Scott Hobbs Planning

Planning Statement on behalf of:

Blackford Renewables Ltd.

Date:

15 May 2025

Planning and Policy Compliance Statement

Proposed BESS, Land west of Blackford, Aberdeenshire

Typical Illustration of Battery Unit

Info

Proposed 500 MW BESS and associated infrastructure:

Land at Blackford, Rothienorman Planning and Policy Compliance Statement

Summary

Blackford Renewables Ltd. is proposing a battery energy storage system (BESS), with associated infrastructure and development. The application is submitted for determination by the Energy Consents Unit of the Scottish Government, which has already issued its Screening Opinion that an EIA is not required for the proposed development. The site is located within the countryside, lies outside any specifically designated site in terms of heritage and the environment (landscape, visual and ecological) and is adjacent to a major sub-station. This is a Planning Support Statement and is one of a suite of interlinked documents supporting the application and which consider the merits of the proposal in relation to relevant material considerations. The application documentation concludes, subject to mitigation, which is proposed as part of the application, that the development will not cause any significant adverse impact to matters which should be protected. Accordingly, the proposed development is consistent with NPF4 and ACLDP, which support renewable energy developments to facilitate net zero emission targets in light of the global climate and nature crises.

Contents

1.0 Introduction

1.1 This Planning Supporting Statement (PSS) is submitted on behalf of Blackford Renewables Ltd. ('the Applicant') and relates to an application for consent under S36 of the Electricity Act 1989 ('the application') and also comprises a request that Scottish Ministers give a direction under section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission for the development be deemed to be granted. It addresses matters referred to in Schedule 9 to the Electricity Act, to development plan and policy guidance and to consideration of material matters.

1.2 The application comprises land within Aberdeenshire Council Area – 16.3ha ('Application Site').

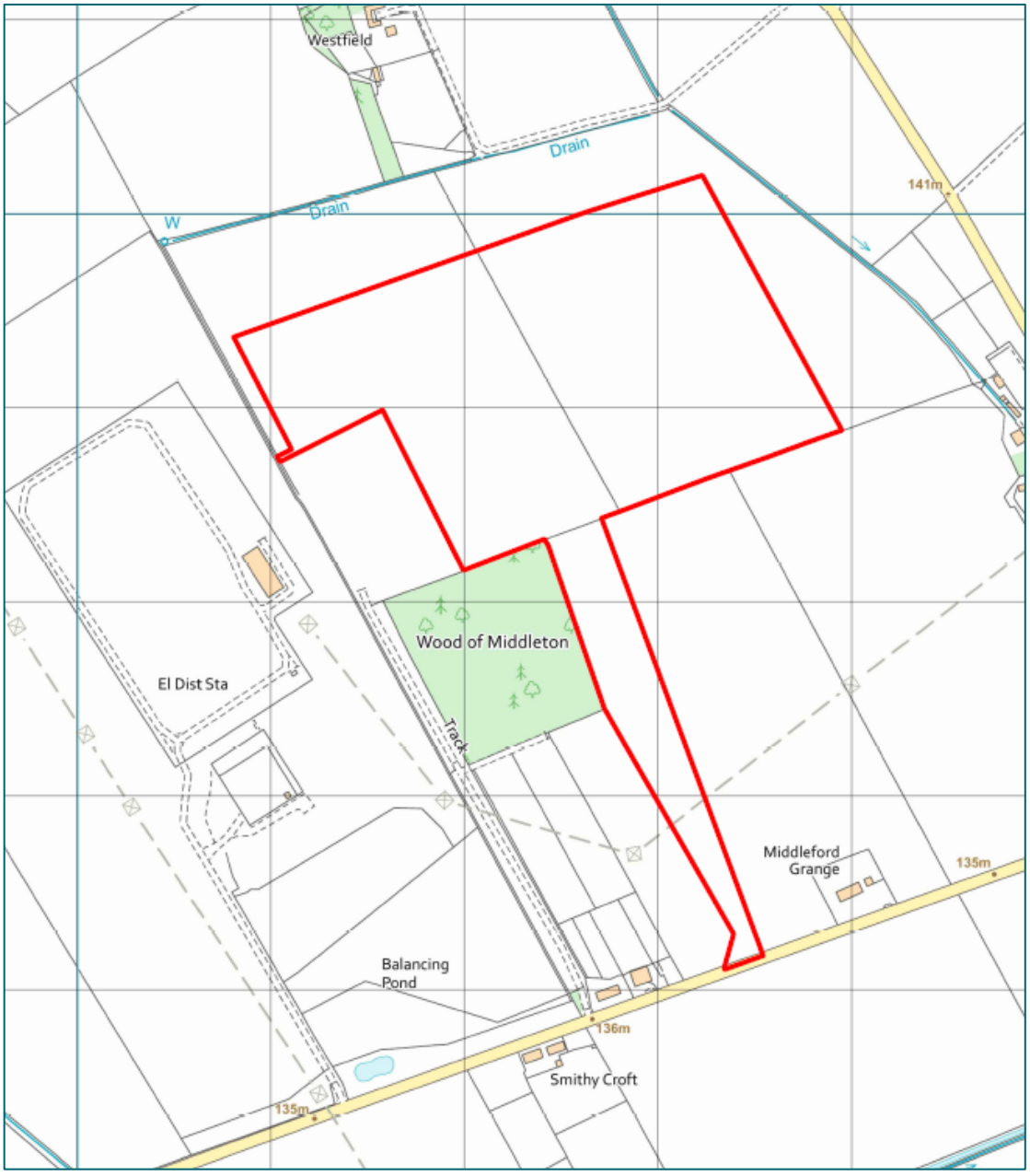

Figure 1 Site Location- Extract of Location Plan

1.3 The description of the proposed development which is the subject of this application is as follows:

'Construction and operation of a 500MW Battery Energy Storage System (BESS) with associated infrastructure including solar PV panels, access roads, sub-station buildings, supporting equipment, fencing, drainage infrastructure and landscaping.' at Land at Middleton of Blackford, Rothienorman, AB51 8YN (GR: NJ696358)

1.4 This Planning Statement is part of a suite of documents submitted with the application, as outlined below. These supporting documents are in addition to the formal application documents comprising the accompanying plans, sections, and elevations. The full suite of supporting documents is as follows:

- Planning and Policy Compliance Statement
- Community Wealth Building Plan (CWBP)
- Pre-Application Consultation Report (PACR)
- Design and Access Statement (DAS)
- Confidential Ecological Survey Report [note, contains sensitive information]
- Confidential Protected Species Report [note, contains sensitive information]
- Biodiversity Net Gain Feasibility Report
- Tree Survey and Report
- Heritage Impact Assessment (HIA)
- Landscape and Visual Impact Assessment (LVIA) and Landscape Strategy
- Noise Impact Assessment (NIA)
- Drainage Strategy
- Flood Risk Assessment (FRA)
- Private Water Supply Impact Assessment
- Topographical Surveys (2D and 3D)
- Construction Traffic Management Plan / Transport Statement (CTMP)
- Fire Assessment
- Desk Study Constraints Report

1.5 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) dictates that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Whilst this is an application under the Electricity Act and for deemed consent under the Planning Acts, this Planning Statement tests the proposed development against the national policy, the Development Plan and other material considerations and reaches conclusions to inform the determination of the application by the Energy Consents Unit of the Scottish Government ('ECU').

1.6 The Electricity Works Environmental Impact Assessment (Scotland) Regulations 2017 are also relevant to the proposal as the proposal comprises development falling within Schedule 2 of those Regulations. A Screening request has been submitted to the ECU and the Decision was received on 2nd April 2025. It confirmed that, "*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.*" (SHP Emphasis)

1.7 It is both the Applicant's and ECU's consideration that the proposed development is unlikely to result in effects on the environment which are sufficiently significant to require a formal environmental assessment of the proposed development. The supporting documents referred to constitute an environmental report and assess the proposed development against material considerations relating to environmental factors.

