Planning Application for a Proposed Battery Energy Storage System (BESS), Transformers, Substations and Associated Infrastructure

Land South of Eccles Substation, Scottish Borders, Scotland, TD12 4LU

Planning, Design and Access Statement

On behalf of Bishops Dal Energy Storage Limited

Date: January 2025 | Pegasus Ref: P24-0160

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Document Management.

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Contents.

1. Introduction

1.1. This Planning, Design and Access Statement has been prepared by Pegasus Group on behalf of Bishops Dal Energy Storage Limited ("the Applicant") to accompany the application for consent under Section 36 of the Electricity Act 1989 ("the Electricity Act") for the installation of a battery-based electricity storage system, transformers, substations and associated development on land south of Eccles Substation, Scottish Borders, Scotland, TD12 4LU. The site location is provided in the submitted Infrastructure Layout plan, ref. 05389-RES-LAY-DR-PT-001 rev. 6.

1.1.1. Battery storage technologies are essential to speeding up the replacement of fossil fuels with renewable energy. Battery Energy Storage Systems ("BESS") will play an increasingly pivotal role to responding to electricity demands. BESS devices enable energy from both renewables and non-renewables to be stored, when there is excess to requirements at the time of generation and then released when the power is needed most, rather than being lost.

1.2. In 2020, a letter was issued by the Chief Planner regarding consents and variations to planning permission for energy generating ancillary uses. The letter confirms that the Scottish Government considers battery installation, which stores electricity, is to be treated as a 'generating station'. Planning permission is needed for the construction of an electricity generating station. For generating stations which have a permitted capacity greater than 50MW, consent is also needed under Section 36 of the Electricity Act.

1.3. As part of the decision-making process, the Scottish Ministers will review whether the applicant has fulfilled any requirements placed upon them by Schedule 9 (3) of the Electricity Act. The decision will require an evaluation of Energy Policies and the relevant aspects of the statutory Development Plan.

1.4. The description of the Proposed Development is as follows:

"Proposed Battery Energy Storage System (BESS), Transformers, Substations and Associated Infrastructure."

The Applicant

1.5. Bishops Dal Energy Storage Ltd will be responsible for the development of the proposed BESS facility. The Section 36 application is supported by the technical expertise of RES (Renewable Energy Systems Ltd), the world's largest independent renewable energy company, who have been integral in the development of the project. RES manage over 7GW of renewable energy projects worldwide for a large client base all under long term contracts. More recently, between 2020-2024, RES successfully developed, consented and secured investment for over 400MW of energy storage projects, including: the 50MW Roaring Hill Project, in Fife; the 80MW Stoney Project, in Buckinghamshire, and the 50MW Drum Farm Project, in Moray. Furthermore, following the development and construction of the 100MW Lakeside Project in North Yorkshire, RES has recently taken on full asset management services for the project which is currently the largest transmission-connected BESS in the UK.

Background, Needs and Benefits

1.6. The world's first integrated national grid opened in 1935 with several grid areas created to cover the UK. Rather than having a host of small power stations, these grid areas allowed energy supplies to become more accessible, cheaper, and stable. As the 20th century wore on, the majority of power was still powered by coal. Remaining nuclear and coal power plants are in the process of reaching the end of their design lives or reducing in capacity.

1.7. The Distribution Network Operator (DNO) is responsible for the operation of the local grid network. The DNO is licensed to distribute electricity provided by the Scottish Power Transmission (SPT). These systems are crucial to the delivery of the Government's renewable energy objectives. The Site will assist in providing energy security to the area and the grid network, in particular Eccles Substation which is a critical part of the grid network locally and nationally.

1.8. There is a requirement to deliver an increasing amount of clean energy through renewable technologies, as acknowledged by the UK Government in the Energy White Paper in 2020. The Climate Change (Scotland) Act 2019 sets targets for the reduction of Scotland's emission of all greenhouse gases to net-zero by 2045. The First Minister of Scotland highlighted that the climate emergency is at the forefront of the Scottish Government programme going forward. The 2021 – 22 Programme states:

1.9. *"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."*

1.10. A critical challenge facing renewable energy is that if it is not directly fed into the grid or used immediately, it is lost. Capturing excess energy that is ready to use is a fundamental challenge to ensure that all renewable energy systems can efficiently be given the opportunity to capture and store energy.

1.11. BESS consists of batteries that can store energy and are able to release or absorb energy from the power network very quickly. Being able to absorb and release energy, the battery storage in this area can be used to contribute towards the frequency balancing services, where the power is being generated or absorbed statically or dynamically depending on the system frequency. When there is not enough power, batteries are discharged to balance under-frequency preventing black and brown outs. To balance over-frequency batteries are charged to prevent dangerous spikes across electricity infrastructure. Electricity is not physically generated on site.

1.12. A battery storage system is to be treated as a generating station, as per the Chief Planners letter in 2020. Having battery storage systems in place allows for more renewable energy systems to be in place in the future. This will initiate higher levels of energy security through integration of locally produced energy which is stored and released to the grid. Ultimately, more of these systems will help to reduce the impacts of climate change and meet governmental targets.

1.13. Further to the above, the British Energy Security Strategy (2022) highlights the over-riding necessity for a secure, home-grown, reliable flow of affordable energy. One of the key priorities of the strategy is to improve networks, storage, and flexibility, and ensure that there

is sufficient electricity storage to balance the overall system. This strategy aims to streamline the transition towards a low-carbon future and will deliver a more flexible and efficient energy system and help achieve energy security.

1.14. Consequently, this form of development is crucial in enabling the continued rollout of zero carbon energy and is vital to ensuring that Scotland's ambitious net-zero emissions target is met. The development will provide valuable infrastructure to meet these targets, while supporting CO^2 reduction to combat climate change and increasing the security of supply of electricity.

Supporting Documentation

1.15. The following documents are submitted in support of the submission:

- Completed application forms;
- Covering Letter (Pegasus Group);
- Planning, Design and Access Statement (Pegasus Group);
- Acoustic Assessment (RES);
- Arboricultural Impact Assessment (Ramm Sanderson);
- Archaeology and Built Heritage Assessment (Pegasus Group);
- Construction Traffic Management Plan (Pegasus Group);
- Flood Risk Screening and & Drainage Management Plan (RES);
- Land Capability Classification for Agriculture (LCA) (Roberts Environmental);
- Landscape and Visual Appraisal (Pegasus Group);
- Outline Construction Environmental Management Plan (RES)
- Outline Fire Risk Management Plan Fire Strategy Report (RES);
- Pre-Application Consultation Report (RES);
- Preliminary Ecological Appraisal (BSG Ecology); and
- Screening Opinion of the Scottish Ministers.

1.16. The following plans and drawings are submitted in support of the submission:

Drawing Description	**Drawing No.**
Auxiliary Transformer	05389-RES-SUB-DR-PT-001 rev.2

Battery Storage Enclosure	05389-RES-BAT-DR-PT-001 rev. 2
BESS Substation Building	05389-RES-SUB-DR-PT-005 rev.2
Capacitator Bank	05389-RES-SUB-DR-PT-004 rev.2
DNO Substation Building	05389-RES-SUB-DR-PT-008 rev.1
Harmonic Filter	05389-RES-SUB-DR-PT-002 rev.2
Infrastructure Layout	05389-RES-LAY-DR-PT-001 rev. 6
Infrastructure Layout Elevation View	05389-RES-LAY-DR-PT-002 rev. 1 (Sheets 1 to 3)
LV Feeder Pillar & Aggregation Panel Details	05389-RES-SUB-DR-PT-006 rev.2
Power Conversion System & Transformer	05389-RES-PCS-DR-PT-001 rev.2
Pre-Insertion Resistor	05389-RES-SUB-DR-PT-003 rev.2
Substation Compound	05389-RES-SUB-DR-PT-007 rev.1 (Sheets 1 to 3)
Spares Storage Container	05389-RES-BLD-DR-PT-001 rev.2
Topographical Survey	314446 SU001 rev.1
Typical Security Fence Details	05389-RES-SEC-DR-PT-001 rev.2
Typical Acoustic Fence Detail	05389-RES-SEC-DR-PT-002 rev.2
Typical Lighting & CCTV Column	05389-RES-SEC-DR-PT-003 rev.2
Typical Stock Proof Fence	05389-RES-SEC-DR-PT-004 rev.1
Typical LV Equipment Enclosure	05389-RES-SUB-DR-PT-009 rev.1

Statement Approach

1.17. The development management issues relevant to the Proposed Development are discussed in this statement. The subsequent sections of this statement are divided into:

- Section 2 outlines the application site and the surrounding area;
- Section 3 highlights the development proposals and design and access matters;
- Section 4 discusses the relevant national and local planning policy;
- Section 5 contains a planning assessment of the development proposals; and
- Section 6 contains the conclusion of the report.

1.18. This Planning, Design and Access Statement will assess in detail all the planning aspects associated within the proposals for the application site. It will demonstrate that the proposals will allow for a straightforward connection to the grid which significantly limits its impact on the landscape and allows for highly effective delivery of stability services to the grid. This statement is intended to provide the Scottish Ministers with sufficient information that is in accordance with national and local planning policies.

Pre-Application

1.19. A Pre-Application request was submitted to the Scottish Borders Council in July 2024, a copy was also sent to the ECU. An initial response was received in August 2024 from the Scottish Borders Council. The ECU advised the pre-application is currently pending while a screening opinion is sought from ECU.

1.20. A screening opinion was submitted to the ECU at the same time in July 2024. A screening determination from the Scottish Ministers was received on 20 January 2025, which confirmed that the Proposed Development does not constitute EIA development, and the application does not therefore require to be supported by an EIA Report.

Public Consultation

1.21. Whilst there are no statutory pre-application consultation procedures for Section 36 applications under the Electricity Act, the minimum expectation is that applicants carry out pre-application consultation. The applicant is asked to set out in advance to ECU how they will carry out pre-application consultation. Applicants for section 36 consents are asked to submit a Pre-Application Consultation (PAC) Report with their application for proposed developments. This is provided within this application, although a summary is provided below.

1.22. The proposed plans were made be available to view on a website www.bishopsdal-energystorage.co.uk. The website became available on the 4th July 2024 with all relevant information about the Project Development. Contacts of the team involved in the project can also be found on the website, to encourage engagement. The website remained live and was updated to reflect the current proposals at the time of the second round of consultation. The website will also be updated when the planning application is validated.

1.23. Two rounds of consultation were held on dates 24th July and 11th September 2024. The advertisements for both consultations were shared through the Southern Reporter to make the public aware of the upcoming events. As well as this, RES sent a copy of the newsletter advertising the upcoming exhibition events to relevant community councils; Leitholm, Eccles and Birgham Community Council and ward members for the Mid Berwickshire Ward of Scottish Borders Council. Advertisements were shared on the 11th July 2024.

1.24. Feedback from the initial consultation was collated and reviewed. This allowed for changes to the Proposed Development where appropriate, alongside the design iteration of the scheme by the Applicant. This is set out in the Pre-Application Consultation Report.

1.25. Additionally, the Applicant actively responded to questions received about the Proposed Development from the local community, stakeholders and statutory consultees throughout the pre-application process.

2. Site & Surroundings

Application Site

2.1. The Site is approximately 13.20 hectares (ha) in size and is situated at central ordnance survey grid reference NT 79154 41293. It is located on land south of Eccles Substation, Scottish Borders, Scotland, TD12 4LU. The application site is depicted on the Infrastructure Layout (ref: 05389-RES-LAY-DR-PT-001 rev. 6) submitted as part of this application. An aerial image of the site is included below at Figure 1.

