A specialist energy consultancy

Planning, Design and Access Statement

Corriemoillie BESS

Field Corriemoillie Ltd

16622-004-R1
19 November 2024

COMMERCIAL IN CONFIDENCE

FIELD

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Document Control

Revision	Status	Prepared by	Checked by	Approved by	Date
R0	FIRST ISSUE	KB	JMB	BP	13/11/2024
R1	CLIENT COMMENTS	KB	JMB	BP	19/11/2024

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1 Introduction

This Planning, Design and Access Statement (this Statement) has been prepared by TNEI Services Limited (TNEI) on behalf of Field Corriemoillie 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).

The Proposed Development is located on land 200 m northeast of the operational Corriemoillie Substation, c. 4.71 km northwest of Garve, centred at an approximate National Grid Reference (NGR): NH 35061 64099 and is situated within the postcode IV23 2PY (the Site). The Site comprises c. 18.3 hectares (ha) and is situated wholly within the administrative area of The Highland Council (THC). The Site location is illustrated in Drawing BTGBCOR01 – 002.1.2, submitted to accompany the S36 Application.

1.1 The Applicant

The Applicant is developing, building and optimising the 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 Oldham, Gerrards Cross and Newport UK, 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 lifecycle.

1.2 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 Preliminary Ecological Appraisal (PEA) Report prepared by Sweco UK Ltd (document ref. 65212359-SWE-XX-XX-T-J-0001);

- A Shadow Habitat Regulations Assessment Report (Shadow HRA) Report prepared by Sweco UK Ltd (document ref.65212332-SWE-ZZ-XX-T-J-0002);
- An Ecological Impact Assessment (EcIA) Report prepared by Sweco UK Ltd (document ref. 65212332-SWE-ZZ-XX-RP-J-0001);
- A Biodiversity Enhancement Assessment prepared by Sweco UK Ltd (document ref. 65212332-SWE-XX-XX-T-J-0001-R3);A Groundwater Dependent Terrestrial Ecosystem Assessment prepared by Fluid Environmental Consultants (document ref: Corriemoillie_GWDTE Report FLUID November 2024);
- A Landscape and Visual Appraisal (LVA) Report prepared by TGP (document ref. 2211 Corriemoillie LVA 241107);
- A Landscaping Plan prepared by TGP (document ref. 2211 Corriemoillie LVA Fig 5 L01G Landscape Plan);
- A Landscape Management Plan prepared by TGP (document ref. 2211 S01A Landscape Management Plan);
- A combined Construction Traffic Management Plan (CTMP) and Transport Statement prepared by Pell Frischmann (document ref. 241107 Corriemoillie CTMP);
- An Abnormal Indivisible Load Access Summary prepared by Wynns (document ref. 24-1236 AIL Access Summary Notes to Corriemoillie Substation V1);
- A Noise Impact Assessment Report prepared by WSP (document ref. RP AC 02);
- A Historic Environment Desk Based Assessment prepared by RPS (document ref. 00810_Corriemoillie_DBA_1_Report v4);
- A Flood Risk Assessment prepared by Haydn Evans (document ref. 336-006-RP1-FRA-2);
- A Drainage Impact Assessment and associated Surface Water Drainage Strategy prepared by Haydn Evans (document ref. 336-006-RP2-DS-2);
- An Arboricultural Impact Assessment prepared by Bowlts (document ref. Corriemoillie Tree Survey Report-bI-221223(668759.4));
- A Phase 1 Geoenvironmental and Geotechnical Desk Study prepared by Gavin & Doherty Geosolutions (document ref. 24091-R-001-02 – Corriemoillie BESS);
- An Outline Battery Safety Management Plan (document ref. BTGBCOR01 - OBSMP);
- A Pre-Application Consultation Report prepared by Alpaca Ltd. (document ref. Field Corriemoillie Pre-Application Consultation Report FINAL); and
- A suite of detailed planning drawings and elevations prepared by Field Corriemoillie Ltd.

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 towards 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 economic benefits to the local area, which in turn could support wider employment opportunities with associated jobs e.g., construction industry, supply chain as well as strengthening 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 ultimately 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 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 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 regulations apply in the case of applications under 36 of the Electricity Act 1989 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 EIA.

EIA development in respect of an application 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. 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

A Screening Opinion by the Scottish Ministers determines, for the purpose of these Regulations, whether the development is or is not EIA development (see Section 2.4.1 below for 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 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 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 Section 36 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 14th of June 2024 TNEI submitted an Environmental Impact Assessment (EIA) Screening Request to the ECU for the Proposed Development under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations 2017). A Screening Opinion was issued by the ECU on the 19th November 2024 stating that the Proposed Development does not constitute an EIA and therefore an EIA Report is not required to accompany the S36 Application. A copy of the formal Screening Response issued by the ECU is included within Appendix A.

2.4.2 Planning Application History

A search was undertaken for any previous planning applications within or immediately adjoining the Site over the past 10 years using the Highland Council online application search portal. The planning applications submitted nearest to the Site boundary are listed within Table 2.1 below.

Table 2.1 Planning application history within and in close proximity to the Site

LPA Ref.	Description	Decision	Date
23/03736/PAN	Grid connected battery energy storage facility of up to 200MW, comprising compound of electrical equipment including batteries, access track, transmission compound, switchgear, control building, stores, fencing, security, landscaping, parking, and ancillary structures	n/a	Validated 1st August 2023
22/00244/S37	Installation of a 33kV overhead Line to connect Lochuichart Wind Farm Extension II to Corriemoille Substation	Approved	20th Feb 2023
13/02398/FUL	Installation of underground high voltage 33kV electrical power circuits and associated fibre optic control circuits between Corriemoille Wind Farm and the SSE 132/33kV Substation	Approved	11th November 2013

2.4.3 Consultation

2.4.3.1 Public Consultation

There is no statutory requirement through the S36 process to undertake Pre-application Consultation however, THC nevertheless recommends that applicants follow the Proposal of Application Notification process for S36 applications, 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 pre-application consultation 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 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 community council meetings to provide updates and on the project and answer any concerns, and hosting councillors at one of its operational sites for a BESS information session. Advertising of the consultation events was undertaken in a local newspaper, and the Applicant has also undertaken further advertisement via means of a dedicated project website for the Proposed Development, which included access to all pre-application consultation materials and an online feedback form.

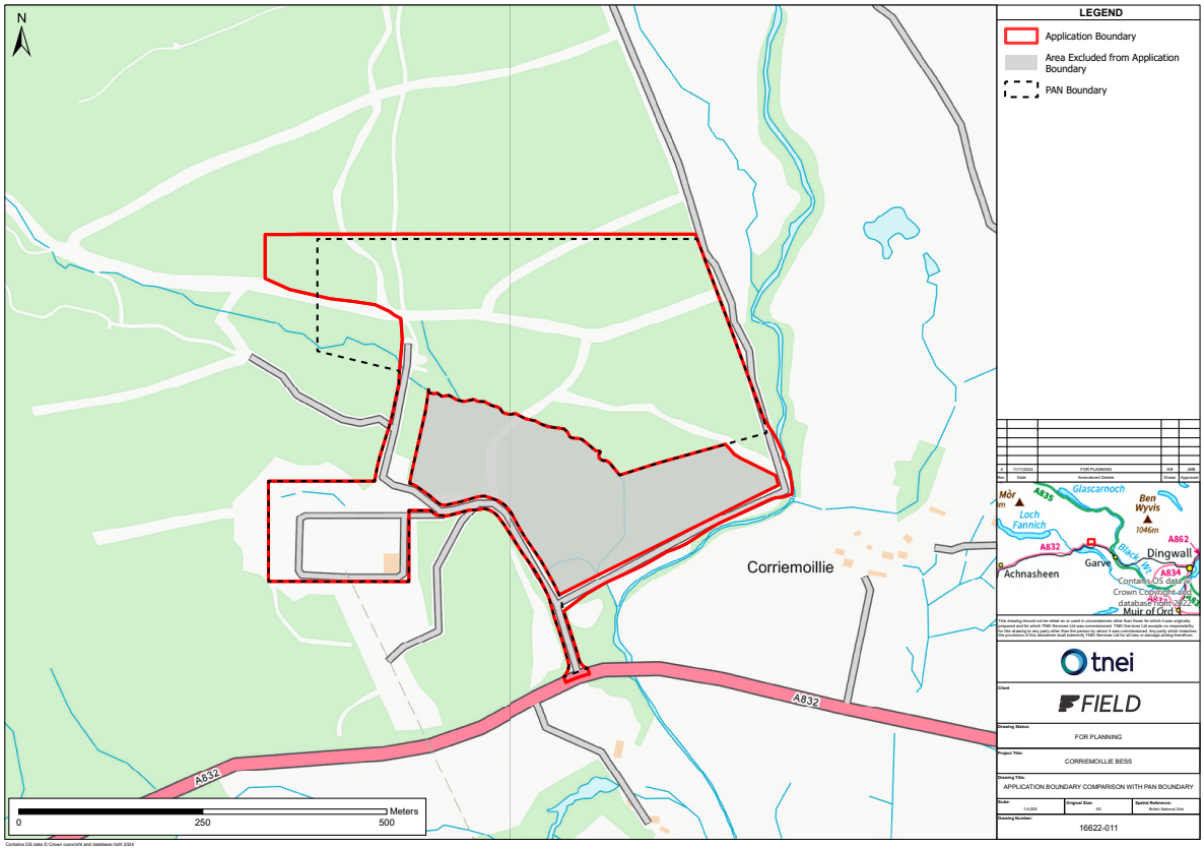
[1] Energy Consents Unit (2022) Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989 [online] Available at: Electricity Act 1989 - sections 36 and 37: applications guidance - gov.scot (www.gov.scot) (Accessed 13/08/24).

The two public exhibition events were held at Garve Public Hall, which is in close proximity to the Proposed Development. The exhibitions introduced the Proposed Development and provided members of the public with the opportunity to make comments to the Applicant. Members of the Applicant's development team were present at the consultation events to answer questions and gather feedback. The second event focussed on providing feedback to the public with regards to their comments, as well as presenting how these comments had been considered within the design evolution of the Proposed Development.

A Pre-Application Consultation (PAC) Report has been prepared and is submitted as part of the S36 Application (document reference: Field Corriemoillie Pre-Application Consultation Report FINAL). This PAC Report provides the full details on the pre-application consultation 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 in the final application.