1.8 It is noted that Aberdeenshire Council, in their response to the ECU, did suggest that an EIA was required. In their assessment, the size of the proposed development, cumulative impact with other development, noise and impact on existing land use as possibly resulting in a significant impact. However, the ECU considered these matters and considered that on balance technical and environmental assessments would be sufficient to assess the proposed development and deliver mitigation. No EIA Report is submitted with this application, but those matters identified by Aberdeenshire Council above have been given detailed consideration in the design and development of the proposed development and within this application.

Structure of Planning Supporting and Policy Compliance Statement (PSS)

1.9 The PSS will, following this introduction section, describe the proposed development (Section 2), describe the site and surrounding area (Section 3), identify relevant policy considerations (Section 4) against which the proposal is assessed (Section 5), and reach conclusion in respect of the acceptability of the proposal (Section 6).

Background

1.10 The applicant Blackford Renewables Ltd is a part of Equinor. Equinor has been a reliable energy partner to the UK for over 40 years, developing the UK's offshore wind industry, providing a stable supply of oil and gas and pioneering solutions to decarbonise the UK economy.

1.11 Equinor built the world's first floating offshore wind farm in Scotland and is developing the world's largest offshore wind farm, Dogger Bank. By 2030, Equinor will supply around 7 million UK households with renewable electricity from its UK offshore wind farms. Equinor plans to invest over £10bn in the UK by 2030 and to create over 5,000 of high-quality jobs in offshore wind, CO^2 capture and storage, hydrogen, battery storage, and oil and gas.

1.12 Equinor has two operational battery storage assets in England, Blandford Road – a 25 MW / 50 MWh BESS site in Dorset and Welkin Mill – a 35 MW / 70 MWh in Stockport near Manchester. Both projects were developed by Noriker Power Ltd. and the company continues to provide operational asset management services to Equinor. Noriker Power Ltd. also manage the development of Equinor's portfolio of BESS projects in the UK including Blackford Renewables Ltd.

1.13 Noriker Power Ltd. has developed and built over 360 MW of large-scale battery and hybrid facilities in support of a renewable grid since 2017. Noriker Power Ltd. and Equinor are therefore experienced and capable of delivering the BESS facility at this site.

Pre-Application Process

1.14 The Applicant has engaged at pre-application stage with the ECU, as the determining authority; and with Aberdeenshire Council (AC) within which boundary area the site lies and which is, therefore, a statutory consultee on the application.

1.15 A Pre-application enquiry was submitted to both AC (12th November 2024) and ECU (26th November 2024). A meeting with AC including representations from the following Council teams was held online on 20th February 2025.

- Planning
- Transport / Roads
- Environmental Health (Noise / Air Quality / Lighting)
- Natural Environment
- Heritage
- Archaeology
- Contamination

1.16 A response was received on 23rd March 2025 with the Council's comments. In terms of matters of principle of development, there were no concerns raised and it acknowledged that the proposed development was for renewable energy which was supported by both National and Local planning policies (subject to compliance with other specific policies).

1.17 The response further confirmed that in respect of Aberdeenshire's Local Development Plan (LDP) the following policies were relevant:

- Policy P1 Layout, Siting and Design
- Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land
- Policy E1 Natural Heritage
- Policy E2 Landscape
- Policy HE1 Protecting Listed Buildings, Scheduled Ancient Monuments and Archaeological Sites (including other historic buildings)
- Policy PR1 Protecting Important Resources
- Policy C2 Renewable Energy
- Policy RD1 Providing Suitable Services

1.18 The response further identifies the relevant national planning policies it considers relevant to the proposed development, which are:

- Policy 1: Tackling the climate and nature crises
- Policy 2: Climate Mitigation and adaptation
- Policy 3: Biodiversity undertaken as this is the responsibility of the ECU.
- Policy 4: Natural Places
- Policy 7: Historic Assets and Places
- Policy 11: Energy
- Policy 22: Flood Risk and Water Management
- Policy 23 Health and safety
- National Development 3 – Strategic Renewable Electricity Generation and Transmission Infrastructure

1.19 These policies are assessed and considered later within this statement.

Pre-Application Consultation

1.20 For full details of this process please refer to the submitted Pre-application Consultation Report (PACR). Information detailing the dates of the two Pre-Application Consultation events were circulated to the appropriate local MPs, MSPs and three community councils including:

- Councillor Alastair Forsyth
- Councillor Gordon Lang
- Councillor Anne Sterling
- Councillor Iain Taylor
- MSP Gillian Martin
- MP Harriet Cross
- MP Andrew Bowie
- Fyvie, Rothienorman and Monquhitter Community Council
- Auchterless and Inverkeithny and Fisherford Community Council
- Bennachie Community Council

1.21 A direct presentation of the proposals was made to Fyvie Rothienorman and Monquhitter Community Council on 25th of March 2025.

1.22 Overall, discussions have been thorough and are detailed within the PACR, a supporting document.

1.23 A site-specific website has been created www.blackfordenergypark.com , which contains details of the proposed development. A copy of the submitted application will be available to download from the website.

Design and Development Evolution

1.24 The Applicant has carried out a thorough site finding, site sifting and design process to reach the most appropriate form of BESS development. Design revisions have included structure height and finished ground levels, location, landscaping options, boundary and other enclosure treatment, size of attenuation basin, presence of fire water tanks, and amended access routes. This is detailed in the DAS, a supporting document to the application.

1.25 The suite of application documents illustrates the manner within which the proposals have evolved to address issues raised, acknowledging that not all issues can or should be addressed. The PACR report identifies the extent to which comments made during the pre-application process have been considered and addressed and the extent to which the proposal has been modified.

Pre-Application Conclusion

1.26 There is no statutory pre-application process for S36 applications for consent for battery storage sites, although the ECU has issued best practice guidance and encourages applicants to carry out such pre-application consultation. The best practice refers to all types of S36 applications including significant wind power proposals.

1.27 It is considered that the extent of pre-application enquiries and consultation has been thorough, relative to and proportional to the proposal, in this particular location. Engagement with the ECU and AC has been extensive and positive. The Applicant welcomed the opportunity to discuss the proposal with the local community, community council who attended the events and stakeholders during the Pre-Application Consultation events and directly at their regular meetings. The consultation process has had the social, economic, and environmental well-being and interests of the area at its foundation. Representatives welcomed feedback from members of the public that consultation with them was open and available.

2.0 The Proposal

2.1 This proposal seeks to meet the requirements of the contract that the Applicant has with the National Grid for the erection of a 500MW storage facility in this general location. The description of development is:

"*Construction and operation of a 500MW Battery Energy Storage System (BESS) with associated infrastructure including solar PV panels, access roads, sub-station buildings, supporting equipment, fencing, drainage infrastructure and landscaping*." at Land at Middleton of Blackford, Rothienorman, AB51 8YN (GR: NJ696358)

2.2 The proposal consists of:

- A BESS with a capacity of 500MW
- Green palisade or close-boarded timber security fencing and acoustic screening, ranging from 2.4m to 3m in height around the site
- Rows of battery containers units, 332 total (20ft ISO container size; 6.03m (L) x 2.48m (W) x 2.95m (H))
- Power Conversion System (PCS), 138 total (20ft ISO container size; 6.03m (L) x 2.44m (W) x 2.88m (H))
- Battery units and PCS units are RAL Colour 6007 (Green)
- Emergency Auxiliary Generator (2.08m (L) x 1.78m (W) x 2.4m (H))
- Welfare cabin (2m (L) x 2m (W) x 2.5m (H))
- Electrical Switchgear building (9.55m (L) x 2.48m (W) x 3.72m (H))
- High Voltage Switchgear proposed for the southwest portion of the Site at a maximum of 13m height.
- Deer fence protecting all planting areas.
- Access track with a passing bay, connecting the unnamed road to the BESS site, with all construction traffic approaching from the west, as specified in the Construction Traffic Management Plan (CTMP).
- Hard-surfaced site access and foundation slabs for units, with uncompacted gravel within the compound, and asphalt surfacing for at least the first 10 metres from the public highway.
- Landscaping measures, including removal of two minor trees (cat. U and C) and the retention of all other existing trees, the planting of native tree belts, woodland blocks, hedging and species-rich grass verges along the access road and around the site.
- Catchment / attenuation pond which will discharge surface water, along with buffer water tanks to collect water.
- 3 x Fire Water tanks.

