



ARCUS

**BRANXTON ENERGY STORAGE FACILITY
THORNTONLOCH, EAST LOTHIAN, EH42 1QT**

PLANNING STATEMENT

EASTCOASTGRIDSERVICES LTD

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EXECUTIVE SUMMARY

This Planning Statement is produced in support of an application requesting planning permission for the Branxton Energy Storage Facility at land near Thorntonloch, approximately 2.5 kilometres (km) east of Innerwick, at National Grid Reference ('NGR') 374768, 673428 ('the Site'), within the planning authority area of East Lothian Council ('the Council'). The Application is made by EastCoastGridServices Ltd to the Scottish Government's Energy Consents Unit in accordance with the Electricity Act, a Section 36 Application (the Application) is submitted for the Development, along with a request for a direction to be issued under section 57 (2) of the Town and Country Planning (Scotland) Act 1997.

The Applicant is seeking planning permission for the construction and operation of a Grid Services Facility designed to balance power flows and adjust and support frequency and voltage conditions on the national electricity grid and other associated ancillary electrical infrastructure. This will support the flexible operation of the national electricity grid and decarbonisation of electricity supply. The Development will store, import and export electricity but will not generate any additional electricity nor have any direct on-site emissions of CO₂. A key function of the facility is to provide critical balancing services to Scottish Power Transmission and the National Grid Electricity System Operator to strengthen and stabilise the electricity grid and to facilitate the connection of more intermittent renewable energy generation to the system.

As part of the decision-making process, the Scottish Ministers will review whether the Applicant has fulfilled the requirements placed upon them by Schedule 9 (3) of the Electricity Act. Furthermore, the decision will require an evaluation of Energy Policy and also the relevant aspects of National Planning Policy and the statutory Local Development Plan for East Lothian Council. In the context of the determinations in terms of Section 36, the LDP is only a material consideration and no statutory presumption applies in relation to it.

The Scottish Government has put the 'climate emergency' at the forefront of their programme going forward, with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 committing the country to becoming net zero by 2045.

Developments that provide storage and distribution support to renewable sourced electricity are imperative to a successful transition to net zero, and should be viewed favourably as an extension of this transition. The support given to renewable energy generation should apply to developments that storage and stabilisation of the grid.

The Development would be a grid services complex designed to balance power flows and adjust and support frequency and voltage conditions on the national electricity grid and other associated ancillary electrical infrastructure. The electrical export capacity of the Development is yet to be confirmed but is expected to be exceed 50 MW. The Development would be operational for a temporary period of 40 years; after which it would be decommissioned.

This Statement and the accompanying application documents are considered to provide all the relevant information required for the Scottish Government to make a positive determination of the Application. This Statement sets out the requirement for the Development and the benefit of energy storage for the purpose of balancing the supply and demand of energy and contributing to the efficient operating of a renewable energy-based system.

Whilst the Application will be determined by the Scottish Government's Energy Consents Unit, East Lothian Council is a key stakeholder in the process. As such, a full assessment of the Development's compliance with the East Lothian Local Development Plan is contained within this Statement. The Development fully complies with all relevant Local

Development Plan policies and contributes to the overall spatial vision set out by East Lothian Council.

It is therefore respectfully requested that the Scottish Ministers ECU grant Section 36 consent and direct that deemed planning permission for the Development should be granted.

1 INTRODUCTION

1.1 Background

This Planning Statement (the Statement) accompanies an application made by EastCoastGridServices Ltd (the Applicant) for consent under Section 36 (S36) of the Electricity Act 1989 (the Electricity Act)¹ to install and operate a grid services complex including the storage and management of energy and associated infrastructure (the Development) with an anticipated capacity of over 50 megawatts (MW) at land near Thorntonloch, approximately 2.5 kilometers (km) east of Innerwick, at National Grid Reference ('NGR') 374768, 673428 ('the Site'), within the planning authority area of East Lothian Council ('the Council'). The location of the Site is shown on Planning Figure 1.

In addition, the Applicant is seeking deemed planning permission for the same Development under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (the Planning Act 1997)², as amended by The Planning (Scotland) Act 2006 (the Planning Act 2006) and the Planning (Scotland) Act 2019³ (the Planning Act 2019).

An Environmental Impact Assessment (EIA) Screening Opinion Request has been undertaken in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 as amended⁴ (EIA Regulations). At the time of submission, a formal response on the screening had not been received.

The purpose of this Statement is to outline the Development, the framework for determination, and to provide an assessment of the Development against the context of planning policy and energy targets.

1.2 The Applicant

EastCoastGridServices Ltd is the project company that has been established to deliver the Branxton Energy Storage Facility. Sister companies of EastCoastGridServices Ltd are developing a number of grid services facilities across Scotland addressing the need for increased balancing and supply management on the UK national grid as traditional coal and nuclear generation shuts down and increasing amounts of intermittent renewable generation are connected to the system. In addition, the facilities installed as part of the Development will be able to play a vital role in the black start restoration of the Scottish and UK electricity grid in the event of an emergency power failure.

1.3 Need for the Development

Renewable technologies as a source of electricity are intermittent as the amount of energy generated is dependent on weather conditions. It is therefore necessary to balance demand and supply in order to prevent shortages and blackouts, such as those experienced in the East of England in August 2019.

Increasingly the large volume of green renewable energy being generated in Scotland is having to be constrained as the electrical power lines and cables delivering this power further South are operating at their maximum capacity. This results in significant constraint costs being added to the electricity bills of all UK electricity consumers as well as requiring additional generation (likely to be fossil fuel generated) being brought on to supply the electrical demand further South. As such, there is a growing demand by network operators

¹ HM Government, (1989), "Electricity Act 1989" [Online] Available at: <http://www.legislation.gov.uk/ukpga/1989/29/contents> (Accessed 14/10/2021)

² The Scottish Government, (1997), "The Town and Country Planning (Scotland) Act 1997" [Online]. Available at: <http://www.legislation.gov.uk/ukpga/1997/8/contents> (Accessed 14/10/2021)

³ Scottish Parliament (2019) *Planning (Scotland) Act 2019* [Online] Available at: <https://www.legislation.gov.uk/asp/2019/13/contents/enacted> (Accessed 14/10/2021)

⁴ The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 <http://www.legislation.gov.uk/ssi/2017/101/contents/made> (Accessed 14/10/2021)

for a broad range of services such as energy storage and system management. The Development is designed to support the flexible operation of the National Grid and the decarbonisation of the electricity supply.

The Atkins Report – Engineering Net Zero – The Race to Net Zero 2020⁵ dispels the myth that the UK can achieve Net Zero without further concerted action in relation to how we generate and distribute electricity.

This Report quantifies the minimum requirement for new generation of energy to meet Net Zero by 2050 at 250 GW, with the UK system needing between 15 and 30 GW of new storage, during this time.

To put this into perspective, “the UK currently has 3.1GW of capacity in pumped storage plus about 1GW in batteries. We may need up to ten times this to achieve net zero.”

The proposed Energy Storage Facility would provide rapid-response electrical back-up to the National Grid and would represent an early deployment within the UK of a high-tech grid balancing facility. This is required for a number of reasons:

- Electricity Market Reform;
- The Capacity Market; and
- Balancing the Network.

1.3.1 *Electricity Market Reform*

Given the reduction in centralised coal-fired power, increasingly cheap but intermittent renewable energy supply and the transition to electric vehicles, it is increasingly likely there will be peaks and troughs in the UK energy supply and demand.

It is estimated that over the next decade, the UK will require approximately £100 billion investment⁶ in electricity infrastructure to accommodate projected future increases in electricity demand, replace ageing power stations and prevent electricity blackouts. The Development is proposed in response to the requirement for continuity of supply and storage of electricity, particularly during periods of peak demand and over-supply.

Electricity Market Reform (EMR)⁷ is a UK government policy designed to:

- Incentivise investment in secure, low-carbon electricity;
- Improve the security of the UK’s electricity supply; and
- Improve affordability for consumers.

The UK’s electricity grid has historically relied on large centralised power plants. However, old coal power plants are in the process of reducing capacity and closing as they no longer meet the required environmental and performance standards and existing nuclear power plants are reaching the end of their design lives, while the delivery of new nuclear plants has been beset by delays. In parallel, there is the requirement to deliver a greater amount of renewable energy but these technologies (e.g. wind and solar generation) are intermittent, only generating when the wind blows or sun shines. These different factors mean that demand and supply are more challenging to match.

⁵ Atkins & SNC Lavalin (2020) *Engineering Net Zero: The Race to Net Zero* [Online] Available at: [https://www.snclavalin.com/~media/Files/S/SNC-Lavalin/download-centre/en/report/the-race-to-net-zero.pdf](https://www.snclavalin.com/~/media/Files/S/SNC-Lavalin/download-centre/en/report/the-race-to-net-zero.pdf) (Accessed 14/10/2021)

⁶ Department of Energy & Climate Change (2014) *Delivering UK Energy Investment* [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/331071/DECC_Energy_Investment_Report.pdf? (Accessed 14/10/2021)

⁷ UK Government (2012) *Electricity Market Reform: Policy Overview* [Online] Available at: <https://www.gov.uk/government/publications/electricity-market-reform-policy-overview--2> (Accessed 14/10/2021)

1.3.2 *The Capacity Market*

Through the Energy Act 2013⁸, the Capacity Market mechanism was introduced to ensure security of electricity supply at the least cost to the consumer.