The Highland Council (THC) recommend that a Proposal of Application Notice (PAN) is submitted (recognising that the statutory procedures and timescales are not binding on section 36 applications) allowing Elected Members and the wider community to be fully advised and informed of development in their respective areas. A PAN and accompanying Site Location Plan was therefore submitted to THC on 17th June 2024, under reference 24/02669/PAN, in line with the Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021 (the PAC Amendment Regulations). The *Planning Circular 3/2022 Development Management Procedures* seeks to ensure both the Site Boundary associated with the PAN submisison for 'Major' developments is recognisable with the Application Boundary also. The guidance does however recognise that there is scope for proposals to alter between the PAN being submitted and the eventual submission of the planning application (paragraph 2.25). The Circular states that applications should be '*recognisable*' to that described in the PAN and that there is 'a *sufficient link*' to the proposal consulted on during the pre-application consultation (PAC) stage. It is therefore acknowledged by the guidance that an eventual application may therefore have differences to that described in the PAN and, in terms of the guidance, this is acceptable, provided that the basic proposal has not changed out of all recognition (paragraph 2.25).

Figure 2.1 PAN and Application Boundaries



As detailed within **Figure 2.1** above, the Application Boundary of the Proposed Development has deviated slightly from the PAN boundary to incorporate both the temporary construction compound and the secondary emergency access. The basic proposal of what is being submitted in this S36 application, described as *'[the] construction and operation of a Battery Energy Storage System along with associated infrastructure and ancillary works, earthworks, access, drainage, cable route, landscaping and biodiversity enhancements,'* has remained the same and has therefore not changed out of all recognition from the basic proposal that was submitted in the PAN.

With regard to determining whether the application is *'sufficiently linked'* to the PAN, the Circular states that *'An application including development out with the site indicated in the PAN may cast doubt over such a link'* (paragraph 2.26), however, this is not a prohibition to development being situated out with the site indicated in the PAN. Rather this text it is a note of caution that moving the site boundary might not always be appropriate. As stated in the Circular (paragraph 2.25), the guidance principle is whether the proposal *"changes out of recognition"*. As demonstrated in **Figure 2.1** above, the discrete elements of the Proposed Development that are outside of the RLB do not mean that the proposal changes out of recognition from that which was presented in the PAN; there remains a sufficient and recognisable link between the proposals described in the PAN and those consulted on during PAC and presented in the eventual planning application (and RLB) as submitted.

It should also be noted that these changes were triggered as a result of assessments and stakeholder feedback received during the pre-application phase, as is the iterative nature of project design:

- The temporary construction compound has been re-located in order to avoid an area of existing acid grassland based on biodiversity enhancement recommendations. It is also acknowledged the works associated with this are temporary in nature and, following the conclusion of the construction process, this area would be reinstated to acid grassland once completed.

- The secondary emergency access has been introduced in response to the NFCC's guidance

3 Site Description

3.1 Site Location Overview

The Site is situated on land 200 m northeast of the operational Corriemoillie Substation, c. 4.71 km northwest of Garve, centred at an approximate National Grid Reference (NGR): NH 35061 64099 and is situated within the postcode IV23 2PY. The Site covers an area of 18.3 ha and is situated wholly within the THC administrative area. The Red Line Boundary (RLB) of the Site is illustrated in the Site Location Plan (document reference: BTGBCOR01 - 002.1.2) submitted as part of the S36 Application. The Site is not subject to any statutory designations and there are no residential properties situated within the Site.

An existing access used by maintenance personnel for the operational Corriemoillie Substation and surrounding forestry, connects the A832 to the Site. The Site itself encompasses existing commercial forestry with artificial drainage channels to compliment these forestry activities.

The Allt Coire Mhuidh runs in a north-south direction c. 80 m to the east of the Site. An un-named drain borders the southern Site boundary and flows in a northwest-southeast direction.

With regard to topography, the Site and surrounding area comprise a series of rounded hills and moorland slopes. The ground elevation in the north of the Site is c. 164 m Above Ordnance Datum (AOD), falling to c. 126 m in the very south of the Site.

3.2 Surrounding Land Use

The Site lies within a sparsely populated area, with approximately five residential properties situated within 1 km of the Site. The Site is bordered by plantation forestry to the east, south and west, with cleared plantation areas to the north and northwest. Further north are rounded hills and open moorland.

The surrounding landscape is broadly characterised by existing electrical infrastructure including the existing Corriemoillie Substation and associated Overhead Lines (OHL), as well as existing wind farms. Corriemoillie Wind Farm is situated c. 1.8 km north of the Site comprising 19 turbines. Lochluichart Wind Farm and Lochluichart Wind Farm Extension are situated adjacent to Corriemoillie Wind Farm and c. 2.56 km northwest of the Site, to the closest turbine, and comprises of 21 turbines. The majority of the Site is located within NatureScot's Landscape Character Type (LCT) *330 Rounded Hills and Moorland Slopes – Ross & Cromarty*, with the very south of the Site, which is required for access, situated within LCT *340 Strath – Ross & Cromarty*.

The nearest settlements to the Site are Lochluichart, situated c. 1.6 km southwest of the Site, followed by Gorstan, which is located c. 3.65 km southeast of the Site, and Garve situated c. 4.71 km southeast of the Site. The nearest residential property to the Site is situated c. 300 m southeast of the Site, closely followed by a property located c. 340 m south of the main Site area, as aforementioned in Section 3.1 of this Statement. There are a further three properties identified within 1 km of the Site, including a property located c. 450 m south of the Site and two properties located c. 0.8 km southeast of the Site at Corriemoillie Lodge.

Loch Luichart is situated c. 1.2 km south of the Site, with Loch Bad Leabhraidh situated c. 1.75 km northeast of the Site, Lochan nam Breac situated 3.6 km northeast, and Loch Garve situated c. 6.1 km southeast.

3.3 Surrounding Designations

The Site is not located within any international or national statutory designations. There are, however, some ecological, ornithological and historical designations identified within 3 km of the Site,

particularly areas of Ancient Woodland, the closest of which are two un-named semi-natural Ancient Woodland designations, one of which is situated c. 20 m east of the Site, and the other is located c. 83 m southeast of the Site. There are approximately a further 43 Ancient Woodland designations located within 3 km. No areas of Ancient Woodland will be removed as a result of the Proposed Development nor will be adversely impacted. The next closest designation is the *'Glen Affric to Strathconon'* Special Protection Area (SPA) and Important Bird Area (IBA), which is located c. 1.75 km south of the Site and is designated for the protection of the Golden Eagle and its habitats.

There are approximately a further 14 international and national ecological and ornithological designations located within 10 km of the Site. The closest ones are as follows:

- Achanalt Marshes – c. 7.3 km southwest – designated as an SPA, Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI) and IBA;
- Ben Wyvis – c. 8.1 km northeast – designated as an SPA, SAC, SSSI, National Nature Reserve (NNR);
- Fannich Hills – c. 8.2 km northwest – designated as an SAC; and
- Carn Gorm – c. 8.4 km east – designated as an SSSI and a Geological Conservation Review Site (GCRS).

There are no cultural heritage assets identified within 3 km of the Site. Those cultural heritage assets located within 10 km and comprising of Listed Buildings and Scheduled Monuments (SM), are listed as follows:

- Kinlochluichart Old Manse and Steading – Category C Listed Building – c. 3.15 km southwest;
- Kinlochluichart Church of Scotland and Burial Ground – Category B Listed Building – c. 3.2 km southwest;
- Conon Valley, Hydro Electric Scheme, Achanalt Power Station and Dam, including Fish Pass – Category C – c. 4.2 km southwest; and
- Little Garve, bridge over Black Water - SM – c. 4.4 km east.

With regards to landscape, there are three Wildland Areas (WLA) identified within 10 km of the Site, and five Core Paths (CP). The closest of which are as follows:

- Fisherfield – Letterewe – Fannichs – WLA – c. 4 km northwest;
- Silverbridge Circuit – CP (RC20.01) – c. 4.3 km east.

4 Description of Proposed Development

4.1 Overview of the Proposed Development

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 30 years.

The Site boundary for the Proposed Development totals approximately 18.3 ha, as shown on the Site Location Plan (document reference: BTGBCOR01 – 002.1.2) and the Site Layout Plan (document reference: BTGBCOR01 – 001.1) enclosed within the S36 Application.

The main elements of the Proposed Development are summarised within Table 4.1 below.

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

Table 4.1 Key details and dimensions of the Proposed Development components

Development Component	Dimensions	Details	Drawing ref.
Battery Storage Units (up to 128)	6.1 m (L) x 2.4 m (W) x 2.9 m (H)	Individual battery storage units are arranged into pairs. Two battery units are serviced by an adjacent 'MV skid'	BTGBCOR01 – 004.4 – Battery Container Plan and Elevations.
MV skid (up to 64) which includes: Two Power Conversion Systems (PCS), a medium voltage transformer and a low voltage distribution cabinet	12.2 m (L) x 2.4 (W) m x 3.6 m (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 400 V and up from 400 V to 33 kV respectively.	BTGBCOR-01 – 004.2 – MV Skid Plan and Elevations.
Transmission Operator Substation (TOS) compound	Compound is 58 m (L) x 54 m (W) with two high voltage transformers approximately 7.6 m x 4.4 m x 6.3 m	The compound comprises high voltage transformers, switchgear and auxiliary transformers	BTGBCOR01 – 005.5 – Substation Compound Plan; BTGBCOR01 – 004.1 – Substation Building Plan and Elevations; BTGBCOR01 – 004.9 – High Voltage Transformer Plan and Elevations.