- An underground cable connection to the adjacent substation at the west boundary.
- The containers will be laid out in rows running circa south east to north west across the site's gradient. The rows are situated on four terraces.
- Earth bunds / berms up to 8m in height are proposed around the sites north and east boundaries, as well as separating the proposed batteries from the proposed switch gear infrastructure.
- Each terrace will be provided with an access track for accessibility and maintenance as well as a perimeter track.
- Drainage channel runs will be provided for each terrace feeding into the attenuation pond.
- Access to the site will be provided from the south from unnamed road.
- An emergency access point connects to existing track at the sites west boundary.
- 4608 number Solar PV panels. Generally, these are located at the north west of the site in a concentrated area, but also on the south and south west facing slopes of the perimeter berm.

2.3 Access to the approved 50MW BESS facility to the west will be maintained.

Figure 2 Typical Layout – Extract of Site Layout Plan

2.4 Planting will be carried out on site and maintained to improve biodiversity on the site and further contribute to visual screening.

2.5 Approximately 110 jobs will be created during the construction of the project, and as far as possible, attempts will be made to source jobs locally. It is also intended to source construction materials locally, as far as is practical, both to reduce costs and transportation. During the operational phase, the nature of the BESS development is one of high energy generation but low employment generation. It will largely be an unmanned site in terms of physical presence with 5 permanent positions created to look after the site, mainly in groundworks and landscape maintenance. Further information on the economic and social benefit is contained in the CWBP.

3.0 The Site and Surroundings

3.1 The application site covers an area of approximately 16.3 hectares and lies within the Rothienorman / Blackford area of Aberdeenshire Council administrative boundary. The subject site lies in the countryside, approximately 2.5km from the centre of Rothienorman and 500m from the Blackford hamlet. The site is located to the east of the B992, to the north of an unnamed road connecting the B992 to Blackford and Rothienorman beyond.

3.2 At the south west of the site, a BESS development (49.9MW), was granted planning permission under application ref: APP/2022/2252 for Installation of Battery Energy Storage System (49.9MW) and Associated Infrastructure. The proposed development will however have an independent connection to the Rothienorman Sub-station. On this and the application site's west boundary, the Rothienorman 400kv substation is located which heavily influences the site.

3.3 The application site comprises part of a larger field which has been used for arable farming. The land is graded as 3.2, being good quality agricultural land but is a small part of the land in the ownership of the landowner who farms the land. As grade 3.2 it is not Prime Agricultural Land (PAL). To the north and south is further agricultural land.

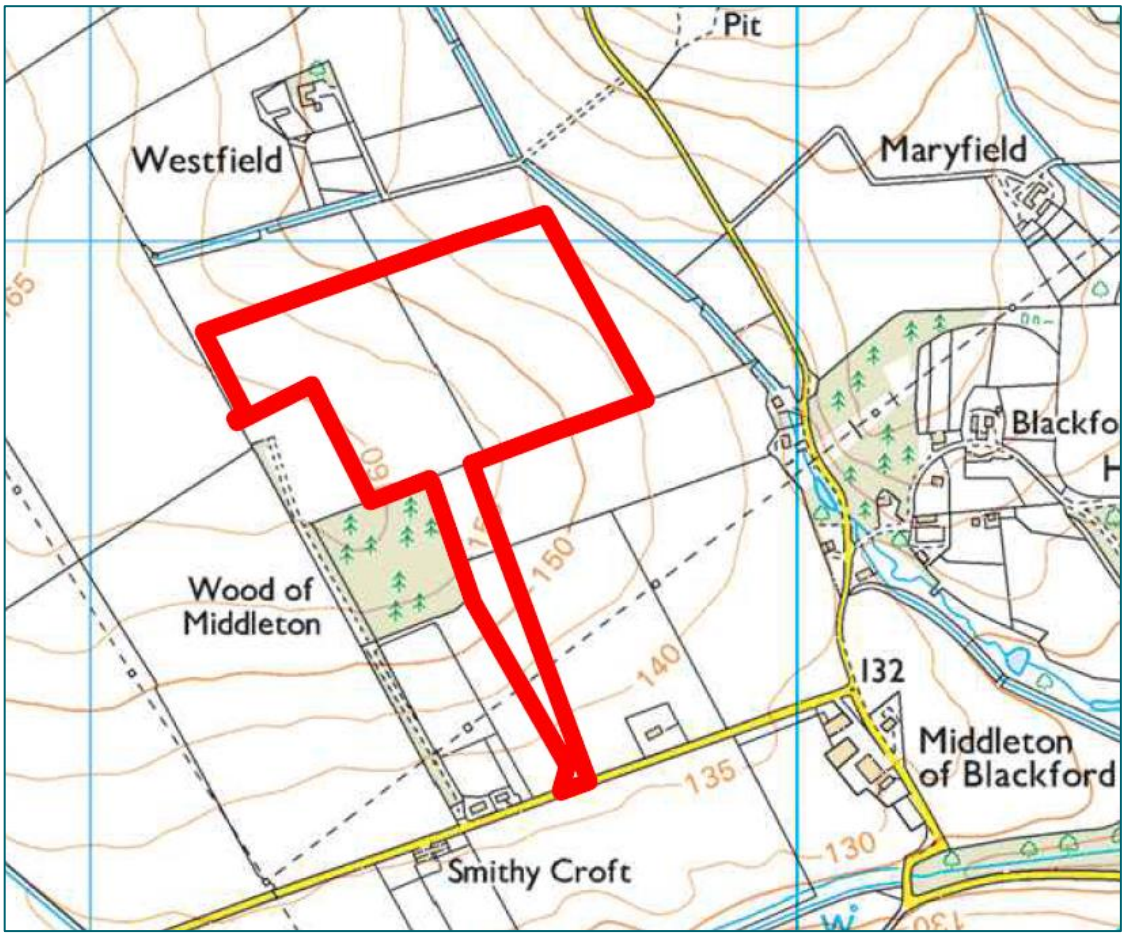

Figure 3 Location Plan

3.4 Overhead power lines and pylons are found to the south of the application site and cross the proposed access. The sites boundaries are generally open, being formed by field boundaries and watercourse to the north and east. There are a limited number of mature trees at a central south location within the site boundary. These sparsely connect to the Wood of Blackford (Ancient Woodland) at the south west of the site.

3.5 The wider area generally has countryside characteristics with agricultural fields and a scattering of houses along narrow country roads with a concentration (albeit low density) of dwellings at Blackford south east of the site.

3.6 Despite being in the countryside, the area is characterised by the presence of non-agriculture / countryside development, including:

- Major HV power pylons run near the site in an approximate SW to NE direction.
- The site is framed by the significant sub-station to the immediate west and associated infrastructure including Grid Stability Infrastructure (Synchronous Condenser) to the north of the substation.
- Pending 49.9MW BESS facility immediately adjacent to the site.

3.7 The site is influenced by the electricity infrastructure in proximity to the site. The wider area generally has a countryside characteristic with agricultural fields.

Planning History

3.8 There is no known relevant planning history to the site other than the aforementioned 49.9MW BESS development (ref: APP/2022/2252). Minor amendments to this consent have been sought in a new submission (pending consideration) under application ref: APP/2025/0415.

3.9 Within the nearby surroundings, there have been a number of applications for renewable energy developments, in addition to the development of the sub-station development. Other than the immediately adjacent BESS, two other 49.9MW BESS developments have been approved in the area, one to the east of the substation (ref: APP/2022/2252 and under construction) and the other circa 1.5km to the north / north west of the site (ref: APP/2022/1218).

