Policy 55: Peat and Soils
    - Policy 56: Travel
    - Policy 57: Natural, built and cultural heritage
    - Policy 58: Protected species
    - Policy 59: Other important species
    - Policy 60: Other important habitats
    - Policy 61: Landscape
    - Policy 63: Water environment
    - Policy 64: Flood Risk
    - Policy 66: Surface water drainage
    - Policy 67: Renewable energy developments
    - Policy 69: Electricity transmission infrastructure
    - Policy 72: Pollution
    - Policy 74: Green Networks
    - Policy 77: Public Access
- IMFLDP2

- Policy 2 Nature Protection, Restoration and Enhancement
- Policy 5: Green Networks
- Policy 8: Placemaking
- Policy 9: Delivering Development and Infrastructure
- Policy 14: Transport

The Proposed Development is considered to be compliant with the HwLDP and the IMFLDP2. Technical assessments prepared in support of the Proposed Development and the recommended mitigation measures proposed within these have been adopted through the design process of the Proposed Development.

Further assessment against relevant HwLDP and IMFLDP2 policies are set out in the paragraphs below.

10.4.1 Renewable Energy Development

As detailed within Section 5 of this Statement, the Proposed Development provides a variety of grid stabilisation and flexibility services that ensures the considerable contributions to the promotion of the Scottish Governments targets in relation to Climate Change and Greenhouse Gas emissions. By improving the availability of renewable generation to the National Grid network, the Proposed Development will provide the grid network with increased flexibility and stability. This provides more opportunities for renewable energy generation developments to connect onto the National Grid and to provide stable availability of electricity transmission to all within the surrounding area. The Proposed Development is therefore in accordance with HwLDP **Policy 67: Renewable Energy Developments.**

10.4.2 Ecology and Biodiversity

As mentioned above in Section 10.3.1, the Preliminary Ecological Appraisal (document ref: 784-B067560) identified several protected species sites within 10 km of the development. These sites including the Novar SPA and Cromarty Firth SPA and Ramsar site, support species like capercaillie, osprey, and whooper swan. The Site itself has habitats that could support potential GWDTEs and various protected species, necessitating further surveys. [redacted]

A bat survey identified five bat species using the Site for foraging, with mitigation measures proposed to avoid disturbance. Consultation with NatureScot confirmed the approach for the Habitat Regulation Assessment, with further input from RSPB which are currently pending. Overall, the Proposed Development is expected to avoid any adverse impacts on protected species with the implementation of the recommended measures.

Therefore, the Proposed Development is in compliance with the HwLDP ecological orientated policies such as **HwLDP Policy 58 – Protected Species, and IMFLDP2 Policy 2 – Nature Protection, Restoration and Enhancement,** habitat enhancement measures have been incorporated into the Proposed Development's design. These include the establishment of a species-rich meadow mix along with the creation of broadleaved woodland in pockets of the Site. In addition, an area of neutral grassland and areas of tall herbs, not directly impacted by the development, have been targeted for enhancement. It is considered that the due to careful design, including the adoption of a CEMP during the construction phase, that the Proposed Development would be in compliance with the relevant LDP policies.

10.4.3 Landscape and Visual Amenity

The LDPs emphasise that new developments should integrate well within the surrounding landscape, should implement landscape enhancements, and consider any cumulative impacts associated with a

development proposal. The design of the Proposed Development has been landscape led, the Proposed Development is benefitted by surrounding woodland and tree cover, in combination with the rolling landform, therefore the LVA concludes that there would be no notable effects on local landscape type or on any landscape designation.