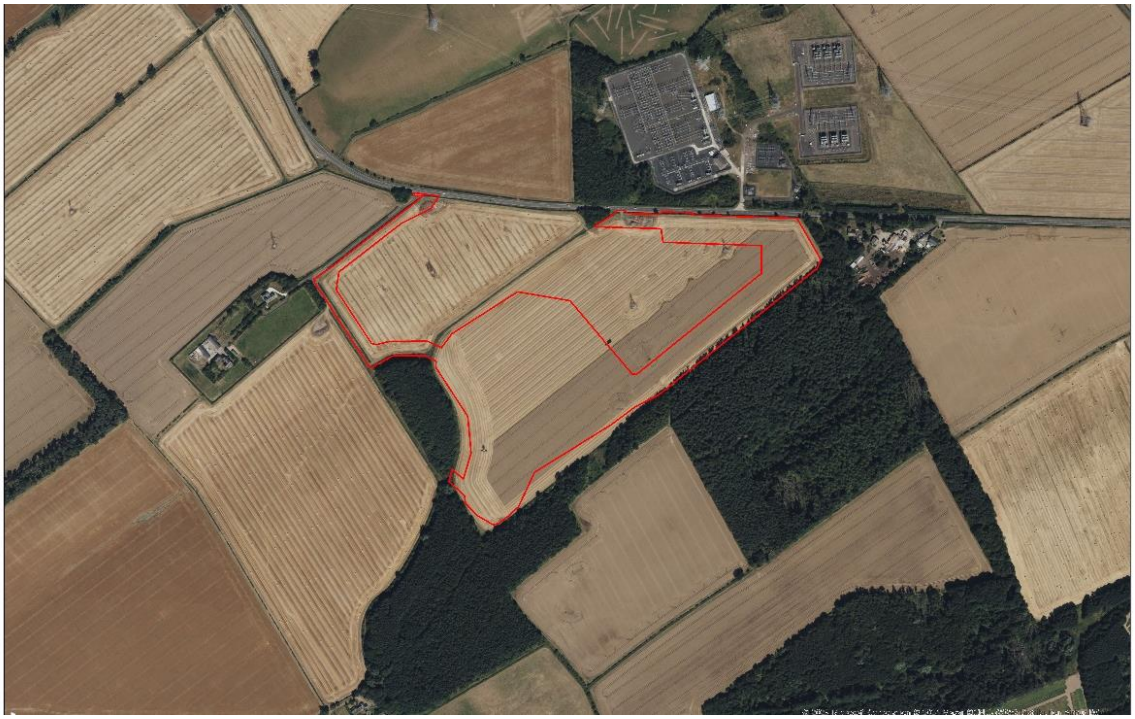

Figure 1: Aerial Image of Site

2.2. The Site is located within the administrative boundaries of Scottish Borders Council and is located approximately 25 km southwest of the administrative centre of Newton St. Boswells. The Site is located on agricultural land, adjacent to A697 and approximately 5 km northwest of Coldstream.

2.3. In terms of the Site surroundings, Eccles Substation is situated north of the Site. A farmhouse and private garden are located west of the Site boundary. Approximately 2.6 km to the west of the Site lies the town of Eccles. The A697 road runs along the north border of the Site, this road connects Morpeth on the A1 to the A68 at Oxton. The village of Birgham is located approximately 2.5 km south of the Site boundary. The River Tweed can also be found approximately 3 km south of the Site.

2.4. There is one primary access point to the Site to be taken, south off the A697. It is proposed that all equipment and construction material deliveries may approach the site from either the northwest or southeast via the A697 and the wider trunk road network beyond. Vehicles will approach the proposed main site entrance travelling in either direction along the A697, turning right or left into the site, as appropriate.

2.5. In the event of any road closures on the proposed delivery route, all vehicles will follow the designated diversion route.

2.6. The secondary site entrance, approximately 450m to the west of the primary access point, is reserved for use by emergency services only and shall not be used for construction vehicle access. Construction access will be co-ordinated between the applicant and the Local Authority.

Site Context

2.7. The key site characteristics are detailed below:

- There are high voltage pylons throughout the field and Eccles substation lies to the north of the Site.
- Scotland's Soils map classifies the Site as being located on land capability for agriculture (LCA) Class 2 which is "*Land capable of producing a wide range of crops.*" However, a Land Capability Classification for Agriculture (LCA) has been prepared which identifies that the land is of lesser quality, further discussed in paragraph 5.13.
- The Scottish Environment Protection Agency (SEPA) classifies the BESS compound does not lie in an area at risk of flooding from a fluvial source or surface water. However, the proposed secondary access route passes through a small area that seems to be at significant risk of flooding. A Flood Risk Screening and Drainage Management Plan has been prepared to identify and provide an accurate summary of flooding and drainage on site.
- The Scottish Environment Protection Agency (SEPA) classifies the BESS compound, substation and main access tracks as being in areas not at risk of flooding from a fluvial or surface water sources. However, the proposed secondary access route crosses a drainage ditch that is at risk of flooding. A Flood Risk Screening and Drainage Management Plan has been prepared to identify, mitigate and provide an accurate summary of flooding and drainage on site
- The Site is not located within an Air Quality Management Area (AQMA) nor is there one located in proximity.
- The Site is not subject to any national landscape designations. There are 7 Scheduled Monuments within a 5 km radius from the Site. The Site is also within 2 km from a Gardens and Designed Landscape which is located to the southeast of the Site. Within a 3 km radius of the Site there are nine listed buildings, one of them being an A Listed Building. An Archaeology and Built Heritage Assessment has been prepared which identifies the relevant heritage assets and provides a summary of these within the Site's vicinity.

Planning History

2.8. A screening opinion for the Proposed Development was requested under Regulation 8 of the Town and Country Planning (Environment Impact Assessment (Scotland) Regulations 2017 to determine whether the production of an Environment Impact Assessment Report is required was submitted to the Energy Consents Unit (ECU) in July 2024. As advised, the Scottish

Ministers have confirmed that the Proposed Development does not constitute EIA development. Nevertheless, comprehensive submissions are made as part of this application address planning and environmental matters.

2.9. A site history search has been undertaken for the application site, in which identified the following applications:

- 23/00677/SCO - Proposed development is for 30.5 km of overhead line, replacing 2 existing lines between Eccles and Galashiels substations. Galashiels To Eccles Replacement Project Scottish Borders East End Gordon Scottish Borders. Screening/Scoping Opinion Issued in June 2023.

- 16/01002/S37 - Rebuild 33Kv overhead line. Overhead Power Lines Between Eccles Transformer Station and Land West of Hendersyde North Lodge Kelso Scottish Borders. Permitted with Conditions in September 2016.

2.10. In terms of the wider context, there appears to be applications relating to renewable energy such as onshore electrical transmission infrastructure outside the Site boundary. Further details about the applications are as follows. We are aware of other renewable applications in the locality which is illustrated further in the Cumulative Sites Plan (ref: P24_0160_EN_06, see Figure 6 of the LVA). The potential cumulative impact of these applications together with the proposals near Eccles Substation discussed later in this statement.

- ECU00004872 - The construction and operation of a 340MW Battery Energy Storage System. **Pending Decision.**

- ECU00004804 - Battery Energy Storage System with an export capacity of up to 500 MW, located west of Eccles Substation**. Approved in December 2024.**

- ECU00004601 - Battery Electricity Storage System (BESS) and Associated Infrastructure. **Approved in August 2023.**

- 24/01035/CLPU - Installation of underground grid cable Connection and electronic communications line. **Approved October 2024.**

- ECU00004928 - Construction and operation of 500MW Battery Energy Storage Facility together with associated infrastructure, substation, security fencing, CCTV, Security lighting and landscaping. **Screening/Scoping Opinion Issued in September 2023. Non-EIA Decided September 2024.**

- 23/00249/FUL - Extension to the existing substation and erection of two hybrid synchronous compensators. **Approved with conditions September 2023.**

- 22/01988/FUL - Construction and operation of battery energy storage system facility with ancillary infrastructure and access. **Approved with conditions June 2023.**

- 22/00429/S37 - Erection of 33Kv overhead power line. **Approved May 2022**.

3. Design and Access Matters

3.1. A section 36 application is encouraged to clearly set out the detail of a generation station that consent is being sought. This section provides a key overview of the development proposals and describes the design principles which have influenced site selection and layout and explains in more detail the main elements of the Proposed Development.

Summary of Development

3.2. The applicant is seeking to develop a 150MW BESS facility near Eccles Substation. The BESS will consist of battery storage enclosures (BSEs), power conversion systems (PCSs), transformers, electrical infrastructure, foundations, access track, crane hardstanding, and spares storage containers. The grid connection will be via an onsite 132kV substation, connecting to Eccles Substation via underground cable.

3.3. The Site boundary for the Application allows for all development associated with the Proposed Development including access to the Site.

3.4. There is one main point of access to the Site to be taken, south off the A697. The A697 will provide the primary access from the northeast access point. The secondary site entrance, approximately 450m to the west of the main access point, is reserved for use by emergency services only.

3.5. The Site is to be decommissioned after 40-years when it is no longer operational and restored to agriculture.

Site Selection Methodology

Fundamental Requirements

3.6. There were several fundamental considerations for the Applicant to understand whether a development of this type can be accommodated on the land as set out below. The fundamental criteria for the site selection included proximity to a viable grid connection point, a site not subject of any statutory designations or protections and where the access and design requirements can be achieved on site accounting for environmental considerations.

Capacity of Electricity Network and Ability to Connect

3.7. Energy storage developments need to be capable of connecting to the Electricity Network at a location where there is existing capacity. Engagement with Scottish Power Transmission (SPT) established that a connection to the electricity grid network for a BESS project was feasible at Eccles Substation, located immediately north of the Site.

3.8. The applicant has a grid agreement of up to 150MW where the proposed site is in close proximity to this substation The cable route is likely to be an underground cable. SPT have statutory rights for cable routes. Landscaping has been considered accordingly. However, planning considerations for the underground cables will be assessed as part of a separate application, if required, to be submitted by SPT.

Alternative Site Identification

3.9. Dialogue has been taken with multiple landowners. This development is proposed to connect into the Eccles Substation which means it can act as an importer and exporter of energy. Locating the project close to a substation ensures an efficient, cost effective and viable connection, with the proposed Site being the closest available to the substation.

3.10. The Applicant recognised that this site was the nearest available to the existing substation. The proposed Site had several benefits including existing field accesses, relatively flat topography compared to other areas, opportunities to minimise use of prime agricultural land, and low visual impact from nearby receptors and distance from large residential settlements. The Site location and development form would also be consistent with the nature of the nearby existing substation and infrastructure in the area. As highlighted earlier, the Proposed Development is not subject to any national landscape designations and has favourable development characteristics.

3.11. Overall, this Site presented significant opportunities for renewable energy-related investment. It ensured that the use of existing facilities was maximised.

Design Overview

3.12. The Site will not exceed 13.20 ha in size and is shown on the enclosed Infrastructure Layout (ref: 05389-RES-LAY-DR-PT-001 rev. 6). The Proposed Development would comprise a series of battery storage enclosures, associated transformers, underground cabling, ancillary infrastructure, perimeter fencing and CCTV cameras. Further details can be found on the submitted Infrastructure Layout (ref. 05389-RES-LAY-DR-PT-001 rev. 6) and the submitted Landscape Masterplan (ref: P24-0160_EN_08_F, see Appendix 2 of the LVA).

The main elements of the Development would be as follows:

- Substation and Substation Equipment, with some elements being in the region of 4.5m in height;
- Approximately 96 battery storage enclosures – battery units arranged in rows 6.1m in length, 2.4m wide, and 2.9m in height;
- 2no. LV Switchgear Rooms – 7.0m in length, 3.5m wide and 3m in height;
- Inverters and transformers local to the batteries will be around 2.4m in height;
- Landscaped bunds;
- Landscape features around the Site will include trees and hedgerow planting;
- Site fencing, access gate and CCTV – up to 4m high acoustic fence with access gates, CCTV and light poles to be around 4m high; and,
- Cabling to existing substation.

3.13. There would be topographical changes to the landform on the Site to accommodate the Proposed Development, and to achieve the relevant proposed site levels (as shown on drawing ref. 05389-RES-LAY-DR-PT-002). The associated infrastructure is anticipated to

require earthworks, including the foundation construction for the accompanying electrical infrastructure and trench excavation for cables. The final foundation type would be confirmed at detailed design.