3.10 To date, both the Energy Consents Unit of Scottish Government (ECU) and Aberdeenshire Council (AC) have been favourable towards renewable energy projects in this area, with proposals being granted.

3.11 The Screening Opinion relating to the proposed development was submitted to the ECU on 6th March 2025 and a decision was issued by the ECU on 2nd April 2025. The decision summarised that "*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*." (Emphasis Added).

3.12 The decision further states, "*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).*" A NIA is submitted with this application and Blackford Renewables Ltd. remain committed to preparing a CEMP and will be directed to do so via an appropriately worded planning condition.

3.13 In addition to the above the decision requires that, "*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.*" All of these documents are submitted to the application and details of any necessary mitigation necessary is included within these documents. Moreover, in addition to this a Private Water Supply Assessment and Arboricultural Assessment are further submitted.

4.0 Policy Assessment

The Development Plan

4.1 The Development Plan is formed principally of National Planning Framework 4 (NPF4) and Aberdeenshire's Local Development Plan January 2023. Given that NPF4 is the newer document, the Chief Planner for Scotland has advised in their Transitional Arrangements Letter (Dated 8th February 2023) that where policies within an LDP and NPF4 are in conflict and incompatible, the more recently adopted policy will hold sway. In this instance, NPF4.

NPF4

4.2 National Planning Framework 4 (NPF4) was adopted by the Scottish Government and became effective as part of the development plan on 13 February 2023 and carries significant weight in the determination of this development proposal.

National Development

4.3 NPF4 identifies the national spatial strategy, including a commitment to net zero ('just transition') and identifies 18 National Developments. National developments are stated as being '*significant developments of national importance that will help to deliver our spatial strategy*'.

4.4 BESS are included within the definition of National Development 3 in the NPF4. National Development 3 is recognised as being important to support '*renewable electricity generation, repowering, and expansion of the electricity grid…… A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. …… 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…"*

4.5 The associated Statement of Need clearly demonstrates the requirement for energy storage to meet national energy and emission targets. The statement of need states, "*Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas.*" (Emphasis Added).

4.6 The Scottish Government, by letter from the Chief Planner dated August 2020, has determined that BESS is defined as a generator of electricity. NPF4 defines the National Development as one which would have been classed as 'major' including *'a) On and offshore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity'* and concludes that such developments '*will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets*.

4.7 In designating national developments, NPF4 confirms that development for "*On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity*" would be a national development. The proposed development clearly complies with this requirement.

4.8 NPF4 states that, "*Their designation* (National Developments) *means that the principle of the development does not need to be agreed in later consenting processes*". This demonstrates the priority required for the type of development proposed.

National Planning Policies

4.9 NPF4 reaffirms that Scotland's:

- Climate Change Plan has set out the approach to achieving net zero emissions by 2045,
- Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment.
- Environment Strategy will set out the vision for tackling the twin climate and nature crises.
- Biodiversity Strategy will set targets for halting biodiversity loss by 2030 and for restoring and regenerating biodiversity by 2045.

4.10 Policy 1 - Tackling the climate and nature crises – When considering all development proposals *significant weight* will be given to the global climate and nature crises. As a core policy, this policy gives significant weight to the proposed renewable development. The scale of the proposed development, delivering 500MW of storage is a material contribution to Scotland energy storage objectives and increases the robustness of the grid and energy provision for the nation.

4.11 Policy 2 – Climate mitigation and adaptation – a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. b) Development proposals will be sited and designed to adapt to current and future risks from climate change. As the proposal is related to renewable energy, this policy provides support in principle.

4.12 Policy 3 - Biodiversity seeks a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible. b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. Criteria are set out including the need to (i) understand the characteristics and context of the site (ii), for integrated nature-based solutions (iii) identify potential negative effects (iv) include significant biodiversity enhancements and that (v) local community benefits of the biodiversity is considered.

4.13 Policy 3 is, therefore, supportive of the proposal providing the scheme is demonstrated to have been developed with a clear understanding of the biodiversity value of the land and with proposals to enhance that value. The Ecology Assessment is clearly an important matter for the consideration of the application and should be read in conjunction with the landscaping strategy. Paragraphs below identify the extent to which the proposal is consistent with these requirements.

4.14 Policy 5 – Soils – this policy seeks to support carbon-rich soils, restore peatlands, and minimise disturbance to soil from development. It seeks to (a) support development only if there is minimised disturbance to soils and (b) on good grade agricultural land if (iv) for renewable energy providing the amount of land taken is also minimised.

4.15 The land is primarily Grade 3.2 agricultural land and so is not Prime Agricultural Land (PAL), neither is the site peatland, and Soils Scotland identify the site a having c. 4.5% organic carbon concentration and so is not "Carbon Rich" as defined by NPF4. Through positioning the site adjacent to the substation, soil disturbance through underground cabling is minimised.

4.16 Whilst the site is located within a larger agricultural field, it is not necessary in this instance to utilise the entire parcel of land and so leaves useable areas to the north and east. In addition, the development is reversible, and the Applicant will commit to restoration as will be addressed below, over the long-term minimal land will be lost from agricultural use.

4.17 Policy 6 – Forestry, Woodlands, and Trees – the policy intent is to protect and expand forests, woodland and trees. There are trees at the site's southern boundary which will be retained. The submitted tree report identifies that two minor trees will be removed to facilitate the underground cable connection to the substation and the proposed planting scheme sympathetic to the landscape character of the site, will compensate for the replacement of the number of specific trees removed.

4.18 The AWI (Wood of Middleton) is outwith the site and only two trees are proposed to be lost as a result of development. These are category C and U trees and therefore of lower value, with no resultant adverse impact.

4.19 The proposed development, through the new woodland planting would significantly increase the canopy cover and sequester more carbon. The proposed development does not draw any conflict with the policy and it delivers the intent of the policy. The proposed development is therefore in compliance with the policy.

4.20 Policy 11 – Energy – This policy seeks to '*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 and emerging low-carbon and zero emissions technologies…*' and is, therefore, the most significant policy in the NPF4 relating to this proposal, particularly as it gives '*significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets*' when balancing potentially conflicting materials interests.

4.21 It fully supports the development with Policy 11a) iii specifically referring to '*energy storage, such as battery storage*;'

4.22 11c) only supports such development where net economic impact is maximised and which includes local socio-economic benefits such as employment and supply chain opportunities. The Applicant recognises the limited direct employment benefit of the BESS, post construction, though through its landscape strategy will require additional maintenance requirements. It also recognises the creation of approximately 110 jobs during the construction phase, and the requirement to provide material / resources. A Community Wealth Build Plan (CWBP) is also submitted to this application to further evidence the economic benefits of the proposed development. It commits to utilising local suppliers and seeking employment of the local population where this is possible, all-in accordance with this policy.

4.23 Policy 11e) requires the project design and mitigation to address a number of factors which may be affected by the development. Not all are relevant to this proposal (for example defence interests and telecommunications) but the application supporting documents assess all relevant considerations, such as impact on communities and residential (for example, noise assessment), landscape and visual (LVIA), access (Transport Statement), nature (Confidential Ecological report). All assessments demonstrate that there is no significant impact on any factor to warrant greater weight to be paid to that consideration than to the benefit of the proposal to enhancing renewal energy provision and reducing gas emissions.

4.24 Policy 12 – Zero Waste – this policy seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. No waste would be generated by the development in day-to-day operation. Development will seek to reuse or recycle any materials in line with the waste hierarchy. Soil works would be reused in the bunding proposed.

4.25 Policy 14 – Design, quality and place- NPF4 also seeks that development meets the requirements of the Six Qualities of Successful Places, including:

1. Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.
2. Pleasant: Supporting attractive natural and built spaces.
3. Connected: Supporting well connected networks that make moving around easy and reduce car dependency.
4. Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted into designs to reinforce identity.
5. Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience and integrating nature positive biodiversity solutions.
6. Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can meet the changing needs and accommodate different uses over time.

