A specialist energy consultancy

Planning, Design and Access Statement

New Deer 2 BESS

Field New Deer Ltd

17127-001-R0
02 April 2025

COMMERCIAL IN CONFIDENCE

FIELD

Quality Assurance

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1 Introduction

1.1 Introduction

This Planning, Design and Access Statement (this Statement) has been prepared by TNEI Services Limited (TNEI) on behalf of Field New Deer 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 construction and operation of a Battery Energy Storage System (BESS) and associated infrastructure, with a generating capacity of 400 megawatts (MW) (hereafter referred to as the Proposed Development).

The Proposed Development is proposed on Land at Wagglehill North and South, Cuminestown, Turriff, AB53 8JJ. The Planning Boundary, for the purposes of the Section 36 Application (the S36 Application), comprises approximately 129 hectares (ha) and is situated wholly within the administrative area of the Aberdeenshire Council (AC). The Planning Boundary encompasses land for the BESS and associated infrastructure, however, it also encompasses the proposed Greens (New Deer 2) Substation (APP/2024/1927) – this is to allow for the cable route connection into the proposed substation, for which the exact point of connection within the substation site is subject to further engagement with the transmission operator. The western area of land in the Planning Boundary within which the majority of the Proposed Development is proposed comprises approximately 33 ha and is hereafter referred to as the BESS Site. The Planning Boundary and the BESS Site is illustrated in Drawing BTGBNDE02 - 001.1 - Site Overview Plan, enclosed in this S36 Application.

1.2 The Applicant

The Applicant is a subsidiary of Virmati Energy Ltd (trading as Field) who is developing, building, owning 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 the UK; Oldham, Gerrards Cross and Newport, with a further three sites under construction, and a further 4.5 GWh in the pipeline for development or in exclusivity with partners across the UK and Europe. The Applicant is a committed and responsible developer for the long term, as it develops, owns, and operates its BESS sites throughout their entire lifecycles.

1.3 Planning Statement Approach

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

- **Section 1:** Introduction;
- **Section 2:** Background to the Proposed Development;
- **Section 3:** Site Description;
- **Section 4:** Description of Proposed Development;
- **Section 5:** Needs and Benefits of the Development;
- **Section 6:** Design Considerations;
- **Section 7:** Development Phases;
- **Section 8:** The Renewable Energy Policy and Legislative Framework;
- **Section 9:** National and Local Planning Policy;

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

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

- A **Section 36 Application Cover Letter** prepared by TNEI Services Ltd (document ref. '17127-011 ECU Cover Letter R0');
- An **Outline Battery Safety Management Plan** prepared by the Applicant (document ref. 'BTGBNDE02 – Outline Battery Safety Management Plan');
- A **Pre-Application Consultation Report** (PACR) prepared by the Applicant (document refs. 'BTGBNDE02 – Pre-Application Consultation Report R01 Part 1' and 'BTGBNDE02 – Pre-Application Consultation Report R01 Part 2');
- A **Tree Survey and Management Report** prepared by Bowlts Chartered Surveyors (document ref. 'New Deer Tree Survey-BW(766719.4)');
- A **Peat Depth Survey Report** prepared by WRc (document ref. 2761193 New Deer Peat Survey Report – March 2025 FV01);
- A **Landscape and Visual Appraisal** prepared by Stephenson Halliday (document ref. 'New Deer 2 BESS LVA Report + Appendices 1-4');
- **Landscape and Visual Appraisal Photoviewpoints** prepared by Stephenson Halliday (document refs. 'Appendix 5 Photoviewpoints- VP1 Minor Road near Berryhill' to 'Appendix 5 Photoviewpoints- VP6 National Cycle Route 1 near Mid Balthangie');
- A set of **Landscape and Visual Appraisal Figures** including a **Landscape Mitigation Plan** prepared by Stephenson Halliday (document refs. 'Figure 1 - Site Location and Landscape Context - A3' to 'Figure 6 - Cumulative Schemes - A3');
- An **additional ZTV mitigation figure** prepared by Stephenson Halliday (document ref. 1005-SHRSK-XX-XX-DR-L-1001 Mitigation Screening ZTV);
- A **Preliminary Ecological Appraisal** prepared by Wardell Armstrong (document ref. LD11228 New Deer Preliminary Ecological Appraisal Rev 01);
- A **Historic Environment Desk-Based Assessment Report** prepared by RPS (document ref. 01395_New_Deer_DBA_1_Report);
- A **Flood Risk Assessment** prepared by Haydn Evans Consulting Ltd (document ref. 336-011-RP01-FRA Rev 1);
- A **Drainage Impact Assessment** prepared by Haydn Evans Consulting Ltd (document ref. 336-011-RP02-DIA Rev 1);
- A **Surface Water Drainage Strategy** prepared by Haydn Evans Consulting Ltd (document ref. 336-001-D010-P3-SWDS);
- A **Combined Transport Statement and Construction Traffic Management Plan** prepared by Pell Frischmann (document ref. 250401 New Deer 2 Transport Statement & CTMP);
- A **Phase 1 Geoenvironmental and Geotechnical Desk Study** prepared by RSK Consulting (document refs. '340617-R01 (01) Part 1' to '340617-R01 (01) Part 6');
- A **Noise Impact Assessment** prepared by TNEI (document ref. 17127-014-R1 Noise Impact Assessment Report); and
- A **suite of planning drawings and elevations** prepared by the Applicant and CADmando.

2 Background to the Proposed Development

2.1 Need for the Proposed Development

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

2.2 Social and Economic Context

The benefits that the Proposed Development could provide include reduced curtailment costs; local employment opportunities and the use of local construction suppliers where available. Benefits could also include the paying of non-domestic business rates to the council (estimated to be £200,000 per year).

The granting of this consent would support the deployment of a mature technology in the UK, with the ultimate aim of making a valuable contribution to the UK's secure, low carbon, and affordable electricity system, and resultantly reducing the cost of electricity for consumers.

2.3 Legislative Context

2.3.1 The Electricity Act 1989

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

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

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

(a) "shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

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

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

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

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

The provisions of Schedule 9 of the Electricity Act require to be considered by the Scottish Ministers in their determination of the S36 Application. They set out a range of environmental matters to which regard must be had. The Developer must assess and, if required, mitigate the effects of the Proposed Development on environmental matters.

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

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

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

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

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

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

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

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

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

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

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

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

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

2.4 Planning History and Consultation

2.4.1 EIA Screening

On the 20th of December 2024 TNEI submitted a request for an EIA Screening Request to the Scottish Minister's Energy Consents Unit (ECU) for the Proposed Development under the EIA Regulations 2017 (ref. ECU00006067). The Screening Request concluded that the Proposed Development would not give rise to likely significant effects on the environment, and as such determined that the application would be non-EIA. A Screening Opinion was issued by Scottish Ministers on the 24th March 2025. Furthermore, as part of the EIA Screening process, an opinion was sought from AC as the relevant LPA (reference: ENQ/2025/0055). In a letter dated 14th of March 2025, AC advised the Scottish Ministers

that, in its view, an EIA is required for the Proposed Development due to the potential significant effects and the scale of this development.

The response from the Scottish Ministers, however, deemed that no significant environmental effects are likely to be generated by the Proposed Development. It was stated by the ECU 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".*

2.4.2 Planning Application History

A desk-based search was undertaken for any previous planning applications within or immediately adjoining the Planning Boundary using AC's online application search portal. The planning applications submitted nearest to or within the Planning Boundary are listed within Table 2.1 below.

Table 2.2 shows key ongoing planning applications that are relevant or within close proximity to the Planning Boundary. This includes the application for the Greens (New Deer 2) substation (APP/2024/1927) which is one of the applications included within the Planning Boundary.

Table 2.1 Planning application history within and adjacent to the Planning Boundary.

LPA Ref.	Description	Proximity to the Planning Boundary	Decision	Date
ENQ/2025/0256	Installation of up to Four 400KV Underground Cable Circuits	Within (Southeast)	EIA Opinion Adopted	Validated March 2025
ENQ/2025/0076 ECU00005029	(EIA Screening) Installation of Battery Energy Storage System (BESS) with an Installed Capacity of 375MW (Phases 1 and 2), Substations and Associated Infrastructure	Adjacent to the south	EIA Opinion Adopted	Validated March 2025
ENQ/2024/0903	(EIA Scoping Opinion) Scoping Opinion for Erection of 400kV Substation and Associated Infrastructure	Within (east)	EIA Opinion Adopted	October 2024
ENQ/2024/1010	(EIA Scoping Request) EIA Scoping Request for Section 37 Application for Erection of Double Circuit Steel Structure 400KV OHL	Encompasses the majority of the Planning Boundary	EIA Opinion Adopted	October 2024
APP/2024/0508	(Full Application) Erection Of A Single 225 kW Wind Turbine (Hub Height 30.52m, 45.07m to Blade Tip) and Associated Infrastructure	Within (north)	Refused	June 2024

LPA Ref.	Description	Proximity to the Planning Boundary	Decision	Date
ENQ/2024/0675	(EIA Screening) Erection Of A Single 225 kW Wind Turbine (Hub Height 30.52m, 45.07m to Blade Tip) and Associated Infrastructure	Within (north)	EIA Opinion Adopted	May 2024
ENQ/2024/0039	(EIA Scoping Opinion) Onshore Development (Scoping Opinion) - Stromar Offshore Wind Farm Landfall Between Rosehearty And Fraserburgh To New Deer	Encompasses the Site within the southwest of the ENQ/2024/0039 Planning Boundary	EIA Opinion Adopted	January 2024
ENQ/2023/0739	(Pre-Application Notice) National Development for Electrical Transmission Infrastructure Comprising Transition Joint Bays, Underground Cable Circuits Within a Cable Corridor, Substation and Ancillary Works	Within (east)	PAC Agreed as Specified in Notice	June 2023
ENQ/2022/1841	(EIA Scoping Request) Installation of Onshore Transmission Infrastructure (OnTI) - Scoping Request	Encompasses the whole Planning Boundary	EIA Opinion Adopted	February 2023
APP/2019/1221	(Full Application) Formation of Public Access Footpath & Erection of Footbridge	Adjacent (northwest)	Approved	September 2019
APP/2015/0341	(Application) Erection of a Single 225 kW Wind Turbine (Hub Height 30.52m, 45.07m to Blade Tip) and Associated Infrastructure	Within (north)	Approved	May 2015
APP/2014/4181	(Application) Erection of 1 No. 225 kW Wind Turbine (Hub Height 40.15m, Total Height 54.7m) and Associated Infrastructure	Within (north)	Withdrawn	February 2015
APP/2014/2430	(Application)	Crosses the Planning Boundary	Approved	September 2014

LPA Ref.	Description	Proximity to the Planning Boundary	Decision	Date
	Construction of Onshore electrical transmission cables, comprising an onshore transition jointing pit, underground cables within a 33km (approximately) long cable corridor and the construction of 2 No. Substations southwest of New Deer, also including temporary construction compounds, access tracks, laydown areas and other associated works	(south)		

Table 2.2 Planning history of key ongoing developments within or adjacent to the Planning Boundary.

LPA Ref.	Description	Proximity to the Site	Decision	Date
APP/2025/0436	(Application) Widening of the Public Road on the C29S, Associated with Planning Reference APP/2024/1927	Adjacent – to access road (East)	Awaiting decision	Validated March 2025
APP/2024/1927	(Application) National for Erection of 400kV AC Substation and Associated Infrastructure	Within (east)	Awaiting Decision	Validated December 2024
APP/2024/1812	**(Application)** Onshore Transmission Infrastructure for Caledonia Offshore Wind Farm including Formation of Onshore Landfall Point, Laying of Underground Cables, Erection of 2 Co-Located Substations, and Associated Works to connect to the Transmission Grid	West (c.0.7 km)	Awaiting decision	Validated November 2024
ENQ/2024/1431	(Pre-Application Notice) Installation of Temporary and Permanent Onshore Infrastructure - Stromar Offshore Wind Farm Landfall Between Rosehearty And Fraserburgh To New Deer	Adjacent (northeast)	Awaiting Decision	Validated October 2024

2.4.3 Consultation

2.4.3.1 Pre-Application Advice

As part of the formal Pre-Application Advice process offered by AC, an introductory pre-application meeting with the AC took place on the 6th of February 2025. The purpose of this meeting was to

provide AC with more detail on the Proposed Development and to understand if there were any initial specific requirements or queries that AC may have had for the forthcoming S36 Application. The meeting commenced with an overview of the Proposed Development by TNEI and the Applicant with regard to its location, design, key constraints, and proposed timescales. Following this, AC described what the pre-application process entails, as well as providing the Applicant with some initial items to consider including the following:

- Adherence to fire safety processes and standards;
- Appropriate and detailed consideration of landscape and visual impacts; and
- Appropriate and detailed consideration of cumulative impacts.

Due to limited availability of pre-application meetings that adhered to the Applicant's submission timelines, AC offered to seek written pre-application advice from key stakeholders on behalf of the Applicant. On the 10th of March 2025, TNEI prepared a letter to AC requesting this written advice on specific issues from relevant internal and external stakeholders. Detailed advice was issued by AC in early April 2025.

Table 2.3 below identifies where each subsection of the Pre-Application Advice response has been addressed within this submission package.