To deliver a supply of secure, sustainable and affordable electricity, the UK needs not only investment in new generation projects and innovative technologies but to get the best out of existing assets on the network. The Capacity Market aims to deal with both these issues by bringing forward new investment while maximising current generation capabilities.

The Capacity Market aims to balance the difference between demand and supply and to bring forward investment in new generation projects and innovative technologies, in parallel with maximising the utilisation of the existing generation capacity. The Capacity Market operates alongside the electricity market, which is where most participants will continue to earn the majority of their revenues. The Development is anticipated to participate in the Capacity Market in addition to providing other balancing services to the National Grid.

1.3.3 *Balancing the Network*

Balancing the system to ensure demand is met by supply is a key requirement of the National Grid, and it is becoming more challenging as intermittent generation – such as wind and solar power – becomes a bigger proportion of the overall energy mix.

The National Grid has a constant supply of 'extra power' available for use when the power required by customers is not equal to the power generated and a reserve supply. The Balancing Mechanism is used to ensure that the network is in balance and reserve power is then used when the network comes under 'stress'.

When unforeseen demand is put on the network, such as when a large power station suddenly comes offline, then the National Grid control room need an alternative source of power. This is achieved with rapid responding facilities such as the proposed Development which can absorb or output energy from the grid as instructed.

As an innovative technology, the Development will provide a flexible and rapid release of electricity to allow the National Grid to regulate electricity supply and demand without any greenhouse gas emissions. Conversely, the Development will also have the capacity to absorb electricity quickly which will allow for the oversupply of the grid to be managed and constraint costs to be minimised.

1.4 *Site Selection Criteria*

The high voltage electricity transmission network in Scotland runs from the far north of the country all the way south across the border into England and as well as land connections also has a significant number of undersea links to offshore wind farms and other infrastructure. As new large-scale renewable developments are designed and built they connect to this network via a small number of transmission substations which are key nodes in the transmission network. These key nodes need to be geographically located near to the energy developments they are connecting as well as being on key transmission corridors around the country.

The substation being built at Branxton by Scottish Power Transmission will become a key node in the network as it can receive power from the offshore windfarms currently being built in the North Sea off the east coast of Scotland and transmit this power further through existing overhead lines in the transmission network and on to the large electricity demand centres in Scotland and England where the power is needed. To be efficient in its operation and to be able to carry out its grid stabilisation functions for National Grid, the Branxton

⁸ UK Government (2013) Energy Act 2013 [Online] Available at:
<http://www.legislation.gov.uk/ukpga/2013/32/contents/enacted> (Accessed 14/10/2021)

Energy Storage Facility needs to be located close to the SPT Branxton substation and this is why the Site has been chosen.

The Site is located east and south of Thorntonloch, 1.7 km east of Innerwick and 8 km south east of Dunbar centre. The Site sits in proximity to both the A1 and the East Coast Main Line (ECML) railway line in the north eastern section. The Site is primarily made up of agricultural land, with areas of shrubbery and associated farm buildings. Ground levels slope to the South across the Site, with areas of steeper topography towards the edges of the boundaries. The BESS (above ground infrastructure only) site measures 11.6ha in area. Areas of hedgerow and tree lining are present throughout the Site. The local topography including Harp Law provides some screening of further views of the development, and as part of the development additional landscape screening is proposed particularly on the western boundaries. The site is dominated by the A1, East Coast Rail Line and Torness Power Station. Appendix 5 site photos, aid to provide the site context.

The Development would connect into the proposed Scottish Power Transmission (SPT) 400 kilovolt (kV) high voltage Branxton GIS Substation (SPT Banxton Substation), which is currently going through a consenting process with East Lothian Council (21/01569/PM). Given the short distance between the sites, lengthy transmission cables will not be required and the grid connection between the two will be via underground cable.

There are no waterbodies located within the Site, and a limited number of watercourses associated with agricultural drainage. The settlement of Thorntonloch is located in proximity to the Site, with the nearest residential property being Thorntonloch Holdings, located approximately 350m to the South west of the above ground developable area, It is not envisaged that above ground Development infrastructure will be located in close proximity to any residential properties.

The Site is located in an agricultural landscape with cultivated arable fields, and nearby industrial infrastructure such as the Torness Nuclear Power Station, the associated Torness 400kV substation, multiple high voltage overhead electricity transmission lines with pylons and two power line sealing end compounds, as well as road and rail infrastructure such as the A1. The addition of the proposed SPT Branxton Substation would further add to the industrial features of the landscape. In the wider area the Dunbar Power Plant and Energy Recovery Facility and a large cement production factory are located 4 km north west of the Site, as well as the Aikengall and Crystal Rig Wind Farms 4.5 km south west of the Site.

Following consideration of the above factors and the existing infrastructure within the wider area, the selected site was identified as having excellent potential for development with minimal environmental impacts.

1.5 Application Documents

The following documents are submitted with the Application:

- This Planning Statement;
- Appendix 1 – Drawings;
- Appendix 2 – Heritage Impact Assessment;
- Appendix 3 – Noise Impact Assessment;
- Appendix 4 – Preliminary Ecology Appraisal;
- Appendix 5 – Site photos

The following planning drawings are submitted as Appendix 1 of the Application:

- Planning Drawing 1 – Site Location;
- Planning Drawing 2– Indicative Site Layout;
- Planning Drawing 3 – Indicative Security Column;
- Planning Drawing 4 – Indicative Palidade Fence Detail;

- Planning Drawing 5 – Indicative Battery Storage Container;
- Planning Drawing 6 – Indicative PCS Inverter and Transformer;
- Planning Drawing 7 – Indicative Transformer;
- Planning Drawing 8 – Indicative SPT and Client Control buildings;
- Planning Drawings 009-029 –Swept Path Analysis.
- Planning Drawing 030 – Indicative Infrastructure example

2 THE DEVELOPMENT

2.1 Overview

The Applicant is seeking planning permission for the construction and operation of a Grid Services Facility.

The Development is designed to support the flexible operation of the National Grid and decarbonisation of electricity supply as well as to assist system restoration in the event of a grid failure. The Development will store, import and export electricity but will not generate any additional electricity nor have any direct on-site emissions of CO₂.

2.2 Development Infrastructure

The Development would be a grid services complex comprising battery storage modules and other associated ancillary electrical infrastructure. The electrical export capacity of the Development is yet to be confirmed but is expected to be exceed 50 MW. The Development would be operational for a temporary period of 40 years.

Grid services complexes of this type will be essential to enable the transition to low carbon/renewable energy, which tends to be intermittent and prone to fluctuation.

The Development would be designed to support the flexible operation of the national electricity grid and decarbonisation of electricity supply. It would store, import and export electricity but will not generate any additional electricity, nor have any direct on-site emissions of CO₂ in the course of normal operations. Containerised batteries would be used to store surplus electricity for use when it is needed most and to balance fluctuations in frequency and voltage on the national electricity grid, delivering services which have typically been provided by carbon emitting technologies such as gas or coal-fired turbines.

Due to the nature of the Development infrastructure, groundworks to create a completely flat and levelled surface are not anticipated, minimising the need for significant cut and fill. The Development design, and battery storage modules in particular, will accord with the changing level of the local topography.

The Development is likely to include the following above ground infrastructure components (approximate dimensions and heights are included) as outlined in Table 1:

Table 1: Development Description Summary

Development element	Detail
Battery Storage and Electrical Infrastructure	<ul style="list-style-type: none"> • One 400 kV HV transformer compound –approx. 75 m x 25 m; • One 400kV SPT Switchgear control building – approx. 45 m x 12 m x 5 m • One SPT 400kV switchgear compound – approx. 52 m x 34 m • Six Medium Voltage control buildings – approx. 20 m x 6 m x 3 m • Two client control buildings – approx. 20 m x 6 m x 3 m • Approximately 278 no. battery storage containers each approx. – 19.2 m x 6 m x 3 m; • Approximately 278 no. inverter units – approx. 6.1 m x 2.4 m x 3 m; • Associated battery cooling units - 1.4 m x 2.3 m; • Six auxiliary transformer compounds – approx. 3 m x 3 m;

Development element	Detail
Other Infrastructure	<ul style="list-style-type: none"> • 6 m high security columns; • Wire mesh fencing (sympathetic colouring), 3 m high, circulating the perimeter of the Site; and • Temporary construction compounds (TCC).

It is acknowledged that the submitted Site layout is indicative and the final location of infrastructure may alter slightly. The environmental assessments however have taken this into consideration, and using a Rochdale Envelope approach, the environmental assessments sufficiently consider this. It is expected that the final layout will be secured via an appropriately worded planning condition and agreed prior to the commencement of construction of the Development.

Subject to local ground conditions, it is not anticipated that any of the above ground Development infrastructure components listed above will require deep foundations, rather, components will sit on shallow concrete bases, typically, of no more than ploughing depth.

The Development also includes the construction of access roads approximately 6 m wide, as well as sympathetically coloured security fencing (3 m in height) and security gates (3 m in height). Landscaping and planting will be included within the Development design, and are shown in Planning drawing 002, providing screening from key visual receptors, which will also provide biodiversity enhancements. Consultation with the Council will be undertaken to ensure selection of the most appropriate planting for the Development. Planning drawing 030 illustrates indicative infrastructure for the scheme, for context.