The visual effects of the Proposed Development would be minimal due to its low-lying nature of proposed equipment and adjacently located woodland. Any potential effects would be limited to nearby residents and road users on a short section of the B9176. These effects would decrease over time with new planting, becoming negligible by Year 10. The design of the Proposed Development helps to screen the Site from outside views as vegetation matures and enhancing foraging corridors for local wildlife (see Drawing ref. 2214 L01C Landscape Plan). Therefore, the Proposed Development is considered to be in compliance with landscape-oriented policies, such as **Policy 36 – Development in the Wider Countryside, Policy 51 – Trees and Development and Policy 61 - Landscape, in the HwLDP and Policy 8 - Placemaking in the IMFLDP2.**

10.4.4 Agricultural Land Capability

An LCA was undertaken by Wardell Armstrong LLP (document ref. GL10503 002 Fyrish LCA Report). The report concludes that only 2.8 ha of the total 53.5 ha total Site area is Class 3.1 prime agricultural land, located towards the north western corner. Through the iterative design process, this area has been avoided as far as reasonably practicable for the size of the Proposed Development.

Policy 28 (Sustainable Design) states that THC will support developments which promote and enhance the social, economic and environmental wellbeing of the people of the Highlands, and that developments will be assessed on the extent to which they impact prime quality agricultural land. Policy 55 (Peat and Soils) states that development proposals should demonstrate how they have avoided unnecessary disturbance, degradation or erosion of peat and soils. The Policy also states that any adverse effects should clearly be outweighed by social, environmental or economic benefits arising from the development proposals.

As aforementioned in Section 5 of this Statement, there is a need for the Proposed Development as it is a key component in the wider renewable's diversity mix and in meeting the commitments of the Climate Change Act, as it is designed to support the flexible operation of the National Grid. The Applicant has also produced an Alternative Site Assessment (document ref. 16719-008) for the Proposed Development which outlines the process and reasons for choosing the Site, despite the presence of prime agricultural land. The Applicant has adopted an iterative design process where the Proposed Development is designed in such a way that it avoids the carbon rich soil located to the south of the Site completely and has minimum overlap with Class 3.1 quality soil towards the north western corner of the Site.

Furthermore, the Proposed Development covers a relatively small area (approximately 4.6 Ha for the BESS compound itself) of the entire Site and would be temporary, with the soil resource being stored in accordance with best practice guidance so that it can be respread within the Site post decommissioning. Therefore, the Proposed Development is considered to be in compliance with **Policy 28 – Sustainable Design** and **Policy 55 – Peat and Soils** of the HwLDP.

10.4.5 Cultural Heritage and Archaeology

The Historic Environment Desk-Based Assessment accompanying this S36 Application, concludes that the Proposed Development would not adversely affect the setting of the identified assets, and, in turn, their historic significance, appreciation and understanding would not be negatively impacted.

In terms of buried remains, the Site is located in an area with prehistoric finds. Although the BESS compound area, i.e., the construction footprint area, is only 4.6 hectares, archaeology presence could

be encountered during construction, and mitigation in the form of a phased programme of archaeological assessment and works, if required, can address this.

On this basis, no further consideration is required at this stage of any on-site archaeology potential and the Proposed Development is considered compliant with **Policy 57 – Natural, Built and Cultural Heritage** of HwLDP.

10.4.6 Traffic and Transport

A Transport Statement (TS) and CTMP Report has been prepared by Pell Frischmann (document ref. 250212 Fyrish CTMP). This Report reviews the type and volume of vehicles associated with the construction programme that has been provided and the peak of construction activities has been identified. The CTMP identifies an approximate 124 vehicle movement per day at the peak of construction, with a further 76 car / light good vehicles (LGV) trips would be created by construction staff. Traffic associated with the operational phase will be minor in nature and restricted to occasional visits for maintenance, servicing and security reviews. It is anticipated that no more than ten vehicle movements (five inbound and five outbound) per month are expected.

There are two proposed transformers to be used on Site and the TS and CTMP has also considered the Abnormal Indivisible Loads (AIL) due to their weight and the need for a specialist trailer to transport them on the public road network. The proposed route for Abnormal load traffic will be as per the recently delivered substation equipment delivered for Fyrish Substation (located to the north of the Proposed Development). AIL loads traffic will depart the A9 at the Obsdale Road junction and will pass through Alness via Caplich Road. Loads will then approach the site from the north on the B9176. The TS & CTMP Report also outlines the proposed access junction and construction programme in Annex A and B. As such it is considered that the Proposed Development is compliant with **Policy 9 – Delivering Development and Infrastructure** and **Policy 14 - Transport** of the IMFLDP2.

