



E: alice.creasy@gov.scot

Hugh Shepherd
Scott Hobbs Planning Ltd
By email only

By email only to: hs@scotthobbsplaning.com

Our ref: ECU00006121

2nd April 2025

Dear Hugh Shepherd,

ELECTRICITY ACT 1989

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

SCREENING OPINION OF THE SCOTTISH MINISTERS

IN RESPECT OF THE PROPOSED APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE THE PROPOSED 500-MEGAWATT (MW) BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE LOCATED ON LAND NORTHEAST OF ROTHENORMAN, AT LAND AT MIDDLETON OF BLACKHILLS, AB51 8YN.

Thank you for your request dated 7th March 2025 requesting a screening opinion in respect of a proposed application under section 36 of the Electricity Act 1989 (“the Electricity Act”) to construct and operate a battery energy storage system with a generating capacity of approximately 500 megawatts (MW), comprising of battery-based electricity storage containers and ancillary development including generators, welfare unit and control / switchgear units, accesses, landscaping and biodiversity enhancement

Background

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

The proposal requires to be screened by the Scottish Ministers in accordance with regulation 7 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the Regulations”). Following a request for a screening opinion made under regulation 8(1), Scottish Ministers are required to adopt an opinion as to whether the proposed development is or is not

EIA development.

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

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

Statutory Consultation

Under regulation 8(5) of the Regulations, Scottish Ministers are required to consult the Planning Authority within whose land the proposed development is situated. The Planning Authority was consulted on 7th March 2025 and responded on 27th March 2025 advising that, in their view, the proposed development does constitute EIA development and therefore any application for construction and operation of the development described in the screening request does need to be accompanied by an EIA report. A copy of the Planning Authority's response is annexed to this screening opinion (**Annex A**).

Scottish Ministers' Considerations

EIA development is defined in the Regulations, in respect of an application, as a proposed development, which is either Schedule 1 development, or Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location. The proposed development constitutes Schedule 2 development in terms of the Regulations.

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

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

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

Written Statement

Characteristics of Development

The Proposed Development covers an area of 17.38 hectares and its design is consistent with many similar battery energy storage system proposals. There are several other energy infrastructure developments in the surrounding area, most notably Rothienorman Substation located adjacent to the Site.

Given the nature of the site the anticipated use of natural resources is minimal. There will be a measure of construction waste consistent with development of this type. All solid waste produced during construction is expected to be taken off-site and disposed of by certified contractors. No operational waste is anticipated.

There is potential for noise, air and light pollution during the construction phase which is expected to last 18 months. The Applicant has committed to conducting a Noise Impact Assessment (NIA) which will guide mitigation measures as well as a Construction Environmental Management Plan (CEMP). No significant pollution or nuisance anticipated during the operation phase, and there is no anticipated risk of accidents or disasters or to human health. There is no risk of major accidents or disasters, and negligible risks to human health.

Location of Development

The entire area of interest comprises one parcel of agricultural land which has been used for arable farming. The proposal is not situated on environmentally sensitive land and is unlikely to affect areas adjacent given the nature of the proposal and proximity to any sensitive environmental receptors. Existing woodland and hedgerows on and adjacent to the Site will be retained and the Applicant has proposed areas of new planting.

Characteristics of the Potential Impact

The impact of the development is not likely to give rise to significant effects in terms of population and human health taking into account the scale of the proposal relative to its environment and the consideration that a limited number of residential properties are in proximity to the site. Visibility of the development is not predicted to extend widely, and mitigation proposed to screen the development will in time further limit the duration of any visibility. There are no likely significant effects on biodiversity, landscape, cultural heritage, or material assets, taking into account the scale of the development and its location. For the same reasons there are no significant effects considered to be likely on land, soil, water, air, or climate.

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

Any future application will be accompanied by a suite of documents to include a Planning Supporting Statement, including an NPF 4 compliance assessment, a Design and Safety Report, a Pre-Application Consultation Report, Transport Statement, Ecology Report, Landscape Assessment and Visual Impact including a Landscape Strategy, Archaeology Report, Preliminary Ecology Assessment and Surveys, Drainage Impact Assessment and Strategy, including a Flood Risk Assessment, CTMP and Noise Impact Assessment.