2.3 Access

Normal access for standard construction and operational traffic will use either the turn off from the A1 at NGR 375452 673637 or the turn off further south on the A1 at NGR 375840 673146. Abnormal construction loads will travel via the existing access off the A1 at NGR 377058 672243 after setting up appropriate permissions and traffic management.

A swept path analysis has been undertaken for the site, which show the route for abnormal loads and for transportation of the BESS containers to site. This is detailed in planning drawings 009 – 0029. In summary the plans show that abnormal load vehicles can navigate the route but at selected places hedge/tree pruning or road widening on the adopted verge is required.

The operational phase of the Development would generate an extremely low number of vehicle movements, predicted to be fewer than 9 per month, related to intermittent maintenance visits.

2.4 Construction

Construction of the Development is estimated to occur over a 12-month period. Assuming a 6-day working week and a 24-day working month, it has been estimated that an average of 56 HGV movements would occur per day and an average of 60 car/van movements per day would occur for staff. Abnormal Load Vehicles (ALVs) movements would be more infrequent with a total of 30 movements occurring over the 10-month construction period.

2.5 Health & Safety

Safety is a key consideration in the design and layout of infrastructure at the Site. Most grid-scale battery-based energy storage systems use rechargeable lithium-ion battery technology. This is similar to that used in smartphones and electric cars but aggregated at

scale to deliver electricity storage capability. Safety is a key consideration in the design and layout of infrastructure at the Site. The proposed BESS elements of the Development will incorporate the following design and safety features:

- Fully sealed container-type arrangement, aimed at containing any issues that might arise within the sealed container;
- Extensive internal and external active cooling capacity applied to each battery unit;
- Individually removable - The BESS is constructed by connecting many of these units together, however they are designed to be individually removed, thus if any issues arise then the unit is taken off-site for inspection/repair;
- Sealed battery unit - each battery block is also within a sealed unit, giving extra containment reassurance; and
- Built-in safety features, including:
 - Battery management control system;
 - Automatic isolation in case a fault arises; and
 - Internal/individual thermal monitoring, fire detection/suppression system.

These and other safety features will be incorporated in the detailed design prior to construction once the specific equipment to be used at the Site is confirmed. The BESS and other equipment will be regularly inspected and maintained throughout the lifespan of the Development.

The following documents will be produced at the detailed design stage prior to construction of the facility:

- Fire Strategy Report;
- Fire Risk Assessment;
- Evacuation Strategy;
- Fire Safety Drawings;

A Fire Safety Manual will be created containing design information and operational records. In addition, it will provide a full description of the fire safety design, in regards to the management of the buildings, housekeeping and other functions. Thus, providing a continuously updated record of all aspects of the buildings and the buildings users that affect its fire safety.

The Applicant will arrange for the batteries to be recycled and replaced when they reach the end of their operational lifespan. Recycling plants recover more than 95% of the input material, such as nickel, lithium, steel, cobalt (if present), plastic and other valuable elements through a zero-wastewater, zero-emissions process.

2.6 Cumulative Considerations

A search was conducted for other permitted development within 2km of the Site to ascertain the potential for cumulative effects. Planning permission in principle has been granted (Ref 22/00852/PPM) for a converter station and associated development for a new subsea High Voltage Direct Current Link, land adjacent to Dunbar Landfill site, Dunbar. The landfall of this would be located approximately 720m to the east of the site boundary with the cabling running to the south of the site. Depending on construction programme, there is the potential for cumulative effects during construction, but these can be appropriately managed through relevant mitigations. No other developments within 2km of relevance were identified.

3 PLANNING HISTORY

3.1 Previous Applications

There are no historic planning applications for development within the red line planning boundary of the Site.

3.2 Pre-Application Advice

Initial pre- application discussions regards the principle of the development took place via video- conference between the Applicant and the Council on the 5th October 2022, consultation with specific Council departments having already commenced including Environmental Health; Heritage; Biodiversity; Roads and Landscape. In terms of planning, this meeting provided clarity for the EIA Screening Opinion Request submitted (and application) on what areas are cable only and where the development infrastructure will be, including the temporary construction compound.

3.3 EIA Criteria and Screening

3.3.1 Legislation and Previous Screening Exercise

Paragraph (3) of Schedule 2 to the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 provide that any change or extension to any generating station may constitute EIA development.

The EIA Regulations define EIA development as either:

- (a) Schedule 1 development; or
- (b) Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

The Development is not listed within Schedule 1 of the EIA Regulations.

In determining whether a particular development is of a type listed in Schedule 1 or 2 of the EIA Regulations, the determining authority should have regard to the ruling of the European Court that the EIA Directive has a "wide scope and a broad purpose". The fact that a particular type of development is not specifically identified within one of the Schedules does not necessarily mean that it falls outside the scope of the Regulations.

The purpose of the Development is to provide urgent stability services needed to support the national electricity grid, however it will not result in any on-site generation of electricity. As a result, the Development is not considered to fall within any specific category listed within Schedule 1 or 2 of the EIA Regulations.

The Selection Criteria for Screening Schedule 3 Development includes an assessment of the following:

- Characteristics of the Development;
- Location of the Development; and
- Characteristics of the Potential Impact.

On 18th October 2022 a request for an EIA Screening Opinion was submitted to East Lothian Council via ECU. A Screening Opinion Response has not yet been issued.

4 KEY LEGISLATION

4.1 The Electricity Act 1989

In Scotland, energy developments that have capacity to generate over 50 MW require consent from the Scottish Ministers under the Electricity Act 1989 (the Electricity Act). In such cases the Planning Authority is a statutory consultee in the development management process and procedures.

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

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

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

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

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

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

At sub-paragraph 3(3), it indicates that, without prejudice to the above provisions, a licence holder and the Scottish Ministers *"shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters."*

The provisions of Schedule 9 of the Electricity Act apply to the assessment of the Development. They set out a range of environmental matters to which regard must be had. The Developer must assess and, if required, mitigate the effects of the Development on environmental matters. Compliance of the Development with Schedule 9 is addressed within the Planning Statement accompanying the EIAR.

4.2 Town and Country Planning (Scotland) Act 1997

The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (the Planning Act) as amended by The Planning etc. (Scotland) Act 2006 and now the Planning (Scotland) Act 2019. Section 57(2) of the 1997 Act provides:

"On granting a consent under section 36 or 37 of the Electricity Act 1989 in respect of any operation or change of use that constitutes development, the Scottish Ministers may direct that planning permission for that development and any ancillary development shall be deemed to be granted, subject to any conditions (if any) as may be specified in the direction".

Section 25 of the Planning Act states that: *"Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise".*

Section 57(2) of the Planning Act makes no reference to the provisions of Section 25 which requires regard to be had to the provisions of the Development Plan and the courts have confirmed that Section 57(3) does not operate so as to apply Section 25 to a decision to make a direction to grant deemed planning permission pursuant to Section 57(2)⁹.

⁹ William Grant & Sons Distillers Ltd, respondent Scottish Government, [2012] CSOH

Accordingly, the Scottish Ministers will determine the application having regard to the statutory duties in Schedules 8 and 9 of the Electricity Act, so far as relevant, and any other relevant material considerations, one of which will be relevant aspects of the statutory Development Plan.

4.3 Climate Change Scotland Act 2009

The Climate Change (Scotland) Act 2009¹⁰ (the 2009 Climate Change Act) creates a long-term framework for the current and successive administrations in Scotland to ensure a reduction in Scottish greenhouse gas emissions by 80% by 2050 with an interim milestone of 42% by 2020.

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

The Scottish Government introduced the new Climate Change (Emissions Reduction Targets) (Scotland) Bill (the Climate Change Bill) to Parliament on 23rd May 2018, and was passed on 25th September 2019, and received Royal Assent on 31st October 2019, becoming the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019¹¹ (the 2019 Climate Change Act).

The 2019 Climate Change Act amends the 2009 Climate Change Act and originally increased the 2050 target to 90%. In line with advice from the Committee on Climate Change (CCC) on 2nd May 2019, the Scottish Government amended the Climate Change Bill to set a target date of 2045 for reaching net-zero emissions¹², as per the resultant 2019 Climate Change Act.

Setting a 'carbon neutral', net-zero target of 2045 is ambitious and ahead of the rest of the United Kingdom's target of 2050. The Government has set ambitious targets for reduction of carbon emissions. Renewable energy projects, such as the Development, play a key role in aiding the decarbonisation of the energy sector.

¹⁰ Scottish Parliament (2009) *The Climate Change (Scotland) Act 2009* [Online] Available at: <http://www.legislation.gov.uk/asp/2009/12/contents> (Accessed 14/10/2021)

¹¹ Scottish Parliament (2019) *Climate Change (Emissions Reduction Targets) (Scotland) Act 2019* [Online] Available at: <https://www.legislation.gov.uk/asp/2019/15/enacted> (Accessed 14/10/2021)

¹² Scottish Government (2019) *Climate Change (Emissions Reduction Targets) (Scotland) Bill Marshallled List of Amendments for Stage 2* [Online] Available at [https://www.parliament.scot/S5_Bills/Climate%20Change%20\(Emissions%20Reduction%20Targets\)%20\(Scotland\)%20Bill/SP_Bill30MLS052019.pdf](https://www.parliament.scot/S5_Bills/Climate%20Change%20(Emissions%20Reduction%20Targets)%20(Scotland)%20Bill/SP_Bill30MLS052019.pdf) (Accessed 14/10/2021)

5 ENERGY POLICY: THE NEED TO ADDRESS CLIMATE CHANGE

This section of the Statement sets out the international, UK, and Scottish energy policy. It provides the framework of international agreement and binding targets upon which national energy policy is based. The international and national policy described and summarised below demonstrates the need for renewable energy from which the Development can draw a high level of support, due its value in stabilising the supply and demand of renewable energy sources.