3.14. Careful consideration has been given to the engineering design solution of the development. This has resulted in revisions of the proposed layout, with several refinements to the layout and overall positioning of the development during the design evolution.

3.15. The layout has been guided by several factors, but primarily by the operational requirements of an energy storage facility combined with site constraints. The BSEs and associated infrastructure have been sited in close parallel rows to reduce the amount of cabling required between each unit and to condense the area required for the overall development. Whilst adhering to NFCC fire policy and manufactures guidance and recommendations.

3.16. The detailed plans for the Site are submitted alongside this Planning, Design and Access Statement. The associated equipment comprises:

Battery storage enclosures (BSEs)

3.17. There will be approximately 96 battery storage enclosures would be installed to provide 150MW of capacity. The battery is shown in drawing (05389-RES-BAT-DR-PT-001 rev. 2). The battery storage enclosure has dimensions of 6.1 m in length, 2.4 m in width and 2.9 m in height.

Substations and substation equipment

3.18. Two control building units would be required. The BESS Substation building would have maximum dimensions of 10 m long, 5 m wide and 4.5 m high. The DNO Substation Building would have a maximum dimension of 15 m long, 10 m wide and 3.6 m high. (see drawing 05389-RES-SUB-DR-PT-007 rev.1 (Sheets 1 to 3)).

Power Conversion Systems (PCS) and Transformers

3.19. There are approximately 24 combined PCS and Transformers which are approximately 10.3 m long, 6 m wide and 2.4 m high. The PCS are likely to be placed on concrete blocks that are approximately 0.5m high. (see drawing 05389-RES-PCS-DR-PT-001 rev.2).

Auxiliary Transformers

3.20. An Auxiliary Transformer with maximum dimensions of 3.1 m long, 2.5 m wide and 2.1 m high. (05389-RES-SUB-DR-PT-001) These are likely to be set on concrete blocks.

Security

3.21. A Typical Acoustic Fence, up to 4 m in height will be installed on site around all four edges of the energy storage compound (05389-RES-SEC-DR-PT-002) rev.2.

3.22. Typical Lighting & CCTV Column (05389-RES-SEC-DR-PT-003 rev.2) will be installed on site. The CCTV cameras are mounted on galvanised steel post (or similar), measuring up to approximately 4 m in height and set on a concrete foundation (or similar). The cameras may have a pan, tilt and zoom functions. They will be located adjacent to the fencing around the edge of the energy storage compound.

3.23. The Typical Stock Proof Fence will be installed on site where appropriate (05389-RES-SEC-DR-PT-004 rev.1).

Access

3.24. There is one primary access point to the Site to be taken, south off the A697. It is proposed that all equipment and construction material deliveries may approach the site from either the northwest or southeast via the A697 and the wider trunk road network beyond. Vehicles will approach the proposed main site entrance travelling in either direction along the A697, turning right or left into the site, as appropriate.

3.25. In the event of any road closures on the proposed delivery route, all vehicles will follow the designated diversion route.

3.26. The secondary site entrance, approximately 450m to the west of the primary access point, is reserved for use by emergency services only and shall not be used for construction vehicle access or maintenance access. The internal access track runs through to the main compound, and it is noted that the track runs through lower quality soil, Class 5.3 which is '*Land capable of use as improved grassland. Pasture deteriorates quickly*'. Construction access will be co-ordinated between the Applicant and the Local Authority. Further details can be found in the Construction and Traffic Management Plan (CTMP).

3.27. Detailed surveys have informed the design process of the Proposed Development. However, whilst the location of the tracks described above have been determined through an iterative environmental based design process, there is the potential for these exact locations to be altered depending on factors such as ground conditions through micro-siting allowances within the Site boundary prior to construction.

Landscape

3.28. A Landscape Masterplan (ref: P24-0160_EN_08_F, see Appendix 2 of the LVA) has been submitted which takes account of the identified areas of sensitivity. Existing tree and hedgerow planting along the A697 trunk road is proposed to be retained as far as is practicable, with additional mixed native tree and hedgerow species introduced between existing gaps, to assimilate the Proposed Development into the local environment and provide biodiversity enhancement, where practical and feasible. The site layout has been screened to minimize prospective visibility of built form at the properties. This is done through the vegetation that is located in the surrounding area of the Site and the additional proposed vegetation. The Site boundary allows for all development associated with the Proposed Development including landscaping features.

Drainage

3.29. A Sustainable Drainage System (SuDS) will be implemented to provide surface water management techniques to mitigate any adverse impact on the hydrology within the Proposed Development Area. The SuDS will be developed in more detail and included as part of an updated Construction Environment Management Plan prior to construction. A Flood Risk Screening and Drainage Management Plan has been submitted as part of the planning application which assesses the appropriate options for this site before reaching a conclusive design. No foul water will be generated by the Proposed Development.

Noise

3.30. The Site has been designed on an iterative basis with a view to minimising, as far as practicably possible, the projected operational sound levels with due regard to the relative sensitivity of neighbouring premises and all other site constraints. The Proposed Development is supported by an Acoustic Impact Assessment which is included within this application.

Construction Considerations

Construction Management

3.31. Prior to construction commencing, the Applicant will appoint a Principal Contractor, under the Construction (Design and Management) Regulations 2015, who will be responsible for the construction phase of the Proposed Development. The Principal Contractor will be responsible for implementing site-specific health and safety and environmental management procedures in accordance with good industry practice and the specific additional requirements of the Applicant.

3.32. The Principal Contractor will provide an updated Construction Environmental Management Plan (CEMP) to ensure that all measures and mitigation identified within the submitted CEMP are considered and implemented during the construction phase.

3.33. The construction and installation of the Proposed Development is expected to commence following planning consent and will be led by the grid connection date from the grid network operator.

Traffic Management

3.34. Throughout the construction phase there will be a combination of HGVs (for the component and material deliveries) and cars/vans (for construction staff), on site. HGV movements are expected to be most intense throughout the first few weeks of construction. Car/van movements are expected to be constant throughout the construction period. The Proposed Development is supported by a CTMP which is included within this application. This CTMP further addresses the scheduling, routing and overall management of vehicle movements.

Operational Considerations

3.35. During detailed design, and following battery product selection, a project specific fire risk appraisal will be used to verify the strategy presented in the submitted Outline Fire Risk Management Plan. An emergency response plan will also be developed through liaison with the local fire service.

3.36. The Site has been developed with several layers of mitigations to prevent possible fires, including adequate spacing between the battery storage units to mitigate against the risk of fire spread in the event of a fire within one unit. The Site layout aligns with applicable NFPA 855 spacing criteria as well as allows minimum distance of 3m between battery units and any other infrastructure.

3.37. Should the fire service need to attend the Site, the fenced BESS compound has a wide access circular route with extra corridors through the centre, allowing the fire service to access the

Site during an incident. In addition, two site access points have been proposed to ensure that fire services would have an alternative option for approaching site if the combination of wind direction and smoke made one direction particularly onerous.

3.38. Further details of the battery enclosures and associated infrastructure are provided in the submitted Outline Fire Risk Management Plan.

3.39. Overall, the Proposed Development will have an operational period of 40-years during which time it will generally be unmanned and monitored remotely. Operational activities would be restricted principally to vegetation management, equipment/infrastructure maintenance, servicing and monitoring to ensure the continued effective operation of the Development.

4. Planning Policy

4.1. Scotland's planning system is plan-led. The Scottish Policy Guidance for Development Planning states that; 'purpose of planning' is "*to manage the development and use of land in the long-term public interest*". Development plans set out how places will change into the future, including the long-term vision for where development should and shouldn't happen.

4.2. This section sets out the relevant policies of the adopted Development Plan, any material considerations of relevant policies of the adopted Development Plan, any material considerations of relevance to the determination of this planning application and any emerging local plan policy.

4.3. Significant changes to development planning were made by the Planning (Scotland) 2019 Act. The statutory Development Plan comprises:

- The National Planning Framework 4 (adopted 13 February 2023)
- Scottish Borders Local Development Plan 2024 (adopted 22 August 2024)

National Planning Framework 4

4.4. The National Planning Framework 4 (NPF4) sets out Scotland's spatial principles, regional priorities, national developments and national planning policies which reflect Scottish Ministers' priorities for the development and use of land. NPF4 also relates to preparation of development plans, development design and determination of planning applications and appeals. NPF4 plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals.

4.5. Following the approval by the Scottish Parliament of National Planning Framework 4 (NPF4) on 11 January 2023, the Chief Planner provided advice on NPF4 becoming part of the statutory 'development plan' alongside local development plans (LDPs). The intention for this advice being to support consistency in decision making ahead of new style LDPs being in place.

4.6. This means that former Strategic Development Plans, National Planning Framework 3 and Scottish Planning Policy are superseded. Thus, NPF4 forms part of the statutory development plan relevant to the consideration of the Proposed Development and carries significant weight.

4.7. All planning applications in Scotland must be determined in accordance with the provisions of NPF4 and the relevant Local Development Plans, unless material considerations indicate otherwise. If there is any inconsistency with NPF4 policies and an LDP adopted before 13 February 2023, NPF4 will take precedence. The Scottish Government expects new LDPs in future to be more place-based. National policies relevant to the Site are outlined in NPF4.

4.8. Under Annex B: National Development Statements of Need, NPF4 states that *"national developments are significant developments of national importance that will help to deliver our spatial strategy."* Strategic Renewable Electricity Generation and Transmission Infrastructure is one of eighteen national developments within NPF4 that would support the delivery of the spatial strategy.

4.9. Given the size of this Proposed Development (exceeding 50MW), it qualifies as a national development and would need to gain consent under Section 36 of the Electricity Act. The scheme therefore attracts significant weight from both its status as a national development and the policies within NPF4.

4.10. The following NPF4 policies are considered applicable to the Proposed Development:

4.11. **Policy 1: Tackling the climate and nature crises** – states proposals should give significant weight to global climate and natural crisis.

4.12. **Policy 3: Biodiversity** – states development should contribute to enhancing biodiversity, integrating nature-based solutions where possible. National or Major proposals should demonstrate how they will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. Any potential adverse impacts should be minimised through careful planning and design.

4.13. **Policy 4: Natural places** – notes how development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Criterion (d) states development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

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

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

4.14. **Policy 5: Soils** – The policy intent is to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. The Policy supports the generation of energy from renewable sources on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use.

4.15. **Policy 7: Historic assets and places** – aims to protect and enhance the historic environment, including protecting heritage assets, listed buildings, conservation areas and scheduled monuments.

4.16. **Policy 11: Energy** - This policy seeks to "*encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission, and distribution infrastructure…*" Part a(iii) specifically supports 'energy storage, such as battery storage and pumped storage hydro'.

Criterion (c) of the policy states 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

Criterion (e) sets out a range of impacts which should be addressed through project design and mitigation. Not all are relevant to the Proposed Development, but includes impacts on communities and individual dwellings, such as residential amenity, visual impact and noise. Other impacts include landscape visual impacts, road traffic, biodiversity and trees.

4.17. **Policy 22: Flood risk and water management** - seeks to strengthen resilience to flood risk. Criterion (c) notes how development proposals are expected not to increase the risk of

surface water flooding, manage rain and surface water through SUDS and minimise areas of impermeable surfaces.

4.18. **Policy 23: Health and safety** - criterion (e) states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

4.19. **Policy 25: Community Wealth Building** – aims to 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.

Scottish Borders Local Development Plan 2024

4.20. The strategic vision, policies, and land-use plans for the Scottish Borders are described in the Scottish Borders Local Development Plan (LDP2). LDP2 seeks to strike a balance between sustainability, housing requirements, environmental preservation, and economic development. An extract of the LDP2 Proposals Map is highlighted in Figure 2.