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

Yours sincerely

Alice Creasy

A member of staff of the Scottish Government

(Cc: Aberdeenshire Council)

Our Ref: ENQ/2025/0428
Your Ref: ECU00006121
Ask for: Victoria Moore
Tel: 01467 533406
Email: victoria.moore@aberdeenshire.gov.uk

Energy Consents Unit
Onshore Electricity
Strategy And Consents
Directorate For Energy And Climate Change
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

27 March 2025

Dear Sir/Madam

EIA Screening consultation for the proposed 500 megawatt (MW) battery energy storage system and associated infrastructure located on Land Northeast of Rothienorman, at Land at Middleton of Blackhills, AB51 8YN

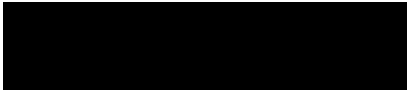
I write with regard to your request under section 8 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the Regulations") on which you have consulted Aberdeenshire Council as Local Planning Authority in relation to the above screening request.

After review of the submitted material, it is the view of the Planning Service that the development has the potential to give rise to effects (in cumulation with other development proposals in the area) which may be significant in nature both in relation to noise and landscape impact. The combination of scale and volume of development in concentrated locations around the Rothienorman substation is leading to localised cumulative impacts that require the appropriate cumulative assessment. There are several consented developments in the immediate area of the proposed development which are discussed in the accompanying schedule 3 assessment. This area of Aberdeenshire is subject to significant pressure from energy development.

It is recommended that; due to the potential significant effects and scale of this development an Environmental Impact Assessment would be required for this proposal.

Whilst the decision as to whether an EIA is required will ultimately lie with the determining authority (who will also be responsible for outlining the reasoning for such a decision), I have nonetheless attached the Schedule 3 assessment undertaken by the Planning Service for your information.

Should you have any queries, please contact the officer named at the head of this letter.
Yours faithfully



Paul Macari
Head of Planning and Economy

EIA Screening – Schedule 3 Assessment

Development/Project: ENQ/2025/0428 Land at Middleton of Blackhills, Rothienorman ECU ref ECU00006121

Selection Criteria		Assessment Commentary	Significant Impact?
Characteristics of Development 1. The characteristics of development must be considered having regard, in particular, to -			
	(a) the size and design of the development	<p>The site is approx. 17.38 hectares, with final siting and design to be determined at a later date. The proposal is for a 500MW Battery Energy Storage System (BESS). Solar PV is also proposed for the operational demands of the site.</p> <p>The site is located approximately 2.4km west of Rothienorman, adjacent to the existing Rothienorman Substation</p> <p>There are a number of residential properties within the immediate vicinity of the site, with the closest being around 230m from the proposed development site.</p>	yes

		<p>The development site is agricultural land however there is also other large scale energy infrastructure in the immediate vicinity in the form of existing overhead lines, Rothienorman Substations and a 49.9MW BESS is located immediately adjacent to the site. Two other 49.9 MW BESS are approved within the immediate area.</p> <p>The scale of the proposed development is considered to be typical of a proposal of this nature. Based upon the information provided, the proposal (in isolation) may give rise to significant effects.</p>	
	(b) cumulation with other existing development and/or approved development	<p>The development site lies within an area of development pressure, particularly energy and infrastructure developments</p> <p>There are three approved BESS developments within close proximity to the site: Aberdeenshire Council Planning Reference APP/2023/0718 - 49.9 MW BESS located immediately SW of the site.</p>	Yes

		<p>Aberdeenshire Council Planning Reference APP/2022/2252 (approved) 49.9 MW BESS located west of the adjacent substation</p> <p>Aberdeenshire Council Planning Reference APP/2022/1218 - 49.9 MW BESS located approximately 1.3 km NE of the site.</p> <p>Rothienorman substation lies immediately west of the proposed site and overhead transmission lines run along the Western boundary of the site.</p> <p>This additional development is considered to have a significant visual impact on the local landscape when considered cumulatively with these consented developments and should be taken into account in any cumulative assessment.</p> <p>Cumulative impacts are likely to centre primarily upon noise; and landscape and visual impact. Time limited cumulative impacts on the road network, and construction impacts</p>	
--	--	---	--