4.26 Whilst all six qualities are not directly applicable to the BESS proposal as there will be no onsite staffing presence, of particular importance are matters 5 and 6 which support the transition to net-zero including energy/carbon efficient solutions, seek climate resilience and nature recovery with positive biodiversity solutions and which seek longevity and resilience in development.

4.27 Policy 18 – Infrastructure First – this policy seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. The proposed development contributes to the energy infrastructure.

4.28 Policy 22 – Flood risk and water management – this policy seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. The FRA concludes that, "*Two unnamed drains run to the north and east of the site…these features do not pose a risk to the proposed development. The site is not at risk of surface water flooding, with the small 3ha catchment draining towards the site already approved for BESS development*".

4.29 Drainage and SuDs in the form of measures such as infiltration trenches swales and infiltration basin are proposed for facilitating water drainage, quality and providing attenuation. Unnamed field drains are located to the north and east of the site, but development is not expected to increased flood risk. Runoff from each of the BESS areas will be routed through lined drainage channels to detention tanks situated throughout the site and into infiltration basin at the north east of the site in normal operation conditions.

4.30 The outlets on these tanks will be controlled by automatic shutoff valve which will activate in the case of a fire, allowing these tanks to attenuate potentially contaminated fire suppression water during the unlikely event of a fire on site.

4.31 The Drainage Strategy states, "*The proposed surface water drainage strategy for the development seeks to provide a sustainable and integrated surface water management scheme and aims to ensure no increase in downstream flood risk by managing discharges from the development via infiltration*."

4.32 On the basis of the above the proposed development is considered to comply with policy 22.

4.33 Policy 23 – Health and safety – this policy seeks to not support development which is likely to have significant adverse effects on air quality (23d) and unacceptable noise impacts (23e).

4.34 The Noise Impact Assessment (NIA) submitted to this application demonstrates that the proposed development will be compliant with standards required by the LPA and have utilised, in agreement with the LPA, multiple methodologies for assessing noise impact, including BS4142 and NR20. In respect of the two methodologies of assessment, the report identifies that BS4142 may not be the most appropriate standard to apply in areas where ambient / baseline noise environment is very low. As such, the NIA advocates that in these scenarios the NR20 assessment provide a more realistic assessment. The results of the NR20 assessment concludes that "*the assessments in section 5.6 show that the local authority's criterion of NR20 inside dwellings from all new items of plant would be expected to be met.*"

4.35 Mitigation has been designed into the proposed development. The principal noise mitigation features are acoustic fencing, and earthen berms / bunding.

4.36 By the development's nature, a BESS development contributes to improvements to health and air quality as it is often classed as 'clean' energy and will contribute to long term, national and global environmental benefits. The proposed development is considered to comply with policy 23.

4.37 Policy 25 – Community wealth building – this policy seeks to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses. A Community Wealth Building Plan (CWBP) has been developed by the applicant following the guidance of NPF4 and The CWBP details the benefits the development will have of community resilience, the creation of local job creation and demonstrates that the development is in line with the principles of community wealth building. 110 jobs will be created through the development, with as many as possible being targeted towards the local employment pool. Therefore, the proposed development complies with NPF4 Policy 25.

4.38 Policy 29 - Rural Development – seeks to encourage economic activity, innovation and diversification and identifies forms of development to meet this aspiration and the policy outcome of a balanced and sustainable rural population. Energy developments are not directly identified within the scope of developments which would be supported, but the policy provides linkages to Policy 1 and 2 identified above. In association with Policy 11, therefore, it is considered that the development is in accordance with this policy.

4.39 It is clear from assessment of NPF4 that the document is supportive of the development in principle. The matters of detail which have to be assessed in relation to site specific considerations are given less weight than the overriding policy to improve renewable energy generating infrastructure such as this BESS proposed development. Such site-specific matters are addressed below.

4.40 It is considered, therefore, that NPF4 is fully supportive of the BESS development and that there has to be overriding harm caused to biodiversity, landscape and visual, safety and residential amenity to justify a refusal of the application. It is considered that such harm will not occur and, therefore, consent should be granted in accordance with the overarching policies of NPF4 in relation to this National Development. This is addressed in Section 5.

Aberdeenshire Council Local Development Plan 2023

4.41 AC formally adopted its Local Development Plan (ACLDP) in January 2023. Through pre-application advice the Council advised the applicant that the following policies from the ACLDP were relevant to the proposed development.

4.42 Policy C2 Renewable Energy – The policy states, "*We will support renewable energy developments, including solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydroelectricity projects, as well as energy storage projects, which are in appropriate sites and of the appropriate design*." The principle support for energy storage development is clearly set out here. The policy also requires development to take account of impacts on socio-economic aspects; renewable energy targets; greenhouse gas emissions; communities; landscape and visual aspects; natural heritage; carbon rich soils; the historic environment; tourism and recreation; aviation, defence, telecommunications and broadcasting interests; road traffic; hydrology. These matters are considered through the assessment against other policy requirements.

4.43 Policy P1 Layout, Siting and Design – Policy P1 relates significantly to residential and mixed-use development. There is no reference to renewable energy types of development within the policy. However, the policy, like the NPF4 requires development to be distinctive, safe and pleasant, welcoming, adaptable, efficient and well connected. The first three criteria are not so applicable to energy infrastructure of this kind as there would be no public access to the site.

4.44 In terms of adaptability, the site laid out in such a way that would facilitate easy movement for vehicles and where batteries or other equipment require replacing, the layout allows for this to be undertaken easily.

4.45 The proposed development is efficient in its layout and has sought to minimise land take and visual impact by working with existing gradients on the site. The red line boundary was reduced from pre-application stages of enquiry to release land to the north back to agricultural use, demonstrating the efficient use of land.

4.46 The site is well connected for the proposed use. Most notably it is immediately adjacent to the Rothienorman 400kv substation (the point of connection), and as such the proposed connection cable would result in minimal land disturbance. In addition, the site has been appraised from a construction vehicle access perspective and is deemed to be appropriately connected to the road network.

4.47 The proposed development is therefore considered to comply with this policy.

4.48 Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land – The policy seeks to resist development that will cause significant pollution, create a significant nuisance (for example through impacts on air quality or noise), or present an unacceptable danger to the public or the environment.

4.49 The proposed development does not have an impact on air quality other than in relation to construction, which will be controlled by a Construction and Environmental Management Plan (CEMP) that can be secured by condition.

4.50 The proposed development does generate noise, and a noise impact assessment is submitted to this application which concludes, "*The assessments in section 5.6 show that the local authority's criterion of NR20 inside dwellings from all new items of plant would be expected to be met*." The proposed development is considered to not result in detrimental impact in relation to noise.

4.51 The proposed development does not produce any gas, liquid / chemical output in normal operation conditions. In the event of a fire, the proposed drainage system is disconnected from discharge into the water courses in proximity to the site. In addition, an impermeable membrane is proposed to be installed across the site to avoid any seepage of contaminated water (in the event of fire).

4.52 Policy E1 Natural Heritage – The policy sets out that development will be refused where it has an unacceptable adverse effect on a nature conservation site designated for its biodiversity, species, habitat, or geodiversity importance. The only designated site within proximity to the site is the Wood of Middleton that is identified as woodland and is on the Ancient Woodland Inventory (AWI). The proposed development is situated to avoid conflict with existing trees, and all but two minor trees that are not within the AWI, are proposed to be retained. Protected species have been surveyed and detailed results have been set out in the confidential ecology reports and appropriate mitigations are proposed. The reports conclude that any impact on such species is appropriately mitigated.

4.53 As is discussed in relation to NPF4 policy 3, the submitted Biodiversity Net Gain Feasibility Report demonstrates that the proposed development will have a net benefit to local biodiversity and will aid in combating the nature crisis referred to in Policy 1 of NPF4.