Table 2.3 Consultee comments

Consultee	Item	Commentary and location where this item is addressed
SEPA	Site layout should be designed to avoid large scale felling.	The design of the BESS Compound has been designed in accordance with engineering and safety standard parameters, such that no more land is being used than is required – please see Detailed Site Layout Plan.
	The submission must include drawings with the boundaries of where felling will take place.	Please see Tree Survey and Management Report and its accompanying drawings.
	A description of what is proposed for the timber in accordance with Use of Trees Cleared to Facilitate Development on Afforested Land – Join Guidance from SEPA, SNH and FCS	All on-site timber would be mulched and re-used onsite, where practicable.
AC's Natural Environment Team	Ecological surveys are required to identify any important habitat and use of the site by protected species and breeding birds.	Please see the Preliminary Ecological Appraisal being submitted with this application. Phase 2 Surveys are currently being undertaken and will be provided once they surveys have been completed and reported.
	A scheme of compensatory planting.	Please see Landscape Mitigation Plan which shows onsite planting of native tree species, as well as the

Consultee	Item	Commentary and location where this item is addressed
		retention of an area of onsite commercial forestry. Further details are included within the Tree Survey and Management Report, with a scheme for compensatory planting to be agreed by condition.
	Measures for biodiversity enhancement are required.	Please see Landscape Mitigation Plan, as well as the Preliminary Ecological Appraisal.
	20-year Habitat Management Plan	It is proposed that a condition be included within any forthcoming consent requesting the preparation and submission of a 20-year Habitat Management Plan.
	Formal notification of the S36 Application will be required in relation the land within the application site, as well as a subsequent request to terminate the Agreement should the proposed development be approved.	This is noted and will be undertaken accordingly.
	If public access is to be restricted, there must be clear proposals for mitigating this impact. An assessment of the impact of the proposal on public access is therefore required, with measures for mitigation and compensation.	Impacts to public access would be avoided via the introduction of an alternative path for use by both members of the public and, occasionally, for forestry operations (during which pedestrian access would be restricted, as current operations stipulate). This path represents an improvement on the current access, as it would also provide a link, which does not currently exist, into Bailey's Walk to the north west. The alignment of this new path is shown within the Landscape Mitigation Plan.
AC's Flood Prevention Team	Flood risk assessment and drainage impact assessment required for the site, due to watercourses and surface water flood risk.	Please see the submitted Flood Risk Assessment, Drainage Impact Assessment, as well as the Surface Water Drainage Strategy.

Consultee	Item	Commentary and location where this item is addressed
AC's Contaminated Land Team	A geoenvironmental and geotechnical desk-study report is required.	Please see Geoenvironmental and Geotechnical Phase 1 Report.
AC's Roads Team	Visibility requirements of 2.4 m by 90 m for the design speed of 30 m.	Please see the Combined Transport Statement and Construction Traffic Management Plan.
	Indicate construction parking arrangements and permanent parking arrangements.	Construction parking would be located within the Construction Site Compound as shown on Drawing 001.1.1 Detailed Site Plan. Permanent parking is shown in Drawing 001.1 Site Overview Plan.
	Traffic Assessment required.	Please see the Combined Transport Assessment and Construction Traffic Management Plan.
AC's Archaeology Team	A Cultural Heritage Assessment should be undertaken, to include an assessment of any areas where compensatory planting will occur (if proposed as part of the development). The CHA should take account of the potential direct and indirect impacts.	It is proposed that, once the amount of compensatory planting required has been agreed with AC and Forestry Scotland, that a commensurate site within Aberdeenshire is identified for off-site planting. It is proposed that site selection be informed through the preparation and submission of a Cultural Heritage Assessment and this be required by condition.

2.4.3.2 Public Consultation

Under the provisions of the Electricity Act, there is no statutory requirement to undertake Pre-application Consultation (PAC) for S36 Applications. Nevertheless, the Applicant has adopted the PAC process detailed within the Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021 (the PAC Amendment Regulations) and the Scottish Government's '*Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act'*, to ensure interested parties are given appropriate time and notice to input into the planning process. The Applicant has undertaken PAC with the community for the Proposed Development as per best practice[1]; through this, the Applicant has provided the opportunity for meaningful engagement with stakeholders 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 consultation events to engage with local residents, Community Councils and Councillors.

[1] Energy Consents Unit (2022) *Good Practice Guidance for Applications under Section 36 and 37 of the Electricity Act 1989* [online] Available at: https://www.gov.scot/publications/good-practice-guidance-applications-under-sections-36-37-electricity-act-1989/pages/3/ (Accessed 05/02/2025).

Advertisements of the consultation events were published in The Press and Journal, and via a dedicated project website for the Proposed Development, which provided access to all pre-application consultation materials and an online feedback form.

The two public exhibition events were held in close proximity to the Site, at Cuminestown Village Hall (Main Street, Cuminestown, AB53 5YJ) on the 25th of February 2025 and the 18th of March 2025. The purpose of the first event was to introduce the Proposed Development to the public, as well as to provide the members of the public with the opportunity to ask questions and to provide comments and feedback on the Proposed Development to the Applicant. The second event focused on providing feedback to the public with regards to their comments, as well as how these comments had been considered within the design evolution of the Proposed Development. Attendees were made aware that responses to the application would be accepted until the 24th of March 2025.

A PAC Report has been prepared and is submitted as part of this S36 Application (document references: BTGBNDE02 - Pre-Application Consultation Report R01 Part 1, and, BTGBNDE02 – Pre-Application Consultation Report R01 Part 2). The PAC Report provides the full details on the PAC activities 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.

3 Site Description

3.1 Site Location

The Planning Boundary comprises approximately 129 ha and the BESS Site comprises approximately 33 ha. It is important to note however that the Planning Boundary is overestimated as it encompasses the entirety of the proposed Greens (New Deer 2) substation so as to accommodate the grid connection cable route and point of connection to the substation site (the precise route and location of which is subject to further consultation with the transmission operator).

The BESS Site is located c.1.5 km south of Cuminestown and c.7.5 km west of New Deer, Aberdeenshire, centred at an approximate National Grid Reference (NGR): NJ 80816 48145, with a postcode of AB53 8JJ. The BESS Site previously consisted of mature Conifer Woodland for commercial forestry purposes. The BESS Site has undergone tree felling and now consists of newly planted woodland. As such the land within the BESS Site currently consists of a young conifer woodland, with the rest of the Planning Boundary consisting of woodland and agricultural fields. Drawing BTGBNDE02 - 002.1 illustrates the location of the Site with its boundary edged in red.

The Planning Boundary and the specific siting of the BESS Site is driven by constraints and pressures that apply to the grid network in certain areas, increasingly as a result of the development of renewable energy generation. BESS developments, such as the Proposed Development, require to be located in the nearby vicinity to large substations and where there is available capacity. The Applicant secured a grid connection agreement for the Proposed Development at the proposed Greens (New Deer 2) substation. Locating the Proposed Development in close proximity to the substation decreases the required cable length (which reduces development impacts) and maximises electrical efficiency. In this instance, the Site is situated c. 0.6 km west of Greens (New Deer 2) substation.

There are no water bodies located within the BESS Site, and SEPA Flood Maps show that the majority of the BESS Site is not at risk of surface water flooding or river flooding. However, there are small, localised pockets within the BESS Site that are noted as being at high risk of surface water flooding which are particularly apparent along the existing forestry track within the west of the BESS Site. With regards to topography, there is an east to west decline of 11 m Above Ordnance Datum (AOD). When considering the north to south direction, there is an incline of approximately 13 m AOD.

Due to the size of the BESS Site, there are numerous existing infrastructure that would be incorporated into the Proposed Development. Most notably the existing access tracks on the land formally used for commercial forestry. Further infrastructure also includes the existing public roads that would be used to access the BESS Site and house the underground cable connection. Existing infrastructure such as residential properties are understood to be demolished as part to the Greens (New Deer 2) substation development. The visual appearance and character of the Planning Boundary is strongly influenced by the rural nature of the area, however this is subject to change should other electrical infrastructure proposals in the local area materialise.

The BESS Site consists of Class 4.1 Agricultural Land Capability meaning the land is capable of producing only a narrow range of crops, such as grassland with short arable breaks of forage crops and cereal. The land to the east of the BESS Site is classed as 3.2, with the majority of this area is expected to house the Greens (New Deer 2) substation and would not house the Proposed Development. Early peat probing across the BESS Site indicated that the land is regarded as Class 4, specifically an area unlikely to be associated with peatland habitats or wet and acidic type, with the area unlikely to include carbon-rich soils. There is a small Class 5 area situated within the eastern portion of the BESS Site, indicating that low grade deep peat soils may be present, but no peatland vegetation. However, British Geological Survey (BGS) mapping indicates that these are superficial deposits, and therefore not deep peat.

According to AC's Historic Environment Record, there are non-designated heritage assets situated within the Planning Boundary, but not the BESS Site. The Proposed Development has been designed to ensure no unacceptable impacts arise. The identified non-designated assets are listed as follows:

- Upper Greenfield rig and furrow (NJ84NW0050). An area of rig and furrow recorded partially within forestry in the Cable Corridor and partially within the Greens (New Deer 2) 400kV substation site.
- Northburnhill farmstead (NJ84NW0041). A ruined farmstead located within Northburnhill field.
- Upper Greenfield boundary dyke (NJ84NW0051). A linear earthwork located on the northern boundary of the Cable Corridor and Greens (New Deer 2) 400kV substation site.
- Greens pump (NJ84NW0117). Site of a pump in the Greens (New Deer 2) 400 kV substation site.
- Waggle Cairn (NJ84NW0002) – Once recorded circular heap of stones, but now no trace. The exact location and extent of the cairn is uncertain and it may have extended into the BESS Site.

There are no identified statutory landscape, ecological, or cultural heritage designations within the Planning Boundary.

A Geoenvironmental and Geotechnical Desk Study was undertaken by RSK Environment Limited (document references. 340617-R01 (01) Part 1, to, 340617-R01 (01) Part 6). The assessment concludes that historically, the area within the Planning Boundary transitioned from rough grass or bog with a farmstead (Northburnhill) and tracks between 1870 and 1955, to forest/woodland with a gravel pit from 1968 to 1995. Furthermore surface water bodies include ponds to the east and a stream flowing towards the Black Burn drain.

3.2 Site Surroundings

The area immediately surrounding the Planning Boundary is predominantly rural in nature, with agricultural fields, commercial woodland and watercourses such as the Burn of Greens defining the landscape. There are pockets of agricultural, residential and commercial buildings located throughout with local settlements including Cuminestown (c.1.75 km north) and New Deer (c.7.5 km east) further afield. Key infrastructure to the Proposed Development such as the proposed Greens (New Deer 2) substation (APP/2024/1927) and New Deer Substation (c.3.9 km southeast) and their associated infrastructure also influence the area.

There are seven international and national designated sites within 10 km of the Planning Boundary as outlined below. There are, however, no Special Protection Areas (SPAs) or Special Areas of Conservation (SACs) identified within 10 km of the Planning Boundary.

- Windy Hills Site of Special Scientific Interest (SSSI) – c.7.7 km south (1642, Geological);
- Windy Hills (Fyvie Gravels) Geological Conservation Review Site (GCRS) – c.7.7 km south (10091, Geological); and
- Gight Woods SSSI – c.8.6 km south (687, Biological).

There are six Ancient Woodland designations within 3 km of the Planning Boundary. The closest and their respective distances, are listed as follows:

- Un-named Long-Established (of plantation origin) – c.1.1 km north;
- Un-named Long-Established (of plantation origin) – c.1.5 km north; and
- Un-named Long-Established (of plantation origin) – c.1.8 km northwest.

There are a further 108 Ancient Woodlands identified within 10 km of the Planning Boundary.

There are four Local Nature Conservation Sites (LNCS) identified within 10 km. These are as follows:

- Macterry Moss – Biological – c.5.6 km south;
- Windyhills – Biological/Geological – c.7.1 km south;
- Cowbog Raised Bogs – Biological – c.7.6 km north; and
- Gight – Biological – c.8.3 km south.

In terms of cultural heritage, there are three Garden and Designated Landscapes within 10 km. These include:

- Hatton Castle – GDL00399 – c.4.0 km west;
- Fyvie Castle – GDL00184 – c.8.1 km south; and
- Forglen – GDL00398 – 9.6 km west.

Moreover, there are six listed buildings identified within 3 km of the Planning Boundary and five Scheduled Ancient Monuments (SAMs) within 10 km. There are a further 102 Listed Buildings identified within 10 km of the Planning Boundary, comprising of six Category A, 43 Category B, and 53 Category C.

- The six Listed Buildings are located in the village of Cuminestown, as listed below:
    - Monquhitter Parish Church, Cuminestown – Category B (LB16122) – c.2.3 km north;
    - William Cumine Of Auchry Monument, Monauhitter Churchyard – Category B (LB16123) – c.2.3 km north;
    - Monquhitter Manse – Category B (LB16107) – c.2.3 km north;
    - Auchry Lodge – Category B (LB16111) – c.2.7 km North;
    - Dovecot, Auchry House – Category B (LB16110) – c.2.9 km north; and
    - Church Yard, Monquhitter Parish Church – Category C (LB16106) – c.2.3 km north.
- There are five SAMs, as follows:
    - North Mains of Auchmliddie, stone circle 500m SW of – c.7.8 km southeast;
    - Gight Castle, dovecot 200m NW of – c.8.7 km south;
    - Fedderate Castle – c.8.7 km east;
    - Gight Castle – c.8.9 km south; and
    - Montrose's Camp, earthwork – c.9.3 km southwest.

There are no National Scenic Areas or Country Parks located within 10 km of the Planning Boundary. Two Core Paths can be found within 3 km of the Planning Boundary, namely the Montcoffer Croft to Maud (c.2.1 km to the north) and the Cuminestown to Garmond - Proposed Link (c.2.1 km to the north). No views of the Proposed Development are anticipated from the identified Core Paths due to the Core Paths being located within a village with relatively flat topography. A National Cycle Network (NCN) following a local road from Cuminestown to Balthangie is anticipated to have limited views. Once the Proposed Development is operational, established mitigation planting would restrict the views of the proposed infrastructure.

As aforementioned, the area is sparely populated with a few residential properties. The closest properties to the Planning Boundary are outlined below:

- Berryhill which is a small cottage relating to an existing smallholding located c.0.24 km to the south;
- Rashypants, a dwelling to the north of the BESS Site, surrounded by agricultural fields; and
- Boghead which appears to be a dwelling associated with a surrounding agricultural enterprise and is located c.0.29 km to the west.

4 Description of the Proposed Development

4.1 Overview

The Proposed Development relates to the construction, operation and decommissioning of a BESS with a storage capacity of up to 400 MW and associated infrastructure. The Proposed Development is proposed for a temporary period of 30 years.