		<p>have the potential to be significant in this location.</p> <p>The site is likely to be visible from neighbouring residential receptors in the immediate vicinity. In cumulation with other proposals may significantly alter the character of the area, and therefore cumulative impacts must be assessed.</p>	
	(c) the use of natural resources, in particular land, soil, water and biodiversity	<p>The site is currently agricultural land with other mixed uses within the surrounding area notably a BESS development currently under construction and a substation as well as residential properties.</p> <p>Agricultural land is not scarce in this area, and there is not considered to be a significant impact on natural resources.</p> <p>The operation of the development (under ordinary conditions) would not require water and therefore impacts upon the water resource are unlikely to be significant (provided appropriate drainage measures are put in place).</p>	No

		<p>The proposed landtake is unlikely to be significant, when considered in the context of land quality.</p> <p>No significant impact on resources during operational phase.</p>	
	(d) the production of waste	<p>Limited to construction period but could be managed through appropriate conditions.</p> <p>It should be noted that Aberdeenshire Council requires that all BESS sites commit to site restoration and require the submission of a restoration scheme and financial guarantee. Due to this approach, there is potential for waste to be generated through site restoration activities and disposal of BESS units.</p>	No
	(e) pollution and nuisances	<p>Noise is likely to be the main issue with residential properties adjacent to the site. The siting of noise generating infrastructure within the development site must be considered in detail in order to minimise this.</p>	Yes

		<p>Lighting is likely to be required and may impact on the local area.</p> <p>Major incidents or hazards, such as fires, would have an increased risk of air and water pollution although it is accepted that this would be an exceptional circumstance, and cannot reasonably be controlled through the planning process (as it relates to the safe operation of the development).</p> <p>Any application should be supported by a Noise Impact Assessment and should include any mitigation necessary to reduce impacts.</p>	
	(f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge	<p>Potential risk of accidents during construction including the risk of spillages to local water courses.</p> <p>Risk can be reduced through the use of a Construction and Environment Management Plan (CEMP).</p> <p>There is a potential fire risk associated with the operation of battery storage systems. Consideration of fire risk (associated with exceptional</p>	No

		<p>circumstances) largely falls outwith the remit of the land-use planning system, unless there are environmental constraints which would exacerbate said risk (i.e. heathland). As the site lies within an area of agricultural land, there is no reason to expect the development would exacerbate fire risk / sensitivity in the vicinity of the development site.</p>	
	<p>(g) the risks to human health (for example due to water contamination or air pollution)</p>	<p>Minimal emissions would be produced during the operational phase of the development. Any dust from the temporary construction phase could be managed in accordance with standard best practice. A CEMP would detail any adverse construction impacts on air quality.</p> <p>It is noted that A Flood Risk Assessment and Drainage Strategy for the site is to be undertaken and will be submitted with the planning application to identify the most appropriate drainage solution to serve the site.</p> <p>Whilst exceptional circumstances (such as accidents) may result in</p>	No

		contamination, this would be an issue through the operational phase of the development and therefore outwith the control of planning.	
Location of Development 2. The environmental sensitivity of geographical areas likely to be affected by development must be considered having regard, in particular, to -			
	(a) the existing approved land use	<p>The site is currently agricultural use and the proposed development will lead to the loss of this land.</p> <p>There are several residential properties in the vicinity of the site and these are likely to be subject to some degree of impact from the development. Their presence does not automatically suggest a significant impact.</p> <p>The potential impact upon residential properties will need to be considered in detail (visual impact, noise impact, construction impact etc) as part of any submission.</p> <p>The immediate area has several approved smaller BESS developments as well as the substation adjacent.</p>	Yes