4.54 Policy E2 Landscape – The policy seeks to resist development that has an adverse impact on the key characteristics, natural landscape elements, features or the composition or quality of the landscape character as defined in the Landscape Character Assessments produced by NatureScot. Moreover, the policy states, "*Development that has a significant adverse impact on the qualifying interests of a Special Landscape Area will not be permitted unless it is adequately demonstrated that these effects are clearly outweighed by social, environmental or economic benefits*". In respect of this application, the submitted LVIA identifies that the site is not within an SLA, and that once mitigation is established the proposed development would not result in a significant impact. Indeed, the LVIA further concludes, "*although these effects would be relatively localised in extent and limited to an area of landscape within an arc of 1km to the north and east of the Site; given the containment in landscape terms, these effects would diminish quickly beyond the local area and not extend to the wider landscape beyond 1km*". The proposed development is considered to be compliant with this policy.

4.55 Policy HE1 Protecting Listed Buildings, Scheduled Ancient Monuments and Archaeological Sites (including other historic buildings) – As is summarised in reference to NPF4 policy 7, the submitted HIA demonstrates no detrimental impact on above ground heritage assets. Archaeology is proposed to be assessed further through the preparation of a detailed Archaeological Watching Brief and trial trenching, the detail of which can be secured by an appropriate condition.

4.56 Policy PR1 Protecting Important Resources – The policy states that development will be refused where it is assessed to have a "*negative effect on important environmental resources associated with air quality, the water environment, important mineral deposits, prime agricultural land, peat and other carbon rich soils, open space, and important trees and woodland."* The majority of these matters have been assessed elsewhere in this statement and will not be repeated here.

4.57 With reference to the water environment, a Private Water Supply (PWS) Impact Assessment has been completed and submitted to this application. It identifies that there are PWS in proximity to the site, but that the proposed development would not have a detrimental impact on these. It concludes "*Based on the available information, the Proposed Development will not have an adverse effect on PWS in the vicinity*." The full conclusions are set out in table 2 of the PWS Impact Assessment.

4.58 Policy RD1 Providing Suitable Services – The policy states, "*we will only allow development that is located and designed to take advantage of or incorporate the services, facilities and infrastructure necessary to support it.*" For the proposed development, the principle locational requirements for the BESS is proximity to the substation, and road access.

4.59 The site is located immediately adjacent to substation and so can connect via short underground cable. Access by road is demonstrated in the CTMP as achievable. More than this, the substation and adjacent 49.9MW BESS development, both approved, demonstrate the access requirements are suitable in this area.

4.60 The proposed development is considered to comply with policy RD1.

5.0 Assessment of Development

5.1 The following section assesses the main material considerations relating to the proposed development and demonstrates the manner within which regard has been paid to material considerations relating to the development and 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 of means of mitigating any effects, as required by Schedule 9 (3) of the Electricity Act 1989.

Principle of Development

5.2 As NPF4 policy places significant weight on the need for energy infrastructure and supports BESS proposals in countryside areas on agricultural land. As the Applicant has a license to connect to the grid for the 500MW supply, this demonstrates that the facility will be provided and will contribute to the delivery of NPF4 National Development 3 (Strategic Renewable Electricity Generation and Transmission Infrastructure) of NPF4. Policy 1 of NPF4 stipulates that significant weight will be given to development that combats the global climate crises. The delivery of renewable energy infrastructure is directly linked to this goal and therefore draws significant positive weight. Policy 11 of NPF4 further states that all forms of renewable, low carbon and zero emission technology will be support and specifically identified battery storage within this technology group. The 'in principle' support for BESS from NPF4 is a significant positive.

5.3 Policy C2 of the ACLDP states as a starting point that: *"We will support renewable energy developments, including solar, wind, biomass (energy from biological material derived from living, or recently living organisms) and hydro-electricity projects, as well as energy storage projects, which are in appropriate sites and of the appropriate design."* Neither the NPF4 and or the ACLDP provide a more detailed spatial strategy for renewable energy projects of this type. I.e. BESS development.

5.4 It is clear, therefore that the principle of this proposal is acceptable in relation to the development plan and supporting guidance, subject to detailed consideration of the particular merits of the proposal.

5.5 The DAS identifies the Applicant's approach to site selection and demonstrates the justification for this application site selection.

5.6 The proposed site is justified on the basis of:

- within the immediate proximity of the site in proximity to the existing 400kV Rothienorman Substation.
- Sufficient size of the land parcel to accommodate and deliver the license requirement and available for use within the required development timescale of 2029.
- in an 'unsensitive' area, as defined in The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 – i.e., not identified as an SSSI, nature conservation area, European site, World Heritage Site, scheduled monument, national scenic area, national park or marine protected area.
- without constraint by virtue of existing infrastructure.
- would not result in cumulative harmful development.

- separated from adjacent residential properties, to protect residential amenity (particularly noise and visual) as demonstrated by the submitted NIA and LVIA.
- with access to the road network without causing highway safety issues during construction as confirmed by the submitted CTMP.
- with an ability to provide sufficient water management, including where water was used in an emergency context relating to fire.
- Does not have a detrimental impact on trees or habitats within or outside the application site.

5.7 It is clear from the above policy assessment that the site falls outside any defined settlement limit and does enable separation from existing residential dwellings and population centres. A location within this countryside area, however, is appropriate particularly as it facilitates co-location with a centre of distribution (i.e., the sub-station) to which it is immediately adjacent.

5.8 As the proposal is consistent with the policies in the NPF4 and ACLDP in locational terms, it is considered that the proposal is acceptable in principle.

Details / Site Specific Considerations

5.9 Policy also requires consideration of matters of detail relating to energy storage proposals, and for which robust supporting information and assessment has been submitted with the application. The proposed BESS facility evolved following detailed assessment of the site-specific matters technical and environmental detail, as detailed below.

Landscape and Visual Amenity

5.10 The site is not within a designated landscape area and is not subject to any other special landscape designation. An LVIA has been carried out and is submitted as a supporting document.

5.11 The LVIA submitted in support of this application is a more detailed and specific assessment of the proposed development and its potential short-, medium- and long-term impact on the landscape within this area and has influenced the detailed design and layout of this proposal. The HV Switch Gear will be higher than the battery containers, to a maximum height of some 13m. This is set within the context of the existing sub-station and permitted BESS development to the west of the site.

5.12 The landscape assessment has taken the gradient of the site into account. The sloping site from west / south west to the north east is naturally more visually prominent from the north and east. Landscape appraisal has resulted in the strategy to propose a terraced form of development that will organically respond to the existing contour lines and as such mean that the site is able to be more effectively screened visually. Multiple terraces further limit impact on the environment by minimising the degree of cut and fill that would otherwise be required for a single platform solution on the site.

5.13 In terms of assessment, the LVIA identified that, "*Recommendations have been incorporated into the proposals which successfully mitigate potential adverse landscape and visual effects and help to integrate the proposed scheme into this location."* A total of 23 viewpoints were assessed to consider the visual impact of the proposed development.

5.14 In landscape terms, "*the sensitivity of the Site is considered to be Medium to High*"

5.15 *"Accordingly, the overall significance of the landscape effect with regard to the proposed scheme is considered to represent a Substantial to Moderate Adverse Effect"* at year 1 of development, but goes onto state, *"Once an appropriate landscape management scheme has established, the significance of the landscape effects in the long term will change and is considered to represent a Moderate Adverse Effect (Yr15) on landscape character".*

5.16 In terms of visual impact, the LVIA sets out that, "*however, the effects (where experienced) are recognised as diminishing quickly with distance in an area with a concentration of similar infrastructure*." The LVIA assesses the viewpoints and the greatest impact to be on private viewpoints where "*Moderate Adverse*" in post mitigation scenario.