All of these sections demonstrate the clear and consistent policy support at all levels for the supply of sustainable renewable energy. Renewable energy developments are dependent upon weather conditions and therefore, the energy management facilities and the sustainable storage of energy for the purpose of balancing supply and demand, is an integral component of a successful renewable energy industry. As such this Development should be viewed in the context of supporting the achievement of energy policy and legislation.

The Development would provide valuable infrastructure to help Scotland meet its renewable energy production targets, while supporting CO₂ reduction to combat climate change and increasing the security of supply of electricity.

5.1 International, European and UK Policy Context

5.1.1 COP 21 Paris Agreement

On 12 December 2015, 196 Parties to the UN Framework Convention on Climate Change (UNFCCC) adopted the Paris Agreement¹³, a legally-binding framework for an internationally coordinated effort to tackle climate change. The Paris Agreement's key aim is to strengthen the global response to climate change by keeping a global temperature rise this century below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius¹⁴. The UK is legally bound through commitment to the Paris Agreement.

5.1.2 Committee on Climate Change Net Zero Report May 2019

In May 2019, the Committee on Climate Change published Net Zero – The UK's Contribution to Stopping Global Warming¹⁵. This report responds to a request from the Governments of the UK, Wales and Scotland, asking the Committee to reassess the UK's long-term emissions targets. The report recommends a new emissions target for the UK: net zero gases by 2050, and recommends a 2045 net-zero target for Scotland to reflect Scotland's greater relative capacity to remove emissions than the UK as a whole. The Report highlights the falling cost of key renewable technologies, which are now generally comparable or lower in cost than power from fossil fuels, whilst bringing significant co-benefits such as reduced air pollution.

5.1.3 The Climate Change Act 2008 (2050 Target Amendment) Order 2019

On 27 June 2019, the Climate Change Act 2008¹⁶ was amended to introduce a target for at least a 100% reduction in greenhouse gas emissions (compared to 1990 levels) in the

¹³ United Nations Climate Change - The Paris Agreement (2015) [Online] Available at: <https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement> (Accessed 14/10/2021)

¹⁴ UNFCCC 2018 Paris Agreement Overview [online] Available at: <https://unfccc.int/process-and-meetings/the-paris-agreement/what-is-the-paris-agreement> (Accessed 14/10/2021)

¹⁵ Committee on Climate Change (2019) *Net Zero – The UKs contribution to stopping global warming* [Online] Available at: <https://www.theccc.org.uk/publication/net-zero-the-uks-contribution-to-stopping-global-warming/> (Accessed 14/10/2021)

¹⁶ UK Government (2008) *Climate Change Act 2008* [Online] Available at: <https://www.legislation.gov.uk/ukpga/2008/27/contents> (Accessed 14/10/2021)

UK¹⁷ by 2050. This 'net zero' target is likely to affect and increase future Government renewable and low carbon energy targets and create a more positive policy environment for renewable energy.

5.1.4 Progress in Reducing Emissions – 2021 Committee on Climate Change Progress Report to Parliament

The 2021 Committee on Climate Change (CCC) Progress Report to Parliament¹⁸ was published in June 2021 and provides a review of Government efforts over the previous 12 months with regards to Climate Change. While UK emissions fell by 13% in 2020, much of this decline was likely a result of the Covid-19 pandemic and as such, lasting changes are far from certain. The CCC report recommends taking action to transition to a fully decarbonised electricity system. Furthermore, it sets a target to phase out gas-fired electricity generation in the UK by 2035, subject to ensuring security of supply.

There has been significant progress in the transition to renewables, with emissions from electricity having decreased by 65% from 2009 to 2019. However, the CCC report notes that generation shares from renewable resources will need to increase to support the transition to electric vehicles. The International Energy Agency has identified solar power as producing some of the cheapest electricity in history and forecasts that if there is a rapid built-out of renewables (particularly solar and wind), net zero emissions for the power sector can be achieved by 2035 in advanced economies.

5.1.5 The Sixth Carbon Budget: The UK's path to Net Zero

On 9 December 2020, the CCC released The Sixth Carbon Budget¹⁹ which updates intermediary targets for the UK's progress to net zero.

"Our recommended pathway requires a 78% reduction in UK territorial emissions between 1990 and 2035. In effect, it brings forward the UK's previous 80% target by nearly 15 years. There is no clearer indication of the increased ambition implied by the Net Zero target than this."

In establishing intermediary targets towards net zero, the context exists for Local Authorities to recognise the action that must be taken sooner rather than later. As concluded in the Sixth Carbon Budget:

"The implication of this path is clear: the utmost focus is required from government over the next ten years. If policy is not scaled up across every sector; if business is not encouraged to invest; if the people of the UK are not engaged in this challenge – the UK will not deliver Net Zero by 2050."

5.1.6 National Audit Office – Achieving Net Zero

Published on 2 December 2020, the National Audit Office report²⁰ to the UK Government examines the main risks to achieving net zero effectively and efficiently. The report is forthright that most of the UK reductions in emissions has come about from the switch away from coal in electricity generation. Whilst reducing emissions further will require wider changes to the UK economy, further investment in renewable electricity generation will be required.

¹⁷ UK Government (2019) *The Climate Change Act 2008 (2050 Target Amendment) Order 2019* (2019 No. 1056) [Online] Available at: <http://www.legislation.gov.uk/uksi/2019/1056/made> (Accessed 14/10/2021)

¹⁸ Committee on Climate Change (2021) *Progress in Reducing Emissions – 2021 Report to Parliament* [Online] Available at: <https://www.theccc.org.uk/publication/2021-progress-report-to-parliament/> (Accessed 14/10/2021)

¹⁹ The CCC (2020) *The Sixth Carbon Budget: The UK's path to Net Zero* [Online] Available at: <https://www.theccc.org.uk/wp-content/uploads/2020/12/The-Sixth-Carbon-Budget-The-UKs-path-to-Net-Zero.pdf> (Accessed 14/10/2021)

²⁰ National Audit Office (2020) *Achieving Net Zero* [Online] Available at: <https://www.nao.org.uk/wp-content/uploads/2020/12/Achieving-net-zero.pdf> (Accessed 14/10/2021)

BEIS (The Department for Business, Energy and Industrial Strategy) projects that the UK will not meet its targets for emissions reduction unless action is taken to reduce the shortfall in achieving the targets set in the fourth and fifth carbon budgets. At paragraph 6 of the summary the report states that:

"Achieving net zero is a colossal challenge and significantly more challenging than the Government's previous target to reduce emissions by 80% by 2050."

At paragraph 13 of the Summary, the report confirms that BEIS will launch a net zero strategy prior to COP26 in November 2021. The strategy will set out the government's vision for transitioning to a net zero economy by 2050, encompassing all sectors that need to decarbonise, and closing the gap that currently exists in meeting the targets in the fourth and fifth carbon budgets. The strategy will set the level for the sixth carbon budget, review the cost of net zero and how it should be paid for and establishing meeting net zero as part of the wider economic response to Covid-19.

5.1.7 HM Government Energy White Paper – Powering our Net Zero Future December 2020

On 14 December 2020, Alok Sharma MO, then Secretary of State for Business, Energy and Industrial Strategy announced the launch of the Energy White Paper²¹. The White Paper set out the UK Government's strategy to put net zero into practice and for fighting climate change, following the Prime Minister's Ten Point Plan for a Green Industrial Revolution²².

The White Paper reiterates the compelling case to urgently address climate change and avert the dangerous consequences of that will arise if global temperatures increase is not kept at well below 2% as per the Paris Agreement, if possible, not above 1.5%. The White Paper sets out the measures that need to be put in place to achieve the carbon emission targets for the UK. These entail a major shift in energy use from fossil fuels to electricity and hydrogen. Clean electricity is to become the predominant form of energy, with a consequent doubling of demand. This transition must be secured whilst retaining reliability, resilience and affordability. Delivering this will require billions of pounds of investment in clean energy infrastructure.

5.1.8 Overall Climate Change and Energy Policy Conclusion

Given the overview of the relevant international policy on climate change and renewable energy, and the context of continued need for renewable energy development, it is clear that projects such as the Development would be encouraged due to their environmental, social and economic benefits.

If consented, the Development would work to maximise the potential of renewable energy generation developments and contribute to meeting the CO₂ emissions reduction targets.

The recently published Energy White Paper is both a stark reminder of the urgency with which climate change must be addressed at UK, European and International levels, but also the economic benefits which can flow from the transition to a low carbon economy. The proposed Development is fully in accord with these objectives.