The BESS Site for the Proposed Development totals approximately 33 ha and the BESS Compound itself comprises approximately 9.4 ha, as shown on the Site Overview Plan (document reference: BTGBNDE02 - 001.1 - Site Overview Plan) enclosed within the S36 Application.

The main elements of the Proposed Development are summarised within Table 4.1 below. A temporary construction compound, approximately 0.94 ha in size, would also be set up to the south of the BESS compound, and will be in situ for approximately 24 months.

The dimensions and descriptions provided herein represent the indicative specifications based on the current design and best available information at the time of the submission of this S36 Application for consent. However, it should be noted that further refinements may occur as the detailed design progresses in step with battery technology development. The details provided aim to reasonably encompass the anticipated specifications to inform environmental assessments and mitigation measures. Final design details will be confirmed once contractors and suppliers have been selected and detailed design work has been undertaken pre-construction.

Table 4.1 Key details and dimensions of the Proposed Development components

Development Component	Dimensions	Details	Drawing ref.
Battery Compound			
Battery Storage Units	6.06 m (L) x 2.44 m (W) x 3.20 m (H)	Individual battery storage units / containers are arranged into pairs. Two battery units are serviced by an adjacent 'MV skid'	BTGBNDE02 - 004.3 – Battery Container Plan and Elevations
Medium Voltage (MV) Skids comprising of: 2 Power Conversion Systems (PCS) and 1 MV transformer	12.19 m (L) x 2.44 (W) m x 3.61 m (H)	Each MV Skid serves two battery units. The PCS converts the power from AC to DC when charging, and from DC to AC when discharging and the transformer steps the power down when charging and up when discharging.	BTGBNDE02 – 004.2 – MV Skid Plan and Elevations
LV cabinet	1.50 m (L) x 2.00 m (W) x 2.05 m (H)	Provides auxiliary power for the use of on-site electrical equipment	BTGBNDE02 – 004.5 – LV Cabinet and Elevations

Development Component	Dimensions	Details	Drawing ref.
Auxiliary Transformer	2.23 m (L) x 1.98 m (W) x 2.71 m (H)	Steps down high voltage electricity to power on-site equipment	BTGBNDE02 – 004.4 – Auxiliary Transformer Plan and Elevations
Security Fencing	3 m (H)	Palisade security fencing will be installed around the perimeter of the battery compound.	BTGBNDE02 – 004.7 – Typical Fencing Plan and Elevations
Substation Compound			
400 kV High voltage transformer	9.14 m (L) x 10.45 m (W) x 8.25 m (H)	The high voltage transformer transforms the power between 33 kV and 400 kV for the connection to the transmission network.	BTGBNDE02 - 004.8 - High Voltage Transformer Plan and Elevations
Substation building (including control room, switch room and welfare facilities)	25.20 m (L) x 20.65 m (W) x 4.92 m (H)	The control building will house a control room, a switchroom, storage, office facilities and welfare for the developer.	BTGBNDE02 - 004.1 - Substation Building Plan and Elevations
Security Fencing	3.00 m (H)	Palisade security fencing will be installed around the perimeter of the Site.	BTGBNDE02 – 004.7 – Typical Fencing Plan and Elevations
Site-wide Components			
Underground 400 kV grid connection cable	900 m (L)	Connects the Proposed Development to the agreed point-of-connection within the Greens (New Deer 2) substation site	BTGBNDE02 – 001.1 – Site Overview Plan
Internal Access Tracks	Minimum 5 m wide circuitous track cross the Site	Internal access tracks will be present throughout the Site and will be surfaced with crushed aggregate.	BTGBNDE02 - 001.1.1 - Detailed Site Layout Plan
Acoustic Fencing	4.5 m (H)	Along southern boundary of the BESS Site	BTGBNDE02 - 004.7.1 - Typical Acoustic Barrier Plan and Elevations
Lighting / CCTV Columns	5.10 m (H)	Columns with Closed-Circuit TV (CCTV) cameras and lighting will be installed along the perimeter security fencing.	BTGBNDE02 - 004.6 – Lighting and CCTV Column Plan and Elevations

Development Component	Dimensions	Details	Drawing ref.
Car Parking	5 m (L) x 2.40 m (W) each	For staff and site visitors.	BTGBNDE02 - 001.1.1 - Detailed 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 control and safety equipment. Battery storage units are typically a neutral grey in colour, but materials and finishes will depend on the final equipment selection. This equipment would be sited on a levelled and stoned platform with appropriate surface water drainage.

The battery storage units will be sited within the BESS Site compound area, as illustrated on Drawing BTGBNDE02 - 001.1.1 - Detailed Site Layout Plan. The Site compound area contains the battery storage units and associated infrastructure, excluding the landscape and biodiversity enhancements. The Site compound area will be contained within suitable security fencing of up to a height of 3 m. CCTV and lighting columns of 5.10 m in height will be installed around the perimeter of the main Site compound area for security purposes.

Batteries are a widely accepted and recognised technology with regard to energy storage. 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 Outline Battery Safety Management Plan (OBSMP) accompanying the S36 Application (document reference: BTGBNDE02 – Outline Battery Safety Management Plan).

Battery technology 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.

Due to the rapid advancements of battery technology, the exact number of individual battery storage containers will depend upon the battery technology available at the time of construction.

4.3 Medium Voltage Skids

Medium Voltage (MV) Transformers provide a voltage transformation, allowing the voltage to be ‘stepped-up’ or ‘stepped-down’ in order for energy to be stored by the batteries. The Proposed Development includes one MV Skid per pair of battery containers. An MV Skid comprises the following:

- Two Power Conversion Systems (PCS) which convert the direct-current (DC) stored in the battery units into alternating-current (AC) when discharging to the grid, and the opposite when charging; and
- One medium voltage (MV) transformer which ‘steps-up’ the voltage when discharging to the grid and ‘steps-down’ the voltage when charging.

The exact number of MV Skids will depend upon the number of battery containers used. This will depend on the battery technology available at the time of construction, as mentioned in section 4.2 above.

4.4 High Voltage Transformers

High Voltage (HV) Transformers 'step-up' the voltage, from 33 kV to 400 kV when discharging to the proposed Greens (New Deer 2) Substation, and vice versa when charging. 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.

to the Proposed Development comprises up to four HV transformers to be located within the Substation Compound.

The HV transformers, and the other components within the Substation Compound including the auxiliary transformers, switchgear, and substation building, are situated within the south of the Site to ensure the following:

- The substation building is located in close proximity to the primary Site Access; and
- The length of the required underground grid connection cable is reduced as far as practicable, thereby minimising environmental impacts associated with unnecessarily long cable routes.

4.5 Site Access

The Site is proposed to be accessed from an existing access point on the BESS Site's southern boundary. The existing access connects to the C1S travelling in a generally west to east direction. Access to the Site will be afforded from the east, where the road connects to the C29S road, which leads to the B9170 to the north. The C29S road was considered to be suitable for accommodating Abnormal Indivisible Loads (AIL), following assessments undertaken for the proposed Greens (New Deer 2) Substation planning application. The local road network is currently used for forestry activities and is therefore generally suitable for heavy goods vehicles (HGVs), as would be required during construction activities. Minor widening works would be required along the C1S to ensure the lane is capable of accommodating all required vehicles. The Applicant commissioned an AIL assessment (Appendix C of the Transport Statement (TS) and Construction Traffic Management Plan (CTMP) (document reference: 250401 New Deer 2 Transport Statement & CTMP) in support of the S36 Application to determine the suitability of the proposed access route. These assessments concluded that the C1S to the south of the Site can accommodate AILs, subject to the minor road modifications, structural reviews and interventions.

Access to the BESS Site would be the same during both the construction and operational periods and would be constructed with good levels of visibility splays in both directions for HGV and one AIL for the delivery of electrical infrastructure.

Within the BESS Site, internal access tracks would provide operational access between the battery containers and associated equipment. All internal access tracks would be at least 5 m wide and would be surfaced with permeable crushed aggregate. The access tracks would have a gate to prevent unauthorised access to the Site. The proposed internal access tracks are illustrated within the Detailed Site Plan (drawing reference: BTGBNDE02 – 001.1.1 – Detailed Site Plan).

The Site includes two separate emergency vehicular access points into the BESS compound to account for varying wind conditions. The BESS Site does not require two separate accesses onto the public network as the BESS compound is sufficiently set back from the public highway. All road and hardstanding areas have been designed to accommodate emergency vehicles. Please see the OBSMP for further details on emergency internal access arrangements (document reference: BTGBNDE02 – Outline Battery Safety Management Plan).

Given the nature of the Proposed Development, once operational, access to the BESS Site would be limited to authorised persons only and access by members of the public would not be permitted. As

required by regulation, the BESS Site has been designed to ensure security from all unauthorised persons. The BESS Site's perimeter would be surrounded by security fencing of up to 3 m in height, and access security would be controlled at the BESS Site entrance by gate access, to prevent unauthorised vehicle access across the BESS Site. CCTV will also be installed around the perimeter of the BESS Site. With regards to on-site safety, lighting columns would be installed to ensure that the BESS Site access is adequately lit during an emergency event or security breach.

4.6 Grid Connection Route

The Proposed Development includes for a grid connection via an underground cable route. The indicative cable route is proposed to travel from the on-site HV transformers, along the C1S to the south of the Site, through a section of woodland, and then into the grid connection point at the proposed Greens (New Deer 2) Substation. At the time of writing, the proposed Greens (New Deer 2) Substation is not yet consented, but the Proposed Development is subject to a grid connection offer at this location.

The underground cable would be approximately 900 m in length, with the final cable alignment to be agreed between the Applicant and SSEN. The indicative cable route is illustrated within the Detailed Site Plan (drawing reference: BTGBNDE02 – 001.1.1).

4.7 Landscaping and Biodiversity Enhancements

To ensure that the Proposed Development would not generate any significant impacts upon the landscape, visual amenity, and biodiversity, a comprehensive Landscape Mitigation Plan has been prepared to accompany the S36 Application (drawing reference: 1005-SHRSK-XX-XX-DR-L-1000 (Figure 5 in the LVA)). The Landscape Mitigation Plan illustrates a series of landscape and biodiversity enhancements which have been carefully considered and incorporated into the design of the Proposed Development.

In particular, the Proposed Development incorporates native woodland into its landscape mitigations, with landscaping / earth bunds along its southern, south-western and western sides. Further proposed landscaping measures include a native mixed species hedgerow with trees which would run along the southern boundary of the BESS Site (on either side of the Site access) and the lower part of the western side.

The northern parcel of the BESS Site would have native woodland planted on the western side as well as in the northern most tip, shielding an area of proposed marshy grass seeding. An area of lower lying grassland is proposed directly north of the BESS Site to give consideration to SSE's proposed Beauly / Blackhillock / New Deer / Peterhead 400 kV Overhead Line. A Zone of Theoretical Visibility after a 15-year period was undertaken to determine the effectiveness of the proposed planting and screening bund. The results of which showed two viewpoints within 3 km that the BESS units and transformers would be visible from.

As aforementioned, the current land-use of the BESS Site is commercial forestry, currently consisting of planted young conifer woodland. This existing forestry would be retained on the western and southwestern side of the BESS Site. The rest of the BESS Site includes areas for the natural re-colonisation of lowland heathland and acid grassland mosaic. The western boundary and part of the northeastern boundary of the BESS Site currently comprises lowland heathland vegetation which would be retained.

The Site is currently used as an existing forestry access track during felling and planting activities, and as an informal recreational walking track. The Proposed Development requires the removal of the track, however this will be re-routed to the west of the BESS Site and will also provide pedestrian connectivity to Bailey's Walk, leading to enhancements regarding public access. The route would generally run north-south between the Proposed Development and the retained area of forestry. The

operational arrangements for this track would remain unchanged, i.e. the pedestrian track would be closed during forestry activities.

The indicative cable route is proposed to travel from the on-site substation, along the C1S to the south of the Site, through a section of woodland, and then into the grid connection point at the proposed Greens (New Deer 2) Substation.

Although not a statutory requirement for S36 Applications within Scotland, the Proposed Development has committed to biodiversity enhancement measures outlined within Policy 3 of the NPF4. Although current quantitative biodiversity assessment approaches are not currently standardised within Scotland, the Proposed Development would create a species-rich native hedgerow with trees and native woodland, as well as promote natural re-colonisation of a lowland heathland and acid grassland mosaic, 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.

4.8 Off-Site Planting

The Proposed Development would result in the loss of 19.92 hectares of existing woodland located at the BESS Site and along the cable route. The Applicant acknowledges no area has been earmarked within this application for a compensatory planting scheme. The Applicant can confirm that the area would be commensurate to the amount of forestry being removed, with compensatory planting to be located in Aberdeenshire. To this end, the Applicant is 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 19.92 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,"* 2025. [Online]. Available: https://www.gov.uk/government/publications/statutory-biodiversity-metric-tools-and-guides. [Accessed March 2025].

5 Needs and Benefits of the Proposed Development

5.1 The Need for the Proposed Development

The UK's electricity grid has historically relied on large, centralised power plants. With no remaining operational coal plants within the UK, existing nuclear power plants now reaching the end of their design lives, and 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's 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" (pg. 61).

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 (GHG) emissions reduction targets, including a target to reduce emissions by 80% by 2050. However, the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amended the Climate Change (Scotland) Act 2009 and has set even more ambitious targets, reducing the target date to 2032.

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

The CCC report calls for Scotland's Climate Change Plan to be published urgently so 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

[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 05/02/2025).

[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 (Accessed 05/02/2025).

[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/ (Accessed 05/02/2025).

[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 05/02/2025).

across the economy. The main report 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"* (pg. 10).

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 Gigawatts (GW), with the UK system needing between 15 and 30 GW of new storage, during this time.

To put this into perspective *"the UK currently has 3GW of capacity in pumped storage plus about 1.6GW in batteries. We may need up to ten times this to achieve net zero" (pg. 17)*.

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"*.