5.17 It is highlighted here that photomontages used to demonstrate the effectiveness of proposed landscaping reflect winter scenarios. As such they represent a worst-case scenario. Spring, Summer and Autumn will offer additional visual screening.

5.18 The cumulative impact of the proposed development in combination with other development in the locality. including the substation, other BESS development and grid stability infrastructure were considered in the Screening Opinion issued to the ECU. Their conclusion was that significant impact was unlikely to the extent that a EIAR would be required. Cumulative impacts have been considered where necessary in the technical reports submitted to the application, particularly Noise and the LVIA. In both cases it is considered that impacts can be mitigated.

5.19 Overall, taken with the significant weight which should be paid to the provision of energy proposals, it is, on balance, considered that the proposal is acceptable in landscape terms.

5.20 Substantial landscaping will be provided on boundaries and within the site, within the proposed terraces, which will soften the appearance of the development as the landscaping matures. Visual impact, therefore, will be contained to a relatively small area so whilst it is accepted that there will be a change to the local environment, such change will be minimised and will not be significant in relation to the positive benefit of delivering National Development 3 infrastructure, particularly when the existing energy-infrastructure context to the site is taken into consideration.

Nature – Ecology, Habitat

5.21 There is no special nature designation to the site or within the immediately surrounding locality - there are no Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs) within 1km of the site. The nearest SSSI (Wartle Moss) is located circa 3.7km to the south east of the site at Folla Rule.

5.22 There are a number of Ancient Woodland Inventory (AWI), and Native Woodland Survey of Scotland (NWSS) woodlands located between 500 and 1000m from the site RLB. Most notably is the Wood of Middleton, located outside the sites south west boundary and is AWI. The proposed development does include the loss of two minor trees but which are not within the AWI and does not propose any within AWI. The principal compound of the proposed site is separated from the woodland by circa 50m and outwith root protection areas associated with the AWI.

5.23 A loose line of trees extends a modest distance into the site from the southern boundary, and all these trees are proposed to be retained.

Figure 4: Habitat Survey Plan

5.24 The Confidential Ecology Report identifies that the site is covered significantly by arable cropland (low value habitat). Semi-improved neutral grassland is at field boundaries. Field drains are located to the north and east of the proposed development. Trees are located outwith the site boundary at the west and south west boundaries with some trees located centrally at the south of the site. The report does identify the presence of protected species close to the site and recommends additional surveys to be completed (submitted to this application in the CONFID Protected Species Report). It concludes that, with mitigation, the development is unlikely to negatively affect any matter of ecological interest. This includes:

- It is intended to retain all but two existing trees and hedges and strengthen these features through landscaping strategy and planting / maintenance plan. Appropriate licences with consultation with NatureScot will be required for any works within the buffer areas identified in the Protected Species Surveys.

- Standalone Tree Report to British Standard 5837 (2012) to include tree protection measures for all access routes to safeguard existing and long-term biodiversity interest. This Tree Report is completed and submitted to this application.

- Further mitigation will be offered by incorporating a Habitat Management Plan, with a Pollution Plan, within the Construction Method Statement, and to ensure that timing of works is carried out with sensitive seasons, and to incorporate a habitat improvement area within the field partially encompassed by the site boundaries to enhance biodiversity. This will directly benefit aspirations to enhance biodiversity.

5.25 A Tree Report is submitted with this application that demonstrates protection methodology for trees within and adjacent to the site. A fully detailed Habitat Management Plan can be conditioned to secure the provision of biodiversity measure proposed. A CEMP can also be secured by condition that would protect the natural environment during the construction process.

5.26 Whilst no biodiversity net-gain metric is required by planning policy, a Biodiversity Net Gain Feasibility report has been prepared by Blackhill Ecology and is submitted with this application which highlights that in excess of 50% biodiversity betterment as a result of the proposed landscape interventions to be provided on the site. In addition, the submitted confidential Phase 2 Protected Species Surveys confirms that protected species can be protected, and any impact mitigated to preserve their habitats.

5.27 Given this significant enhancement, the proposed development is considered to be fully compliant with policy 3 of NPF4 and Policy P1 and E1 of ACLDP.

Agricultural Land

5.28 The site comprises approximately 16.3 hectares of grade 3.2 agricultural land. It is not defined, therefore, Prime Agricultural Land (PAL) and whilst the Land Capability for Agriculture, Scotland considers Class 3 land is capable of producing good yield from a moderate range of crops, this refers to both 3.1 and 3.2 land. It is Class 3.1 which is considered prime and not 3.2 land. Whilst the site is in agricultural use, the Applicant has been advised by the owner that the loss of this area to agriculture will not be significant, and that the remaining agricultural unit will remain viable. Access to the wider holding will be maintained.

5.29 The site will be fully decommissioned at the end of its operational life and the land will be restored and returned to its former agricultural use, utilising the bunds to be created from existing top soil on site.

5.30 The proposal, therefore, will not affect agricultural land, particularly as the development can be 'reversed' in the future and re-used for agricultural purposes. The Applicant has agreed to a license of 25 years extendable to 40 years, after which the agreement with the landowner is to decommission the site and to the restore it to agricultural use (as existing). A financial bond will be created ahead of commencing development to ensure that monies are available to facilitate all necessary decommissioning.

5.31 Accordingly, the use of the land for BESS development is entirely consistent with policy 5 of NPF4 and policy PR1 of ACLDP

Cultural Heritage

5.32 The site is not within a conservation area and does not contain any listed buildings or Scheduled Monuments within or immediately surrounding the site. There will be no impact on any feature of importance or its setting.

5.33 A Heritage Impact Assessment (HIA) has been undertaken in respect of archaeology. The report first identifies that Heritage Impact Assessment (HIA) undertaken in 2023 for a now consented 50 MW BESS located immediately to the west of the Site (Aberdeenshire Planning Application No: APP/2023/0718). AOC undertook an archaeological evaluation of the adjacent site in March 2023 although no archaeological remains or pre-19th century artefacts were identified

5.34 The DBA concludes that, *"there is considered to be a Low potential for Romano-British, Early Historic, medieval, non-agricultural post-medieval and modern archaeology; a Medium, potential for prehistoric archaeology, and a High potential for post-medieval and modern agricultural remains to survive*" and goes onto recommend, "*it is recommended that mitigation in the form of an archaeological watching brief be carried out in advance of development works*". The Applicant is willing to accept such an appropriately worded condition.

5.35 On this basis, it is considered that the proposal is acceptable in terms of heritage importance and is consistent with policy HE1 and the balance falls in favour of the proposed BESS development.

Community Impact

5.36 During consultation, the community generally recognised the requirements for the proposed development, understanding the national need for BESS facilities and that locally there would be benefit through enhanced power networks.

5.37 The site lies some 200m from the nearest residential property. There are other residential dwellings within circa 250m from the site's east boundary and 250m to the north of the site.

Visual Impact

5.38 Proposed landscaping and earth works are designed to minimise intervisibility with the wider landscape. The photomontages demonstrate that, once landscaping is established, there will be a significant visual screen to the proposed development from selected vantage points. For example, View Point 10 evidence that the proposed landscaping and bunding would significantly reduce the visibility of the proposed development. The LVIA summarises that there would be an initial visual impact which diminishes overtime as a result of mitigation.

Noise

5.39 The NIA identifies key residential receptors in proximity to the site and as such seeks to ensure that they are not detrimentally impacted by the proposed development. The proposals deliver significant bunding and acoustic fencing to minimise noise propagation. The operational impact of the proposed development is identified in the NIA to be fully compliant with the NR20 standard required by Aberdeenshire Council.

5.40 Accordingly, any impact from the development in terms of loss of residential amenity from noise, visual impact or general activity would not be significant in relation to the benefit of the proposal in terms of contribution to National Development 3 and energy targets.