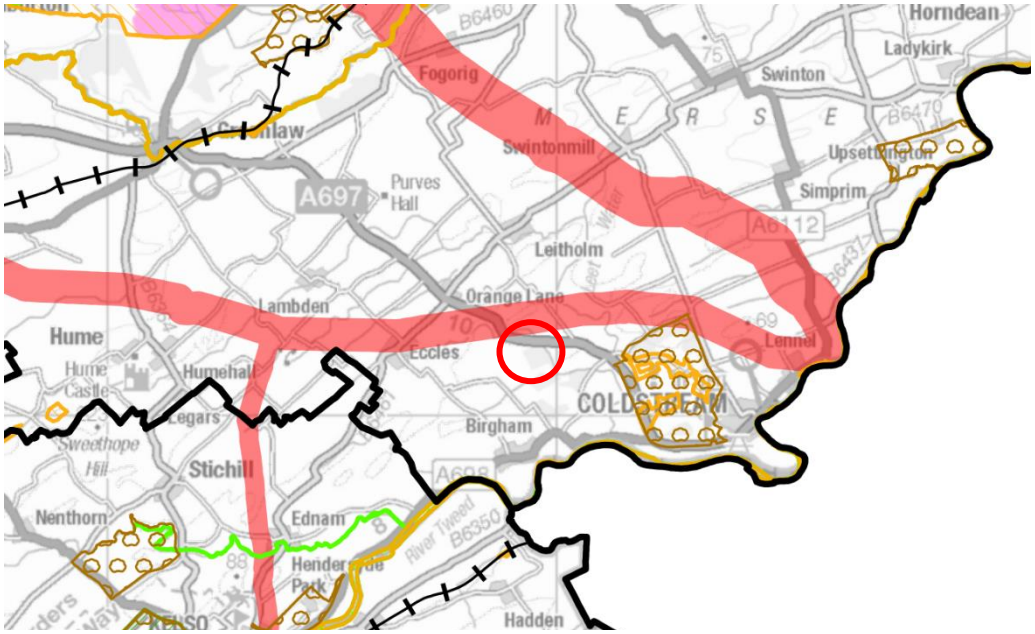

Figure 2: Extract of Proposals Map

4.21. Following the Planning (Scotland) Act 2019, Local Development Plans (LDPs) have undergone some reforms. For Local Planning Authorities such as Scottish Borders Council who adopted their most recent plan in 2024 under the old system, they will have to have a quick turnaround in preparing their next plan. The Planning (Scotland) Act 2019 states that all local authorities must prepare a new-style LDP by Spring 2028. This means that until new-style LDPs are put in place, NPF4 will take priority over LDPs in instances of conflicting policy.

4.22. The following Scottish Borders LDP2 policies are considered applicable to the Proposed Development:

4.23. **Policy HD3: Protection of Residential Amenity** – This policy states that *"Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas*

will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

(iii) the generation of traffic or noise"

4.24. **Policy EP5: Special Landscape Areas** – *"In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality, as identified in its Statement of Importance for the relevant Special Landscape Areas. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social, environmental or economic benefits of national or local importance."*

4.25. **Policy ED9: Renewable Energy Development** - This policy states that *"Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported"*. These include:

- Energy storage, such as battery storage and pumped storage hydro.

4.26. **Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils** – This policy states that "*Development, except proposals for renewable energy development, which results in the permanent loss of prime agricultural land, land of lesser quality that is culturally or locally important for primary use, or significant carbon rich soil reserves, particularly peat, will not be permitted, unless:*

4.27. *a) the site is otherwise allocated within this local plan*

4.28. *b) the development meets an established need and no other site is available*

4.29. *c) the development is small scale and related to a rural business."*

4.30. **Policy EP3: Local Biodiversity and Geodiversity** – Developments that are seen to have a significant negative impact to the Borders Notable Species and Habitats of conservation concern will be refused. Developments that have a possible impact on local biodiversity must avoid and minimise impacts where possible.

4.31. **Policy EP8: Historic and Environment Assets and Scheduled Monuments** - This policy aims to protect Historic Environment and Scheduled Monuments from damage caused by developments. Developments that may have an impact on Scheduled Monuments will only be supported if;

- Direct impacts are avoided
- Significant adverse impacts on the integrity of the setting of a Scheduled Monument are avoided; or
- Exceptional circumstances have been demonstrated to justify the impact on a Scheduled Monument and its setting and impacts on the monument or its setting have been minimised.

4.32. **Policy EP10: Gardens and Designed and Landscapes** – Scottish Borders Council will support developments that prioritise and enhance the landscape features and characteristics of the

proposed site. Developers should always have this goal at the forefront of their mind when planning their development

4.33. **Policy EP13: Trees, Woodlands and Hedgerows** – Policy EP13 states that *"The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value"*.

Policy IS4: Transport Development and Infrastructure – Policy IS4 states that *"The Council will support proposals for transport infrastructure that:*

a) promote sustainable travel;

b) facilitate the development of allocated sites in ways which promote sustainable travel;

c) enable the sustainable movement of goods, particularly by rail;

d) have no unacceptable adverse impact on the natural and built environment;

e) have no unacceptable adverse impact on the occupiers of adjacent land by virtue of noise, smell and noise pollution.

Proposals that generate significant travel demand will be required to provide the following criteria:

a) Transport Assessments and Travel Plans

b) Developer contributions where appropriate."

4.34. **Policy IS5: Protection of Access Routes** – Policy IS5 states that "Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer."

4.35. **Policy IS8: Flooding** – Policy IS8 states that *"Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer."*

The Electricity Act 1989

4.36. As advised, the application for consent will be sought under Section 36 of the Electricity Act. The application is made in accordance with the Act and associated regulations.

4.37. The Scottish Government set out its position on the granting of energy consents and related planning permissions in Scotland, to clarify current procedural expectations and its position on electrical 'storage' and the appropriate consenting regime for decision making, noting the respective roles of the Town and Country Planning (Scotland) Acts and the Electricity Act 1989). In 2020, a letter was issued by the Chief Planner regarding consents and variations to planning permission for energy generating ancillary uses. The Scottish Government considers

that a 'battery installation' generates electricity and is therefore to be treated as a generating station.

4.38. As a result, a battery installation should be treated as any other generating station for the purposes of deciding whether Section 36 consent is required for its construction and operation. The Government highlights that battery facilities which are to be constructed as extensions to existing electricity generating stations, should be considered under Section 36 of the Act 1989 where the combined output of the existing generating station and the proposed battery facility would exceed 50MW.

4.39. The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (the Planning Act). Section 57(2) of the Planning Act provides:

4.40. *"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"*.

4.41. Schedule 9 of the Electricity Act 1989 sets out the environmental features which the decision maker must have regard to and identifies that mitigation must be considered. Sub-paragraph 1 is relevant to an applicant if they hold a License at the date the application is submitted. Sub Paragraph 1 (1) states:

"In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity;

(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."

4.42. Sub-paragraph 1 (2) applies to all applicants and refers to sub paragraph 1. Sub-paragraph 2 states:

"In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall 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 that sub-paragraph."

4.43. Sub-paragraph 3 (1) gives advise that a developers should consider the following:

"In formulating any relevant proposals, a licence holder or a person authorised by an exemption to generate, distribute, supply, or participate in the transmission of electricity —

(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."

4.44. 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."

4.45. This sets out a range of environmental matters to which the developer must assess and, if required, mitigate the effects of the Proposed Development on environmental matters. The Scottish Ministers will determine if an application takes into account the statutory duties in Schedule 9 of the Electricity Act and any other relevant material considerations and relevant aspects of the statutory development plan.

4.46. For the purposes of Section 36 decision making, the Town and Country Planning Act (Scotland) 1997 sets out the meaning of the statutory Development Plan, which is indicated to be:

"(a) the National Planning Framework,

(b) any strategic development plan for the time being applicable to the area, together with—

(i) the Scottish Ministers' notice of approval of that plan, and

(ii) any supplementary guidance issued in connection with that plan, and

(c) any local development plan for the time being applicable to the area.

(2) A reference in subsection (1) to provisions of a framework or plan is to be construed as a reference to so much of the provisions as are applicable to the area.

(3) 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."

4.47. In this case, the statutory Development Plan is comprised of:

- National Planning Framework 4 (adopted 13 February 2023)
- Scottish Borders Local Development Plan 2024 (adopted 20 March 2024)

4.48. Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country

Planning (Scotland) Act 1997; section 24(3)). Provisions that are contradictory or in conflict would be likely to be considered incompatible.

Other Material Considerations

4.49. The following lists the relevant (and extensive) key renewable energy policy and legislation. All are material considerations in the determination of these proposals.

International Agreements and Obligations

The COP21 UN Paris Agreement 15

4.50. The Paris Agreement (December 2015) is an international agreement on climate change, of which there are 195 countries, including the UK. The Agreement came into force on November 4th, 2016, having been ratified by at least 55% (the point which triggers ratification) of the 195 countries.

4.51. The meeting in Paris was considered a make-or-break opportunity to secure an international agreement on the approach to tackling climate change, commitment to a longer-term goal of near zero net emissions in the second half of the century and supporting the transition to a clean economy and low carbon society.

4.52. Governments agreed:

- A long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels.
- To aim to limit the increase to 1.5°C, since this would significantly reduce risks and the impacts of climate change.
- On the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries.
- To undertake rapid reductions thereafter in accordance with the best available science.

4.53. Countries will also be legally obliged to make new post-2030 commitments to reduce emissions every five years.

The Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (2021), related Press Release and Statements (2021)

4.54. The first part of the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6) was published on 9 August 2021. The Working Group I (WGI) contribution to the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6) assesses the physical science basis of climate change. It acknowledges that there is an improved understanding of the current state of the climate, human influence on the climate System, possible climate futures and climate information for risk assessment and regional adaptation.

4.55. The key points taken from the report are:

- It is unequivocal that human influence has warmed the atmosphere, ocean and land.

- The scale of recent changes across the climate system as a whole – and the present state of many aspects of the climate system – are unprecedented over many centuries to many thousands of years.

- Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones, and, in particular, their attribution to human influence, has strengthened since the last report.

- Global surface temperature will continue to increase until at least mid-century under all emissions scenarios considered. Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO2) and other greenhouse gas emissions occur in the coming decades.

- Many changes due to past and future greenhouse gas emissions are irreversible for centuries to millennia, especially changes in the ocean, ice sheets and global sea level.

- With further global warming, every region is projected to increasingly experience concurrent and multiple changes in climatic impact-drivers. Changes in several climatic impact-drivers would be more widespread at 2°C compared to 1.5°C global warming and even more widespread and/or pronounced for higher warming levels.

COP26 – The Glasgow Climate Pact (November 2021)

4.56. The negotiations at the COP26 climate summit held in November 2021 under the UN Framework Convention on Climate Change. The aim of COP26 was to keep alive the hope of limiting the rise in global temperature to 1.5C. After 13 days of intense negotiations, COP26 concluded on Saturday 13th November 2021 with every Party at COP26 - representing almost 200 countries - agreeing the Glasgow Climate Pact. However, even with the action committed both during and before COP26, communities around the world would continue to feel the impact of climate change on the planet, work must continue beyond COP26 with concerted and immediate global effort to deliver on all pledges.

IPCC Second AR6 Report (February 2022)

4.57. The second part of the IPCC's AR6 Report was published on 28 February 2022. It highlights throughout that climate change has already disrupted human and natural systems. Past emissions, development and climate change have not advanced global climate resilient development. It states that societal choices and actions implemented in the next decade determine the extent to which medium and long-term pathways will deliver higher or lower climate resilient development. It importantly confirms that development prospects are increasingly limited if current greenhouse gas emissions do not rapidly decline, especially if 1.5°C global warming is exceeded in the near-term. This can only be enabled by inclusive governance, adequate and appropriate human and technological resources, information, capacities, and finance.

IPCC Third AR6 Report (April 2022)

4.58. The third part of the IPCC's AR6 Report 'Mitigation of Climate Change' was published on 04 April 2022. The latest report consequences of the failing to limit the rise of global temperatures and that reducing emissions is a crucial near-term necessity.