Underground cable	Approximately m	A 132 kV underground cable will connect the Proposed Development up to the existing Corriemoillie substation.	BTGBCOR01 – 001.1 – Indicative Site Layout Plan
Auxiliary Transformer	2.3 m x 2 m x 2.4 m	To provide low voltage service for ancillary items	BTGBCOR01-004.4 – Auxiliary Transformer Plan and Elevations
Office, Welfare, and SCADA Building	30 m x 15 m x 4.8 m	The control building will house a control room, a switchroom, storage, office facilities and welfare.	BTGBCOR01 – 004.1 – Substation Building Plan and Elevations
x 2 Site Access	5 m W x 30 m L	The existing access track to the south of the Site will be utilised as the Site's primary access. The forestry track to the southeast of the Site will be utilised as an emergency access only.	BTGBCOR01 – 001.1 – Indicative Site Layout Plan
Internal Access Tracks	5 m W	Internal access tracks will be present throughout the Site and will be surfaced with a crushed aggregate.	BTGBCOR01 – 001.1 – Indicative Site Layout Plan
Security Fencing	3 m H x 500 m L	Palisade security fencing will be installed around the perimeter of the western and northern boundaries of the main Site compound area and between the transformer and building compounds.	BTGBCOR01 – 004.7 – Palisade Fencing Plan and Elevations.
Acoustic Fencing	5 m H x 430 m L	A noise barrier will be installed along the eastern and southern boundaries of the main Site compound area and on the eastern boundary of the transformer compound.	BTGBCOR01 – 004.8 – Acoustic Fencing Plan and Elevations.
Temporary Construction Compound	5000 m^2	A temporary construction compound will be installed to the northwest of the Site and will be in situ for approximately 21 months.	BTGBCOR01 – 001.1 – Indicative Site Layout Plan
Lighting Columns	5 m H	Columns with Closed-Circuit TV (CCTV) cameras and lighting will be installed along the perimeter security fencing.	BTGBCOR01 – 004.6 – Lighting and CCTV Column Plan and Elevations.

Car Parking (up to 4)	2.5 m x 5 m	For staff and site visitors	BTGBCOR01 – 001.1 – Indicative Site Layout Plan.

4.2 Battery Storage Units

The Proposed Development would consist of multiple containerised lithium-ion (Li-ion) batteries housed within metal storage containers along with associated equipment including power converters and auxiliary transformers. Battery storage units are typically a neutral grey or beige 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 and individual components.

The battery storage units will be sited within the main Site compound area, as illustrated on Drawing BTGBCOR01 – 001.1. 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 3 m. CCTV and lighting columns of up to 5 m in height will be installed around the perimeter of the main Site compound area for security purposes, as well as acoustic fencing up to 5 m in height for noise attenuation purposes.

Batteries are a widely accepted and recognised technology in the fight against climate change. This is due to their high energy density and their resistance to charge/discharge cycle fatigue in comparison to competing technologies, with their ability to provide fast and responsive demand to the National Grid when required. 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.

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.

4.3 Medium Voltage Skid

Transformers are essential components of the electricity supply network, responding to the increasing needs for long-distance electricity transmission at high currents from power sources in remote areas. MV Transformers play a vital role in offering functions to improve system stability and reliability and reducing power losses to improve power flow over the entire system.

The Proposed Development includes for up to 64 MV Skids within the S36 Application, each containing a power conversion system and associated MV Transformer, whereby each MV Skid is connected into a pair of battery storage containers.

4.4 High Voltage Transformers

High Voltage Transformers (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. HV Transformers play a vital role of offering functions to improve system stability and reliability and reducing power losses to improve power flow over the entire system.

This Application proposes two HV Transformer units to be located within the TOS compound, with associated switchgear and auxiliary transformer.

4.5 Other Associated Infrastructure

Other associated infrastructure will comprise of the following components:

- Office, welfare and SCADA building;
- Security fencing;
- Acoustic fencing;
- Lighting/CCTV columns;
- Underground cable to connect the Proposed Development up to the existing Corriemoillie substation;
- Temporary construction compound; and
- Internal site access tracks.

4.6 Site Access

The Proposed Development will use the existing access currently in place for maintenance of Corriemoillie Substation and surrounding forestry. This access is located to the south of the main Site compound area, connecting onto the A832. This is illustrated on the Indicative Site Layout Plan (Drawing BTGBCOR01 – 001.1) and would be used as the primary Site access during all stages of the Proposed Development from construction through to decommissioning.

A secondary access is also proposed within the S36 Application for the sole purpose of emergency access, such of that by the fire and rescue service and will therefore not be in day-to-day use. This access is located to the southeast of the main Site compound area and is an existing forestry track.

4.7 Grid Connection Route

The Proposed Development includes for an underground cable to allow for connection to the operational Corriemoillie Substation, and therefore this has been considered within the design of the Proposed Development.

The underground cable will be installed along the edge of the primary access track from the main Site compound area and connect into the northern section of Corriemoillie Substation and is illustrated on the Indicative Site Layout Plan (Drawing BTGBCOR01 – 001.1).

4.8 Landscaping and Biodiversity Enhancements

Outwith the main Site compound area, various forms of planting are proposed for landscape mitigation and biodiversity enhancements for the Proposed Development. As an overview, the planting comprises a mixture of Native Woodland, Upland Scrub mix, Upland Heathland, as well as Acid Grassland. The proposed planting offers biodiversity enhancements and helps screen the Proposed Development from visual receptors, primarily to the north and east of the Site, with existing landform and planting provided sufficient screening from the south and west of the Site. Further details of the proposed landscaping scheme are provided within the Landscaping Plan (document ref. 2211 Corriemoillie LVA Fig 5 L01G Landscape Plan) submitted as part of the S36 Application. Furthermore, a detailed drainage strategy has been submitted alongside the S36 Application, proposing the creation of a Sustainable Drainage System (SuDS) Pond and a variety of ditches which have contributed to the biodiversity enhancements.

Although not a statutory requirement for planning applications within Scotland, the Proposed Development has committed to Biodiversity Enhancement measures outlined within Policy 3 of NPF4. Although current quantitative biodiversity assessment approaches are not currently standardised within Scotland, the Proposed Development achieves 15.31% Biodiversity Enhancement for area-based habitats and 24.33% Biodiversity Enhancement for linear watercourse habitats, in line with

guidance published by the Department for Environment Food & Rural Affairs (DEFRA)[2], therefore providing significant biodiversity enhancements detailed within Policy 3 of the NPF4.

4.9 Off-Site Planting

The Applicant acknowledges no area has been earmarked within this application for a compensatory planting scheme to compensate for the loss of 10.2 hectares of existing woodland proposed within this application. The Applicant is however happy to accept an appropriately worded pre-commencement condition to be attached to the S36 consent, as detailed below, to ensure the interests of Scottish Forestry are safeguarded as part of the plans proposed within this application.

1) *No felling works shall commence until details of a compensatory planting scheme to compensate for the loss of 10.2 hectares of existing woodland has been submitted to and approved by the Planning Authority in consultation with Scottish Forestry. The scheme shall comply with the requirements of the UK Forestry Standard (or such replacement standard as may be in place at the time of submission of the scheme) and the guidelines to which it refers, and include:*
    a. *details of the proposed planting, including the location of area(s) to be planted; and the landowners and occupiers of the land to be planted;*
    b. *detail of the associated timescales for implementing the compensatory planting including any phasing;*
    c. *detail of any statutory consents required to carry out the compensatory planting;*
    d. *proposals for the maintenance and the establishment of a replanting scheme (including details of the frequency of checks, suitable triggers for any necessary replacement planting, the timing of replacement planting, fencing, ground preparation and drainage); and*
    e. *proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter for implementation of the compensatory planting scheme.*
2) *The approved compensatory planting scheme shall be implemented in full.*

    Reason: To manage and compensate for woodland removal.

[2] DEFRA, *"Guidance: Statutory biodiversity metric tools and guides,"* 2024. [Online]. Available: https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides. [Accessed October 2024].

5 Needs and Benefits of the Proposed Development

5.1 The Needs of 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 no new nuclear facilities being planned for 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[3], and later emphasised by the UK Government's Energy Security Plan released in 2023[4]. In 2019, the First Minister at that time announced that the Climate Emergency is at the forefront of the Scottish Government programme[5] going forward. The 2021 – 22 Programme[6] 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 2009 Act and has set the 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 produced a report to the Scottish Parliament entitled 'Progress in reducing emissions in Scotland' in March 2024. It 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

[3] 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).

[4] 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).

[5] 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).

[6] 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).

targets. The press release states that there is a path to Scotland's post-2030 targets, but stronger action is needed to reduce emissions across the economy. The main report (page 10) states that "The Scottish Government should build on its high ambition and implement policies that enable the 75% emissions reduction target to be achieved at the earliest date possible".

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[7] 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. This report details the following;

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"*.

National Energy System Operator's (NESO) recent publication of Clean Power 30 (CP30)[8] highlights an additional drive for increased storage and flexibility capabilities on a national scale. It states that *"flexibility from both demand and supply will be vital to managing the system and keeping costs down, while offering an opportunity for consumers to engage with the energy system and unlock lower costs for their energy."*

As an established technology, the Proposed Development will provide a flexible and rapid release of electricity to allow the National Grid to regulate electricity supply and demand without any greenhouse gas emissions. Conversely, the Proposed Development will also have the capacity to import electricity quickly when supply outstrips demand.

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.

5.1.1 Stability

The decommissioning and reduction of synchronous generation (i.e. gas and coal fired generators), and 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) doesn't give National Grid the same stabilising properties. Therefore, another way is needed to find new providers to help support the system. Grid-forming, transmission connected batteries can ease constraints, deliver fast frequency response as well as

[7] 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

[8] National Energy System Operator (NESO), Clean Power 30, published November 2025

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 Applicant believes that the Proposed Development is a strong technical solution that will not only help solve the constraint management issue for National Grid in this area, the proximity to substation (<1km) and its connection at a transmission level, are 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.

5.1.2 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, the National Electricity System Operator (NESO) requests renewable energy generators in Scotland to turn off. The lost energy must now be replaced to balance supply and demand. Therefore, the 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've 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.[9]

5.1.3 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 that proposed by the Applicant which can absorb energy from the grid or release it to the grid as required.

5.1.4 The Capacity Market

Through the Energy Act 2013[10], 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.

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

[10] 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.

5.2 Social and Economic Benefits

The Highland Council's Community Wealth Building Strategy 2024 to 2027[11] sets out the Council'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; and
    - Direct effects on land use within the Site (e.g., forestry) 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; and
    - Indirect effects on the operator providing services during construction 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).

[11] 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].

- **Induced effects**: for instance, employment created by the additional spend of wages into the local economy.

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

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.

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, supports educators to offer secondary school students essential information about the various job opportunities available in the energy sector, the required training for these positions, and the pathways to follow for pursuing these careers.

Field has identified target schools for the programme, based on a catchment area from the Proposed Development. At the time of writing this Planning Statement, 21 schools have registered for the programme, resulting in a potential reach of 970 students. Further outreach is planned to meet the registration target of 35 schools and 1,350 students. The programme has also been accessed by 22 'non-target schools' (either Primary or outside Scotland). If the programme is successful and receives positive feedback, it will be expanded to other areas of Scotland and the UK. This demand-led education strategy bolsters the region's capability to maximise the employment opportunities available in the wider energy transition.