Access and Transport

5.41 In regard to accessibility and impact of paths and cycle lanes, the proposed development has been assessed against policy 13 of the NPF4 and PP3 of the ACLDP. The site is not adjacent to any core path and there is a limited provision of footways alongside the majority of roads in the vicinity of the Proposed Development. Excluding the town of Rothienorman, there is limited provision for pedestrians as most roads lead to agricultural land and fields, including through Blackford.

5.42 Therefore, outside of recreational use, it is unlikely that the area would experience a high level of pedestrian activity. Provision for cyclists in the area is also very limited as there are no nearby cycle lanes.

5.43 The CTMP details the means by which construction traffic will access and egress from the site and concludes that the facility can be constructed without harm to highway safety, subject to detailed management processes and minor works to the existing highway, all of which can be controlled by condition. To limit impact, construction works would be undertaken from 08:00 to 18:00 Monday to Friday, and 09:00- 13:00 Saturday. No construction would be undertaken on Sundays nor on Bank Holidays. The CTMP further sets out that "*on average it is expected that over the 18-months construction period this will create 3 - 4 HGV movements per day.*"

5.44 The proposal, therefore, will not impact pedestrian, cycle, or vehicular use of the surrounding public highway and so would comply with policy 13 of NPF4 and RD1 of the ACLDP.

Drainage / Flooding

5.45 The Drainage Strategy, submitted as a supporting document, identifies that the site is currently undeveloped greenfield. The development will increase in the rate and volume of runoff compared to the existing position. However, mitigation is proposed which will result in appropriate drainage being provided to ensure surface water can be properly drained without contaminants entering the water system and without causing any local flooding. Water runoff will be attenuated and discharged via infiltration to the existing greenfield rate. As such, whilst new impermeable surfaces are introduced, the discharge from the site as a whole will not worsen. The Assessment identifies the design standards that will be ensured in its section 2.4.

5.46 The proposed reservoir can provide a water supply to ensure the battery units are cooled and in any case of emergency. To control any water runoff used in any emergency event that may be contaminated, the attenuation features are equipped with sluice gates that will ensure this water is stored in tanks and separated from the wider water environment.

5.47 The site is not within any identified flooding area, whether pluvial or fluvial. The proposed development is assessed against SEPA requirement for 1 in 200-year event plus climate change allowance and the drainage strategy designed accordingly. The proposed development would therefore comply with policy 22 and 20 of NPF4 and ACLDP policy C4.

Soils

5.48 The site is neither peatland or carbon rich soil and whilst the proposed development would require land cutting to facilitate its development the proposals are not considered to have a detrimental impact on protected soils. Moreover, after the site has reached its lifespan end a decommissioning plan can be secured to facilitate its return to agricultural land.

Construction

5.49 It is acknowledged that there may be short term impact during the construction period, as is common with major development. However, this is temporary and short term and will be mitigated through, for example, restrictions on hours of construction. The CTMP submitted as a supporting document demonstrates the manner within which the construction activity will be controlled and can be covered by condition for the submission of a detailed CEMP prior to works starting on site.

5.50 There will be a necessity for temporary illumination at the site during the construction period, which is expected to be approximately 18 months. Lights will be switched off outside working hours. The Applicant will ensure that lighting is minimised as much as possible and directed into the site (in line with operational requirements). During the operational stage, there will be no requirement for lighting, other than motion-controlled security lighting and occasional maintenance. During the operational stage, activity at the site will be negligible as the BESS facility is primarily unmanned.

5.51 It is considered, therefore, that whilst there will be a change to the immediate countryside landscape, the development will not result in harm to the amenity of residents and the wider community to an extent which outweighs the wider benefit of the development. A Community Wealth Building Plan (CWBP) has been developed for the proposed development.

Utilities and Infrastructure

5.52 There are no known utilities within the immediate vicinity of the site with the exception of the National Grid pylon which lies to the south of the main compound and traverses the proposed access from east to west. Proposals will be located outwith of safeguarded infrastructure buffer zones.

Conditions

5.53 The assessment demonstrates that the balance in determination of this development should fall in favour of granting consent under S36, and deemed planning consent, as no site-specific detail would be breached to such an extent to warrant refusal particularly when the co-location to the substation and the benefit of the proposed development to contributing to enhanced energy provision is taken into consideration. This approach complies with NPF4 Policy 11 which seeks that significant weight be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. Policy 1 of the NPF4 also sets out that significant weight should be given to combating the climate and nature crises. The proposed development therefore draws significant positive weight from these policies, which on balance, outweighs other matters and impact, and is in compliance with the development plan.

5.54 It is acknowledged that certain mitigation will be required to minimise any potential impact, to which the Applicant is fully committed and accepts the need for condition on the consent. Such mitigation relates to:

- Approval of and implementation of detailed CTMP and CEMP prior to works starting
- Detailed Landscaping plans prior to works starting and completion in the first planting season following completion of the development, including maintenance.
- Approval of and implementation of detailed Habitat Management Plan prior to works starting and obtaining licenses as may be necessary from NatureScot.
- Approval of decommissioning programme of works prior to the site becoming non-operational and implementation of those works after operations cease.
- Habitat Restoration Plan and method statement prior to the site becoming non-operational and implementation of those works after operations cease.
- Limitation on noise emissions from the installations and provision of acoustic treatment in accordance with the Noise Assessment.

- Detailed Drainage Strategy and Specifications.
- Detailed Tree Protection Method Statement.
- Archaeological Watching Brief.

Development Assessment Summary

5.55 The above assessment demonstrates that there is a clear need for energy related development, including storage proposals and which should carry significant weight in considering development proposals. Policy seeks to encourage BESS facilities providing there is a locational need, and the development will not cause such harm to any material consideration such that the benefit of the proposal should be outweighed by that consideration. The application documentation demonstrates that due to the absence of any special designation at the site, the location of the site in relation to adjacent land uses, characteristics of the land and the proposed mitigations there will be no significant adverse impact which cannot be appropriately mitigated. Therefore, it is considered that the development is in accordance with national and local policy.

6.0 Conclusion

6.1 Consent and deemed planning permission is sought from the Scottish Ministers under Section 36 of the Electricity Act 1989 for a 500MW BESS facility proposed on land west of Rothienorman, in the Aberdeenshire Council administrative area. In determining the application, it is necessary for the Scottish Ministers to determine whether the requirements of Schedule 9 of that Act have been met, taking into consideration also national policy relating to energy and planning.

6.2 BESS facilities are recognised as being essential to support the continued development of renewable energy sources and to enhance the National Grid network to ensure sufficient supply of stable energy. The development, therefore, will be of national and local benefit.

6.3 The application is supported by a full suite of assessments which demonstrate that careful consideration has been paid to the appropriate siting and design of the facility, to ensure appropriate connection to the grid, without significant adverse impact on the environment. It is a site which benefits from no special landscape, nature or cultural designation and development is separated from the surrounding residential dwellings. It is acknowledged that the development will change the local landscape, but siting, design and planting mitigation is proposed which will reduce any potential impact. Through implementation of a CWBP the development will have local, regional and national economic and social benefit.

6.4 The proposed development has been tested against relevant national and local policy, and it is considered that, subject to mitigation, there will be no significant environmental effects, and the proposed BESS facility will not have any adverse impact on any material matter as:

- The development complies with the requirements of NPF4 and the ACLDP, as the development plan.
- There will be benefit from the proposal to the National Grid, to decarbonising electricity supply and meeting renewable energy and gas emission targets.
- Connection can be made to the grid, at the existing Rothienorman substation, via a short connection, further reducing environmental impact.
- There will be economic benefit through employment generation particularly during the construction period.
- The site provides some separation from surrounding residential properties whose amenity will be maintained through intervening landform, planting and acoustic features and no significant impact would exist in the long term.
- There are no special environmental, landscape or cultural designations in the vicinity of the site so the development will be carried out in a non-sensitive countryside location of non-prime agricultural land.
- Access to the site can be achieved via the existing highway with limited requirement for improvement or modification.

6.5 The Scottish Ministers, therefore, are respectively requested to grant S36 consent and deemed planning permission.

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