²¹ HM Government (2020) *Energy White Paper – Powering our Net Zero Future* [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/943807/201214_BEIS_EWP_Command_Paper_LR.pdf (Accessed 14/10/2021)

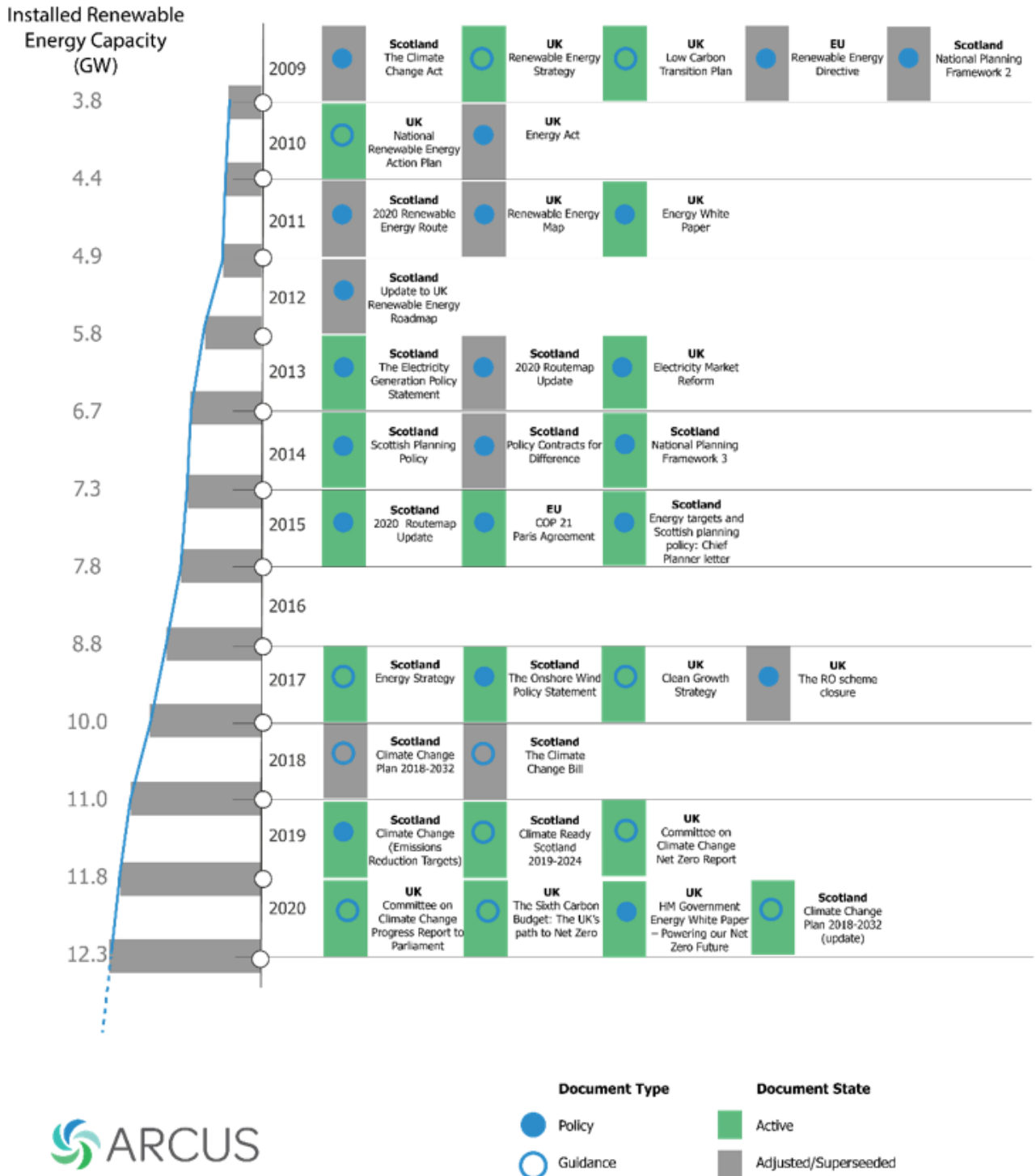
²² *Prime Minister Boris Johnson outlines his Ten Point Plan for a Green Industrial Revolution for 250,000 jobs*. 18 November 2018 [Online] Available at <https://www.gov.uk/government/news/pm-outlines-his-ten-point-plan-for-a-green-industrial-revolution-for-250000-jobs> (Accessed 14/10/2021)

5.2 Scottish Climate Change and Energy Policy

Scotland is in a position of national climate emergency and action is required to combat the situation and achieve the target of net zero carbon emissions by 2045. There is a direct need to consent viable renewable energy developments in order to reach this goal.

The following Figure 5.1 shows the main legislative and policy developments between 2009 and at Scotland, UK and EU level and also the growth in Scotland’s renewable energy capacity. As this capacity grows, so does the requirement for facilities to balance and support the grid.

Figure 5.1: Main Legislative and Policy Developments



The following documents set out the Scottish Government's commitment to cut carbon emissions through the deployment of renewable energy, and sets out the national energy strategy alongside with energy planning statistics.

As noted in Section 1.3 of this Statement, the need to balance the grid and increase the reliability of weather dependant energy sources is imperative to the successful transition towards carbon net-zero objectives.

5.2.1 *Routemap for Renewable Energy in Scotland*

Securing low carbon energy supplies is a key element in achieving the target of reducing emissions by 80% by 2050 with an interim milestone of 42% by 2020. In recognition of this the Scottish Government set targets which include producing 100% of the country's demand for electricity from renewable sources by 2020, first detailed within the 2020 Routemap for Renewable Energy in Scotland²³. Although now superseded, the Development therefore draws significant support as a contributor to these and successive targets.

5.2.2 *Scottish Energy Strategy*

The Scottish Energy Strategy 2017: The Future of Energy in Scotland²⁴ sets out the Scottish Government's vision for the future energy system in Scotland, to 2050. It articulates the priorities for an integrated system-wide approach that considers both the use and supply of energy for heat, power and transport. The Energy Strategy is designed to strengthen the development of local energy, protect and empower consumers, and support Scotland's climate change ambitions while tackling poor energy provision.

In March 2021, the Scottish Government published 'Scotland's Energy Strategy Position Statement'²⁵ (2021 SES) which builds on the 2017 SES. The 2021 SES notes an objective to:

"Introduce a new framework of support for energy technology innovation, delivering a step change in emerging technologies funding to support the innovation and commercialisation of renewable energy generation, storage and supply"

5.2.3 *Low Carbon Scotland: Climate Change Plan – Third Report on Proposals and Policies 2018-2032*²⁶

This document was published in September 2018 and provides an overview of the Scottish Government's Climate Change Plan 2018-2032. The document contains what at the time were the most up-to-date renewable electricity generation data available from Digest of UK Energy Statistics (DUKES). In the summary document²⁷, progress so far is addressed in the following terms:

"In 2015, Scotland had reduced its emission by 41% from the 1990 baseline, and in 2017 Scotland generated 68.1% of its electricity requirements from renewables. Scotland's success in decarbonising electricity paves the way for transformational

²³ Scottish Government (2011) *2020 Routemap for Renewable Energy in Scotland – Update* [Online] Available at: <http://www.gov.scot/Resource/0048/00485407.pdf> (Accessed 14/10/2021)

²⁴ Scottish Government (2017) *Scottish Energy Strategy* [Online] Available at: <https://www.gov.scot/energystrategy> (Accessed 14/10/2021)

²⁵ Scottish Government (2021) *Scotland's Energy Strategy Position Statement* [Online] Available at: <https://www.gov.scot/publications/scotlands-energy-strategy-position-statement/> (Accessed 14/10/2021)

²⁶ Scottish Government (2018) *Climate Change Plan: Third Report on Proposals and Policies 2018-2032* [Online] Available at: <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018/> (Accessed 14/10/2021)

²⁷ Scottish Government (2018) *Climate Change Plan: Third Report on Proposals and Policies 2018-2032 (RPP3) - Summary* [Online] Available at: <https://www.gov.scot/publications/scottish-governments-climate-change-plan-third-report-proposals-policies-2018-9781788516488/> (Accessed 14/10/2021)

change across all sectors of the economy and society, particularly as electricity will be increasingly important as a power source for heat and transport.”

The plan envisages that by 2032 Scotland will have reduced its emissions by 66% relative to the baseline, while growing the economy, increasing the wellbeing of the people of Scotland, and protecting and enhancing the natural environment. Further, the plan proposes that by 2032 Scotland’s electricity system will be largely decarbonised and increasingly important as a power source for heat and transport.

The Development is in keeping with the Climate Change Plan, as it will contribute to the reduction of CO₂ emissions, and have positive effect on the local and national economy, whilst leaving a minimal footprint on the environment.

5.2.4 *A Fairer, Greener Scotland: Programme for Government 2021-2022*²⁸

In light of the climate emergency, announced in April 2019, Scotland has already committed to some of the toughest statutory emissions reductions in the world. Adopting a net zero emissions target by 2045 underlines the ambition that Scotland will no longer contribute to global climate change.

The 2021-22 Programme for Government maintains the national focus on the transition to net zero and the opportunity it creates. Even in the unusual circumstances of the COVID-19 pandemic, the 2021-22 Programme contains robust recommendations relating to achieving net zero and reducing CO₂ emissions including actively exploring *“opportunities for developing new and emerging net zero technologies and sectors”*.

5.2.5 *Reducing emissions in Scotland – 2020 Progress Report to Parliament*²⁹

The Climate Change Committees 9th annual progress Report to the Scottish Parliament advises that Scotland’s greenhouse gas emissions fell by 31% from 2008 to 2018. This was primarily due to action to reduce emissions in the power sector, where Scottish renewable electricity generation has tripled and fossil-fuelled generation has fallen by more than 70% in the last decade. However, greenhouse gas emissions increased by 2% in 2018, compared to a reduction of 3% in 2017.