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 that the cumulative purpose of the Proposed Development 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 co-located with the existing Corriemoillie substation, and to avoid incursions into more environmentally sensitive areas of the Site. 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, enhance the existing landscape character while also contributing to biodiversity enhancement.

The key design objectives were as follows:

- Co-location with the existing Corriemoillie substation;
- Utilisation of the existing access to the south of the Site;
- The avoidance of sensitive habitats and designations;
- Maximising setback from residential properties and installation of a noise attenuation barrier to minimise operational noise impacts;
- Utilisation of topography and landform of the Site (including existing tree cover) to make best use of existing natural screening; and
- The introduction of landscaping and biodiversity enhancements.

6.2 Site Selection

The Proposed Development has been strategically sited in close proximity to the existing Corriemoillie Substation to the southwest of the Site to ensure co-location of electrical infrastructure and to avoid the need for lengthy transmission cables which would result in greater environmental impacts, transmission losses and costs.

The Site has also been strategically sited to avoid environmental designations as far as practicable. The Site itself is not subject to any ecological designations, with the nearest designations being two un-named semi-natural Ancient Woodland designations to the east and southeast of the Site. The Site is also not subject to any cultural heritage designations, with the nearest historic assets located approximately 3.2 km southwest of the Site, including the Kinlochluichart Old Manse and Steading Category C Listed Building and Kinlochluichart Church of Scotland and Burial Ground Category B Listed Building. Online mapping held by SEPA confirms that the Site is not at risk of fluvial flooding and the Site is also not subject to any landscape designations. The Proposed Development Site also provides a suitable setback from residential properties, including mitigation to limit potential effects on residential amenity.

The Site is situated within an area with increasing electrical infrastructure including wind farms and overhead lines, providing the opportunity for the use of existing accesses and for the Proposed Development to be influenced by the existing landscape dominated by electrical infrastructure.

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 effectively increasing the resilience of the electrical grid to the further deployment of renewable low carbon generation in this location, the Proposed Development 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. The development infrastructure components are grouped together and uniform in design, as to take up less ground space, whilst ensuring suitable and safe separation distances between electrical infrastructure. The Proposed Development is therefore a careful balance between addressing site safety, site constraints, minimising environmental impact, and ensuring commercial viability.

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

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 15.31% Biodiversity Enhancement for area-based habitats, and 24.33% Biodiversity Enhancement for linear watercourse habitats. 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;
- Reduction in the size of the TSO Compound;
- Addition of SuDs features within drainage design;
- Introduction of noise attenuation barriers;
- Reduction in the size of the substation building; and
- Relocation of temporary construction compound for biodiversity enhancement.

6.4 Grid Connection

The Applicant has accepted a grid offer that will allow the project to be connected to the National Grid in 2029. This will allow the project to assist in a variety of grid services such as Constraint Management, offsetting the use of flexible fossil generation, and contributing to cost savings for bill payers much earlier than any alternative solution. The design of the proposed underground grid connection route has ensured limited disruption to environmentally sensitive areas, proposing to site the cable connection along the existing access track between the Proposed Development and the operational Corriemoillie Substation.

6.5 Access

6.5.1 Access Route to Site

Access to the Site will be taken from the existing access to the south of the Proposed Development from the A832, which is currently used to access Corriemoillie Substation and surrounding forestry

operations. This access will be used for both construction traffic and operational maintenance throughout the lifespan of the Proposed Development.

A Transport Statement and Construction Traffic Management Plan (CTMP) has been prepared in support of the Proposed Development (document ref: 241107 Corriemoillie CTMP). The CTMP has proposed the use of traffic management procedures to ensure that there will be no adverse impacts from construction traffic on the road network. The HV Transformers are considered to be Abnormal Indivisible Loads (AIL) due to their size and weight and therefore cannot be transported via HGVs, instead requiring specialised trailers to transport the transformers to the Site. The AIL access route has been assessed to be suitable and capable of accommodating AILs, with more detail provided within the AIL Access Report (document ref: 24-1236 AIL Access Summary Notes to Corriemoillie Substation V1).

The existing access is suitable for the Proposed Development as it is capable of accommodating Heavy Goods Vehicles (HGVs) and Abnormal Indivisible Load Vehicles (AILVs), therefore no track upgrades are proposed. The wider route network including the A832 and the A835 are also considered to be suitable for the use of HGVs as they form part of the agreed route network used for the movement of timber. A comprehensive AILV study has been carried out and is included within Appendix B of the Transport Statement and CTMP, which further confirmed the suitability of the wider road network to accommodate AILV traffic to the Site.

6.5.2 Emergency Access

An emergency access is proposed to the east of the Site utilising an existing forestry track. This is not proposed to be utilised by construction traffic and is only intended to be used by emergency vehicles if required. As detailed within the OBSMP, this will be constructed to accommodate fire service vehicles, including the avoidance of extreme grades and to ensure adequate spacing is provided for emergency vehicles.

6.6 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 commitment to BESS suppliers in line with these safety standards, appropriate setback of equipment, safe access arrangements, as well as provision and containment of fire water. An Emergency Response Plan is also included within the OBSMP as well as a fire management strategy.

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.

6.7 Micro-siting Requirements

The Applicant suggests the use of an appropriate planning condition to enable micro-siting of up to 100 m in all directions, within the fence line shown on Site Layout Plan (Drawing BTGBCOR01 – 001.1)), as part of the consent (providing that the changes do not adversely impact the results shown in the technical assessments). This is to allow for the flexible procurement of site equipment.

Therefore, the design of the project at present is purposefully flexible so as to retain a variety of different battery solutions within this 200 MW envelope and the footprint shown on the site plan without requiring numerous formal variations to the consent for the project. The planning permission

will not allow the development of a battery project above 200 MW; therefore, control exists in the scale of the project.

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

All infrastructure shall be constructed in the locations shown in Drawing BTGBCOR01 – 001.1. No infrastructure shall be moved outside of the fence line shown on the Drawing BTGBCOR01 – 001.1. Infrastructure may be adjusted by micro-siting of no more than 100m from the original position shown on Drawing BTGBCOR01 – 001.1. 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.

6.8 Landscaping

As detailed within Section 6.2 above, limited visibility of the proposed site from the surrounding landscape was an important factor within the Site Selection process of the Proposed Development. Further design mitigation measures have been implemented to minimise any landscape any visual effects of the Proposed Development. Land clearance and occupation of the development itself will be limited to necessary areas only to minimise the geographic spread of development infrastructure that would impact on the local landscape fabric. An acoustic barrier will also be implemented along the southern and eastern boundaries of the Proposed Development to avoid adverse noise impacts on identified residential receptors however, a recessive colour for this barrier will be implemented to also soften the appearance of the Proposed Development from landscape and visual receptors.

A Landscaping Plan has been designed by TGP in close collaboration with other technical disciplines and the Applicant. This has ensured the Proposed Development would be sufficiently screened to avoid any significant landscape and visual impacts on identified receptors, as well as to ensure compliance with biodiversity enhancement guidance. This Landscaping Plan would link with the surrounding forestry and be based on native species to provide visual containment and screening of the proposed built form.

6.9 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 is estimated to take up to two years and 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 equipment platforms and foundations, including underground ducting and cabling;
- Delivery and arrangement of equipment;
- Cabling and connection works between battery equipment, ancillary equipment and substation compound;
- Installation of underground cabling between substation compound and Corriemoillie substation;
- 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.

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 basin would also be regularly maintained to ensure its optimum performance throughout its operational life. A management and maintenance plan for the proposed drainage strategy has been included within Appendix B of the Drainage Impact Assessment submitted alongside this 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, fenced compound (the main Site compound area).

Lighting and CCTV columns are proposed around the Site to provide full surveillance coverage of the Proposed Development. To reduce light pollution, the lighting would not be used during normal operations and would only be required during emergency overnight maintenance activities or

emergency security situations. Lighting would be low level directional LED lighting with shrouds to prevent any upward light spill.

7.3 Decommissioning Phase

The Proposed Development would have an operational life of 30 years, after which the Site would be restored. 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.

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[12] 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

[12] 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) 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 [13]."*

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 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[14] 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."

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

[14] 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)

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.

8.3 UK Climate Change and Energy Legislation and Policy

8.3.1 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 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%[15]
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.

[15] This figure is a provisional estimate and will be confirmed later in 2024.

8.3.2 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[16] ('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.

8.3.3 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".

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

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

On 30 March 2023 the UK Government (Department for Energy Security and Net Zero) published 'Power Up Britain' which comprises a series of documents including an Energy Security Plan, Carbon Budget Delivery Plan (CBDP) and Net Zero Growth Plan[17].

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[18] 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".*

[17] 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)

[18] 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).

8.3.5 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 (pages 14 and 15):

- A lack of urgency – the CCC note that the net zero target was legislated in 2019 but there remains a lack of urgency over its delivery. It states, "*the net zero transition is scheduled to take around three decades, but to do so requires a sustained high intensity of action. This is required all the more, due to the slow start to policy development so far. Pace should be prioritised over perfection*".
- Planning policy needs radical reform to support net zero – the CCC state that in this regard that: *"In a range of areas, there is now a danger that the rapid deployment of infrastructure required by the Net Zero transition is stymied or delayed by restrictive planning rules. The planning system must have an overarching requirement that all planning decisions must be taken given full regard to the imperative of Net Zero".*

8.3.6 UK Battery Strategy (2023)

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

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

The Strategy was developed with the UK Battery Strategy Task Force, drawing upon a call for evidence and engagement with business and stakeholders. The Strategy is based around the 'design, build, sustain' approach and through the strategy sets the key objectives that the UK will:

- Design and develop batteries for the future;
- Strengthen the resilience of UK manufacturing supply chains; and
- Enable the development of a sustainable battery industry.

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

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

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

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.

[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)

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 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)

2.4.6 The report from the CCC published in December 2022 addresses Scotland's progress in emissions reduction. The report is specifically referenced in the Inquiry Report for the Corriegarth Wind Farm Extension, which was prepared by Reporters (21 August 2023) and which informed the decision on the proposal by the Scottish Ministers (20 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:

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)

"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' on 10 January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. The draft document is however consistent with the adopted policy set out in National Planning Framework 4 (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[22], 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."