The UK Government's recent Clean Power 2030 Action Plan[9] sets out installed capacities required by 2030 in order to significantly reduce the UK's fossil-fuel dependency including 43-50 GW of offshore wind, 27-29 GW of onshore wind, and 45-47 GW of solar power. The Clean Power 2030 Action Plan notes that these increased renewables targets will need to be complemented by flexible capacity, including 23-27 GW of battery capacity.

There is currently 4.5 GW of battery storage capacity in Great Britain, thus a very significant level of increase is required. The Clean Power 2030 Action Plan notes that among the specific actions required for batteries, improving the time it takes for mature grid-scale batteries to obtain grid connections and planning decisions are the most significant actions in order to deliver the huge increase in grid-scale battery capacity.

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

[7] SNC Lavalin/Atkins (2020) *Engineering Net Zero – The Race to Net Zero* [Online] Available at: https://www.snclavalin.com/~/media/Files/S/SNC-Lavalin/download-centre/en/report/the-race-to-net-zero.pdf (Accessed 05/02/2025).

[8] NESO (2024) *Clean Power 2030* [online] Available at: https://www.neso.energy/publications/clean-power-2030 (Accessed 04/03/2025).

[9] UK Government (2024) *Clean Power 2030 Action Plan: A new era of clean electricity* [Online] Available at: https://www.gov.uk/government/publications/clean-power-2030-action-plan (Accessed 05/02/2025).

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 the increase in non-synchronous generation (i.e. renewables) reduces the levels of inertia and stability on the network. The inherent intermittent nature in which wind and solar generate (i.e., only when the wind is blowing, and the sun is shining) does not give National Grid the same stabilising properties. Therefore, another way is needed to find new providers to help support the system. Grid-forming, transmission connected batteries can ease constraints, deliver fast frequency response as well as provide 'stability' (inertia and short circuit level). Grid scale battery storage is a therefore a primary solution to this widely recognised issue within Government.

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

5.1.2 Constraint Management

As the network currently stands, when there is an excess of renewable power being generated in Scotland, the electricity transmission lines or circuits between Scotland and England become overloaded. To prevent this overloading from happening, NESO requests renewable energy generators in Scotland to turn off when there is an excess of renewable power being generated. When renewable energy generators turn off and there is therefore a loss in energy, this lost energy is required to be replaced to balance supply and demand. In order to combat this, NESO switches on dispatchable power stations (typically gas power plants that can be fired up quickly) in England and Wales. However, this is expensive and carbon-intensive compared to using more of the wind energy that would have been produced in Scotland if it had not 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[10].

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

[10] Field Energy, Battery Storage: A Key Enabler for Clean Power 2030, Published October 2024. Available at https://www.field.energy/views/field-analysis-920-million-annual-cost-of-curtailment-could-be-cut-80-by-using-existing-technologies-like-battery-storage-more-effectively.

rapid responding facilities such as the Proposed Development 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[11], 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.

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 Proposed Development would provide social and economic benefits to the local area. The potential social and economic effects generated from the Proposed Development can be categorised as follows:

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

[11] UK Government (2013) *Energy Act 2013* [Online] Available at: https://www.legislation.gov.uk/ukpga/2013/32/contents (Accessed 04/03/2025).

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

Socio-Economic impacts to the local area during the construction, operation, 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.

If this S36 Application is granted consent, one of the greatest economic benefits from the Proposed Development is its 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 illustrated later in this Statement, the Proposed Development benefits from support from various energy and planning policy documents which is considered to carry significant weight in addition to the clear need for the Proposed Development as set out in this section.

6 Design Considerations

6.1 Overview

The proposed planting and landscape improvements have been designed to provide visual screening using native species which will integrate the Proposed Development into the wider landscape, as well as enhance the local foraging network associated to the benefit of local wildlife. The design has been an iterative process that has been informed by stakeholder engagement.

The key design objectives were as follows:

- The introduction of landscaping and biodiversity enhancements;
- The avoidance of sensitive habitats and designations;
- Maximising visual screening;
- Installation of noise attenuation barriers around the south of the BESS compound to minimise operational noise impacts;
- The minimisation of land-take;
- Fire safety requirements including access and fire water storage and run-off; and
- Utilisation of the existing access from the C1S.

6.2 Site Selection

It is imperative that projects of this nature are sited within close distances to the substations which they are connecting into. This is required in order to avoid the need for lengthy transmission cables. This S36 Application does seek consent and account for an underground cable route, a connection from the Proposed Development to Greens (New Deer 2) Substation. As such, minimising the distance between the Proposed Development and Greens (New Deer 2) Substation was an important consideration when selecting the appropriate Site. The Proposed Development has been carefully located to avoid sensitive receptors whilst also ensuring it remains close enough that environmental impacts and transmission losses associated with the cable connection are minimised.

Notwithstanding the requirement to remain in close proximity to the connecting substation, there are only a limited number of sites which are able to facilitate development such as that proposed. An energy storage facility of the capacity proposed requires approximately 10 hectares of land to accommodate the development footprint and associated infrastructure. The Site was also strategically selected to avoid environmental designations as far as practicable. In particular, the proposed Site is not subject to any designations nor are there any within close proximity to the Site. The Proposed Development Site also met the necessary criteria of land availability, as the Applicant was able to secure land rights to proceed with the application.

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 the local community. By helping to accommodate the increased generation of low carbon power from intermittent and distribution connected sources, the Proposed Development will contribute 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. Key determining factors also included the specific topographical, environmental and land use context of the Site as well as protection of residential and recreational

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

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

The design and spatial arrangement of the Proposed Development has given regard to fire and electrical safety critical distances; construction, operational and maintenance requirements; access and asset protection considerations. The location of the HV transformer has been considered to facilitate safe delivery and future removal of this AIL.

The Site has been designed with a landscaping and proposed planting regime included to assimilate the Proposed Development, in so far as possible, into its existing landscape and reduce visual impacts from surrounding viewpoints. These landscaping and planting design inputs would also contribute to the provision of on-site biodiversity enhancements.

The design principles and evolution of the Proposed Development have considered both environmental and physical constraints within the Site and the surrounding area. 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 electricity network, 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 and amenity impacts include the following:

- Earth / landscape bunds have been introduced along the BESS Compound's western and southern boundaries to screen views toward the Proposed Development from western and southern viewpoints.
- Proposed landscaping has been carefully considered to adhere to the surrounding rural character of the area. Native planting is proposed along all boundaries of the BESS Compound which will further ameliorate the visual impact of the Proposed Development.
- The preferred access route was initially planned to be from the site's west, as this is currently used for existing forestry access, however following consultation, this is now proposed from the site's east to avoid construction traffic travelling through Cuminestown.
- Access onto the C1S and broader road network has been designed and considered to ensure it can accommodate all construction access.
- Acknowledging the local value of the informal walking track, the Applicant has re-routed it to ensure it is not lost, and improve connectivity with the nearby Bailey's Walk.
- Two fire water tanks are proposed within the site compound to ensure appropriate water is available for boundary cooling in the rare event of a fire emergency. Attenuation basins are designed to accommodate any fire water run-off and are fitted with penstock valves to prevent potential impacts on the wider water environment.

The final design of the Proposed Development is therefore a careful balance between addressing site constraints, minimising environmental impact, and ensuring commercial viability. After consent is granted, the Proposed Development would have a suitably qualified design and build contractor to progress the technical design.

6.3.1 Design Mitigation

The Proposed Development has been subject to a careful reiterative design process to ensure that the BESS compound is sensitively designed and positioned. This includes incorporating landscaping measures, including tree and hedgerow planting, and the introduction of earth bunds – these would serve to minimise landscape and visual impacts on sensitive receptors identified within the Landscape and Visual Appraisal being submitted with this S36 Application. These measures have also provided biodiversity enhancements in accordance with NPF4. This enables the Proposed Development to protect and enhance the wider landscape and maintain the setting of sensitive receptors surrounding the Site. The Proposed Development includes planting of native hedgerows, trees, woodlands, and marshy grass seeding. Further to this, the landscaping plan retains parts of the existing woodland and lowland heathland and promotes the natural re-colonisation of lowland heathland habitat and acid grassland mosaic in other parts of the BESS Site. Overall, the landscaping plan ensures the potential for habitat connectivity with the surrounding environment to and from the Site.

The inclusion of acoustic fencing along the southern boundary of the BESS Compound would ensure that noise levels do not exceed acceptable limits at the nearest Noise Sensitive Receptors, subsequently protecting residential amenity surrounding the Site.

Proposed electrical infrastructure developments as shown in Table 2.2 that are within or adjacent to the Planning Boundary have been considered when designing the siting of the BESS Components. This was to ensure that there would be no interference with any proposed electrical infrastructure, that would occur as a result of the construction and operation of the Proposed Development.

Following desktop investigations and site walkovers, it was determined that the Burn of Greens would be the most appropriate discharge point for surface water. On-site drainage, including underground infrastructure and an attenuation basin will ensure surface water run-off does not exceed the pre-development greenfield run-off rate, including taking account of climate change impacts. Attenuation has been provided for the 1 in 200-year event, inclusive of 37% climate change, with a restricted discharge matching the Qbar greenfield run-off rate. Filter drains and penstock valves would ensure the quality of the local water resource is protected. A Flood Risk Assessment (FRA), Surface Water Drainage Strategy (SWDS) and Drainage Impact Assessment (DIA) have been provided by Haydn Evans to support this S36 Application.

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

6.4 Access

6.4.1 Access Route to Site

As discussed in Section 4.5, the Site is proposed to be accessed from its southern boundary, connecting to the C1S which leads the B9170 and A948. The local road network is currently used for forestry activities and is therefore generally suitable for heavy vehicles during construction activities. Nevertheless, the Planning Boundary covers the access road connecting the Site with the C1S to ensure any requirements for passing places, widening, or road improvements for construction can be accommodated as part of the S36 Application. Access to the Site would be the same during both the construction and operational periods.

A combined TS & CTMP has been produced by Pell Frischmann (document reference. 250401 New Deer 2 Transport Statement & CTMP) which has outlined the likely traffic generated by the Proposed

Development during construction and operational phases, with these impacts considered to be acceptable within this location of the highway network. The TS includes the proposed construction access junction drawing with swept path analysis in Appendix A. The Access has been designed to accommodate AIL vehicles as shown in the TS & CTMP.

An Abnormal Load Route Survey has been prepared to examine the suitably of the road network for the transport of the high voltage transformers to the Site (Appendix C of the TS & CTMP document ref: 250401 New Deer 2 Transport Statement & CTMP). The survey identifies key points and issues associated with the proposed route and outlines the issues that would need to be considered for successful delivery of the components. The Survey concluded that minor road modifications, structural reviews and interventions would be required to successfully access the BESS Site. With these undertaken the BESS Site would be considered feasible. The proposed access for the Proposed Development has been designed to consider the proposed AIL delivery trailer arrangements.

6.4.2 Emergency Access

The Site includes two separate emergency vehicular access points into the BESS compound to account for prevailing wind conditions. The BESS Site does not require two separate access onto the public network as the BESS compound is sufficiently set back from the public highway.

The purpose of a secondary access is to provide flexibility for emergency services should they be required to access the Site. This ensures that, should emergency services be required, in the event of poor weather conditions, or an incident occurring on Site, they can still access the Site.

As detailed within the OBSMP, all internal access tracks are at least 4 m wide, ensuring internal tracks are wide enough to accommodate emergency vehicles.

6.5 Fire Safety

The Applicant has completed a comprehensive OBSMP in support of this S36 Application. The purpose of the OBSMP is to set out the key safety management features and principles adhered to as part of the design of the Proposed Development. The design of the Proposed 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 distances between equipment, safe access arrangements, and the containment of potentially contaminated fire water. A high level fire management strategy is included within the OBSMP and an Emergency Response Plan will be produced pre-construction in close consultation with the local Fire and Rescue Service.

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

6.6 Micro-siting Requirements

The Applicant suggests the use of an appropriate planning condition to enable micro-siting of up to 50 m in which ever direction as necessary, from the fence line shown on the Detailed Site Plan (Drawing BTGBNDE02 - 001.1 - Site Overview Plan), as part of the consent (providing that the changes do not adversely impact the results shown in the technical assessments). Energy projects in Scotland often require the use of micro-siting allowances in order to enable the flexible procurement of site equipment and their positioning.

Therefore, the design of the Proposed Development at present is purposefully flexible so as to retain a variety of different battery solutions within this 400 MW envelope and the footprint shown on the site plan without requiring numerous formal variations to the consent for the project which can be unnecessarily burdensome on local planning authorities and Scottish Government. The deemed planning permission will not allow the development of a BESS exceeding a generation capacity of 400 MW, and therefore control exists with regard to the overall scale and potential impact of the Proposed Development.

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

All infrastructure shall be constructed in the locations shown in Drawing BTGBNDE02 - 001.1.1 - Detailed Site Layout Plan Infrastructure may be adjusted by micro-siting of no more than 50m from the original position shown on Drawing BTGBNDE02 - 001.1.1 - Detailed Site Layout Plan. All micro-siting permissible under this condition must be approved in advance in writing by the Planning Authority.

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

6.7 Summary

The design considerations section has established the following:

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

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

7 Development Phases

7.1 Construction

The construction process 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 Greens 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 the appointment of a suitable construction contractor and detailed construction programme post-consent.

Landscaping and Site restoration would be programmed and carried out to allow restoration of disturbed areas as early as possible post construction to allow planting to establish and to return their pre-development condition, including planting during the construction phase where practicable.

The majority of construction traffic would be limited to the initial 12 months of the construction period during the civils stage and equipment delivery. In order to outline the expected traffic movements and traffic management measures, a Transport Statement and CTMP has been prepared and is submitted to accompany the S36 Application (document reference: 250401 New Deer 2 Transport Statement & CTMP).

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 visits). As such the operational phase of the project would not generate any significant traffic impacts.

The attenuation basin would also be regularly maintained to ensure optimum performance throughout the operational life. A management and maintenance plan for the proposed drainage strategy has been included within Appendix C of the Drainage Impact Assessment submitted alongside this S36 Application.