4.59. Global GHG emissions in 2030 associated with the implementation of Nationally Determined Contributions announced prior to COP26 would make it likely that warming will exceed 1.5°C during the 21st century. Policies implemented by the end of 2020 would be projected to result in higher global GHG emissions than those implied by NDCs. It suggests that limiting warming to below 2°C would then rely on a rapid acceleration of mitigation efforts after 2030.

IPCC AR6 Synthesis Report (March 2023)

4.60. The IPCC published 'The Synthesis Report', last of the AR6 products, in March 2023. They warned that the emissions curve is not bending yet and that between 2010 and 2019, the earth experienced the highest levels of emissions in human history.

4.61. Climate action and progress has been made, and there are solutions available for mitigation and adaptation. However, this is not enough to respond to this crisis. Immediate and deep emissions reductions across all sectors are needed urgently. According to the IPCC report, limiting global warming to 1.5°C requires a peak before 2025, reduce emissions by 43% by 2030, 60% by 2035 and reach net-zero in early 2050.

United Kingdom Energy matters

UK Renewable Energy Strategy (2009)

4.62. The UK Renewable Energy Strategy (UKRES) sets out the means by which the UK can meet the legally binding target of 15% of energy consumption from renewable sources by 2023. It presents a 'lead scenario' that more than 30% of electricity should be generated from renewables by 2020.

4.63. A key element of the Strategy is that it sets out the EU requirement that progress will be reported to the EU every two years, in terms of the achievement of delivery against the trajectory set for the 2020 target. The purpose of the milestone reporting is to ensure that a trajectory is maintained towards 2020.

4.64. Under the Directive, the UK has interim targets to achieve the following shares for renewables in the energy mix as follows:

- 7.5% in 2015 – 2016.
- 10.2% in 2017 – 2018.

UK Renewable Energy Roadmap Update (2013)

4.65. The Government first published the Renewable Energy Roadmap in July 2011; which sets out the path to achieve the UK's headline renewable energy target. Paragraph 1 of the November Update reaffirms the UK Government commitment towards the delivery of renewable energy.

4.66. The Roadmap has been updated on two occasions since July 2011, once in 2012 and most recently in November 2013. The update sets out the progress that has been made against the 15% target introduced in the 2009 EU Renewable Energy Directive and provides an overview of development that has occurred in the sector.

4.67. The opening Ministerial Statement to the Update identifies how the Government remains strongly committed to cost effective renewable energy as part of a diverse, low-carbon and

secure energy mix. The Minister concludes by emphasising how the Update to the Renewable Energy Roadmap has been produced in collaboration with other Government Departments and Devolved Administrations.

The UK's Sixth Carbon Budget (December 2020)

4.68. The Committee on Climate Change (CCC) published their advice on the UK's sixth Carbon Budget 'The UK's Path to Net Zero' in early December 2020. It builds on the previous CCC advice to Government in relation to new zero.

4.69. The CCC has set out some recommended priorities for UK policy, including:

- Sets a Sixth Carbon Budget to require a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels;
- This is seen as a world leading commitment, placing the UK "decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement";
- It should be accompanied by an ambitious 2030 pledge to reduce emissions by at least 68% from 1990;
- The recommended budget would achieve well over half of the required emissions reduction to 2050 in the next 15 years.
- Key benefits for the UK are seen as including the opportunity for low carbon investment – recognised at a time when it is needed to support the UK's economic recovery from the COVID-19 health crisis.

4.70. Although the Report recognises that the main policy levers are held by the UK Government it states at Para 23 that "UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland" and that Scotland can take action through complementary measures at the devolved level including supporting policies such as "planning and consenting".

4.71. The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and "doubling or even trebling by 2050". The CCC advice sets out that reducing emissions and meeting the budget requires action across various areas including expansion of low carbon energy supplies.

4.72. Page 29 sets out recommendations for action including "delivering the actions required in the 2020s to meet the Sixth Carbon Budget requires policies to be strengthened now. Matching strong ambition with action is vital for the UK's credibility…"

The UK Energy White Paper (December 2020)

4.73. The Energy White Paper 'Powering our Net Zero Future' was published on 14 December 2020. The White Paper builds on the Prime Minister's recently announced 'Ten Point Plan' to set the energy-related measures and a long-term strategic vision for the energy system, consistent with net zero emissions by 2050. It sets out (page 2) that it "puts net zero and our effort to fight climate change at its core."

4.74. It also aims to support a 'green recovery' from COVID-19 and confirms that electricity demand could double by 2050.

The UK Net Zero Strategy (October 2021)

4.75. The UK Government published the Net Zero strategy in October 2021. The Net Zero Strategy is a UK government strategy that sets out plans to reduce climate-changing emissions and decarbonise all sectors of the UK economy, from transport to agriculture. These plans are needed to meet its target of net zero emissions by 2050, and the shorter-term targets that ensure action starts now, and isn't kicked down the road. The Strategy was submitted to the United Nations Framework Convention on Climate (UNFCC) as the UK's second long-term low greenhouse gas emission development strategy under the Paris Agreement.

4.76. The strategy also builds on the Government's Ten Point Plan with a vision to create new jobs and net zero industries to meet climate targets.

Scottish Energy matters

The Climate Change (Scotland) Act 2009

4.77. The Climate Change (Scotland) Act 2009 initially established long term statutory targets for Scotland of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. The Act also placed climate change duties on Scottish public bodies and included provisions on climate change including adaption, forestry, energy efficiency and waste reduction.

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

4.78. The Scottish Government set out short, medium, and long-term goals and when they are to be achieved by in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. It sets targets for the reduction of Scotland's emission of all greenhouse gases to net-zero by 2045, in doing so amending the Climate Change (Scotland) Act 2009. The Climate Change Act reaffirms Scotland's commitment to remain at the forefront of global ambition, increasing its reduction in emissions targets to limit global temperature rises to 1.5 degrees Celsius above pre-industrial levels. Scotland proposes to reduce emissions by 56% by 2020, 75% by 2030, and 90% by 2040.

Scottish Energy Strategy: The future of energy in Scotland

4.79. The Scottish Government published its Scottish Energy Strategy: The future of energy in Scotland in December 2017. The strategy sets out an overall 2050 vision for Scotland:

"A flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses."

4.80. The strategy sets two new targets for the Scottish energy system by 2030:

- The equivalent of 50% of the energy for Scotland's heat, transport, and electricity consumption to be supplied from renewable sources.
- An increase by 30% in the productivity of energy use across the Scottish economy.

The Global Climate Emergency – Scotland's Response

4.81. On 14 May 2019 the Climate Change Secretary Roseanna Cunningham made a statement to the Scottish Parliament regarding Scotland's response to the climate change emergency. Her statement highlighted inter alia:

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

…It's not too late for us to turn things around, but to do so requires transformative change. This is not just about government action. And it is not something that only affects Scotland… We all have a part to play individuals, communities, businesses, other organisations…

…Earlier this month, the Scottish Government received advice from the UK Committee on Climate Change [CCC] in light of the IPCC report. We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions…these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging…

…The CCC has been stark in saying that the proposed new targets will require a 'fundamental change from the current piecemeal approach that focuses on specific actions in some sectors to an explicitly economy wide approach'. To deliver the transformational change that is required, we need structural changes across the board: to our planning, procurement and financial policies, processes and assessments…that is exactly what we will do."

Scotland Climate Change Plan (2018)

4.82. The Climate Change Plan (2018) provides the framework for Scotland's transmission to a low-carbon economy, setting out how emissions will be reduced in every year to 2032.

4.83. The Climate Change Plan highlights that climate change is one of the greatest global threats we face, and that Scotland must play its part to achieve the ambitions set out in the Paris Agreement, which mandates concerted, global action to deal with the threat. It notes that the path towards a low carbon future will require great effort across all parts of our society and economy, but it also presents tremendous opportunities.

The Update to the Climate Change Plan (2018-2032) 'Securing a Green Recovery on a Path to Net Zero' (16 December 2020)

4.84. The Scottish Government published a Roadmap to world-leading climate change targets, with more than 100 new policies and proposals to support Scotland's green recovery and help deliver a just transition to Net Zero. They form part of the Climate Change Plan 2018 – 2032, which has been updated to reflect the world's most ambitious framework of climate targets as enshrined in Scotland's Climate Change Act 2019. The Plan also increases the ambition of more than 40 other policies to cut greenhouse gas emissions across all sectors.

4.85. The Scottish Government's vision for 2045 is one of a society that prioritises the environment and the wellbeing of its people, reaching net zero in a way that is fair and just to all. A key part of the plan is the green recovery, and it states (page 1) that: "*It is essential that a recovery*

from the pandemic responds to the climate emergency and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long-term goals". "*The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss*".

4.86. In terms of electricity, the CCP update announces, "further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero-carbon electricity system". Reference is also given to the intention to prepare an Energy Strategy update in 2021 and an updated Electricity Generation Policy Statement by 2022.

4.87. Page 18 states that "*by 2032 our energy system will be in the midst of a major transformation, integrating new ways of producing, transporting and using energy with existing technologies. This transformation will be planned and developed through a systems led approach, ensuring that decisions take account of the benefits across all of the energy sectors as well as the economic and social benefits they create for everyone in Scotland. By 2032 we will generate at least the equivalent of 50% of our energy across heat, transport and electricity demand from renewable sources*".

The 2020 Routemap for Renewable Energy in Scotland

4.88. The Scottish Government produced the Renewable Action Plan (RAP) in 2009 to drive development of renewable energy and to establish a framework for action relating to specific areas of renewable energy. This is updated annually in order to provide an indication as to the progress being made towards implementing the changes.

4.89. The 2020 Routemap for Renewable Energy in Scotland 2011 is an update and extension of the 2009 Action Plan and reflects the Scottish Government's target of meeting an equivalent of 100 % demand for electricity from renewable energy by 2020, as well as the target of 11% renewable heat. The Routemap is therefore an important Scottish Government policy document. In order to achieve the delivery target of 100% renewables, equates to the equivalent of 16GW of installed capacity and that to achieve this target the Routemap states that this will demand a 'significant and sustained improvement over the deployment levels seen historically' (pg. 26).

4.90. The Executive Summary concludes by stating that:

"Across all scales of renewable generation, from householder to community to large-scale commercial schemes, the Scottish Government is working to make Scotland the renewables powerhouse of Europe. The benefits are not only in terms of energy generation and future security of supply but can underpin our economic recovery over the next decade and beyond. This Routemap for renewable Energy in Scotland sets out how we can meet our challenging targets in harmony with the local environment and make a wider contribution to emission reductions through the displacement of fossil fuel generation."

Electricity Generation Policy Statement (2013)

4.91. The Scottish Government published the Electricity Generation Policy Statement (EGPS) on 28 June 2013. It states at paragraph 1 that electricity generation and the economic and environmental benefits which could arise from a shift from fossil fuel generation to a portfolio

comprising renewable and cleaner thermal generation are matters of considerable importance to the Scottish Government.

4.92. The report summarises the Scottish Government's targets and these are set out as inter alia:

- Delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020 as part of a wider, balanced electricity mix.
- Enabling local and community ownership of at least 500 MW of renewable energy by 2020.
- Seeking increased interconnection and transmission upgrades capable of supporting projected growth and renewable capacity'.

4.93. In terms of economic benefit, the report states that it is expected that there would be, over the decade to 2020, from renewables alone, a provision of up to 40,000 jobs and £30 Billion of investment to the Scottish economy and a transformational opportunity for local ownership and benefits.

4.94. Paragraph 17 states that the Government estimates that the 100% target will require around 14-16GW of installed capacity to be deployed.

4.95. Page 11 of the report explains that the UK target is to produce 15% of all energy from renewable sources and an estimated 30% of electricity from renewable sources by 2020 and that this:

"... will require connection to Scotland's vast energy resource and we will continue to work to connect Scotland to an ever more integrated UKL and EU market' The Report cross refers to the 2020 Routemap for renewable energy in Scotland. Paragraph 32 reiterates the EU context and states that Scotland has the potential to make a 'major contribution to the EU's overall renewables target."