[22] 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)

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.

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

The key points in the statement include:

- The Scottish Government has an "unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis".
- The Cabinet Secretary states that she is "announcing a new package of climate action measures which we will deliver with partners to support Scotland's transition to net zero" and the Statement goes out to reference these specific measures.
- The Statement 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.

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')[23]. 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.

[23] 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 **Error! Reference source not found.**), Highland-Wide Local Development Plan (HwLDP) (see section 10.3) and any related Supplementary Guidance (see Section **Error! Reference source not found.**).

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. In the case of the Proposed Development, no significant incompatibilities were found between RLDP2 and 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; and
- Policy 23: Health and Safety.

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 as well as an assessment of the Proposed Development against these is detailed 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 substantially 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 has been published by the Scottish Government as of November 2023. Until this is guidance is formally adopted, uncertainty around how biodiversity enhancements are approached remains, with the assessment of the matter left 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:

c) "Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:

i. Essential infrastructure and there is a specific locational need and no other suitable site;

ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reduction targets;

iii. Small-scale development directly linked to a rural business, farm or croft;

iv. Supporting a fragile community in a rural or island area; or

v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland is proposed, a detailed site specific assessment will be required to identify:

i. the baseline depth, habitat condition, quality and stability of carbon rich soils;

ii. the likely effects of the development on peatland, including on soil disturbance; and

iii. the likely net effects of the development on climate change emissions and loss of carbon"

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 6 states that development proposals will not be supported where there will be:

i. "Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;

ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;

iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;

iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry."

The policy demonstrates how proposals which include woodland removal will not be supported unless they *"will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal"* and, furthermore, highlights the likelihood of compensatory planting to be required for proposals where woodland is removed.

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, utilise water resources in a sustainable way, and to utilise natural flood risk management techniques.

Policy 22 states the following:

c) "Development proposals will:

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

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

iii. 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.

9.3 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;
- 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 West Highland and Islands LDP (2019) (WestPlan), as well as any relevant Supplementary Planning Guidance 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 LDP, 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[24].

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 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

[24] 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).

- Policy 66: Surface water drainage
- Policy 67: Renewable energy developments
- Policy 69: Electricity transmission infrastructure
- Policy 72: Pollution

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 the Council 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 Highland, 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 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 31: Developer Contributions

Policy 31 requires that developers for *"proposals which create a need for new or improved public services, facilities or infrastructure",* to make a contribution towards any additional costs or requirement. These contributions would be proportionate to the nature and the scale of the proposal, and may be secured by way of a legal agreement.

9.3.2.1.6 Policy 36: Development in the wider countryside

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

9.3.2.1.7 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.

9.3.2.1.8 Policy 52: Principle of Development in Woodland

Policy 52 describes in what circumstances would development of wooded sites be acceptable and when it is not, as there is *"a strong presumption in favour of protecting woodland".* It is stated in Policy 52 that *"proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required".*

Proposals will be assessed against the Scottish Government's Policy on Control of Woodland Removal where they affect woodland. The Highland Forest and Woodland Strategy, which reflects the priorities within the Control of Woodland Removal, will be a material consideration in the determination of a planning application.

9.3.2.1.9 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.

9.3.2.1.10 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 protecting from development.

9.3.2.1.11 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.

9.3.2.1.12 Policy 58: Protected Species

This proposal 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 cumulatively, to badgers and badger setts, protected under the Protection of Badgers Act 1992 (as amended by the Nature Conservation (Scotland) Act 2004. Where there is good reason to believe that a protected species may be present on site or may be affected by a proposed development, the Council 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.

9.3.2.1.13 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.

9.3.2.1.14 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.

The Council 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.

The Council 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.

9.3.2.1.15 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 Council 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'.

9.3.2.1.16 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.

9.3.2.1.17 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.

9.3.2.1.18 Policy 66: Surface Water Drainage

Development proposals must incorporate Sustainable Drainage Systems (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".*

9.3.2.1.19 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.

9.3.2.1.20 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. The Applicant is 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".*

9.3.2.1.21 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 Local Authority and SEPA as appropriate) which demonstrate how such impacts will be mitigated.

9.3.3 West Highland and Islands Local Development Plan (2019)

Adopted in September 2019, the West Highland and Islands Local Development Plan (WestPlan) comprises one of the three Area LDPs within the administrative area of THC and sets out future development within the West Highlands and Islands area, guiding where development should and should not occur over the next 20 years. The WestPlan forms part of the statutory development plan for the area, until the anticipated adoption of the Highland Local Development Plan in 2027, which would replace the HwLDP and the three Area LDPs listed within section 9.3.1.

9.3.3.1 WestPlan Policies

According to the WestPlan Vision and Spatial Strategy, the Proposed Development is not located in or near a principal town or village centre, or a designated 'Main Settlement', 'Growing Settlement', 'Economic Development Area', or 'Potential Community Plan'. As a result, neither of the three policies detailed within the WestPlan hold any relevance to the Proposed Development. The Proposed Development is, however, situated within the 'North Coast 500' touring route which is designated under the WestPlan Employment strategy (section 1.2 of the WestPlan) in order to support tourism. There is no mention of the allocation or protection of the 'North Coast 500' touring route within either

of the three policies detailed within the WestPlan and therefore no further consideration of the North Coast 500 touring route has been undertaken.

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."*

The above list is also relevant for developments likely to adversely affect a species on the protected species list, detailed within the SPG Glossary.

This SPG includes the following to supplement HwLDP biodiversity policies:

- A description of what biodiversity is;
- Relevant HwLDP policies pertaining to biodiversity;
- Key principles for furthering the conservation of biodiversity;
- Key legislation pertaining to ecology, biodiversity and conservation;
- European Protected Species in the Highlands;
- Wildlife and Countryside Act 1981 protected species;
- The Badgers Act 1992;
- The timing of species and habitat surveys; and
- Consideration of protected species on development sites.

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:

"The 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.

As previously mentioned in section 9.3.4.7 above, the Applicant will accept a suitably worded planning condition with regard to the requirement of a CEMP, 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 update 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 are 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 utilised 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_Corriemoillie_DBA_1_Report v4).

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 four main principles including the following:

- 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.

10 Planning Policy Appraisal

10.1 Introduction

With the adoption of NPF4, this now takes precedence as the primary Policy document against which to assess the Proposed Development, followed by the LDP 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 policies is 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 utilising 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 residential properties within 2 km of the Site, these are limited to a few isolated properties situated to the southeast, south and southwest of the Site as, opposed to densely populated settlements. An existing access track to the south of the Site leads from the A832 up to the Site which would be utilised for the Proposed Development. Further, the Site is situated within close proximity to the operational Corriemoillie Substation reducing the requirement of lengthy and potentially disruptive transmission cables for connection to the grid.

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 to maximise the use of renewable energy generation developments 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 changes in electricity supply and demand. This will enable the National Grid network greater flexibility as required with increasing sources of renewable energy being introduced to the grid in an effort to tackle climate change. As the demand for electricity continues to grow, the Proposed Development provides further certainty and support to 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, (section **Error! Reference source not found.**), of the 18 NADs in NPF4 (which are *"significant developments of*

national importance"), 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 previous 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; and
- Policy 23: Health and Safety.

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 this **Policy 1** contained within NPF4.

10.3.1 Ecology and Biodiversity

A PEA (document ref: 65212359-SWE-XX-XX-T-J-0001) was undertaken by Sweco in March 2024 to inform the Applicant on initial ecological constraints on the Site, provide recommendations on Site design, and to recommend any Phase 2 ecological surveys. The PEA indicated that the Site had the potential to support certain protected species, therefore Phase 2 surveys were undertaken to understand the ecological baseline for the aforementioned protected and notable species. The Applicant has undertaken a National Vegetation Classification (NVC) survey, protected species scoping, followed by Great Crested Newts (GCN), otter, beaver, water vole, and non-native species surveys, as detailed within the prepared EcIA (document ref: 65212332-SWE-ZZ-XX-RP-J-0001).

The EcIA recommends any felling and vegetation clearance within the Site should be undertaken outwith the nesting bird season, otherwise a pre-commencement site walkover for nesting birds will be undertaken by a suitably qualified ecologist. Further still it commits to submisison of a Construction and Environmental Management Plan (CEMP) and a Landscape Habitat Management and Monitoring Plan (LHMMP), to safeguard the interest of ecological receptors onsite, as well as to ensure protection of biodiversity enhancement measures. A sensitive lighting strategy will be included within the CEMP to avoid light spill onto any habitats surrounding the Site during the construction and operational phases of the Proposed Development. With regard to the NVC survey, this provided data for analysis by hydro-ecologists from Fluid Environmental Consulting to undertake a GWDTE desk-based assessment which concluded that the identified diffuse drainage lines were unlikely to be groundwater dependent. As a result, the Proposed Development complies with **Policy 11 part e) viii**.

No impacts are predicted on designated sites within 10 km of the Site. A shadow Habitat Regulations Assessment (sHRA) (document ref: 65212332-SWE-ZZ-XX-T-J-0002) was undertaken by Sweco with the purpose of confirming as to whether the Proposed Development would impact golden eagles, which is the target species for the Glen of Affric to Strathconon SPA. The conclusion of this sHRA Screening (Stage One) is that LSEs as a result of the development on golden eagle cannot be ruled out with the information currently available. Therefore, an Appropriate Assessment (HRA Stage 2) is required and further surveys will be undertaken to better understand the use of the site by golden eagle that will accurately determine any potential impacts on golden eagle as a result of the proposed development. This will form the basis for further mitigation, if required, and the results of the further survey may confirm that no LSEs are anticipated.

The EcIA concludes that, embedded mitigation within the design of the Proposed Development will ensure no adverse or significant impacts on identified ecological receptors will occur as a result of the construction, operation or decommissioning of the Proposed Development. Such mitigation measures can be secured via an appropriately worded planning condition, in the form of a Construction Environmental Management Plan, as well as a Landscape and Habitat Management and Monitoring Plan.