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 compound to provide full surveillance coverage of the Proposed Development (Drawing BTGBNDE02 – Site Overview Plan). 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, if triggered. Lighting would be low level directional LED lighting with shrouds to prevent any upward light spill.

7.3 Decommissioning

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 AC 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 of the Statement 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 GHG emissions 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.

BESS 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. BESS import large amounts of renewable energy from surrounding renewable generators (e.g. wind or solar farms) when supply is typically at its highest and in excess of demand, storing it, and 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 therefore 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 therefore set out in this Section. 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.

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 2^0C above pre-industrial levels, and to pursue efforts to limit global warming even further: to 1.5^0C. 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

[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).

goal of moving towards a low carbon economy, into targets for Net Zero for both 2045 (Scotland) and 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)[13] 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 UN Emissions Gap Report set out that not only have temperature records continued to be broken, but global GHG emissions and atmospheric concentrations of carbon dioxide have increased since 2022. The UN Emissions Gap Report sets out that energy is the dominant source of GHG emissions, currently accounting for 68% of global CO_2 emissions.

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

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

The Intergovernmental Panel on Climate Change (IPCC) finalised the Synthesis Report for the 6th Assessment Report[14] during the IPPC's 58th Session held in Interlaken, Switzerland from 13 - 19 March 2023.

In August 2021, the first part of the 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^{0}C 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[15] 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:

[13] UN Environmental Programme, (2023). *Emissions Gap Report 2023* [Online] Available at: https://www.unep.org/resources/emissions-gap-report-2023 (Accessed 19/03/2025)

[14] IPCC (2023). *Summary for Policymakers In: Climate Change 2023: Synthesis Report.* [online] Available at: https://www.ipcc.ch/report/ar6/syr/downloads/report/IPCC_AR6_SYR_SPM.pdf (Accessed 19/03/2025).

[15] United Nations Climate Change (2023) *COP28 Agreement Signals "Beginning of the End" of the Fossil Fuel Era* [online] Available at: https://unfccc.int/news/cop28-agreement-signals-beginning-of-the-end-of-the-fossil-fuel-era (Accessed on 19/03/2025)

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

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

8.2.5 COP29 (November 2024) Baku 2024

In November 2024, the 29th UN Climate Conference (COP29) was hosted in Baku, Azerbaijan. COP29 facilitated the continuation of negotiations on global actions and the setting of an overarching framework for national level climate policies. COP29 saw an agreement reached on a new climate finance goal which will build on the advances in global action already agreed at COP27 (Sharm El-Sheikh) and COP28 (Dubai). COP29 also reached a carbon market agreement which will help countries deliver their respective climate plans much quicker and cheaper, as well as making faster progress in halving global emissions.

8.3 UK Climate Change and Energy Legislation and Policy

8.3.1 The Climate Emergency

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

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

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

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and sets a target to reduce Scotland's emissions of all GHG to net-zero by 2045. This is ambitious and is five years ahead of the UK's net- zero target for 2050. Projects, such as the Proposed Development, play a key role in decarbonising the energy sector, whilst providing environmental and economic benefits such as clean and reliable energy at low cost to consumers.

AC issued a Climate Change Declaration in 2020 and has adopted the Scottish Government's Net Zero target and aim to achieve this sooner. AC has pledged to reduce emissions by at least 75% by 2030 and become Net Zero by 2040, understanding the urgency of decarbonising all operations and service provisions. Furthermore ACs 'Climate Change Adaptation and Resilience Plan 2025 – 2030' was published in March 2025 set out the Council's long-term vision, outcomes, and priorities for climate adaptation action over the next five years.

8.3.2 The Climate Change Act 2008 & Carbon Budgets

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

The 2008 Act also established the Committee on Climate Change (the CCC) which has produced six four-yearly Carbon Budgets (covering 2008 – 2037) and which reports on progress made in reducing GHG emissions to the UK Government. These legally binding carbon budgets act as stepping-stones towards the overarching target of Net Zero by 2050. The CCC advises on the appropriate level of each carbon budget and once accepted by Government, the respective budgets are legislated by Parliament. All six carbon budgets have been put into law and run up to 2037, Table 8.1 Carbon Budgets and Progress.

Table 8.1 Carbon Budgets and Progress

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

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

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

In December 2020, the UK Energy White Paper: Powering Our Net-Zero Future[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".*

[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 20/03/2025)

- *Page 44: "By 2050, we expect low-carbon options, such as clean hydrogen and long-duration storage to satisfy the need for peaking capacity and ensure security of supply at low cost, likely eliminating the reliance on generation from unabated gas".*
- *Page 72: emphasises the fact that energy storage in batteries will provide "…the flexibility needed to match supply to demand at peak hours, or when renewables output is low", such flexibility will lower future costs for consumers and can be deployed quickly to meet spikes in demand. Page 72 also states "Increasingly, flexibility will come from new, cleaner sources, such as energy storage in batteries, increased interconnected capacity from neighbouring electricity markets, or from consumer using smart technologies to reduce how much energy they use or shift when they use the energy to different times in the day".*

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

8.3.4 The British Energy Security Strategy (April 2022)

The UK Government released its Energy Security Strategy in April 2022[17]. The Energy Security Strategy 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 Security Strategy, accelerating the domestic supply of clean electricity and facilitating the network infrastructure to support its increased generation. In this area, in which the Proposed Development sits, the Energy Security 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".

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

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

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

[17] HM Government (2022) *British Energy Security Strategy* [online] Available at: https://www.gov.uk/government/publications/british-energy-security-strategy/british-energy-security-strategy (Accessed 20/03/2025)

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

On 30th March 2023 the UK Government (Department for Energy Security and Net Zero) published 'Power Up Britain' which comprises a series of documents including an Energy Security Plan, a Carbon Budget Delivery Plan (CBDP) and a Net Zero Growth Plan[18].

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 2008. 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[19] 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. It 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 UK 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*" (pg. 19, 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 Powering Up Britian: Net Zero Growth Plan states (pg. 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".*

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: Net Zero Growth Plan was subsequently published by the UK Government (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

[18] 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 20/02/2025)

[19] 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 20/02/2025)

(Friends of the Earth & Others) v Secretary of State for Energy Security and Net Zero [2024] EWHC 995 (Admin).

8.3.6 Climate Change Committee – Report to Parliament (2024)

The CCC published its 'Progress in Reducing Emissions' report to Parliament in July 2024[20]. It sets out (page 8) that:

"The previous Government signalled the slowing of pace and reversed or delayed key policies. The new Government will have to act fast to hit the country's commitments.

The cost of key low-carbon technologies is falling, creating an opportunity for the UK to boost investment, reclaim global climate leadership and enhance energy security by accelerating take-up. British-based renewable energy is the cheapest and fastest way to reduce vulnerability to volatile global fossil fuel markets. The faster we get off fossil fuels, the more secure we become."

The CCC Report makes it clear that urgent action is needed to get on track for the UK's 2030 emissions reduction target. In this regard it states:

"The UK has committed to reduce emissions in 2030 by 68% compared to 1990 levels, as its Nationally Determined Contribution (NDC) to the Paris Agreement. It is the first UK target set in line with Net Zero. Now only six years away, the country is not on track to hit this target despite a significant reduction in emissions in 2023. Much of the progress to date has come from phasing out coal generated electricity, with the last coal-fired power station closing later this year. We now need to rapidly reduce oil and gas use as well.

Our assessment is that only a third of the emissions reductions required to achieve the 2030 target are currently covered by credible plans. Action is needed across all sectors of the economy, with low carbon technologies becoming the norm."

The CCC Report sets out priority actions (page 9) and they include that:

- The UK should now be in a phase of rapid investment and delivery, however CCC note that all indicators for low carbon technology roll out are *"off track, with rates needing to significant ramp up."*

Chapter 2 of the CCC Report confirms that the third Carbon Budget was met (covering the period 2018 to 2022), however *"future carbon budgets will require an increase in the pace and breadth of decarbonisation. It is imperative that an ambitious path of emissions reduction is maintained towards Net Zero."* (Page 33).

Section 2.3 of the CCC Report addresses emissions reductions required for future Carbon Budgets. Paragraph 2.3.1 states that:

"emissions reductions across most sectors will need to significantly speed up to be on track to meet the UK's climate targets in the 2030s, and therefore the long term target of Net Zero by 2050. Emissions reductions will need to outperform the legislated Fourth Carbon Budget for the UK to be on a sensible path to achieve its 2030 NDC, the Sixth Carbon Budget and Net Zero."

Chapter 3 of the CCC Report examines indicators of current delivery progress and it sets out (page 50) it references a number of key points including inter alia: *"Required pace – substantial progress is needed on a range of key indicators over the rest of this decade, to get the UK on track to meet its 2030 emissions targets. Low carbon technologies need to quickly become the default options in many areas…*

[20] CCC (2024) *2024 Progress Report to Parliament* [online] Available at: https://www.theccc.org.uk/publication/progress-in-reducing-emissions-2024-report-to-parliament/ (Accessed 20/03/2025)

Renewable energy capacity has been growing steadily. However, roll-out rates will need to increase, compared to those since the start of this decade, to deliver the capacity needed by the end of the decade. Annual installations of offshore wind will need to more than treble, onshore wind more than double and solar increase by a factor of five."

Chapter 2 of the CCC Report addresses the risks to the UK in achieving its emissions reduction targets.

With regard to the Fourth Carbon Budget (2023-2027) it states that although credible plans cover almost all of the emissions reductions required to meet it *"this budget was set before the UK's Net Zero target was legislated. The UK will need to reduce emissions by double the amount implied by the target to be on a sensible path to Net Zero…."*

With regard to the 2030 NDC and Sixth Carbon Budget (for the period 2023 to 2037) the CCC Report states that credible plans cover only around a third of emissions reductions needed to meet the UK's 2030 NDC and a quarter of those needed to meet the Sixth Carbon Budget. It adds *"that 2030 NDC is now only six years away. While our assessment of the policies and plans to deliver it has improved slightly, there remains significant risks to achieving these goals."*

The rapid expansion of renewable energy installations which are emphasised as being required throughout the CCC Report will undoubtedly result in a further requirement in storage technologies such as the Proposed Development.

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

The CCC issued a report and related Statement[21] in January 2024 with reference to COP28 and next steps for the UK. The Statement set out that:

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

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

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

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

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

The related Outcomes Report, in addressing next steps for the UK sets out the following points:

- *"The Global Stocktake undertaken at COP28 marks the first formal assessment of progress of the Paris Agreement process and it reinforced the growing momentum in renewables and other low carbon technology deployment.*
- *Countries were called upon to support a trebling of renewables globally…. Alongside this was the crucial brokering of recognition of the need to transition away from all fossil fuels to achieve a Net Zero energy system by 2050.*

[21] CCC, (2024). *COP28: Key outcomes and next steps for the* UK [Online] Available at: https://www.theccc.org.uk/publication/cop28-key-outcomes-and-next-steps-for-the-uk/ (Accessed 20/03/2025)

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

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

- Delivering rapid deployment of renewables. The report states that solar and onshore wind is progressing too slowly due to barriers around planning and consenting and access to network connections, despite being the cheapest form of generation.
- In terms of the UK's 2030 NDC, the report states that the UK must continue to focus on addressing delivery gaps to the 2030 NDC. Reference is made to the CCC's 2023 Progress Report which established that if the UK is to achieve its 2030 NDC then the rate of emissions reduction *"outside electricity supply must almost quadruple from 1.2% annual reductions to 4.7%"*.
- In terms of the tripling of renewable energy capacity by 2030, the Outcomes Report sets out (page 23) that the UK Government only has renewables deployment targets for offshore wind (aiming for up to 50 GW by 2030) and solar PV (aiming for up to 70 GW by 2035).

The CCC report makes it clear that:

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

The CCC also highlight that their 2023 Progress Report (referred to above) showed that the Government is currently off-track to meeting its renewables targets. It states that in order to support the ambitions agreed at COP28 "*and to meet the target of a decarbonised electricity supply by 2035, the Government must increase efforts to deliver against its existing targets on time*".

8.3.8 The Labour Government's Commitment to Renewables

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

The Labour Party Manifesto[22] states that it has *"a national mission for clean power by 2030"* and it explicitly states that this is achievable *"and should be prioritised"*. The Labour Party Manifesto sees the clean energy transition as a huge opportunity to generate growth and also to tackle the cost-of-living crisis. This objective is set out as Labour's *"second mission"* for the UK.

It is clear that the new Labour administration will accelerate the pace of renewable development in order to achieve Net Zero. Energy policy is reserved to Westminster and although the Scottish Government has progressed its own energy policy in parallel with its full devolved authority over the planning system in Scotland, UK Government policy is an important material consideration.

The Department for Energy Security and Net Zero issued a Statement (the UK Policy Statement on Inshore Wind) on 8th July 2024 which included reference to doubling the UK onshore wind capacity from its current level of approximately 15 GW to a planned capacity of 30 GW by 2030. This is a huge

[22] Labour, (2024). *Make Britain a Clean Energy Superpower* [Online] Available at: https://labour.org.uk/change/make-britain-a-clean-energy-superpower/ (Accessed 20/03/2025)

step forward for onshore wind projects in the UK and it is hoped that this will positively impact the number and speed at which onshore wind projects are consented and deployed, thus further emphasising the need for storage systems to support the increased generation capacity.

8.3.9 UK Battery Strategy (2023)

The UK Government published the UK Battery Strategy[23] on 26th November 2023. The UK Battery 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 UK Battery Strategy was developed with the UK Battery Strategy Task Force, drawing upon a call for evidence and engagement with business and stakeholders. The UK Battery 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 (pg. 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.

8.3.10 Clean Power 2030 Action Plan (2024)

The UK Government's Department for Energy Security and Net Zero released the 'Clean Power 2030 Action Plan: A new era of clean electricity' Policy Paper[24] on 13th December 2024, outlining the UK Government's pathway to achieving a clean power energy system by 2030.