10.4.7 Flood Risk and Drainage

A Flood Risk Assessment has been prepared by Haydn Evans Consulting (document reference 336-009-RP1-FRA-3) which concludes that the Site is at low risk of flooding from all sources as well as not increasing on or off-site flood risk. Furthermore, a Drainage Impact Assessment has been produced by Haydn Evans Consulting (document ref. 336-009-RP1-DIA-3) which states surface water would be discharged to the Culcraggie Burn. The Proposed Development also includes a SuDS, filter drains and attenuation basins to provide the appropriate mitigation to prevent any pollution or disturbance to the GWDE area and any other water resources. Together these measures will provide appropriate mitigation for managing surface water at the Site. It is therefore considered that the Proposed Development is compliant with HwLDP **Policy 63 – Water Environment, Policy 64 – Flood Risk** and **Policy 66 – Surface Water Drainage**.

10.4.8 Noise

A NIA (document ref: 16819-003-R1) has been undertaken by TNEI whereby noise modelling was conducted that the Proposed Development is expected to have a low noise impact at all nearby receptors, with appropriate mitigation in place. Therefore, it is considered that with the appropriate design mitigation, the Proposed Development complies with **Policy 67 – Renewable Energy Developments and Policy 72 – Pollution from the HwLDP.**

Should the Scottish Ministers decide to grant consent to the Proposed Development, TNEI would welcome continued consultation with both THC and the Energy Consents Unit to help draft an appropriate set of planning conditions relating to operational noise, prior to a decision notice being issued. Based upon the details presented within this NIA report, we would propose the adoption of limits which fully consider the context as requested by BS 4142.

11 Conclusion

It is evident from reviewing current national renewable energy policy that the Scottish Government is committed to tackling climate change, moving towards a net-zero Scotland, and increasing the use of renewable energy. Furthermore, the Scottish Government has declared a Climate Emergency in response to clear and irrefutable evidence that the world must act now to limit global warming to 1.5°C. Scotland must transition from a reliance on fossil fuels to utilising renewable energy sources in order to act on climate change. As such, there is an increasing pressure upon communities to shift to sustainable, low-carbon sources of energy.

The Proposed Development would assist the UK in meeting national and international targets for the reduction of emissions including GHGs. The Proposed Development would also contribute to the provision of long-term sustainable and competitive energy supplies, assisting the UK renewables industry to become competitive in home and export markets and, in doing so, provide employment opportunities.

The key features in support of the Proposed Development are summarised below:

- It complies with NPF4, HwLDP and IMFLDP2 and can draw support from a number of material considerations;
- It is designed to support the flexible operation of the grid network and will provide a significant contribution to a variety of important services to National Grid;
- It enables the decarbonisation of electricity supply in support of international targets and National Planning Policy;
- The Site is not sensitive in regard to environmental considerations such as landscape, cultural heritage and archaeology, hydrology, flood risk, transport, ecology, and biodiversity;
- It is designed with integrated battery safety and fire mitigation measures;
- It is located in a rural location, away from sensitive receptors;
- Construction, operation/maintenance of the Proposed Development would create employment opportunities for the locals and also potentially support small local businesses; and
- There are no unacceptable adverse impacts anticipated based on the findings of all of the technical assessments prepared in support of this application.

This Planning, Design and Access Statement sets out an appraisal of material planning considerations, which includes the policies contained within NPF4, the HwLDP and IMFLDP2, along with a range of other documents which are considered material to the determination of the Proposed Development. It is considered that the Proposed Development complies with all the relevant policies of the statutory Development Plan and offers significant benefits which have been listed throughout this Statement.

On this basis the Proposed Development is commended to the ECU for consent.