4.96. The Report cross refers to the 2020 Routemap for renewable energy in Scotland. Paragraph 32 reiterates the EU context and states that Scotland has the potential to make a 'major contribution to the EU's overall renewables target'.

<u>The Scottish Energy Strategy Position Statement (March 2021)</u>

4.97. The Scottish Government published 'Scotland's Energy Strategy Position Statement' in March 2021. The Position Statement provides an overview of key priorities for energy.

4.98. The Ministerial Foreword refers to the challenges of the pandemic which has created an economic crisis. It notes that the Climate Emergency "has continued unabated". It states that "*the need for a Just Transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever*".

4.99. Since Scotland's last Energy Strategy was published, the Scottish Government has continued to commit to achieving ambitious targets of net zero greenhouse gas emissions by 2045 and a 75% reduction by 2030.

4.100. Section 5: A Green Economic Recovery of the document states that "Creating green jobs are at the heart of the Scottish Government's plans for a fair, resilient and green economic recovery." When describing how the support for industries and sectors across the energy

landscape would be support, it is highlighted that the continued growth of Scotland's renewable energy industry is fundamental to enable Scotland to create sustainable jobs in order to transition towards net zero.

CCC Report to Parliament 'Progress in reducing emissions in Scotland' (2021)

4.101. The Climate Change Committee (CCC) published a report to the Scottish Parliament 'Progress in reducing emissions in Scotland' in December 2021. It looks at Scotland's progress in emissions reduction, policy plans, and delivery of those plans in the last year. The focus is to monitor a set of quantified indicators of decarbonisation progress:

4.102. The key messages in the report include:

- Changes in emissions accounting methodology do not imply the need to change the Net Zero and 2030 and 2040 interim targets, as legislated by the Scottish Parliament
- Scotland's annual targets in the 2020s should be adjusted and recommend that the annual targets be adjusted to align with a translation of the legislated 2020 target to the new inventory basis.
- Meeting the 2030 means that policies must go further than the CCC pathway.
- The 2020 interim target was achieved however the fall in emissions in 2020 was largely due to travel restrictions during the COVID19 pandemic, without which it is unlikely the target would have been met.

Draft Energy Strategy and Just Transition Plan (2023)

4.103. The Draft Energy Strategy and Just Transition Plan was published on 10th January 2023. It sets out the Scottish Government's plan to transform the way Scotland generates, transports and uses energy. This draft Strategy sets out key ambitions for Scotland's energy future including:

- A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.
- Maximising the use of Scottish manufactured components in the energy transition, ensuring high-value technology and innovation.

4.104. It highlights that the following about Battery Storage Systems:

"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 2.1 GW 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. We urge the UK Government to make these markets more accessible for BESS and other low carbon technologies ahead of fossil fuel powered alternatives."

5. Planning Assessment

5.1. This section of the Statement contains a detailed analysis of the Proposed Development against the relevant material planning considerations. These considerations have been derived from an understanding of the Site and its surroundings, and the policy analysis of the previous section.

Renewable Energy

5.2. It is evident within NPF4 that energy-related developments play a crucial role to achieve the ambitious goals for renewable energy generation on both a national and local level. As highlighted in the previous section, this Proposed Development qualifies as a national development under 'Strategic Renewable Electricity Generation and Transmission Infrastructure'. NPF4 states that:

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

5.4. *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;*

5.5. *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."*

5.6. Page 8 of NPF4 identifies the links between policies, it states:

5.7. *"Our strategy and policies support development that helps to meet greenhouse gas emissions targets;*

5.8. *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.*

5.9. *Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions…Policy 11 supports renewable energy development…"*

5.10. Policy 1 of NPF4 states that proposals should give significant weight to global climate and natural crisis. The policy intent here is to encourage development that addresses the global climate emergency and nature crisis.

5.11. Key infrastructure, such as the battery storage scheme proposed, plays a crucial role to achieve the ambitious goals for renewable energy generation on a national level and address the global climate emergency.

5.12. Policy 5 of NPF4, criterion b) demonstrates that proposals on prime agricultural land will only be supported where it is for:

"iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration;"

5.13. The Proposed Development is supported by a Land Capability Classification for Agriculture (LCA) report which is included within this application. Further details on this are provided in the report. As highlighted earlier, the Scotland's Soils map stated that the Site was located on land capability for agriculture Class 2. Based on the LCA report, the land surveyed on site has been assessed as Class 3.1 which is *'Land capable of producing consistently high yields of a narrow range of crops and/ or moderate yields of a wider range. Short grass leys are common.* At least 0.8ha of the Site, along the south-western site boundary, has been classed as Class 5.3 which is '*Land capable of use as improved grassland. Pasture deteriorates quickly*'. Thus, the existing classification records show that Class 2 has been disproven.

5.14. Class 3.1 is identified as the lowest of the prime agricultural classes. In other circumstances, development would be restricted. However, as highlighted in NPF4 Policy 5(b), development for essential infrastructure is given significant weight and would be supported in this scenario. This Proposed Development is for renewable energy purposes and accordance with Policy 5 b) is therefore provided.

5.15. Out of all national policies within NPF4, Policy 11: Energy is the 'go to' policy, given that it is most specific to the proposals. Policy 11 supports the expansion of renewable, low-carbon and zero emissions technologies. The policy intent here is to encourage, promote and facilitate all forms of renewable energy development.

5.16. Policy 11 of NPF4, criterion (a) states the following:

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

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

5.19. This Proposed Development qualifies as a national development and would require consent under Section 36 of the Electricity Act. 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.

5.20. Policy 11 of NPF4, criterion (c) states the following:

"Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated."

5.21. The Site is within proximity to Eccles Substation which is a nationally significant onshore electrical transmission infrastructure. This presents significant opportunities for renewable energy-related investment to ensure that the best use is made of land and infrastructure in

this area. This will allow for locals to have the opportunity to benefit through employment opportunities via economic activities associated with a project of this type.

5.22. The Applicant is committed to ensuring that, wherever reasonably practical, local contractors are used in as many aspects of the Proposed Development, as possible. Additionally, a community benefit fund offered by the Proposed Development could help to provide apprenticeship and internship initiatives. Apprenticeships not just support local students but also local businesses. For businesses in the Scottish Borders, hiring an apprentice could be a productive and effective way to grow talent and develop a motivated, skilled and qualified workforce. Apprenticeships can help the business to develop skills relevant to their organisation, improve productivity and improve the quality of their product or service. As the renewables industry continues to grow, the industry will require talented individuals with transferrable skills, from a variety of diverse backgrounds to enter the workforce. The growing industry will also support the wider regional economy, and the jobs associated with it. Thus, the Proposed Development could deliver economic benefit to the local, regional and wider Scottish economy.

5.23. The Proposed Development is assessed against project design and mitigation measures from each of the criteria from Policy 11 (e) and comparable policies within the Local Development Plan.

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

5.24. The most directly comparable policy within the Local Development Plan is Policy HD3: Protection of Residential Amenity. It states that:

"Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against:

(i) *the generation of traffic or noise"*

5.25. The Proposed Development is supported by an Acoustic Impact Assessment which is included within this application. Further details on this matter are provided in subsequent sections of this report. It is highlighted that noise should not pose a constraint to achieving planning permission for the Proposed Development, as the level of impact from noise on local residents is expected to be acceptably low.

5.26. Turning to odour and fumes, it is anticipated that battery components will be tested under National and International standards. Moreover, BESS Fire Safety Planning guidance issued by the National Fire Chiefs Council (NFCC) has been applied throughout the design process and be applicable during its operational lifespan.

5.27. Turning to air quality considerations, the application site is not located near any Air Quality Management Area according to UK Air Information Resource. The construction impacts associated with the Proposed Development would likely generate a small magnitude of dust. Impacts from dust emissions during the construction phase would be not significant, which is supported by the low levels of annual mean emissions. It is considered that despite there not being a defined risk present, it is still advisable that several good practice measures are implemented, such as considerate traffic speed and observing minimal dust dispersion

where at all possible during construction and transport activities and these can be incorporated in a final updated CEMP.

5.28. Nonetheless, light pollution is not considered relevant as lighting would only be provided for occasional operational and maintenance use in the hours or darkness. The operation and maintenance activities shall normally be limited to the hours of daylight to minimise use of artificial lighting.

5.29. Moreover, shadow flicker is not considered relevant to the battery storage proposals here, being more relevant to wind developments. As a renewable form of energy storage, battery storage developments do not create any particulate which would impact upon air quality.

5.30. For the reasons set out above it is considered that the application Proposed Development accords with the requirements of principle (i) of Policy 11e of the NPP4 as well as Policy HD3 of the Scottish Borders LDP2.

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:

5.31. The closest policies which would refer to these would be: Policy EP5: Special Landscape Areas states that all new developments must:

"In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality, as identified in its Statement of Importance for the relevant Special Landscape Areas. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social, environmental, or economic benefits of national or local importance."

5.32. The Proposed Development is supported by a Landscape and Visual Assessment (LVA) which is included within this application. It should be stressed that the design has considered feedback from the local community and as a result of the Applicant's assessment work. Consequently, the Proposed Development has markedly evolved from that presented at the first public consultation event. Based on the public consultation feedback, the design of the Proposed Development has been reconsidered through design iteration.

5.33. For the reasons set out above, it is considered that the Proposed Development accords with the requirements of principle (ii) of Policy 11 e) of the NPP4 as well as Policy EP5 of the Scottish Borders LDP2.

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

5.34. The most directly comparable policies within the Local Development Plan are Policy IS4: Transport Development and Infrastructure and Policy IS5: Protection of Access routes. Policy IS4 states that:

" The Council will support proposals for transport infrastructure that:

a) promote sustainable travel;

b) facilitate the development of allocated sites in ways which promote sustainable travel;

c) enable the sustainable movement of goods, particularly by rail;

d) have no unacceptable adverse impact on the natural and built environment;

e) have no unacceptable adverse impact on the occupiers of adjacent land by virtue of noise, smell and noise pollution.

Proposals that generate significant travel demand will be required to provide the following criteria:

a) Transport Assessments and Travel Plans

b) Developer contributions where appropriate."

5.35. Policy IS5: Protection of Access Roads. It states that:

"Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer."

5.36. The Proposed Development is supported by a CTMP, which is included within this application. The Proposed Development will not have any impact on recognised access routes. It is therefore considered that this will not have a detrimental impact on the safety or operation of the adjacent trunk road.

5.37. For the reasons set out in the accompanying CTMP and summary above, the Proposed Development satisfies the requirements of principle (iii) of Policy 11 e) of the NPP4 as well as Policy IS4 and IS5 of the Scottish Borders LDP2.

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

5.38. The Site is not located in proximity to any military bases. As such, the development will have no impact on aviation and defence interests and as such accord with the requirements of principle (iv) of Policy 11e of the NPP4.

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

5.39. No known telecommunication or broadcasting installations are located on site or within the immediate area. The scheme will therefore not compromise telecommunications and broadcasting installations and transmission links and accords with the requirements of principle (v) of Policy 11e of the NPP4.

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

5.40. The application is supported by a CTMP. As the Site will not be manned, operational traffic is expected to be minimal. The impact of this on the local and wider highway network is therefore expected to be negligible.

5.41. The statement considers that the proposed access arrangement and the construction route are suitable to accommodate the low number of construction and operation trips related to

the proposed BESS. In summary, it is considered that there are no valid highway or transportation reasons which would prevent the Proposed Development of this site.

5.42. For the reasons set out in the accompanying CTMP and summary above, the application Proposed Development satisfies the requirements of principle (vi) of Policy 11 e) of the NPP4 as well as Policy IS4 of the Scottish Borders LDP2.

5.43. *vii. impacts on historic environment:*

5.44. The most directly comparable policies within the LDP2 are Policy EP8: Historic Environment Assets and Scheduled Monuments. Policy EP8 states that:

"(B) BATTLEFIELDS The Council may support development proposals within a battlefield or its setting on the Inventory of Historic Battlefields Register, or a regionally significant battlefield, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield and/or its setting.