As mentioned, in the 2024 election, one of the five missions underpinning the Labour party's manifesto (on which they were ultimately elected) was to *"make Britain a clean energy superpower to cut bills, create jobs and deliver security with cheaper, zero-carbon electricity by 2030".* This Policy Paper expands on how they intend to do so.

Primarily, following advice received from the National Energy System Operator (NESO), the ambitious goal of the Clean Power 2030 Action Plan is that the 2030 power system will see *"clean sources produce at least as much power as Great Britain consumes in total over the whole year, and at least 95% of Great Britain's generation".* The Action Plan illustrates how wind and solar made up approximately a third of the country's electricity generation in 2023, however, the clean power target seeks to see wind and solar making up around 80% of the generation mix (with less than 5% of generation to be made up of unabated fossil fuels).

[23] Department for Business & Trade, (2023). *UK Battery Strategy* [Online] Available at: https://assets.publishing.service.gov.uk/media/656ef4871104cf000dfa74f3/uk-battery-strategy.pdf (Accessed 20/03/2025).

[24] DESNZ (2024) *Clean Power 2030 Action Plan: A new era of clean electricity* [Online] Available at: https://www.gov.uk/government/publications/clean-power-2030-action-plan (accessed 28/01/2025)

The reforms proposed in the Clean Power 2030 Action Plan see wind and solar as the pillar of the UK's electricity system, in particular outlining an ambition for 27-29 GW of onshore wind to significantly reduce the fossil-fuel dependency.

In short, the action plan undoubtedly emphasises the significant opportunity and requirement for rapid deployment of clean energy, which the Proposed Development would support and facilitate.

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[25]. 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 does however refer to *"Renewable and Low Carbon Solutions"* as a strategic priority (pg. 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[26] 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 GHG 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 the 18th 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 that the CCC report contains for Scottish emission reduction targets as set out in legislation, namely the Climate Change (Scotland) Act 2009. The Statement outlines that the Scottish Government will bring forward expedited legislation to address matters raised by the CCC and there is expected to be a change to the 2030 emissions reduction target.

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

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

The Scottish Government published an update to the 2018 Climate Change Plan: Securing a Green Recovery on a Path to Net Zero[27] (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

[25] 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 20/02/2025)

[26] 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 20/02/2025)

[27] 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 20/03/2025)

therefore covers the period throughout which the Scottish Government has committed to reduce GHG 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 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'[28] on 10th January 2023. The new Strategy is to replace the one previously published in 2017. The consultation period ended in April 2023. As a draft document it can only be afforded limited weight. The draft document is however consistent with the adopted policy set out in NPF4 and the identification of the 2020s as a crucial decade for the large-scale delivery of renewable energy projects supporting urgent transition to net zero.

The Ministerial Foreword states:

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

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

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

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

[28] Scottish Government, (2023). *Draft Energy Strategy and Just Transition Plan* [Online] Available at: https://www.gov.scot/publications/draft-energy-strategy-transition-plan/documents/ (Accessed 20/03/2025).

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 (pg. 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".

8.4.4.1 Recognition of the role of Battery Storage

With regard to the potential of battery storage the Draft Energy Strategy and Just Transition Plan 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" (pg. 130).

The Draft Strategy reiterates the support for energy storage set out in NPF4.

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.

8.4.5 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[29], the CCC stated that Scotland has missed its annual emission reduction targets eight times and Scotland has only met its emissions reduction target once. This was in 2020, during which lockdown restrictions severely reduced commercial, industrial, and transport emissions.

The related CCC press release of the same date (2024) states that Scotland's 2030 climate goals are no longer credible. It states:

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

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

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

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

In light of this CCC report, the Cabinet Secretary made a statement to the Scottish Parliament on 18th April 2024 entitled 'Climate Change Committee Scotland Report – Next Steps: Net Zero Secretary Statement'[30].

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:

[29] Climate Change Committee, (2024). *Progress in reducing emissions in Scotland – 2023 Report to Parliament* [Online] Available at: https://www.theccc.org.uk/publication/progress-in-reducing-emissions-in-scotland-2023-report-to-parliament/ (Accessed 20/03/2025)

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

"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.

8.4.6 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')[31]. 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" (pg. 3).

Scotland's Networks Vision 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" (pg.13).

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

[31] 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/ (Accessed 20/03/2025).

Development will support Scotland's Network Vision whilst aiding the decarbonisation of the electricity supply network.

9 National and Local Planning Policy

9.1 Introduction

The Scottish Ministers, in determining the S36 Application, will have regard to the extent to which the Applicant has met its duties in terms of Schedule 9 (3) of the Electricity Act. Furthermore, the decision making will also involve consideration of National Energy and Planning Policy, and, in the context of a Section 36 application, the statutory Development Plan which in the case of the Proposed Development consists of NPF4 (see Section 9.2), the Aberdeenshire Local Development Plan (ALDP) (see Section 9.3) and any related Supplementary Guidance (see Section 9.3.2).

9.2 National Planning Framework 4

9.2.1 Adoption of NPF4

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

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

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

9.2.2 Applying/Using NPF4

NPF4 is a long-term plan which sets out where development and infrastructure is needed across Scotland up to 2045. In the ministerial foreword NPF4, Tom Arthur MSP states, amongst other things, that *"putting the twin global climate and nature crises at the heart of our vision for a future Scotland will ensure the decisions we make today will be in the long-term interest of our country"* (pg. 02).

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 400 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 14: Design, quality and place
- Policy 18: Infrastructure
- Policy 22: Flood Risk and Water Management;
- Policy 23: Health and Safety;
- Policy 25: Community Wealth Building; and
- Policy 29: Rural Development.

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

A summary of the relevant provisions of the above policies is provided in Sections 9.2.2.3.1 - 9.2.2.3.13 and as assessment of the Proposed Development against these policies is detailed in Section 10 further below.

9.2.2.3.1 Policy 1: Tackling the Climate and Nature Crisis

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

Policy 1 directs that that *"significant weight"* should be given to the matters of the climate change emergency and nature crisis when considering *"all development proposals"* (emphasis added) and the policy intent is *"to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis"* (pg. 36).

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"* (pg. 53).

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"* (pg. 54) (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"* (pg. 53).

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" (pg. 53).

"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." (pg. 54).

The objective of Policy 11 is clear in that it is advocating for the rollout of renewable energy across Scotland, which the Proposed Development would contribute to. Policy 11 provides a response to Policy 1 in that it offers renewable energy as a significant 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"* (pg. 53).

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, 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*" (pg. 37).

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"* (pg. 38).

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 <u>better state</u> than without intervention"* (emphasis added) (pg. 38).

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"* (pg. 38).

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

9.2.2.3.5 Policy 4: Natural Places

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

and natural assets are *"managed in a sustainable way that maintains and grows their essential benefits and services"* (pg. 40).

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)) (pg. 40).

Policy 4 states that *"the precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance"* (pg. 40) 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"* (pg. 42).

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 reductions 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."* (pg. 42).

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"* (pg. 44).

Policy 6a) states that *"Development proposals that enhance, expand and improve woodland and tree cover will be supported"* (pg. 44).

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"* (pg. 45).

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" (pg. 44).

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 18: Infrastructure first

Policy 18 is to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

Policy 18 states the following:

a) *"Development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported"* (pg. 67).

9.2.2.3.10 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"* (pg. 74). This Policy aims to strengthen resilience to the risks posed by current and future flood risk, use water resources in a sustainable way, and to use natural flood risk management techniques.

Policy 22 states the following:

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

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

   ii. *water compatible uses;*

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

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

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

   In such cases, it will be demonstrated by the applicant that:

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

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

- *the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and*
- *that the proposal does not create an island of development and that safe access/ egress can be achieved.*

b) Development proposals will:

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

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

c. seek to minimise the area of impermeable surface.

e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported." (pg. 74 and 75).

9.2.2.3.11 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"* (pg. 76).

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

9.2.2.3.12 Policy 25: Community Wealth Building

The Policy Intent of Policy 25 is to *"encourage, promote and facilitate a new strategic approach to economic development that also provides a practical model for building a wellbeing economy at local, regional and national levels."* (pg. 79).

Policy 25 states the following:

A) "Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets." (pg. 79).

9.2.2.3.13 Policy 29: Rural Development

The Policy Intent of Policy 29 is *"to encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced."* (pg. 86).

Policy 29 states the following:

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

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

ii. *diversification of existing businesses;*

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

iv. *essential community services;*

v. *essential infrastructure;*

vi. *reuse of a redundant or unused building;*

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

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

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

x. *improvement or restoration of the natural environment.*

B) *Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location."* (pg. 86).

9.3 Local Planning Policy

9.3.1 Aberdeenshire Local Development Plan (ALDP)

The Site is located entirely within the administrative area of AC. AC holds its own Local Development Plan (LDP), the ALDP.

The ALDP was adopted on the 13th January 2023. The ALDP is made up of three documents. These are the "National Planning Framework 3", the "Aberdeenshire Local Development Plan" and "Supplementary Guidance". The LDP sets out the policies that would be used for determining planning applications and aims to balance economic growth with the urgent challenges of sustainable development and climate change[32].

Although a relatively recently adopted LDP, the ALDP (2023) predates the adoption of NPF4 and has been formulated to interpret and implement the policy positions stated in the now superseded Aberdeen City and Shire Strategic Development Plan and as such some policy positions stated may be inconsistent with those contained in NPF4.

As per the Town & Country Planning (Scotland) Act 1997, Section 24 states "*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*"[33].

[32] Aberdeenshire Council (2023) *Aberdeenshire Local Development Plan 2023* [online] Available at: https://www.aberdeenshire.gov.uk/planning/plans-and-policies/ldp-2023/ (Accessed 06/02/2025)
[33] Legislation.go.uk (2025) *Town and Country Planning (Scotland) Act 1997* [online] Available at: https://www.legislation.gov.uk/ukpga/1997/8/section/24 (Accessed 06/02/2025).

9.3.1.1 ALDP Policies

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

- Policy R2: Development Proposal Elsewhere in the Countryside
- Policy P1: Layout, Siting and Design
- Policy P2: Open Space and Access in New Development
- Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land
- Policy E1: Natural Heritage
- Policy E2: Landscape
- Policy E3: Forestry and Woodland
- Policy HE1: Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)
- Policy PR1: Protecting Important Resources
- Policy C2: Renewable Energy
- Policy C4: Flooding

9.3.1.1.1 Policy R2: Development Proposal Elsewhere in the Countryside

Policy R2 states that the "*siting and design of any new development will be a primary consideration as well as compliance with other relevant policies*" (pg. 32). It is important to note that the policy relates primarily to the development of residential dwellings and the redevelopment of brownfield sites.

9.3.1.1.2 Policy P1: Layout, Siting and Design

Policy P2 outlines that the LPA will *"assess all developments using a process that includes appropriate public consultation. Certain proposals for national or major development should meet the prescribed criteria / level of public and stakeholder engagement"*. Additionally, *"measures require to be identified to enhance biodiversity in proportion to the opportunities available and the scale of the development"* (pg. 48).

9.3.1.1.3 Policy P2: Open Space and Access in New Development

Policy P2 states that "*existing and potential public access routes (including core paths and other routes, such as public rights of way) should be protected"* (pg. 49). Public access would be maintained via the re-routing of the existing informal recreational walking track through the Site, and enhanced through the creation of pedestrian access to Bailey's Walk located the north-west of the Site.

9.3.1.1.4 Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land

As per Policy P4, *"development will be refused if there is a risk of pollution being created as well as a significant nuisance or present an unacceptable danger to the public or the environment. Planning permission may be refused for potentially hazardous developments in the event that insufficient information has been submitted"* (pg. 50).

Furthermore, Policy P4 clearly states that appropriate mitigation measures must be provided where a Noise Impact Assessment indicates significant detrimental impact on noise levels.

9.3.1.1.5 Policy E1: Natural Heritage

E1.4 policy states that where "*woodland is present on or beside a development site, proposals should be designed to seek to accommodate and protect the woodland rather than remove it in part or entirely*" (pg. 58).

9.3.1.1.6 Policy E2: Landscape

As per policy E2 the Council will *"refuse development that causes unacceptable effects through its scale, location or design on key characteristics, natural landscape elements, features or the composition or quality of the landscape character as designed in the Landscape Character Assessments produced by NatureScot"* (pg. 60).

9.3.1.1.7 Policy E3: Forestry and Woodland

Policy states that forests and woodland *"must be protected and, where appropriate, enhanced to safeguard the environment, habitats, species and local culture, whilst benefitting and supporting local and national economy"* (pg. 60). To protect and enhance forests and woodland, the Policy has a "*presumption against the removal of safe and healthy trees*".

9.3.1.1.8 Policy HE1: Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

The LPA will *"resist development that would have an adverse impact on the character, integrity or setting of listed buildings, or scheduled monuments, or other archaeological sites"* (pg. 65). Moreover, developments that are on "*nationally or locally important monuments or archaeological sites or having an adverse impact on the integrity of their setting, will only be allowed if there are exceptional circumstances, including those of a social or economic nature, and there is no alternative site*" (pg. 66).

9.3.1.1.9 Policy PR1: Protecting Important Resources

Policy PR1 acknowledges that the council *"will not approve developments that have a negative effect on important environmental resources associated with air quality, the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland"* (pg. 73). Development resulting in the *"loss of, or serious damage to, trees and woodlands of significant ecological, recreational, historical, landscape or shelter value will not normally be permitted"* (pg. 75).

Where impacts are identified, "*public economic or social benefits must outweigh*" the impacts for development to be permitted (pg. 73).

9.3.1.1.10 Policy C2: Renewable Energy

As outlined in Policy C2, the council will *"support renewable energy developments, including solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydro-electricity projects, as well as energy storage projects, which are in appropriate sites and of the appropriate design"* (pg. 82).

9.3.1.1.11 Policy C4: Flooding

Policy C4 states that *"Flood Risk Assessments should be undertaken in accordance with SEPA Technical Flood Risk Guidance and will be required for developments in the indictive medium to high category of flood risk*" (pg. 84). It also states that *"Developments should not increase flood risk vulnerability and should avoid these categories"* (pg. 85).