The report identifies a number of clear priorities for the Scottish Government. Central to these are producing a new Climate Change Plan before the year end, creating the pathway to deliver Net Zero by 2045, and putting in place a UK Emissions Trading system. Amongst the more detailed recommendations is that the next National Planning Framework should be aligned closely with achieving Net Zero 2045 – providing a favourable planning framework to provide a low carbon and efficient energy system and climate resilient infrastructure.

5.2.6 *Update to the Climate Change Plan 2018 – 2032 – Securing a Green Recovery on a Path to Net Zero*

On 16th December 2020 the Scottish Government published a draft update to the 2018 Climate Change Plan³⁰. The plan sets out the approach to delivering a green recovery, and a pathway to meeting world leading climate change targets for the period to 2032. By then,

²⁸ Scottish Government (2021) *A Fairer, Greener Scotland: Programme for Government 2021-2022* [Online] Available at: <https://www.gov.scot/publications/fairer-greener-scotland-programme-government-2021-22/documents/> (Accessed 14/10/2021)

²⁹ Committee on Climate Change (2020) *Reducing emissions in Scotland Progress Report to Parliament* [Online] Available at: <https://www.theccc.org.uk/publication/reducing-emissions-in-scotland-2020-progress-report-to-parliament/> (Accessed 14/10/2021)

³⁰ Scottish Government (2020) *Securing a green recovery on a path to net zero: climate change plan 2018–2032 – update* [Online] Available at: <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/> (Accessed 14/10/2021)

amongst other things Scotland's electricity system will be transformed, with over 100% of electricity demand being met from renewable sources.

There will have been a substantial increase in renewable generation, particularly through offshore and onshore wind capacity. As these are weather dependent energy sources, ensuring that the infrastructure is in place to store and distribute energy at a balanced rate and as is necessary, should be a priority.

Planning is a key delivery mechanism for many of the policies within the Climate Change Plan update, across all sectors. By making the right choices about where and what development should take place in the future, planning can help to reduce emissions whilst improving the wellbeing of communities and the quality and resilience of places across Scotland. Draft National Planning Framework 4 (NPF4) will be laid before Parliament in September 2021 with addressing climate change as a guiding principle for all plans and decisions.

5.2.7 *Scottish Climate Change and Energy Policy Conclusion*

Overall, the Development draws significant support from the national policy on energy and climate change. It has been designed in a way to minimise environmental effects whilst maintaining economic viability.

The Application has to be viewed in the context of national climate emergency and net-zero emissions targets. The Development serves a necessary purpose to maximise the capabilities of existing and forthcoming infrastructure in the transition to a more renewable energy supply.

As such, the Development accords with the national policy objectives for clean energy and climate change.

6 PLANNING POLICY AND ASSESSMENT

6.1 National Planning Framework 3 (NPF3)

On the 23rd of June 2014, the National Planning Framework 3 (NPF3)³¹ was laid in the Scottish Parliament as required by statute alongside associated documentation. It is the Scottish Government's third NPF and spatial expression of the Government's Economic Strategy.

NPF3 sets the context for development planning in Scotland and a framework for the spatial development of Scotland as a whole. It outlines the Scottish Government's development priorities over the next 20-30 years and focuses on supporting sustainable economic growth and the transition to a low carbon economy. Together NPF3 and the Scottish Planning Policy (SPP) applied at the national, strategic and local level, will help the planning system to deliver the vision and outcomes for Scotland for sustainable and low carbon economy. NPF3 reiterates the ambition to achieve at least an 80% reduction in greenhouse gas emissions by 2050, where planning plays a key role in delivery of this target.

Although NPF3 does not specifically address development of the nature of the proposed grid services complex, the Scottish Government *"aims to ensure that all parts of Scotland make best use of their assets to build a sustainable future"*, as stated in paragraph 2.6, while paragraph 2.7 supports *"emerging technologies for renewable energy"*. NPF3 establishes Scotland as a leader for renewable energy development.

It is important to recognise that energy management and storage plays an invaluable role in the success of renewable energy. Being able to store and distribute energy as efficiently as possible is a key component to the ongoing success of the renewable energy industry.

The Development will support the flexible operation of decarbonisation through balancing electricity supply and demand disparities currently experienced by the National Grid therefore it comprises sustainable development and is in accordance with the overall aims of NPF3.

6.2 Draft National Planning Framework 4 (NPF4)

On 8th November 2022 a revised Draft National Planning Framework (NPF4) was laid before the Scottish Parliament. The Planning Act requires that NPF4 must be approved by the Scottish Parliament before it can be adopted by Scottish Ministers. The draft of the new NPF continues the commitment to tackling the climate and nature crisis, with the stated Policy Intent *'to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.'* Policy Outcomes are *'zero carbon, nature positive places.'*

Policy 1 states: *'When considering all development proposals significant weight will be given to the global climate and nature crisis.'*

NPF3 remains in force until NPF4 is approved by resolution of the Scottish Parliament. Once adopted, the NPF4 will set out the Scottish Government's priorities and policies for the planning system up to 2045.

6.3 Scottish Planning Policy (SPP)

SPP³² is a non-statutory statement of Scottish Government policy on how nationally important land use planning matters should be addressed across the country. SPP sets out the Scottish Government's policy on land use planning and therefore should be afforded

³¹ Scottish Government (2014) National Planning Framework 3 [Online] Available at: <https://www.gov.scot/publications/national-planning-framework-3/> (Accessed 14/10/2021)

³² Scottish Government (2014) Scottish Planning Policy [Online] Available at: <https://www.gov.scot/publications/scottish-planning-policy/> (Accessed 14/10/2021)

significant weight in the determination process for planning applications; however, paragraph (iii) of SPP acknowledges that *"it is for the decision-maker to determine the appropriate weight in each case"*.

Outcome 2: a low carbon place states its aim as *"reducing our carbon emissions and adapting to climate change"*. As stated previously, the Development is designed to support the flexible operation of the National Grid and decarbonisation of electricity supply.

SPP states at paragraph 49, that the purpose of green belt designations is to support a local authority's spatial strategy by:

- Directing development to the most appropriate locations and supporting regeneration;
- Protecting and enhancing the character, landscape setting and identity of the settlement; and
- Protecting and providing access to open space.

It is noted that the principles of appropriate green belt development run through national, regional and local planning policy in relation to the Development, which is considered necessary in the context of decarbonisation and is directed to the appropriate location for operation and distribution.

SPP states in paragraph 93 that the planning system should:

- Promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;
- Allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and
- Give due weight to net economic benefit of proposed development.

The Development will make use of an allocated site, diversify the local economy and safeguard the natural and built environment.

The Development is considered to be an intrinsic aspect of a successful, clean energy system. Being able to manage the supply and demand of energy output aids renewable energy developments which, by their nature, fluctuate. It will also have a positive effect on carbon savings and a significant positive effect when considered cumulatively with UK-wide renewable energy deployment.

SPP paragraph 154 states that the planning system should:

- "Support the transformational change to a low carbon economy, consistent with national objectives and targets including delivering 30% of overall energy demand from renewable sources by 2020, 11% of heat demand from renewable sources by 2020, and the equivalent of 100% of electricity demand from renewable sources by 2020."

The Development is in line with the principles set out in Paragraph 154, as, while it will not contribute to energy generation, it will make a direct contribution to the renewable energy targets by improving energy efficiency and security of supply. As such it draws significant support from SPP.

6.4 The Development Plan

The Development Plan is a significant consideration in the consultation process for Section 36 applications and forms the basis for the local authority's views on the acceptability of the Development. The weight which is to be given to relevant material planning considerations is a matter for the individual local authority and ECU.

The Site falls under the jurisdiction of East Lothian Council as the local planning authority, therefore, the primary statutory Development Plan relevant to the Site comprises:

- The East Lothian Local Development Plan (2018) (the ELLDP);
- The LDP Adopted Supplementary Guidance (SG) and Supplementary Planning Guidance (SPG); and
- The South East Scotland Strategic Development Plan (SDP) (2013).

The LDP and its SG & SPG set out the policies tailored specifically to East Lothian, guiding development within the local authority area. South East Scotland SDP is a regional strategic planning document.

6.4.1 East Lothian Local Development Plan

6.4.1.1 Introduction

The ELLDP was adopted in September 2018 and sets out the Council's long-term land use strategy for development in East Lothian.

The ELLDP contains a series of local policy maps for the whole of the East Lothian local authority area³³ to guide development proposals. As per the map designations, the application site is not located within any policy designations except for *O12; Torness Consultation Zone*. Policy O12, which accompanies this designation, states that "*All relevant planning applications received within a 3km radius of the Torness Generating Station will be referred to the Office Nuclear Regulation for its observations*".

Another policy designation that is within 7- 800m of the Site is *Policy NH3; Protection of Local Sites and Areas*. This policy states that "*Development that would adversely affect the interest of a Local Nature Conservation Site, Local Nature Reserve or Country Park will only be permitted where it is demonstrated that any damage to the natural heritage interest or public enjoyment of the site is outweighed by the economic, social or environmental benefits of the development and suitable mitigation will be secured*". This policy applies due to the proximity of the application proposal to the nearby Thorntonloch Glen Wildlife Reserve, a broadleaved woodland.