"(C) REGIONAL OR LOCAL HISTORIC ENVIRONMENT ASSETS Development proposals which will adversely affect an archaeological asset of regional or local significance or their setting will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset."

5.45. The Proposed Development is supported by an Archaeology and Built Heritage Assessment which is included within this application.

5.46. The aim of this is to identify which heritage assets might be affected by a Proposed Development. It is highlighted that development proposals that may adversely impact heritage assets where they remove a feature that contributes to the significance of a heritage need to be assessed.

5.47. It was considered in the Archaeology and Built Heritage Assessment that there would be a low potential for the Site to contain unknown historic assets from the Prehistoric to Roman periods. There may need to be some consideration for potential assets from the Medieval and Post- medieval periods. However, these would likely relate to agricultural activities and be of low heritage value. In terms of designated heritage assets, it was concluded that the proposals are not anticipated to impact any historic assets identified in the vicinity through changes to setting.

5.48. For the reasons set out in the accompanying Heritage Assessment and summarised above, the Proposed Development satisfies the requirements of principle (vii) of Policy 11e of the NPP4 as well as Policy EP8 of the Scottish Borders LDP2.

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

5.49. The most directly comparable policy within LDP2 is Policy IS8: Flooding where it states that:

"Developers will be required to provide, including if necessary, at planning permission in principle stage:

i. a competent flood risk assessment, including all sources of flooding, and taking account of climate change, using the most up to date guidance; and

ii. a report of the measures that are proposed to mitigate the flood risk."

5.50. The Proposed Development is supported by a Flood Risk Screening and Drainage Management Plan which concludes that the Proposed Development is considered low risk with appropriate drainage options highlighted further including attenuation requirements.

5.51. For the reasons set out in the accompanying Flood Risk Screening and Drainage Management Plan and summary above, the Proposed Development satisfies the requirements of principle (viii) of Policy 11 e) of the NPP4 as well as Policy IS8 of the Scottish Borders LDP2.

ix. biodiversity including impacts on birds:

5.52. The most directly comparable policy within LDP2 is Policy EP3: Local Biodiversity and Geodiversity. Policy EP3 states that developers must demonstrate, where relevant, how impacts on biodiversity and geodiversity have been addressed as part of their proposals. It is highlighted that:

"Development that would have an unacceptable adverse effect on Borders Notable Species and Habitats of Conservation Concern will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation."

5.53. The application is supported by a Preliminary Ecological Appraisal (PEA) and Biodiversity Enhancements (BGA). Overall, the Proposed Development would deliver biodiversity enhancements and will comply with the statutory Development Plan once the Ecological Impact Assessment (EcIA), and associated bird surveys are formalised, where measures have been proposed to protect the overall biodiversity of the Site. For avoidance of doubt, the EcIA and associated surveys will follow after submission, with further details on this provided in the next chapter.

5.54. It is highlighted in the BGA that habitat creation and enhancement post-development will deliver a 74.17% net gain in habitat units, 17.14% net gain in hedgerow units, and a -0.62% net gain in ditch units. Considering the site holistically, the measures proposed represent a significant biodiversity enhancement.

5.55. *x. impacts on trees, woods and forests:*

5.56. The most comparable policy within LDP2 is Policy EP13: Trees, Woodlands and Hedgerows. It states that:

"The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value."

5.57. The Sites surroundings and location are factors that would need to be addressed. Schedule 9 of the Electricity Act 1989, sub-Paragraph 1 (1) states:

"In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity;

(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."

5.58. The Proposed Development is supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan which are included within this application. It was highlighted that there will be a low arboricultural impact to the Site's amenity and landscape value due to the relatively minor sections of hedgerow removals, and the removal of a single low-quality tree. Nevertheless, it was recommended that appropriate planting is implemented through an effective landscape design to compensate for these losses, highlighted on the Landscape Masterplan (ref: P24-0160_EN_08_F, see Appendix 2 of the LVA). Therefore, the Proposed Development satisfies the requirements of principle (viii) of Policy 11 e) of the NPP4 as well as Policy EP13 of the Scottish Borders LDP2.

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

5.59. The most directly comparable policy with LDP2 is Policy ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils. It states that:

"Development, except proposals for renewable energy development, which results in the permanent loss of prime agricultural land, land of lesser quality that is culturally or locally important for primary use, or significant carbon rich soil reserves, particularly peat, will not be permitted."

5.60. The Site is to be decommissioned after 40-years when it is no longer operational and restored its former status. Thus, it accords with the requirements of principle (xi) of Policy 11 e) of NPF4.

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

5.61. As mentioned in point above, the Site is to be decommissioned after 40-years when it is no longer operational and restored to agriculture. Thus, it accords with the requirements of principle (xii) of Policy 11 e) of NPP4.

xiii. cumulative impacts:

5.62. In terms of the wider context, we are aware of other planning proposals submitted by others in relation to other battery schemes and major grid infrastructure. A planning history search has been undertaken and the supporting Cumulative Site Plan (ref: P24_0160_EN_06, see Figure 6 of the LVA) illustrates the following energy-related projects which are permitted or awaiting determination within the Site's locality:

- ECU00004872 - The construction and operation of a 340MW Battery Energy Storage System. **Pending Decision.**

- ECU00004804 - Battery Energy Storage System with an export capacity of up to 500 MW, located west of Eccles Substation**. Approved in December 2024.**

- ECU00004601 - Battery Electricity Storage System (BESS) and Associated Infrastructure. **Approved in August 2023.**

- 24/01035/CLPU - Installation of underground grid cable Connection and electronic communications line. **Approved October 2024.**

- ECU00004928 - Construction and operation of 500MW Battery Energy Storage Facility together with associated infrastructure, substation, security fencing, CCTV, Security lighting and landscaping. **Screening/Scoping Opinion Issued in September 2023. Non-EIA Decided September 2024.**

- 23/00249/FUL - Extension to the existing substation and erection of two hybrid synchronous compensators. **Approved with conditions September 2023.**

- 22/01988/FUL - Construction and operation of battery energy storage system facility with ancillary infrastructure and access. **Approved with conditions June 2023.**

- 22/00429/S37 - Erection of 33Kv overhead power line. **Approved May 2022**.

5.63. The Proposed Development considers the cumulative effects of these proposals on the following:

Transport

5.64. A review of the cumulative impacts on the trunk road has been undertaken to understand any impacts of the Proposed Development together with other developments proposed in the area through the submitted Transport information. The CTMP highlights at the time of writing, cumulative traffic impacts will be considered and minimised appropriately.

Noise

5.65. The Proposed Development is supported by an Acoustic Impact Assessment which is included within this application. Three other BESS proposals located in proximity of the Proposed Development have been considered as part of the cumulative assessment. It was concluded that the Proposed Development is not a significant contributor to the predicted cumulative noise levels and would be considered insignificant in terms of its cumulative contribution.

Landscape

5.66. A Screened Zone of Theoretical Visibility (SZTV) (ref: P24-0160_EN_01, see Figure 2 of the LVA) has been prepared as per present understanding of the proposal. The SZTV image illustrates the theoretical extent of where the development may be visible from, assuming 100% atmospheric visibility, and includes the screening effect from vegetation and buildings, based on the assumptions stated above.

5.67. It is acknowledged that other major relatable built infrastructure developments are located in the vicinity of the application site which is illustrated in the Cumulative Sites Plan (ref: P24_0160_EN_06, see Figure 6 of the LVA). Whilst the addition of the proposed

development would result in a greater effect to arise to local character in cumulative terms, any such effects would be highly localised and limited in nature. When considering the proposed development in addition to all cumulative developments when viewed from one location or sequentially, the overall effect would result in a rise in effect no more than those identified in relation to the proposed development when assessed in isolation.

5.68. The screening effect provided by smaller blocks of woodland and hedgerows/hedgerow trees, particularly those surrounding the Site, have not been taken into account, and consequently the actual extent of the area from which the Proposed Development is visible is likely to be much smaller. Visualisations have also been prepared which shows the different viewpoints looking towards the Site. Additionally, the proposed landscaping would further mitigate any effect.

5.69. Flood Risk

5.70. It is noted that there are several other planning applications for energy developments around the Site that have been submitted to either Scottish Borders Council or the Energy Consents Unit. It is assumed that each of these applications has been submitted alongside a sufficient FRA and surface water drainage strategy and as a result, will not increase flood risk elsewhere.

5.71. Therefore, the cumulative impact of these additional site proposals is not considered significant and the Proposed Development will likely result in no cumulative impacts and accords with the requirements of principle (xiii) of Policy 11 e) of the NPP4.

Planning Policy Conclusion

5.72. Overall, the above assessment confirms the Proposed Development fully accords with the criteria of NPF4 Policy 11.

5.73. NPF4 already gives significant weight towards addressing the climate emergency. It is able to address and expand on renewable energy development in more detail and lists battery storage as a form of renewable technology that would be accepted. Policy ED9: Renewable Energy Development of LDP2 also states that "Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported".

5.74. The statutory development plan addresses the global climate emergency and nature crisis by encouraging these type of developments. The principle of battery storage development is therefore acceptable, and the Proposed Development will contribute significantly to the renewable energy ambitions and targets.

5.75. As is evidenced by the design iteration process, the Proposed Development has evolved itself as a direct consequence of public consultation and also the assessments that have been undertaken. In that sense, the Proposed Development has considered alternative forms of the development, arriving at localised effects, capable of mitigation.

Landscape & Visual

5.76. The Proposed Development was assessed earlier against project design and mitigation measures from each of the criteria from Policy 11 e).

5.77. The Proposed Development is supported by a LVA and a Landscape Masterplan (ref: P24-0160_EN_08_F, see Appendix 2 of the LVA). Taking this into account, site visit photography

and 3D modelling of the scheme, visualisations of viewpoints have been produced and were also showcased at the public consultation.

5.78. The Proposed Development has been designed so that built form is sited away from residential properties, the A697 (including roadside vegetation), the existing woodland at Egerton Covert, Paxton Wood, and Crown Gorse, and existing watercourses, where practicable. Overall, the total extent of the landscape and visual effects would be localised and limited in nature.

5.79. Thus, since the impacts are localised and an appropriate design iteration process has been applied, the Proposed Development is considered acceptable. The Proposed Development complies with the requirements of The Electricity Act and statutory Development Plan will not unacceptably impact the landscape character of the area.

Ecology

5.80. The Proposed Development is supported by a Preliminary Ecological Appraisal (PEA) and a Biodiversity Gain Assessment within this application.

5.81. A desk study and field survey were undertaken where it is highlighted that the Site is not considered to support irreplaceable habitats or priority habitats. The Site is also unlikely to support protected species such as, bats badgers, otters or reptiles and amphibians. For avoidance of doubt, recommended bird surveys and an Ecology Impact Assessment (EcIA) will follow shortly after submission. The table below highlights key dates of when the relevant surveys and assessments will be submitted:

Assessments/Surveys	Date
Wintering Bird Survey	End of February 2025
Breeding Bird Survey	End of June 2025
Ecological Impact Assessment (EcIA)	Mid July 2025

5.82. It should be noted that the Wintering Bird Survey will follow and be submitted imminently, with majority of the surveys completed.

5.83. The Biodiversity Gain Assessment summarises that the habitat creation and enhancement post-development will deliver a 74.17% net gain in habitat units, 17.14% net gain in hedgerow units, and a -0.62% net gain in ditch units.

5.84. There is an overall significant enhancement of biodiversity on the Site, as required under Policy 3: Biodiversity of the NPF4. The submitted Landscape Masterplan (ref: P24-0160_EN_08_F, see Appendix 2 of the LVA) along with the PEA and Biodiversity Gain Assessment highlight how this will improve the overall biodiversity of the Site. Upon submission of the recommended surveys, the Proposed Development will meet the requirements of NPF4 Policy 3: Biodiversity and Policy EP3: Local Biodiversity and Geodiversity of the LDP to significantly enhance the biodiversity on the Site.

Noise

5.85. Policy 23 of NPF4, criterion e) states that:

"Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely."