Policy C4 also states that developments would not be approved if they contribute to flooding issues elsewhere.

9.3.2 Supplementary Planning Guidance

Supplementary planning guidance documents made available by AC provide best practice guidance on how to meet the requirements of the ALDP.

Guidance documents relevant to the S36 Application and which have been used to inform the Proposed Development are listed below:

- PA2023-01 – Aberdeenshire Forestry and Woodland Strategy;
- PA2023-05 – Energy Statements;
- PA2023-07b – Woodlands and Valley Landscape Character Types
- PA2023-08 – Landscaping Design (previous reference 13/2015);
- PA2023-11 – Development in the Countryside Policies R1 and R2 including Organic
- Growth of Settlements;
- PA2023-12 – Outdoor Access and Development (previous reference 10/2015);
- PA2023-20 – Trees and Development (previous reference 11/2015);
- PA2023-22 – Providing Drainage for New Developments where Public Sewers are not
- available (previous reference 1/2008).

10 Planning Policy Appraisal

10.1 Introduction

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

This section addresses those planning matters raised by the Proposed Development against the planning policy context outlined in Section 9 above. Compliance with NPF4 is considered first with a particular emphasis on Policy 11. Compliance with the ALDP policies are considered second.

10.2 Principle of the Proposed Development

10.2.1 Suitability of the Proposed Site

Details of the Site and its land use context have been detailed within Section 3 of this Statement. This has been informed by 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 designated archaeological features have been identified within the Planning Boundary.

With regard to the surrounding area, as aforementioned, larger urban areas including Cuminestown (c.1.5 km north) and New Deer (c.7.5 km east) can be seen further afield. The area surrounding the BESS Site is sparely populated with a few residential properties including six listed building, and five SAMs located within 3 kms. The Site is proposed to be accessed from an existing junction on the BESS Site's southern boundary. The existing junction connects to the C1S travelling in a generally west to east direction. Access to the Site will be afforded from the east, where the road connects to the C29S road, which leads to the B9170 to the north.

10.2.2 Contribution to Renewable Energy Targets

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

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

The Proposed Development will have the capacity to 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' which aims to "*reduce emissions, restore and better connect biodiversity*". As previously mentioned, the Proposed Development will constitute as NAD 3 - Strategic Renewable

Electricity Generation and Transmission Infrastructure. In the statement of need for NAD 3, it is emphasised how *"certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require"*. The Proposed Development will therefore undoubtedly help towards achieving the Scottish Government's NSS and related renewable energy targets.

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

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

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

10.3 Compliance with National Planning Framework 4

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

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

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

- Policy 1: Tackling the Climate and Nature Crisis;
- Policy 2: Climate Mitigation and Adaptation;
- Policy 3: Biodiversity;
- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 6: Forestry, Woodland and Trees;
- Policy 7: Historic Assets and Places;
- Policy 11: Energy;
- Policy 22: Flood Risk and Water Management;
- Policy 23: Health and Safety;
- Policy 25: Community Wealth Building; and
- Policy 29: Rural Development.

The Proposed Development's purpose is to provide storage, flexibility, and stabilisation services to the electricity grid, further enabling a decreased reliance on the use of fossil fuels to manage periods of peak energy demand within the grid. These services provide both direct and indirect effects to help

tackle the climate change and nature crises, ensuring the Proposed Development maintains compliance with this **Policy 1** contained within NPF4.

10.3.1 Ecology and Biodiversity

A Preliminary Ecological Appraisal (PEA) (document reference: LD11228 Preliminary Ecological Appraisal Rev 01) was undertaken by Wardell Armstrong LLP in March 2025 to inform the Applicant's understanding of early ecological constraints subject to potential impact from the Proposed Development. This comprised a survey of areas likely to form its overall development footprint. The PEA provides recommendations on the Proposed Development design and advises whether any Phase 2 ecology surveys will be required. The Site was identified as containing potential habitat for breeding birds, and a [redacted] Pine Martens, and red squirrels.

The PEA recommended further surveys and assessments to be undertaken to inform a full evaluation of potential adverse effects and required mitigation measures. The Applicant has commissioned Wardell Armstrong to undertake these further surveys and assessments, the results of which will be submitted once the surveys have been completed and reported on.

Additionally, to comply with the requirements of NPF4 and BSI 42020:2013, it is essential to propose ecological enhancements that exceed the measures required to mitigate the effects on biodiversity. These enhancements include various provisions, in addition to any required mitigation measures, with exact specifications to be determined during the detailed design stage. The PEA lists the following recommendations:

- Installing bird boxes of various designs, such as 45mm and 32mm entrance boxes, sparrow terraces, owl/kestrel boxes, and swift boxes or house martin cups on trees. Additionally, integrated bird bricks could be installed directly into the brickwork of new buildings and structures.
- Installing bat boxes suitable for different species and seasons could be installed on retained mature trees. Integrated bat boxes could also be incorporated directly into the brickwork of new buildings and structures.
- Creating insect and invertebrate houses or hotels, or managing retained standing and fallen deadwood, could also be beneficial. Planting native trees and shrubs of local provenance, which naturally occur in the area, including berry, pollen, and nectar-producing species, would further enhance biodiversity.
- Establishing areas of green spaces planted with diverse native flora and linked to the wider landscape character, as well as creating wildlife ponds to provide habitats for invertebrates and amphibians.

Habitat enhancement measures have been incorporated into the design, including grassland recolonisation, and the creation of native woodland areas to enhance the biodiversity of the Site, in compliance with NPF4 **Policy 3.** Moreover, the Phase 2 surveys would help ensure that the implementation of the Proposed Development can be undertaken without any potential impacts on biodiversity, as further required in **Policy 3**.

10.3.2 Landscape and Visual Amenity

A Zone of theoretical visibility (ZTV) (Figure 2 and Figure 3 of Landscape and Visual Appraisal document) was undertaken by Stephenson Halliday as part of this S36 Application. Six potential

viewpoints were identified after a ZTV was modelled using digital surface model data. The closest viewpoint is located approximately 160 m south of the BESS Site.

The LVA was undertaken by Stephenson Halliday as part of this S36 Application, including associated visualisations, a Landscape Mitigation Plan, a Landscape Management Plan and assessment of cumulative effects. The LVA aims to identify the predicted landscape and visual effects of the Proposed Development within a 3 km radius, which is considered adequate to identify all significant impacts on landscape and visual receptors due to the generally low height of most of the Proposed Development's components, the terrain, and the existing forestry nearby.

The Planning Boundary is located within the Landscape Character Type (LCT) 20: Undulating Agricultural Heartland. LCT 20 has a landscape, consisting of undulating land with large to medium fields and forestry blocks. The National Cycle Network Route 1 and local recreational routes like Bailey's Walk and Moss Side Public Footpath are located within the LCT. The significant ecological and cultural features of the broader LCT are not located within the LVA study area.

Construction activities associated with the Proposed Development, including earthworks, vegetation clearance, and the establishment of temporary compounds and site infrastructure, would cause a localised effect within the BESS site and within 1.5 km north and west of the site boundary. However, the undulating landform to the west and east would limit visibility and the perception of landscape change in higher agricultural areas. Construction would also restrict access to an existing forestry track used for recreation. The scale of change would be Small over a Limited area of this LCT, resulting in a Slight magnitude and a Minor Adverse effect during construction.

In the first year of operation, the Proposed Development has potential to directly impact the landscape of LCT 20. The introduction of electrical infrastructure would increase the presence of such infrastructure in what is currently a localised forestry area. Some forestry would be lost within the operational compounds and the area immediately north and east. The area west of the main battery compound would remain as forestry and would be partially established by the first year of operation. A new local access route would be created between the western screening bund and retained forestry area, providing pedestrian connectivity to Bailey's Walk in the north-west. The existing landform to the east and earth bunds to the west and south would limit the degree of change in the local landscape. There would be minimal perceptible change to other key characteristics. Therefore, the LVA concludes that the Proposed Development would result in a Minor/Negligible Adverse effect in the first year of operation.

By the tenth year of operation, mitigation planting would effectively screen the Proposed Development within the local landscape. The proposed native woodland would surround the main battery storage and substation compounds, while established forestry and earth bunds would further reduce the visibility of the infrastructure. The scale of change will be minimal, affecting only a limited area of this LCT, resulting in a minor/negligible adverse effect.

In addition to the ZTVs included within the LVA, a further ZTV has been produced and is included within this S36 Application (drawing reference: 1005-SHRSK-XX-XX-DR-L-1001 Mitigation Screening ZTV). This additional ZTV models vegetation screening at year 15, and provides an indication that only very limited or narrow views into the Site would be able to be experienced once the native planting vegetation has been allowed to mature over this period of time.

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

10.3.3 Soil and Peat

According to Scotland's Soil Land Capacity for Agriculture, the soil within the BESS Site is of Class 4.1 "Land capable of producing a narrow range of crops, primarily grassland with short arable breaks of forage crops and cereal". According to the Peat Carbon and Peatland 2016 Map the BESS Site is located in area of Class 4: "Area unlikely to be associated with peatland habitats or wet and acidic type. Area unlikely to include carbon-rich soils" and also Class 5: "*Soil information takes precedence over vegetation data. No peatland habitat recorded. May also include areas of bare soil. Soils are carbon-rich and deep peat*".

Policy 5 states that developments on prime agricultural land will be supported when it is for the generation of energy from renewable sources, and the layout and design of the proposal minimises the amount of protected land that is required. However, the BESS Site is not located on Prime Agricultural Land.

Policy 5 of the NPF4 also states that developments on peatland, carbon rich soils and priority peatland habitat will only be supported for essential infrastructure and there is a specific locational need and no other suitable site. As the BESS Site is located on land containing Class 5 carbon and peatland soils, a peat depth survey was undertaken to support this Section 36 application. A comprehensive survey of peat depths was conducted across the Site, with measurements taken at approximately 50 m intervals to map the overall pattern of peat depth and extent. In areas where infrastructure is planned, such as the BESS, construction compounds, and tracks, the survey effort was intensified to 25 m intervals. The survey utilised peat probes and tablets for data recording. At each predetermined location, the maximum peat depth, surface hydrological conditions, soil/rock materials at the base of the peat probe, peatland condition, drainage and erosion patterns, and photographs of site conditions were recorded. All collected data was compiled into an Excel spreadsheet, provided in Annex 1: Raw Peat Depth Data of the Peat Depth Survey Report undertaken by Water Research Centre (WRc).

This report identified that, the BESS Site, located within an area of current and former conifer plantation, has experienced significant disturbance due to excavation and drainage activities aimed at supporting tree growth. Consequently, the soils are highly disturbed, in poor condition, and offer minimal ecological value. The peat probing results revealed shallow soil depths less than 0.5 m deep, consisting of peaty and mineral soils. The report concludes that a Peat Management Plan is not required given the absence of soils that would meet the Scottish definition of peat. It is therefore considered that the Proposed Development is compliant with **Policy 5** of the NPF4.

10.3.4 Cultural Heritage and Archaeology

A historic environment desk-based assessment (document ref: 01395_New_Deer_DBA_1_Report) was undertaken by RPS to confirm whether the Proposed Development has the potential to generate any significant impacts on cultural heritage and archaeology. The assessment found that there are no designated heritage assets within the Planning Boundary, and while non-designated heritage assets are within the Planning Boundary, none are within the BESS Site. The ZTV indicates that Proposed Development would not be visible from any designated asset, in the surrounding area or affect views of them that contribute to their cultural significance. It is concluded that the Proposed Development will have no impact upon designated heritage assets.

A possible prehistoric funerary cairn was identified at the edge of the BESS Site, potentially extending slightly into it. However, due to the Site being planted with forestry twice, significant ground disturbance has occurred. As a result, the likelihood of any meaningful subsurface remains of the cairn or other unrecorded archaeology within the BESS compound area is considered negligible. Additionally, the area where the cairn was recorded lies outside the construction footprint, ensuring that any associated remains will not be disturbed.

A 18th/19th century boundary dyke has been identified at the northern edge of the Planning Boundary. This heritage asset will remain unaffected by construction activities. Due to previous forestry operations, most of the cable corridor has been disturbed, making it unlikely for any archaeological remains to survive. Outside the forestry area, the chance of encountering unrecorded archaeology during the grid connection construction is considered low.

In the Northburnhill field, there is a ruined 18th/19th century farmstead. No construction work is planned here, ensuring the preservation of the farmstead and any unrecorded archaeology.

Given the minimal likelihood of the Proposed Development impacting archaeological sites, no archaeological mitigation measures are proposed. Policy 7 of the NPF4 requires non-designated historic environment assets and their settings to be protected and preserved and for developers to provide an evaluation of any potential non-designated buried archaeological early on in proposal, and where impacts cannot be avoided, they should be minimised. It is therefore considered that the Proposed Development is in compliance **with Policy 7 and Policy 11 part e) vii** of NPF4.

10.3.5 Safety

An Outline Battery Safety Management Plan (OBSMP) has been prepared by the Applicant 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. These are detailed within section 6.6. As a result of implementing the measures detailed within section 6.6, the Proposed Development is therefore in compliance with **Policy 23 – Health and Safety** of the NPF4.

10.3.6 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 is supported by **Policy 11 part a**) of NPF4 which states *development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include; iii. Energy storage, such as battery storage.*

Policy 11 part c) : *Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.* As detailed within Section **Error! Reference source not found.**, 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 Noise Impact Assessment (NIA) have concluded there would be no notable effects on landscape and noise impacts on identified residential properties resulting from the Proposed Development.

The NIA concludes that noise levels at the nearest noise-sensitive receptor would remain within acceptable limits subject to the implementation of mitigation measures, including the erection of a 4.5-metre-high acoustic fence along the southern edge of the noise emitting equipment.

It is considered that the Proposed Development could be accommodated within the proposed Planning Boundary with limited and very localised effects on landscape character and visual amenity.