Consideration has been given to all relevant policies contained within the ELLDP, including those relating to the designations cited above. Individual policies are not necessarily quoted in full. For full policy wording please refer to the Development Plan documents available on the East Lothian Council website.

6.4.1.2 Policy T2: General Transport Impact

Policy T2 states that new development must have no significant adverse impact on:

- A. Road safety;*
- B. The convenience, safety and attractiveness of walking and cycling in the surrounding area;*
- C. Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;*
- D. The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and*
- E. Residential amenity as a consequence of an increase in motorised traffic. Where the impact of development on the transport network requires mitigation this will be*

³³ East Lothian Council (2018) *Map 2 Local Development Plan (2018) documents* [Online] Available at: https://www.eastlothian.gov.uk/downloads/download/13023/local_development_plan_2018 (Accessed 11/11/2022)

provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

The majority of the traffic associated with the Development will be necessitated by the nature of the Development, and primarily associated with construction, maintenance and decommissioning. Whilst the use of public transport and vehicle sharing is encouraged, where possible, operational traffic will be minimal and necessitated by function. No appreciable impact on the capacity or safety of the local road network is anticipated, and similarly there is no likely pathway to for any impact on public transport.

Furthermore, for health and safety purposes the nature of electricity-related developments is not conducive to encouraging active travel such as walking and cycling through the site and given the Site's location set back from a rural, single lane highway there is no anticipated significant impact on the movement of vehicles, pedestrians or cyclists in the operational phase.

6.4.1.3 Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy

Policy T4 states that; The Council will protect its existing core path and active travel networks and ensure that new development does not undermine them, including the convenience, safety and enjoyment of their use.

No core paths are located closer to the site than section 309, which follows the verge of the A1. The Site itself is accessed from the A1 via an existing junction and is situated on currently agricultural land. Therefore, no impact is anticipated for core paths or active travel routes.

6.4.1.4 Policy OI2: Torness Consultation Zone

Policy OI1 states that "All relevant planning applications received within a 3km radius of the Torness Generating Station will be referred to the Office Nuclear Regulation for its observations".

As previously stated, the proposed energy storage facility is designed to provide balancing and flexibility to the national grid network, and as such is unlikely to incur objection from the ONR.

6.4.1.5 Prop EGT3: Forth Coast Area of Co-ordinated Action

This proposal states that "The Council supports the principle of electricity grid connections on the Forth coast from Cockenzie to Torness in order to facilitate off-shore energy generation, provided the following criteria are met:

- A. infrastructure is combined wherever possible;*
- B. connection to existing infrastructure at Cockenzie and Torness is prioritised; and*
- C. proposals must not have an adverse effect on the integrity of the Firth of Forth SPA or any other European site either alone or in combination with other projects and plans. Proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations."*

This project meets these criteria as the proposed infrastructure ties in with a proposed sub station and as per the assessment within the accompanying EcIA to the application, the development will not have a significant effect on wintering birds (including pink-footed geese which are a qualifying feature of the Firth of Forth SPA.

6.4.1.6 Policy EGT4: Enhanced High Voltage Electricity Transmission Network

Policy EGT4 states that "The council supports enhancement of the high voltage electricity transmission network in locations defined by operational requirements, subject to acceptable impacts on the landscape, visual amenity, communities, natural and cultural heritage and the provision of appropriate mitigation where required. The network infrastructure is identified on Strategy Diagram 3 elements of which, including strategic reinforcement points, will likely be subject of some upgrading during the lifetime of this plan. Development consisting of new and/or upgraded transmission lines, substations and transformer stations to enhance the network is designated as a national development in National Planning Framework 3. The council will not support development proposals which could prejudice the implementation of the enhancements. The council will expect the removal of power lines which become redundant as a consequence of enhancements to the network".

As an energy storage facility, this project supports policy EGT4 by enhancing the network with additional balancing and flexibility.

6.4.1.7 Policy NH1: Protection of Internationally Designated Sites

Policy NH1 states that "Development proposals unconnected to the conservation management of a Natura 2000 or Ramsar site, that are assessed by the competent authority as likely to have a significant effect on the integrity of a Natura 2000 site or Ramsar site (including proposals outwith the boundary of the designated site) will be subject to Appropriate Assessment. Applicants for such development must provide any information requested by the competent authority to enable it to carry out the Appropriate Assessment, including any project specific information and masterplan. Where the Appropriate Assessment cannot rule out adverse effects upon the integrity of a Natura 2000 or Ramsar site, the proposal will only be permitted where: a) there are imperative reasons of over-riding public interest and there are no alternative solutions; and b) compensatory measures are provided to ensure that the overall coherence of the Natura 2000 network is protected. Candidate Natura 2000 sites will be treated as if they were already designated".

The Site is not located within any statutory designated site, non-statutory designated site or ancient woodland inventory (AWI) site. The Site is situated within typical foraging ranges of wintering birds (including pink-footed geese), which are qualifying features of the Firth of Forth Special Protection Area (SPA). However, as the main goose roost associated with this SPA is more than 20 km away, the Site is unlikely to be utilised by geese associated with the SPA. Furthermore, given that potential foraging habitat is extensive throughout the wider landscape, small-scale habitat loss from within the Site will not have a likely significant effect on wintering birds (including geese), including those that are associated with this European Site. The Site is not ecologically or hydrologically connected to any other statutory designated site, non-statutory designated site or AWI site located in the wider landscape therefore, the Development will not damage or disturb any protected or priority habitats in the locality.

6.4.1.8 Policy NH2: Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites

Policy NH2 states that: "Development that would adversely affect a Site of Special Scientific Interest or Geological Conservation Review site will only be permitted where it can be demonstrated that:

- A. the objectives of designation and overall integrity of the site will not be compromised;

- B. any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic or environmental benefits of national importance;*
- C. there are no alternative solutions; and*
- D. appropriate mitigation will be provided. Where proposals affect non-notified features within a site, this will be considered against criteria in Policy NH3."*

The Site is not located in or in close proximity to a SSSI or GCR.

6.4.1.9 Policy NH3: Protection of Local Sites and Areas

Policy NH3 states that: *"Local Biodiversity Sites and Local Geodiversity Sites are designated as Local Nature Conservation Sites, as shown on the Proposals Map. Details of these sites are set out in Technical Note 10: Planning for Biodiversity (2016) and Technical Note 11: Planning for Geodiversity (2016). Development that would adversely affect the interest of a Local Nature Conservation Site, Local Nature Reserve or Country Park will only be permitted where it is demonstrated that any damage to the natural heritage interest or public enjoyment of the site is outweighed by the economic, social or environmental benefits of the development and suitable mitigation will be secured."*

The Site not located in or near LBS or LGS.

6.4.1.10 Policy NH4: European Protected Species

Policy NH4 states that; *"Proposals that may have an impact on European protected species will only be permitted where:*

- A. there are imperative reasons of overriding public interest or for public health and safety; b) there is no satisfactory alternative;*
- B. favourable conservation status of the species can be maintained; and*
- C. A species protection plan has been submitted, which is based on survey results and includes details of the status of European protected species on site and how possible adverse effects are to be mitigated"*

There is limited potential for protected species on the Site but the EcIA report makes recommendations for lighting limitations and bird boxes alongside pre construction surveys.

6.4.1.11 Policy NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species

Policy NH5 states that; *"Developers must demonstrate, where relevant, how impacts on biodiversity and geodiversity have been addressed as part of their proposals. Sufficient supporting information should be submitted. New development that would result in:*

- A. an adverse impact to nationally protected species;*
- B. an adverse impact to the biodiversity value of the development site or the surrounding area (for example through fragmentation or loss of habitat); or*
- C. serious damage to or destruction of a significant geodiversity feature;*

will only be permitted where the loss is clearly outweighed by the public benefit of the development and suitable mitigation has been proposed and will be secured.

Proposals should indicate how they have had regard to the mitigation hierarchy, the potential for incorporating biodiversity or geodiversity features within the site into the proposal in a positive way where appropriate, and for providing on-site or off-site enhancements. Where relevant, a species protection plan based on survey results must be

submitted including details of the status of nationally protected species on site and how possible adverse effects will be mitigated."

An EcIA is provided as part of the planning application, the conclusions of which are that impacts A, B and C will not be realised i.e. no adverse impacts or damage to species or habitats are likely.

6.4.1.12 Policy NH7: Protecting Soils

Policy NH7 states that; *"Development on prime quality agricultural land or rare or carbon rich soils, such as peat, will not be permitted unless:*

- A. It is to implement a proposal of this plan, or*
- B. It is necessary to meet an established need and no other suitable site is available; or*
- C. It is for an appropriate development in the countryside, including that which is directly linked to a rural business or an existing house; and*
- D. The layout, design and construction methods of development minimises the amount of such land that is affected, taking into account the design policies of the plan.*

Proposals for renewable energy generation or mineral extraction on prime quality agricultural land may also be acceptable where provision is made for restoration of the land to its former status and if soil will be reused where feasible. In the case of carbon rich soils, in order that the Council may assess the merits of the proposal, applicants must demonstrate the effect it would have on CO2 emissions as a result of its construction and where relevant operation."

This project satisfies criteria A of policy NH7 by dint of being relevant to Prop EGT3 of the ELLP, as a connection to existing infrastructure at Torness. Additionally, as previously outlined in this statement, criteria B is satisfied as the Site has been chosen to fulfil the Development's criteria of being a key node supporting the national grid network. Therefore, it is considered that there is no conflict with policy NH7.