5.86. As mentioned above, the Proposed Development is supported by an Acoustic Impact Assessment which is included within this application. Potential noise affecting nearby properties from the Proposed Development was considered. It was concluded that the noise levels will remain below the derived noise level limits for all receptors and can be considered acceptable.

5.87. The Proposed Development is therefore acceptable and complies with the statutory Development Plan.

Heritage

5.88. Policy 7 of NPF4, criteria h) and j) demonstrate the need to protect and enhance historic environment assets and to enable positive change for the regeneration of places:

"h) Development proposals affecting scheduled monuments will only be supported where:

i. direct impacts on the scheduled monument are avoided;

ii. significant adverse impacts on the integrity of the setting of a scheduled monument are

avoided; or

iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised;

5.89. The Proposed Development is supported by an Archaeology and Built Heritage Assessment which is included within this application.

5.90. The aim of this was to identify which heritage assets might be affected by the Proposed Development. It was concluded that the proposals are not anticipated to impact any historic assets identified in the vicinity through changes to setting.

5.91. The Proposed Development complies with the statutory Development Plan and would not adversely affect the setting of the identified assets, and, in turn, their historic significance, appreciation and understanding would not be negatively impacted.

Transport

5.92. Policy 13 of NPF4, criteria d) and f) prioritises the need to travel sustainably and closely monitor how travel will be facilitated:

5.93. *"d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area;*

5.94. *f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation."*

5.95. The Proposed Development is supported by a CTMP which is included within this application. The statement considers that the proposed access arrangement and the construction route are suitable to accommodate the low number of operational trips related to the proposed BESS. In summary, traffic during the temporary construction phase is not considered to be material and it is considered that this will not have a detrimental impact on the safety or operation of the local or trunk road network.

Flood Risk & Drainage

5.96. Policy 22 of NPF4, criterion a) prioritises the need to travel unsustainably and closely monitor how travel will be facilitated:

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

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

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."

5.99. The Proposed Development is supported by a Flood Risk Screening and Drainage Management Plan which is included within this application. It highlights that the Proposed Development is in accordance with SEPA's Flood Risk and Land Use Vulnerability Guidance and is not considered to be at significant risk of flooding from any source. The Site has been deemed at low risk of flooding.

5.100. An assessment of the drainage options has also been undertaken which specified that the Proposed Development is to drain the Site via an attenuation basin, with a restricted discharge rate to match its existing drainage condition. Further assessment of the proposed discharge will be undertaken to inform the detailed design of the Site drainage.

5.101. As such, the Proposed Development complies with the statutory Development Plan and will not unacceptably pose any significant risks.

Other Matters

Fire Safety

5.102. An Outline Fire Risk Management Plan has been prepared and is submitted as part of this application. The report demonstrates the Proposed Development is acceptable in terms of fire safety.

5.103. The BESS system will be compliant with UL9540A which tests the fire safety hazards associated with propagating thermal runaway within battery systems in both cell module and rack level. The Site layout will be compliant with NFPA855 and guidance from the NFCC in particular with regards to the layout of battery containers and associated equipment to ensure the lowest possible risk of fire propagation in the unlikely event that should this occur.

5.104. Furthermore, the applicant will work with Scottish Borders Council and the local representatives from the Scottish Fire and Rescue Service in terms of fire safety, subject to separate necessary consents being granted and a fire safety plan will be agreed with the local fire authority in due course.

Community Benefits

5.105. It was highlighted earlier that RES will be leading the project and Bishops Dal Energy Storage Ltd ('The Applicant') will be responsible for the development of the proposed BESS facility.

5.106. As mentioned earlier, the Applicant is committed to ensuring that, wherever reasonably practical, local contractors are used in as many aspects of the Proposed Development, as possible. Additionally, a community benefit fund offered by the Proposed Development could be used to improve the local area or provide opportunities for locals. For example, previous community benefit funds have provided educational opportunities and improvements to community buildings. The Applicant would engage with the local community to find a suitable scheme.

5.107. A community benefit could help provide apprenticeship and internship initiatives. Apprenticeships not just support local students but also local businesses. For businesses in the Scottish Borders, hiring an apprentice could be a productive and effective way to grow talent and develop a motivated, skilled and qualified workforce. Apprenticeships can help the business to develop skills relevant to their organisation, improve productivity and improve the quality of their product or service. As the renewables industry continues to grow, the industry will require talented individuals with transferrable skills, from a variety of diverse backgrounds to enter the workforce. The growing industry will also support the wider regional economy, and the jobs associated with it.

5.108. A tailored approach, working directly with the community and with the assistance of RES can help to support the local area. Understanding how to establish secure long-term economic, social and environmental benefits will be key to ensure priorities are being met for the local community.

Planning Balance

5.109. It was highlighted earlier in the statement that Scottish Ministers will determine if an application considers the statutory duties in Schedule 9 of the Electricity Act and any other relevant material considerations and relevant aspects of the statutory development plan.

5.110. In the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail. Provisions that are contradictory or in conflict would be likely to be considered incompatible.

5.111. This assessment has found no notable incompatibility in relation to this proposal. The main implication of NPF4 is the clarification of significant weight being given to renewable energy schemes, such as this. This quantification of weight being an obvious and clear change from the previous NPF.

5.112. Importantly, this assessment has not found any conflict with any Development Plan policy, consequently the scheme should be found acceptable. In fact, the Site's location for such purposes identifies the strongest policy support, coupled with NPF4 and its clear intent to address the effects of climate change and the nature crises. The ability to then apply significant weight upon this proposal, in combatting the effects of climate change and cutting Greenhouse Gas Emissions would thus make the application even more acceptable. Overall, the Applicant has demonstrated that the Scottish Ministers can be satisfied that their obligations under Schedule 9 of the Electricity Act are met.

5.113. Several key renewable energy government policies and legislation are material considerations in the determination of these proposals. Thus, it is crucial to understand how the statutory Development Plan and key government policies/legislation should be considered under Section 36 of the Electricity Act.

5.114. The Update to the Climate Change Plan (2018-2032) 'Securing a Green Recovery on a Path to Net Zero' recognises a growing and increasingly decarbonised electricity sector is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry.

5.115. The Draft Energy Strategy and Just Transition Plan published in 2023 focuses on energy security in light of recent global events and the need to reduce dependency on oil and gas and fast track towards Net Zero by 2045. Focus is placed on generating more than 20GW of additional renewable energy alongside other technologies, including additional energy storage capabilities. The Strategy identifies that utility scale battery storage offers fast responding, dispatchable power when required and provides services required to maintain stability within the electricity networks.

5.116. As is evident within NPF4, there is a step change in the significant weight to be applied to the achievement of targets and renewable energy deployment. The urgent need for renewable energy to tackle the declared Climate Emergency as a material consideration in the determination of planning applications is established by a range of extant Government policies on energy and statutory development plan alongside the suite of national and international legislation which has informed the policy context.

5.117. NPF4 identifies that these proposals are a national development and thus garner policy strength toward their principle of development.

5.118. It is evident that there has been a persistent underachievement of renewable energy/greenhouse gas reduction targets over a considerable period of time. As more time passes, the imperative to do more and to be more radical in decision making increases at a greater rate.

5.119. This must be seen in the growing context of a growing market for electricity as it displaces fossil fuels for transport, commerce, and heat. Sustainable economic growth can only be achieved by ensuring enough energy, which must be produced in line with obligations to reduce greenhouse gas emissions.

5.120. Measuring against the targets set out within The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, where Ministers "must ensure" that the net Scottish emissions account for the net–zero emissions target year (i.e., 2045) is at least 100% lower than the baseline. The interim targeting being:

- 2018 is at least 54% lower than the baseline,
- 2019 is at least 55% lower than the baseline
- 2020 is at least 56% lower than the baseline,
- 2030 is at least 75% lower than the baseline,
- 2040 is at least 90% lower than the baseline, and
- 2045 is at least 100% lower than the baseline.

5.121. The targets within the Climate Change 2019 Act flow through to the Planning Act 2019, with the purpose of planning being the need to act in the long-term public interest and considering sustainable development.

5.122. The achievement of Net Zero by 2050 is clearly a long-term public interest and planning proposals for sustainable development that helps meet that objective (such as this application) must be considered in that context.

5.123. NPF4 evidently underlines this theme, clearly stating that:

"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".

5.124. The Committee on Climate Change (CCC) published their advice on the UK's sixth Carbon Budget 'The UK's Path to Net Zero' in early December 2020. It builds on the previous CCC advice to Government in relation to new zero.

5.125. Although the CCC Report recognises that the main policy levers are held by the UK Government it states at Para 23 that "UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland" and that Scotland can take action through complementary measures at the devolved level.

5.126. The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and "doubling or even trebling by 2050". The CCC advice sets out that reducing emissions and meeting the budget requires action across various areas including expansion of low carbon energy supplies.

5.127. Page 29 sets out recommendations for action including "delivering the actions required in the 2020s to meet the Sixth Carbon Budget requires policies to be strengthened now. Matching strong ambition with action is vital for the UK's credibility…"

5.128. For Scotland, the CCC have advised that the interim target for 2030 (i.e. a reduction by at least 75% against baseline levels) will be "extremely challenging". The Proposed Development would make a direct contribution to achieving renewable energy generation targets in the UK and would support Scottish Government policy to encourage more electricity generation from renewable sources, to secure greenhouse gas reductions and to attain energy security of supply. Noting that the targets are presently being missed, the imperative to reach those targets, particularly over the next decade (to 2030) is ever more challenging.

5.129. National Energy System Operator (NESO) published its Clean Power 2030 (CP30) report, advising the government on the steps it should take to achieve its 2030 targets. NESO's analysis suggest that there needs to be an increase in grid connected battery storage from 5 GW to between 23 and 27 GW in 2030 across the UK. This represents a major scale-up in build rates where emissions targets for 2030 and legally binding carbon budgets recommended by the Climate Change Committee need to be met. This results in an electricity demand growth of approximately 11% to 287 TWh from today to 2030.

Public Consultation

5.130. As highlighted in Section 3, there are no statutory pre-application consultation procedures for Section 36 applications under the Electricity Act.

5.131. The Proposed Development is supported by a PAC Report which is included within this application to detail the public consultation process.

5.132. It is evident that the Proposed Development has changed as a direct result of the public consultation and the feedback that was received.

6. Conclusions

6.1. This statement has been prepared to accompany the application for Section 36 consent and accompanying request for deemed planning permission submitted to the ECU, for the construction and operation of a Battery Energy Storage System (BESS), located on land south of Eccles Substation, Scottish Borders, Scotland, TD12 4LU. The Scottish Ministers, in determining the application will have to have regard as to whether the Applicant has met its duties in terms of Schedule 9. In the Section 36 determination, the statutory Development Plan and government policies and legislation will be important considerations.

6.2. The Site is in close proximity to Eccles substation which would provide a significant amount of flexibility to the grid and at 150MW. A variety of international, national, and local policy requires a dramatic increase in battery storage if carbon emissions are to be reduced through more renewable energy generation being connected to the grid.

6.3. The Proposed Development fully accords with all the relevant criteria of NPF4 Policy 11: Energy. NPF4 manages to address the global climate emergency and nature crisis by encouraging these types of developments. The principle of battery storage development is therefore acceptable, and the Proposed Development will contribute significantly to the renewable energy ambitions and targets.

6.4. It is understandable that there will be some concerns with the Proposed Development at sensitive receptors such as nearby residences. Nonetheless, any impact of the Proposed Development is considered to be minimal and localised, with there being no significant impact on: heritage, noise, landscape, flood risk and ecology, with relevant assessments having been undertaken.

6.5. Overall, the Proposed Development is supported by several assessments as mentioned in Section 6. The key features in support of the Proposed Development are summarised below:

- It complies with the requirements of The Electricity Act 1989, statutory Development Plan, and a number of other 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 global targets and national planning policy;

6.6. It is therefore respectfully requested that the Scottish Ministers grant consent for the Proposed Development under Section 36 and the associated deemed planning permission.

Electricity Act 1989

Expertly Done.

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