Furthermore, the Applicant has sought to maximise Biodiversity Enhancement measures within the design of the Proposed Development including: rewilding of previously felled plantation woodland; use of native plant species within landscape enhancements; and the provision of a SuDS pond, a swale and various ditches. Although current quantitative biodiversity assessment approaches are not currently standardised within Scotland, Sweco utilised DEFRA's BNG metric which indicates that the Proposed Development achieves 15.31% Biodiversity Enhancement for area-based habitats and 24.33% Biodiversity Enhancement for linear watercourse habitats, meaning that the Proposed Development has been designed in accordance with **Policy 1 – Tackling the Climate and Nature Crisis**, **Policy 4 – Natural Places** as the design seeks to *'protect, restore and enhance natural assets'*, **Policy 3 – Biodiversity of the NPF4** as this value is considered to be *'significant enhancements'* by the Applicant, as well as **Policy 11 part e) ix** as the Proposed Development has addressed both biodiversity and potential impacts on bird species.

10.3.2 Landscape and Visual Amenity

A Landscape and Visual Appraisal (LVA) (document ref: 2211 Corriemoillie LVA 241107) was undertaken by TGP as part of this S36 Application with associated visualisations at Year 0 and Year 6 post-construction, a landscaping plan, and a landscape management plan. A handful of residential properties were identified to the east and southeast of the Site, requiring proposed screening along the eastern and southern boundaries of the Proposed Development during the design process. To alleviate adverse visual impacts on hillwalkers to the north of the Site, additional screening was implemented along the northern and eastern boundaries of the Proposed Development to soften views from hilltops north of the Site. The final landscaping plan and accompanying LVA, concluded there were no significant impacts on visual amenity of nearby properties as a result of the Proposed Development.

It was also imperative that the landscaping plan reflected all requirements identified by the ecologists to achieve both required screening as well as *'significant enhancements'* to biodiversity. Following the finalisation of the landscaping plan, visualisations of the Proposed Development from 3 No. of viewpoints were produced to illustrate the Proposed Development's location within the landscape and within the context of other nearby electrical infrastructure. 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.

The LVA concluded that landscape effects would be localised due to the surrounding landform and containment by surrounding forestry, with no effects on landscape designations. Visual effects would also be very minimal due to the remote nature of the Site with surrounding forestry, rising landform to the north, and no nearby sizeable settlements. Notable effects would be limited to recreational hillwalkers to the north of the Site. With regard to cumulative effects, these would also be limited due to the surrounding forestry and the close proximity to Corriemoillie Substation which already influences the character of the area. Consequently, the LVA concludes that the Proposed Development can be accommodated at the Site with limited landscape and visual impacts and therefore complies with **Policy 4 – Natural Places**, and **part e) i and ii of Policy 11 - Energy** from the NPF4.

10.3.3 Trees and Woodland

The Site is located within an area of commercial forestry with approximately 10.2 ha being felled to accommodate the Proposed Development. As previously discussed within section 4.9 of this Statement, Scottish Forestry require a like-for-like re-planting scheme in the event that a development proposal directly impacts trees, woodland, or forestry. The Applicant therefore proposes to accept a suitably worded planning condition as detailed within section 4.9 to secure commitments to compensatory planting for the Proposed Development. Additionally, a comprehensive Tree Protection Plan has been submitted in line with BS 5837 (2012) Trees In Relation to Construction Sites: Recommendations. The above measures detailed within the submitted Tree Survey Report (document ref. Corriemoillie Tree Survey Report-bI-221223(668759.4), ensure the protection of forestry and woodland interests throughout the design of the Proposed Development, ensuring compliance with **Policy 6: Forestry, Woodland and Trees** and **part e) x of Policy 11 - Energy.**

10.3.4 Cultural Heritage and Archaeology

A historic environment desk-based assessment (document ref: 00810_Corriemoillie_DBA_1_Report v4) 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 a 2 km radius from the Site, nor are there any non-designated heritage assets located within or adjacent to the Site. No impacts on cultural heritage assets would therefore arise as a result of the Proposed Development.

Due to the nature of the Site and its current and historic land use, there is a low chance that any previously unrecorded assets or archaeology would be identified on the Site due to previous forestry ploughing which would have already disturbed, if not removed, such assets. No further cultural heritage or archaeological inputs were recommended by RPS.

The aforementioned items above indicate that the Proposed Development is in compliance with **Policy 7 – Historic Assets and Places**, and **Policy 11 part e) vii**.

10.3.5 Hydrology

A flood risk assessment was undertaken by Haydn Evans (document ref: 336-006-RP1-FRA-2) and should be read in conjunction with the drainage impact assessment (document ref: 336-006-RP2-DS-2) discussed below. The flood risk assessment concluded the site was at a low risk of flooding from all sources, with the Proposed Development not expected to increase on or off-site flood risk that would be deemed unacceptable by relevant national policy and guidance.

A drainage impact assessment was also carried out by Haydn Evans to design and consider the surface water discharge to the surrounding environment resulting from the Proposed Development. The assessment included design of a comprehensive drainage strategy, including attenuation measures in the form of a SuDs basin, inclusion of an interception ditch to prevent upstream flow affecting the Proposed Development, as well as use of filter drains and an attenuation basin to provide appropriate mitigation for pollutants associated with the Proposed Development. Inclusion of these embedded mitigation measures detailed above ensures the Proposed Development is resilient to flood risk by promoting avoidance as a first principle and reduces vulnerability of existing and future development to flooding to ensure compliance with **Policy 22 - Flood Risk and Water Management**. The proposed drainage strategy does not increase on or off-site flood risk and ensure compliance with the 1 in 200-year event, with a restricted discharge matching the Qbar greenfield run-off rate. The proposed drainage strategy has therefore been *designed to adapt to current and future risks from climate change*, ensuring the Proposed development remains compliant with **Policy 2 - Climate Mitigation and Adaptation** and **Policy 11 part e) viii**.

10.3.6 Safety

An Outline Battery Safety Management Plan has been prepared by Field Corriemoillie Ltd to demonstrate the key safety management features of the Proposed Development as well as the integrated mitigation measures to reduce the risk of battery fires. Embedded design measures, in addition to the implementation of further fire safety strategies and management plans, highlight due consideration of *the associated risks and potential impacts of the proposal.* These are detailed further within section 6.6. As a result of implementing the detailed measures within section 6.6, the Proposed Development is therefore in compliance with **Policy 23 – Health and Safety** of the NPF4.

10.3.7 Compliance with Policy 11 - Energy

Further to the aforementioned environmental impacts of the Proposed Development detailed within sections 10.3.1 to 10.3.3, the Proposed Development remains of **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 5.2, 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;

Technical assessments in the form of the submitted LVA and NIA have concluded there would be no adverse visual or noise impacts on identified residential properties resulting from the Proposed Development. Although there would be notable visual impacts on hillwalkers utilising hills to the north of the Site, the LVA has further concluded access to these walking route by local hillwalkers is considered challenging and would significantly reduce the utilisation of these walking routes. Notable effects are therefore extremely localised with no effects on any landscape designation. Shadow flicker is not considered relevant to a development of this nature with no further consideration of these impacts required at this stage.

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;

The prior mentioned LVA concluded that landscape effects would be localised due to surrounding landform and containment of existing woodland. As mentioned above, visual impacts would be minimal due to surrounding forestry, rising landform to the north, and no nearby sizeable settlements. The LVA concludes that the Proposed Development can be accommodated at the Site with limited landscape and visual impacts and therefore complies this part of Policy 11.

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

The CTMP submitted as part of this application noted there were no Core Paths or identified long distance walking and cycle routes or scenic routes identified within or close to the Site. For this reason, there are no predicted impacts on these recreational assets as a result of the Proposed Development. In addition, although the LVA identifies hillwalkers utilising hilltops north of Site may have notable views of the Proposed Development, the Landscaping Plan has included an additional layer of woodland screening to soften views towards the northern boundary of the Proposed Development. For the above reason, there would be no adverse or significant impact on public access as a result of the Proposed Development which is in compliance with this part of Policy 11.

iv. 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.

v. 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.

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

A comprehensive Transport Statement and CTMP has been submitted alongside this S36 submission, concluding that the proposed construction route which includes utilisation of the existing access track for Corriemoillie substation, is suitable, safe, and appropriate for the accommodation of Abnormal Indivisible Loads (AILs) and HGVs during the construction phase, as well as appropriate for the minimal

traffic to Site during the operational phase. There are therefore expected to be no adverse impacts on road traffic or adjacent trunk roads during construction with the Proposed Development in compliance with this Policy.

vii. 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 or study area. Additionally, the potential for unrecorded assets to be present is considered to be low based on the Site existing and historical use for commercial forestry, with no further investigation required. As a result the Proposed Development would not cause any impacts on the historic environment and is in compliance with this Policy.

viii. 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 not at risk of any form of pluvial flooding and the inclusion of several embedded mitigation measures associated with the drainage strategy has ensured the Proposed Development does not adversely affect the water environment or cause any issues of flood risk for the surrounding area. As a result the Proposed Development is in compliance with this Policy.

ix. biodiversity including impacts on birds;

As discussed within Section 10.3.1, a comprehensive suite of ecological surveys and reporting has been submitted alongside this S36 application, including embedded mitigation within the design of the Proposed Development to ensure there are no adverse or significant impacts on identified ecological receptors. Additionally, the Applicant has sought to maximise Biodiversity Enhancement measures within the design of the Proposed Development which achieves 15.31% Biodiversity Enhancement for area-based habitats and 24.33% Biodiversity Enhancement for linear watercourse habitats, meaning that the Proposed Development has been designed in accordance with this part of Policy 11.

x. impacts on trees, woods and forests;

As detailed within Section 4.9, the Applicant proposes to accept a suitably worded planning condition to secure commitments to compensatory planting on a like to like basis for tree removed as part of plans associated with the Proposed Development. Additionally, a comprehensive Tree Protection Plan has been submitted in line with BS 5837 (2012) Trees In Relation to Construction Sites: Recommendations to ensure the protection of forestry and woodland interests throughout the design of the Proposed Development. This ultimately safeguards the Proposed Development's compliance with this part of Policy 11.

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

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.

xiii. cumulative impacts.

All technical assessments included within this S36 submisison, where necessary, have accounted for cumulative impacts from surrounding developments within their assessment methodology. The key cumulative impacts associated with the Proposed Development include the existing Corriemoillie substation, associated Overhead Lines travelling to this substation, as well as Lochluichart Wind Warm. Comprehensive assessment has been undertaken to ensure these surrounding developments have also been accounted for within relevant assessment methodologies, ensuring compliance with this part of Policy 11.