		It is not known at this stage if that impact is likely to be significant.	
	(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and underground	<p>The development may be described as 'temporary' but, would in effect be a permanent development (if granted for a period of 35-40 years). It is noted the soil classification for this site is 3.2 and therefore not Prime Agricultural Land.</p> <p>The total area involved would not necessarily be significant in a local or regional context.</p>	No
	(c) the absorption capacity of the natural environment, paying particular attention to the following areas -		
	(i) wetlands, riparian areas, river mouths	The watercourses and field drains around the site will require to be assessed within the Drainage Assessment and Ecological Assessment.	No
	(ii) coastal zones and the marine environment	n/a	No
	(iii) mountain and forest areas	There are areas of woodland included within the Nature Scot Ancient Woodland Inventory as long established of plantation origin	No

		adjacent to the site. The closest being the Wood of Middleton immediately south of the site three areas of woodland to the immediate East of the site. Development of this proposal could adversely affect the woodland	
	(iv) nature reserves and parks	n/a	No
	(v) European sites and other areas classified or protected under national legislation	There are no designations within the site area.	No
	(vi) areas in which there has already been a failure to meet environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure	None.	No
	(vii) densely populated areas	The site is not within a densely populated area. However the site has several residential properties in the immediate vicinity, a small group located to the south east of the site at Middleton of Blackford and approximately 2.4km west of Rothienorman.	No
	(viii) landscapes and sites of historical, cultural or archaeological significance	The proposed development lies in close proximity to areas where evidence of prehistoric activity has previously been recorded, indicating the potential for further, previously unrecorded, archaeological features /	No

		<p>find to survive within the proposed development area</p> <p>The proposal will not be intervisible with any formally designated historic asset</p>	
<p>Characteristics of the potential impact</p> <p>3. The likely significant effects of the development on the environment must be considered in relation to criteria set out in paragraphs 1 and 2 above, with regard to the impact of the development on the factors specified in regulation 4(3), taking into account -</p>			
	<p>(a) the magnitude and spatial extent of the impact (for example geographical area and size of population likely to be affected)</p>	<p>There are multiple residential receptors within the surrounding area which gives rise to potential impacts, although mitigation is likely possible.</p> <p>The site is relatively well contained within the existing landscape, and whilst there will be cumulative issues, and other energy proposals will need to be considered in the landscape and visual impact, the spatial extent and magnitude of impact is not likely to be significant.</p>	Potentially Significant
	<p>(b) the nature of the impact</p>	<p>Noise emissions, and visual impact are most likely impacts.</p>	Potentially Significant

		<p>Cumulative/sequential impacts may be experienced by local residents given other energy developments within the area. Noise and LVIA assessments will need to consider cumulative impact.</p> <p>However, it is not known at this stage if that impact is likely to be significant.</p>	
	(c) the transboundary nature of the impact	None – the development does not lie adjacent to or near to a border with another council area.	No
	(d) the intensity and complexity of the impact	<p>Impacts likely to be most intense during the construction phase which is typically around 18-24 months. Impacts likely to be noise, air pollution and vehicle movements.</p> <p>Operational impacts are likely to be associated with landscape and visual; and noise impacts. These are likely to be long term in nature and cumulative with other developments.</p>	No

	(e) the probability of the impact	<p>Likely to be impact during construction, and operational noise. Landscape and visual impact to be assessed, but the site is contained.</p> <p>Detailed proposals would be needed to determine the nature and extent of impacts.</p>	No
	(f) the expected onset, duration, frequency and reversibility of the impact	<p>Further details of the siting and design of the development required but there is potential for the impacts identified to be present throughout the operation of the proposal. Mitigation measures including significant landscaping areas within the site would minimise the impacts.</p> <p>Temporary Consent sought, so is reversible (although over long time period).</p>	No
	(g) the cumulation of the impact with the impact of other existing and/or approved development	<p>Cumulative impacts have been outlined in sections 1 and 2 and would apply. The area is subject to a significant scale of energy related developments.</p>	Yes

	(h) the possibility of effectively reducing the impact	Impacts can be reduced though mitigation if necessary and should be informed by technical assessments (i.e. noise, traffic, ecology etc). Further detail is required to fully consider. .	No
--	--	---	----