Localised effects are anticipated due to construction activities for the Proposed Development, such as earthworks, vegetation clearance, and setting up temporary compounds and site infrastructure, however these are limited to the BESS Site and up to 1.5 km to the north and west of the Planning Boundary. As mentioned above, the undulating terrain to the west and east will reduce visibility and the perception of landscape changes in higher agricultural areas. Any 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 previously mentioned LVA concluded that landscape effects would be minimal and localised due to surrounding topography and intervening screening. There would be minimal perceptible change to other key characteristics in the first year of operation, however this would be reduced to minor or negligible once the proposed mitigation planting is established. The LVA concludes that the Proposed Development can be accommodated at the Site with limited landscape and visual impacts and therefore complies Policy 11(e)(ii).

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

The TS and CTMP submitted as part of this application noted there were no Core Paths or National Cycle Network (NCN) routes identified within or on the road frontage of the Proposed Development. There is a NCN that intersects with the construction traffic route along a section of road, approximately 50 meters in length, in Auchnagatt. Toolbox talks would be implemented, ensuring Site operatives and delivery vehicles take additional care along this section.

Regarding public access, the BESS compound would be restricted to Site personnel only for security reasons. However, the Site is currently used as an existing forestry access track during felling and planting activities, and as an informal recreational walking track. The Proposed Development requires the removal of the track, however this will be re-routed to the west of the BESS Site and will also provide pedestrian connectivity to Bailey's Walk, leading to enhancements regarding public access. It is important to note that this route would not enter the BESS Compound. For these reasons, there would be no unacceptable impacts on public access, long distance walking and cycling routes, or on scenic routes, as a result of the Proposed Development – it is therefore also in compliance with this part of Policy 11.

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

A proposed BESS at this location is not expected to affect any aviation or defence interests and the Proposed Development is therefore compliant with Policy 11(e)(iv).

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 Policy 11(e)(v).

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

A comprehensive Transport Statement and CTMP Report, as well as AIL Study, have been submitted alongside this S36 Application, concluding that the proposed construction route is suitable, safe, and acceptable for accommodating AILs and HGVs during the construction phase, as well as appropriate for the minimal traffic visiting the Site during the operational phase. There are therefore expected to

be no unacceptable impacts on road traffic or adjacent trunk roads during construction with the Proposed Development in compliance with Policy 11(e)(vi).

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. A possible prehistoric funerary cairn was identified at the edge of the BESS Site and a 18th/19th century boundary dyke has been identified at the northern edge of the Planning Boundary. Due to the site being planted with forestry twice, significant ground disturbance has occurred. As a result, the likelihood of any meaningful subsurface remains of the cairn or other unrecorded archaeology within the BESS Site is considered negligible.

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

A comprehensive FRA and DIA accompany this S36 Application 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. Currently the BESS Site is at low risk of flooding from all sources. As such, mitigation measures have been embedded within the drainage strategy to ensure the Proposed Development would not be at risk - this includes from surface water flooding exceeding the pre-development greenfield rate, as well as not increasing the on or off-site flood risk. The measures would also ensure that the local water environment will be protected, including by containment of any contaminated water, e.g. in the case of a rare fire event. As a result, the Proposed Development complies with Policy 11(e)(viii).

ix. biodiversity including impacts on birds;

Native species have been incorporated into the landscape mitigation plan for the Proposed Development, including native woodland and the natural re-colonisation of areas of acid grasslands. This has ensured that the Proposed Development maximises biodiversity enhancements in line with NPF4. Following the conclusions and recommendations of the PEA, further breeding bird surveys and species surveys are currently underway to inform a full evaluation of any potential effects and to ensure there are no adverse or significant impacts on identified ecological receptors. Based on these mitigation measures and ongoing survey work, the Proposed Development and its embedded mitigation measures have been designed in accordance with Policy 11(e)(ix).

x. impacts on trees, woods and forests;

The Proposed Development would result in the loss of approximately 24.94 ha of commercial forestry. This area comprises recently replanted commercial conifer established between 2020 and 2023, including young exotic conifer plantations (mostly Sitka spruce). In the wider context of Aberdeenshire, this plantation has low ecological value and has been categorised as category C. Native tree, hedgerow and meadow planting would offset the removal of these trees and ultimately enhance the biodiversity across the Site. Off-site planting would also be secured to further compensate for loss of forestry land, which in combination with on-site mitigation measures, would ensure the Proposed Development complies with Policy 11(e)(x).

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;

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 the Aberdeenshire Council 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 Policy 11(e)(xi) and Policy 11(e)(xii).

xiii. cumulative impacts.

All technical assessments included within this S36 Application have considered potential cumulative impacts within their assessment methodology, where applicable. The key cumulative impacts associated with the Proposed Development include the proposed Greens (New Deer 2) substation located within the Planning Boundary.

Relevant technical assessments demonstrate that the Proposed Development would not give rise to adverse cumulative impacts with regard to the surrounding environment or amenity, and any such impacts would be limited to the construction stage, which can be effectively mitigated through the appropriate management plans. The exception to this is landscape and visual impacts, which are effectively managed through landscape planting and existing intervening topography and planting. The Proposed Development is therefore considered to comply with Policy 11(e)(xiii).

The Proposed Development is further demonstrated to comply with the relevant sustainable places policies within 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 Local Development Plans

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

- Policy R2: Development Proposal Elsewhere in the Countryside
- Policy P1: Layout, Siting and Design
- Policy P2: Open Space and Access in New Development
- Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land
- Policy E1: Natural Heritage
- Policy E2: Landscape
- Policy E3: Forestry and Woodland
- Policy HE1: Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)
- Policy PR1: Protecting Important Resources
- Policy C2: Renewable Energy
- Policy C4: Flooding
- Policy RD1: Providing Suitable Services

The findings of the technical assessments that support the S36 Application and their recommended mitigation measures have been adopted through the design process for the Proposed Development to ensure all potential environmental and amenity impacts have been adequately assessed and addressed.

Further assessment against relevant ALDP policies is set out in the paragraphs below.

10.4.1 Renewable Energy Development

As detailed within Section 5 of this Statement, the Proposed Development provides a variety of grid stabilisation and flexibility services that ensures the considerable contributions to the promotion of the Scottish Governments targets in relation to Climate Change and GHG 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 ALDP **Policy C2: Renewable Energy.**

10.4.2 Ecology and Biodiversity

The PEA undertaken by Wardell Armstrong LLP in March 2025 (document reference: LD11228 Preliminary Ecological Appraisal Rev 01) assessed the initial ecological constraints of the BESS Site and the woodland within the Planning Boundary. The PEA provides recommendations on Site design, and to advise on whether any Phase 2 ecology surveys were required. The Site was identified as containing potential habitat for breeding birds, and a [redacted] pine martens, and red squirrels. Further breeding bird surveys and species surveys are currently underway.

The PEA indicates that there could be impacts on these ecological constraints, and that further surveys and assessments to fully evaluate adverse effects are necessary. Species surveys including breeding bird surveys are currently underway per the ecology survey calendar and this information will be submitted once the surveys have been completed and reported on.

Additionally, to meet the requirements of NPF4, BSI 42020:2013 and Policy P1 of the ALDP, the Proposed Development also includes ecological enhancements that exceed the measures needed to mitigate biodiversity impacts. These enhancements will include various provisions, with exact specifications determined during the detailed design stage.

The Proposed Development contingent to further ecological surveys is considered to be in compliance with the ALDP **Policy E1: Natural Heritage, Policy P1: Layout, Siting and Design, and Policy PR1: Protecting Important Resources.**

10.4.3 Landscape and Visual Amenity

The LDPs emphasise that new developments should integrate well within the surrounding landscape, should implement landscape enhancements, and consider any cumulative impacts associated with a development proposal. As mentioned above, the Proposed Development would result in the loss of approximately 24.94 ha of woodland, primarily within the BESS Site (the onsite native planting would offset 5.02 ha of this). This woodland is recently replanted area of commercial conifer established between 2020 and 2023, categorised as category C. However, along with proposed native planting the Proposed Development would result in significant improvement and enhancement of the perimeter trees, hedgerows and vegetation. The design of the Proposed Development has been landscape led, helping to screen the Proposed Development from nearby viewpoints as vegetation matures, and enhancing foraging corridors for local wildlife (see Figure 5 Landscape Mitigation Plan within LVA). The Proposed Development is considered to be in compliance with landscape-oriented policies, such as ALDP **Policy P1: Layout, Siting and Design, Policy E2: Landscape, Policy E3: Forestry and Woodland, and Policy PR1: Protecting Important Resources.**

10.4.4 Agricultural Land Capability

According to Scotland's Soil Land Capacity for Agriculture mapping, the BESS Site comprises of Class 4.1 soil meaning the land is capable of producing only a narrow range of crops, such as grassland with short arable breaks of forage crops and cereal. However, the land to the east of the BESS Site is classed as 3.2, but the majority of this area is expected to house the proposed Greens (New Deer 2) substation.

Therefore, no assessment for Land Capacity of Agriculture was undertaken to support the Proposed Development.

A Peat Depth Survey Report was undertaken by WRc (document reference. 2761193 New Deer Peat Survey Report – March 2025 FV01). The BESS Site is located on land containing Class 5 carbon and peatland soils "*Soil information takes precedence over vegetation data. No peatland habitat recorded. May also include areas of bare soil. Soils are carbon-rich and deep peat*", and as such a peat depth survey was undertaken. The peat probing results revealed shallow soil depths of less than 0.5 m, consisting of peaty and mineral soils. Given these conditions, a Peat Management Plan is not required for the Proposed Development, as there is no peat present. It is therefore considered that the Proposed Development is compliant with ALDP **Policy PR1: Protecting Important Resources and Policy C2 Renewable Energy**.

10.4.5 Contamination and geotechnical constraints

A Geoenvironmental and Geotechnical Desk Study was undertaken by RSK Environment Limited (document reference. 340617-R01 (01) Part 1, to, 340617-R01 (01) Part 6). The assessment concludes that historically, the area within the Planning Boundary transitioned from rough grass or bog with a farmstead (Northburnhill) and tracks between 1870 and 1955, to forest/woodland with a gravel pit from 1968 to 1995. The area within the Planning Boundary has a bedrock from the Macduff formation potentially up to 5.5 km thick. It features a low productivity aquifer and is adjacent to a moderate productivity aquifer, within a groundwater drinking water protection area. Surface water bodies include ponds to the east and a stream flowing towards the Black Burn drain. Potential contamination sources include historical developments and timber logging activities, with risks from ground gas accumulation posing threats to site users, buildings, and surface waters. Following on from the completed works, phase 2 / intrusive ground investigations / ground water monitoring have been undertaken, and reporting is underway.

Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land states that development proposals will only be supported subject to the production of detailed assessments on noise, air, water, and light, where it is likely that such factors will generate significant pollution as a result of a proposed development. Applicants are required to demonstrate how pollution can be avoided where possible and appropriately mitigated. The Geoenvironmental and Geotechnical Desk Study states that the risks associated with the Site are sufficiently understood for the Proposed Development. Further standard intrusive site investigations including infiltration testing, groundwater monitoring and CBR testing are being undertaken to inform the construction design considerations for the proposed BESS development at the pre-construction phase.

10.4.6 Cultural Heritage and Archaeology

The Historic Environment Desk-Based Assessment accompanying this S36 Application, has concluded that no heritage assets will be adversely impacted as a result of the Proposed Development. Any potential for buried archaeology was considered in the assessment. On this basis, no further consideration is required at this stage of any on-site archaeology potential. For these reasons, it is considered that the Proposed Development is compliant with ALDP **Policy HE1: Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)**.

10.4.7 Traffic and Transport

A TS and CTMP Report has been prepared by Pell Frischmann (document reference. 250401 New Deer 2 Transport Statement and CTMP). This Report reviews the type and volume of vehicles associated with the construction programme that has been provided, and the peak of construction activities has been identified. The CTMP identifies an approximate 118 vehicle movement per day at the peak of construction, with 51 two-way HGV movements per day at its peak. A further of 67 car / LGV trips

would be created by construction staff. Traffic associated with the operational phase will be minor in nature and restricted to occasional visits for maintenance, servicing and security reviews. The impact of this on the wider road network would be negligible.

The Proposed Development would need transformers to be used at the BESS Site and the TS and CTMP has also considered the Abnormal Indivisible Loads (AIL) due to their weight and the need for a specialist trailer to transport them on the public road network. The proposed route for Abnormal load traffic can be found in Appendix C. AIL loads traffic would depart the A90 and join the A948 westbound at Ellon, proceeding on to the B9170 before heading southbound onto the C1S. The TS & CTMP Report also outlines the proposed access junction and construction programme in Annex A and B.

10.4.8 Flood Risk and Drainage

An FRA has been prepared by Haydn Evans Consulting (document reference 336-011-RP01-FRA Rev 1) which concludes that the Site is at low risk of flooding from all sources as well as not increasing on or off-site flood risk. Furthermore, a DIA has been produced by Haydn Evans Consulting (document ref. 336-011-RP02-DIA) which states that infiltration drainage is assumed not to be feasible due to the impermeable soils present. It is therefore proposed to discharge surface water to the Burn of Greens, mimicking the BESS Site's existing drainage regime. Attenuation has been provided for the 1 in 200-year event, inclusive of 37% climate change, with a restricted discharge matching the Qbar greenfield run-off rate. Together these measures will provide appropriate mitigation for managing surface water at the Site. It is considered that the Proposed Development is compliant with ALDP **Policy C4: Flooding and Policy and PR1: Protecting Important Resources**.

10.4.9 Noise

A NIA (document reference: 17127-014-R0) has been undertaken by TNEI whereby noise modelling was conducted that the Proposed Development is expected to have an overall low noise impact at all nearby receptors, with appropriate mitigation in place. Therefore, it is considered that with the appropriate design mitigation, the Proposed Development complies with **Policy P4: Hazardous and Potentially Polluting Developments and Contaminated Land.**

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

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

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

- It complies with NPF4 and ALDP 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, with embedded mitigation measures incorporated into the design of the Proposed Development to protect sensitive receptors; and
- Construction, operation and 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 and ALDP, 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 Scottish Ministers for consent.