The various technical assessments prepared in support of the Proposed Development demonstrate that there would be no adverse environmental impacts as a result of the Proposed Development on the environmental assets listed above. Where mitigation is required, appropriate measures have been integrated into the design of the Proposed Development. The Proposed Development is therefore considered to be in compliance with the relevant sustainable places policies of NPF4, in particular Policy 11. Significant weight should be afforded to the Proposed Development's compliance with NPF4 given it is the key policy document against which new development proposals are to be assessed.

10.4 Compliance with the Highland Wide Local Development Plan

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

- 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 52: Principle of development in woodland
- 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 72: Pollution

The Proposed Development is considered to be compliant with the HwLDP. 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 policies is set out in the paragraphs below.

10.4.1 Renewable Energy Development

As detailed within Section 5 of the report, 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** and **69: Electricity transmission infrastructure**.

10.4.2 Ecology and Biodiversity

The HwLDP emphasises that a development proposal should avoid adverse impacts on protected and priority species from international to local level. The Site lies approximately 1.7 km to the north of the Glen Affric to Strathconon SPA with golden eagle as its qualifying interest. With no direct impacts anticipated on golden eagle or the SPA itself, the Applicant is proposing to undertake vantage point surveys within 2025 to determine the use of the Site by golden eagle. Subject to the results of these surveys, appropriate mitigation measures would be implemented.

Following a PEA, protected species surveys were conducted to determine the presence of GCN, otter, beaver, water vole and non-native species. Otters were found to utilise the burn to the south of Site and therefore would not be directly impacted by the Proposed Development. There were no signs of water vole, beaver or badger. With regards to bats, there were no potential roosting features identified on Site. Further details of these surveys are detailed within the EcIA.

As such, subject to undertaking a full suite of vantage point surveys for golden eagle, the Proposed Development is not anticipated to generate any significant adverse impacts on protected or priority species from international or local level and is therefore in compliance with **Policies 58**, **59**, and **60** of the HwLDP, as well as **Policy 67**.

10.4.3 Landscape and Visual Amenity

The HwLDP emphasises that new developments should integrate well within the surrounding landscape, implement landscape enhancements, and consider any cumulative impacts associated with a development proposal. The LVA prepared in support of this S36 Application concludes that the scale of the Proposed Development can be accommodated within the Site with very localised impacts on the surrounding landscape and visual amenity due to the containment of the Site amongst surrounding forestry as well existing electrical infrastructure. The LVA also considered the potential for cumulative impacts and it was concluded that any cumulative impact would also be very limited.

A landscaping plan has also been produced in support of this S36 Application whereby a series of landscape enhancements are proposed including planting of native species such as Scots Pine and Birchwood, as well as creating a grassy acid area. Following the implementation of such landscape enhancements, the Proposed Development complies with **Policy 61 – Landscape** of the HwLDP.

10.4.4 Cultural Heritage and Archaeology

The desk-based assessment undertaken by RPS identified that there were no designated historic assets within a 2 km radius of the Proposed Development and no non-designated assets within the Site. It is considered that there is no potential for impacts on any designated assets as a result of the Proposed Development, therefore complying with **Policy 67 – Renewable Energy Developments** and **Policy 57 – Natural, Built and Cultural Heritage**. Furthermore, it was concluded that it is highly unlikely for any unrecorded assets to be found on Site during construction due to the current and historic land use of the Site which has resulted in forestry ploughing, consequently disturbing and removing any unrecorded assets.

10.4.5 Traffic and Transport

A combined Transport Statement and CTMP (TS & CTMP) (document ref. 241107 Corriemoillie CTMP) has been prepared by Pell Frischmann in support of the Proposed Development. This TS & CTMP concludes that the proposed construction route which includes utilisation of the existing access track for Corriemoillie substation, is suitable, safe, and appropriate for the accommodation of Abnormal Indivisible Loads (AILs) and HGVs during the construction phase, as well as appropriate for the minimal traffic to Site during the operational phase.

The Proposed Development would undergo a construction period of up to 24 months and would generate 112 vehicle movements (56 inbound and 56 outbound) a day at the peak, comprising 36 HGV movements, which is, on average, an additional two HGV movements in and out per hour at peak.

During the operational phase of the Proposed Development, the Site would be un-manned and therefore traffic is expected to be very minimal in nature with no more than 10 vehicle movements (5 inbound and 5 outbound) per month. Vehicle movements during operation would likely be limited to LGVs or small vans.

As a result, no significant impacts on traffic are anticipated to arise due to the Proposed Development during both construction and operation, therefore complying with **Policy 67 – Renewable Energy Developments**.

10.4.6 Flood Risk and Drainage

A Flood Risk Assessment (FRA) (document ref: 336-006-RP1-FRA-2) and a Drainage Impact Assessment (DIA) (document ref: 336-006-RP2-DS-2) have been prepared by Haydn Evans to determine whether any significant impacts would be generated on the water environment within the Site or the surrounding environment.

According to the online flood risk maps by the SEPA, there is a medium to high likelihood of localised surface water flood risk along two of the forest rides within the Site. The Site is not at risk from river or coastal flooding.

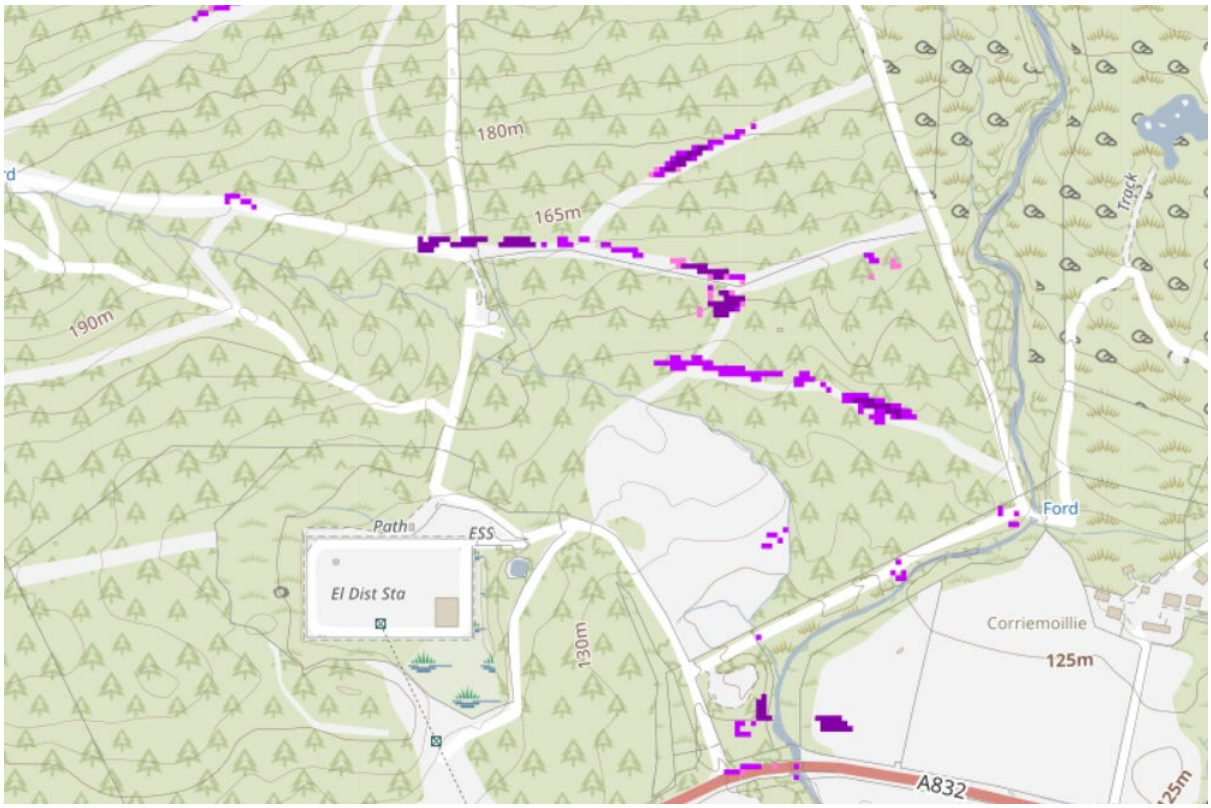


Figure 10.1 Surface Water Flooding Risk Map (SEPA).

The FRA confirms that the Proposed Development would not increase flood risk on or off the Site and is therefore considered to be appropriate development, thereby complying with **Policy 63 – Water Environment** and **Policy 64 – Flood Risk** of the HwLDP.

A Surface Water Drainage Strategy (SWDS) has been prepared as part of the DIA to demonstrate how surface water run-off would be managed should the Proposed Development be constructed. The SWDS has been prepared in accordance with CIRIA 753 (2015) and the Water Assessment and Drainage Assessment. Surface water management measures have been proposed within the SWDS including the use of a SuDS basin, two additional ponds for biodiversity purposes, a swale, and various ditches to capture surface water and direct it to the southeast of the Site and adjacent watercourses, including the Allt Coire Mhuilidh, to mimic the natural existing drainage regime currently on the Site. The SWDS also ensures to mitigate pollution, by passing surface water through filter drains and the attenuation basis. The Proposed Development therefore complies with **Policy 66 – Surface Water Drainage**.

10.4.7 Noise

A Noise Impact Assessment (NIA) (document ref: RP AC 02) has been undertaken by WSP whereby noise modelling was conducted to determine the noise levels (dBA) which would be generated from the Proposed Development. The NIA concludes no significant noise impacts would be generated as a result of the Proposed Development on identified sensitive receptors following the implementation of an acoustic fence as mitigation, therefore complying with **Policy 67 – Renewable Energy Developments** and **Policy 72 – Pollution** from the HwLDP.

Should consent be granted, the Applicant will also accept a suitably worded planning condition for compliance with the previously agreed noise limits.

11 Conclusions

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 assists the UK to meet national and international targets for the reduction of emissions including GHGs. The Proposed Development will 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 and the HwLDP 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; and
- Construction, operation/maintenance of the Proposed Development would create employment opportunities for the locals and also potentially support small local businesses.

This Planning, Design and Access Statement sets out an appraisal of material planning considerations, which includes the policies contained within NPF4, the HwLDP and three individual LDPs, 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.

Appendix A – EIA Screening Response

Energy and Climate Change Directorate
Energy Consents Unit

Scottish Government
Riaghaltas na h-Alba
gov.scot

E: [redacted]

James McBride
TNEI Services Limited
By email only

By email only to: [redacted]

Our ref: ECU00005155

19 November 2024

Dear James McBride,

ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

SCREENING OPINION OF THE SCOTTISH MINISTERS

IN RESPECT OF THE PROPOSED APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE THE PROPOSED CORRIEMOILLIE BATTERY ENERGY STORAGE SYSTEM ON LAND 200m NORTHEAST OF CORRIEMOLLIE SUBSTATION ,NORTHWEST OF GARVE, IV23 2PY.

Thank you for your request dated 18th June 2024 requesting a screening opinion in respect of a proposed application under section 36 of the Electricity Act 1989 ("the Electricity Act") to construct and operate a battery energy storage system with a generating capacity of approximately 200 megawatts (MW), comprising of battery and inverter containers, medium voltage transformer, 132kV high voltage compound, transmission operator HV compound, auxiliary transformers, underground connecting cables, ICCTV cameras and security lighting, internal access roads, landscaping, biodiversity enhancement, perimeter fencing, and an office and welfare building.

Background

The proposed development as described briefly above is entirely within the planning authority area of The Highland Council ("the Planning Authority").

The proposal requires to be screened by the Scottish Ministers in accordance with regulation 7 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the Regulations"). Following a request for a screening opinion made under regulation 8(1),

Scottish Ministers are required to adopt an opinion as to whether the proposed development is or is not EIA development.

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

The Regulations set out at 8(2) the information that must accompany a request to the Scottish Ministers to adopt a screening opinion. Scottish Ministers consider that the information included in the screening request and documents supporting the request is sufficient to meet the requirements set out in regulation 8(2), and that the submitted information has been compiled taking into account the selection criteria in schedule 3 of the Regulations.

Statutory Consultation

Under regulation 8(5) of the Regulations, Scottish Ministers are required to consult the Planning Authority within whose land the proposed development is situated. The Planning Authority was consulted on 2nd July 2024 and responded on 27th August 2024 advising that, in their view, the proposed development does not constitute EIA development and therefore any application for construction and operation of the development described in the screening request does not need to be accompanied by an EIA report. A copy of the Planning Authority's response is annexed to this screening opinion (**Annex A**).

Scottish Ministers' Considerations

EIA development is defined in the Regulations, in respect of an application, as a proposed development, which is either Schedule 1 development, or 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 constitutes Schedule 2 development in terms of the Regulations.

In adopting a screening opinion as to whether Schedule 2 development is EIA development, the Scottish Ministers must in all cases take into account such of the selection criteria in Schedule 3 of the Regulations as are relevant to the proposed development, and the available results of any relevant assessment.

Scottish Ministers have taken the selection criteria in Schedule 3 and all the information submitted in respect of the screening request in account and taken account of the views of the Planning Authority. Scottish Ministers adopt the opinion that **the proposal does not constitute EIA development and that the application submitted for this development does not require to be accompanied by an EIA report.**

In accordance with regulation 7(2), this opinion is accompanied by the following written statement with reference to the relevant selection criteria within Schedule 3 of the Regulations. In accordance with the Regulations, a copy of the screening opinion has been sent to the Planning Authority.

Written Statement

Characteristics of Development

The development covers an area of up to 17.5 hectares. The proposed development will provide a storage capacity of up to 200 megawatts, likely comprising of multiple containers of lithium-ion battery storage and ancillary infrastructure including transformers, earthworks, access drainage, grid connection and landscaping. The equipment would be sited on a levelled

and stoned platform, with appropriate surface water drainage. Individual components would likely be housed on concrete plinth foundations. The compound would be enclosed by suitable security fencing. An underground cable would connect the proposed development to the proposed Grid Supply Point at CorrieMoillie substation. The route of this cable is still to be determined. It is expected that the proposed development would utilise existing infrastructure of the nearby substation without creating significant standalone or cumulative effects. The proposed development is not expected to produce significant effect on the areas natural resources with removed trees being replaced on a like-for-like basis. It is not expected that there will be significant waste, pollution, risk of major accident or risk to human health. Construction environmental management plans will provide detail on waste mitigation strategy and will be submitted to The Highland Council prior to construction.

Location of Development

The land is graded as Class 5.3 agricultural land though is currently not utilised. The on-site woodland is used commercially. The site is not considered to be high yielding agricultural land. The site comprises predominantly of commercial woodland and associated forest tracks. There are no ecologically or ornithologically important areas within or adjacent to the proposed development. There are also no heritage designated areas within or adjacent to the site. Within a 3km and 10km radius of the site there are a number of Sites of Special Scientific Interest, one National Nature Reserve, two Important Bird Areas and three Geological Conservation Review Sites. The Preliminary Ecological Appraisal (PEA) conducted concluded that none of the ecological sites within 10km have good habitat connectivity to the site. It is expected that there would be no significant impact on ecology or ornithology in the area. The nearest significantly populated settlement is Garve, which is 4.7km southeast of the proposed development. The closest residential property is 0.3km east of the site. In both cases the distance, retention of existing vegetation, and topography of the land no views of the proposed site are expected. There are no historical or cultural sites of significance within a 3km distance of the site. The closest sites of these types nearby are two listed buildings 3.5km from the site. Due to the distance and topography it is predicted that there will be no direct impact on these sites from the proposed development.

Characteristics of the Potential Impact

Visibility of the development is not predicted to extend widely, and will be limited by topography and woodland. There are likely to be few visual receptors. The developer has proposed that removed trees will be replaced on a like for like basis. Design measures will be put in place to ensure a biodiversity net gain will be implemented. Due to undulation and the surrounding topography there are no likely significant effects on landscape, cultural heritage, or material assets, taking into account the size and scale of the development and its location relative to potential receptors. There are no significant effects considered to be likely on land, soil, water, air, or climate; effects on land and soil are considered to be of low to medium intensity with good potential for reversibility. It is considered given the low level of impacts expected, that cumulative effects with other existing or approved development are unlikely.

Features of the proposed development and measures proposed to avoid or prevent significant effects

The developer has submitted a Preliminary Ecological Appraisal which advises that no ecological designations within 10km of the site have good habitat connectivity to the site, or have qualifying features that would have the potential to make use of habitats present at the site. The PEA also concludes that Phase 2 ecological surveys should be undertaken to identify notable or protected species at the site and to identify mitigation and impact strategies. These surveys have begun and will be included with the s.36 application. A Flood Risk Assessment and Drainage Strategy will also accompany the s.36 application, providing appropriate mitigation and construction strategy to minimise the impact on the on site watercourse. A noise assessment will be carried out and mitigation put in place if required to ensure there is no impact on residential amenities close to the site. Construction noise will be managed by a Construction Environmental Management Plan and noise generated from traffic travelling to and navigating the site would be managed with routing and time management in liaison with Transport Scotland. The Construction Environmental Management Plan will also address mitigation strategies to ensure air quality and waste management though It is not expected that either air quality or waste will be significantly affected.

This screening opinion does not constitute pre-application advice and is provided without prejudice to the assessment of any future application under section 36 of the Electricity Act 1989.

Yours sincerely

Duncan Millar

A member of the staff of the Scottish Government

(Cc: The Highland Council)

ANNEX A

Carolanne Brown
Strategy and Consents Directorate for Energy Climate Change
Scottish Government
150 Broomielaw
Glasgow G2 8LU
[redacted]

Please ask for: Ross Cubey
Direct Dial: 01463 702358
Email: [redacted]
5 Atlantic Quay
Our Ref: 24/02940/SCRE
Date: 27 August 2024
Your Ref: ECU00005155

By e-mail to:
[redacted]

Dear Carolanne,

ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

PROPOSAL: CONSTRUCTION AND OPERATION OF A BATTERY ENERGY STORAGE SYSTEM (BESS) EXCEEDING 50MW, EARTHWORKS, ACCESS, DRAINAGE, CABLE ROUTE, LANDSCAPING, BIODIVERSITY ENHANCEMENT, ASSOCIATED INFRASTRUCTURE AND ANCILLARY WORKS ON LAND 200M NORTHEAST OF CORRIEMOILLIE SUBSTATION, GARVE, LOCHLUICHART

I refer to the above proposed development and to your consultation dated 2 July 2024, to inform the Energy Consent's Unit's Screening Opinion under Regulation 8 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the Regulation").

Screening Opinion

It is considered that **Environmental Impact Assessment is NOT required** for the development described in the letter and information accompanying your screening request.

The rationale behind this screening opinion is as follows:

1. The proposal does not constitute Schedule 1 development under the Regulations; and

2. While the proposal does fall within the definition of 'Schedule 2 development' (Regulation 2 - Interpretation), in that it is a generating station, having screened it against the selection criteria outlined in Schedule 3 (including cumulative impact, pollution, impact on natural resources/the natural environment,

environmental quality and the historic environment), impact on the receiving environment, while possible, is not considered to be significant. Therefore, the proposed development does not constitute 'EIA development' and Environmental Impact Assessment (EIA) is not required.

Negative Screening Opinions

It is important to note that a negative screening opinion, i.e. one which states that EIA is not required, does not indicate that the proposed development will not have an adverse impact on the receiving environment. It merely constitutes an opinion that any impact is unlikely to be significant in terms of the criteria outlined in Schedule 3 of the Regulations.

It remains entirely possible that the proposed development may have an unacceptable impact, perhaps within a more localised area, and a negative screening opinion should not, therefore, be taken as an indication that there are no environmental issues and planning permission will automatically be forthcoming.

Any subsequent application under Section 36 is therefore likely to require a suite of further supporting information to fully assess its environmental impact. The Highland Council have a Major Preapplication service which the developer is strongly encouraged to utilise: https://www.highland.gov.uk/info/205/planning_-_policies_advice_and_service_levels/785/preapplication_advice/4

Alterations to the Development as Proposed

If the scale, character, location and/or impact potential of the proposed development changes at any point in future, a reassessment of the need for EIA may be required. You are therefore advised to contact us to discuss any alterations to the proposal at an early stage and prior to the submission of a planning application.

Additional Guidance and Considerations

You may also wish to read our own advice and guidance on renewable energy developments, copies of which are available via: http://www.highland.gov.uk/info/198/planning_-_long_term_and_area_policies/152/renewable_energy/2

Should you require any further information or clarification on any of the above, please do not hesitate to contact me.

Yours sincerely

Ross Cubey
Graduate Planner

Please Note: This screening opinion does not constitute pre-application planning advice. The merits of the proposed development have not been assessed, nor has its acceptability in terms of material planning considerations and development plan policy.