6.4.1.13 Policy NH9: Water Environment

Policy NH9 states that; *"Where relevant, new development should protect and, where appropriate, enhance the water environment, in line with the Water Framework Directive 2000 (WFD) and the Water Environment and Water Services (Scotland) Act 2003 (WEWS). Development proposals that would have a detrimental impact on the water environment will not be supported"*.

The Applicant provided an assessment of the hydrological and flood risk position in relation to the Development within the Screening Report submitted to the ECU in October 2022, and there is no reason to consider a departure from the conclusions therein.

6.4.1.14 Policy NH10: Sustainable Drainage Systems

Policy NH10 states that; *"All development proposals must demonstrate that appropriate provision for Sustainable Drainage Systems (SuDS) has been made at the time of submitting a planning application, except for single dwellings or developments in coastal locations that discharge directly to coastal waters where there is no or a low risk to designated bathing sites and identified Shellfish Waters. Sufficient space for proposed SuDS provision, including the level and type of treatment appropriate to the scheme of proposed development, must be safeguarded in site layouts. Provision must also be made for appropriate long-term maintenance arrangements to the satisfaction of the Council. A drainage assessment may also be required to show the impact of a 1 in 200-year rainstorm event. SuDS schemes should be designed with an allowance for climate change. Proposals*

must also demonstrate through a design-led approach how SuDS proposals are appropriate to place and designed to promote wider benefits such as placemaking, green networks and biodiversity enhancement”.

Areas of the Development where above ground infrastructure components are to be located will largely be permeable, with minimal areas of impermeable hardstanding required.

The electrically sensitive infrastructure will be designed to be flood resistant to a 1:200-year flood defence breach event plus an allowance for climate change as per SEPA guidance

6.4.1.15 Policy NH13: Noise

Policy NH13 states that “The impact of noise will be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise. A noise impact assessment will be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of noise in the area. The assessment must specify suitable and appropriate mitigation measures that would make the proposal acceptable. Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported”.

6.4.1.16 A Noise Impact Assessment has been undertaken for the site. An assessment of noise impact was undertaken in accordance with BS 4142 which has found that rating levels do not exceed the agreed criteria of ‘no more than 5 dB above background’ at the nearest, and therefore all noise –sensitive receptors. Policy CH4: Scheduled Monuments and Archaeological Sites

Policy CH4 states that; “Where a proposed development might affect any Scheduled Monument or archaeological site (of known or suspected archaeological interest), the developer must undertake and make available to the planning authority a professional archaeological assessment and, if necessary, a field evaluation. Development that adversely impacts on a scheduled monument, or its setting, will not be permitted. Development that would harm a site of regional or local archaeological interest, or its setting, will only be permitted in exceptional circumstances, where the Council accepts that archaeological advice that the significance of the remains is not sufficient to justify their physical preservation in situ when weighed against other material considerations (including the benefits of the proposed development). In such situations, the developer must make proper provision for the excavation, recording and analysis of the archaeological remains in advance of the commencement of development, the results of which must be reported and any subsequent post-excavation work undertaken should also be reported and, if warranted, published. Appropriate conditions may be applied to any planning permission to achieve this. Where it is feasible within a proposed development to accommodate, preserve or enhance a Scheduled Monument or archaeological remains, interpretation and integration of these features and where appropriate, public access, will be expected”.

A full Heritage Impact Assessment (HIA) has been undertaken for the site and is included with the application. A programme of geophysical survey has been commissioned to support the HIA, the results of which will be made available as part of this planning application. Of the designated assets identified, no assets are considered to have the potential to be indirectly affected by the development.

6.4.1.17 Policy DP1: Landscape Character

Policy DP1 states that; “All new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

- A. Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to*

the character and appearance of the area and incorporate these into the development design in a positive way;

- B. Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate”.*

Landscape screening has been designed into the scheme. This will consist of 3m wide screening around the site perimeter which will serve to help integration into the existing landscape and mitigate impacts on wider views. This will include the following:

- native species hedgerow with hedgerow trees informally spaced along the site boundaries;
 - native woodland shelter belt planting which would include a mix of the lower growing species and some taller tree species; and
 - native grass and wildflower mix beneath the hedgerows and along verges within the Site.

6.4.1.18 Policy DP2: Design

Policy DP2 states that; *“The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:*

- A. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palate of materials and colours that complement its surroundings;*
- B. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site’s context, and create a sense of identity within the development;*
- C. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;*
- D. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;*
- E. Clearly distinguish public space from private space using appropriate boundary treatments;*
- F. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;*
- G. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;*
- H. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.”*

The proposed development infrastructure is located to help preserve essential physical and natural features and is designed to be functional. Landscaping is included in the proposals to further minimise visual impacts.

6.4.1.19 Summary

There is clear support under Policy EGT4 for the development of energy infrastructure that will support the transition to renewables, in this Branxton Grid Services Facility EnergyGridPower Ltd Planning Statement November 2022. The Site is close to the proposed SPT Branxton Substation and builds on the infrastructural identity of the surrounding, whilst helping to achieve the transition to a low carbon future, for which the ELLDP demonstrates in-principle support.

This Statement relies on the conclusion of the suite of technical and environmental documents that have been supplied with this Application, as well as those matters scoped out of the assessment prior to submission, in order to determine that no unacceptable adverse impacts on environmental features will arise as a result of the Development.

As demonstrated above, the Development is compliant with all relevant ELLDP policies.

The Development can draw on the considerable in-principle support for renewable and low carbon developments within the ELLDP, and the highlighted context of energy and decarbonisation objectives shown in Section 5 of this Statement.

The other development control policies listed above are satisfied through appropriate siting of equipment and mitigation measures, such as additional landscaping.

6.4.2 *Supplementary Guidance*

None of the ELLDP Supplementary Guidance or Supplementary Planning Guidance have a specific relevance to the Development, given its location outside all but one specified policy area. It is therefore considered that the Development is in compliance with the SG and SPG.

6.4.3 *South East Scotland Strategic Development Plan*

Prepared by the SESPlan joint committee, the SESSDP covers six local authority areas including East Lothian. It was approved by Scottish Ministers on 27/06/2013 and remains the approved SDP for these locations until National Planning Framework 4 comes into force, which under the Planning (Scotland) Act 2019 will supersede as SDP as the need for the preparation of SDPs is removed.

The aims of the SDP are as follows:

- Enable growth in the economy by developing key economic sectors, acting as the national hub for development and supporting local and rural development;
- Set out a strategy to enable delivery of housing requirements to support growth and meet housing need and demand in the most sustainable locations;
- Integrate land use and sustainable modes of transport, reduce the need to travel and cut carbon emissions by steering new development to the most sustainable locations;
- Conserve and enhance the natural and built environment;
- Promote green networks including through increasing woodland planting to increase competitiveness, enhance biodiversity and create more attractive, healthy places to live;
- Promote the development of urban brownfield land for appropriate uses;
- Promote the provision of improved infrastructure to enhance connectivity within the area, between the area and other parts of the UK and elsewhere to support economic growth and meet the needs of communities; and

- Contribute to the response to climate change through mitigation and adaptation and promote high quality design / development.

These aims are supported by 15 policies which encourages positive development in areas including Sustainable Energy Technologies, of which Policy 10b can be considered relevant to this Development:

"The Strategic Development Plan seeks to promote sustainable energy sources. Local Development Plans will... Set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks".

The Development complies with the vision of the SDP, aiding flexibility in the supply of power to the national grid.

7 RELEVANT MATERIAL CONSIDERATIONS

The Planning Act states that a decision on a planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise. This Section assesses the Development against material considerations, notwithstanding that the application is to be determined by Scottish Ministers under the Electricity Act 1989.

7.1 Energy Storage and Management Drivers

There is a focus at International, European and national level on how the UK can deliver secure, clean and affordable electricity to consumers. The country is legally bound through the Climate Change (Scotland) Act (2009) to reduce carbon emissions and through Renewable Energy Directive 2009/28/EC to increase electricity consumption from renewable resources.

Developments to manage supply and demand of grid services will play an important role in achieving this. A report by the National Infrastructure Commission (2016)³⁴ estimates that smart power systems in the UK, which include energy storage and management "*could save consumers up to £8 billion a year by 2030, help the UK meet its 2050 carbon targets and secure the UK's energy supply for generations.*"

The Development is designed to support the flexible operation of the National Grid and decarbonisation of electricity supply. The Development will import and export electricity however, will not generate any additional electricity nor have any on-site emissions of CO₂. As such, the Development will contribute to the legal obligations of the Climate Change Act 2008, as amended in 2019 to incorporate the 2050 Net Zero target.

As noted in Section 1.4 of this Report, there is an assessed need for the UK to contribute 15 and 30 GW of new storage by 2050.

7.2 UK Renewable Energy Roadmap

The UK Renewable Energy Roadmap (2011)³⁵ (the Roadmap) set out the UK Government's commitment to increasing the use of renewable energy up to 2020. The Roadmap identified the National Policy Statements as a potential means of improving the delivery of renewable energy development through their advice on need, mitigation and delivery in a sustainable manner.

The UK Renewable Energy Roadmap Update (2013)³⁶ (the Roadmap Update) reports on the progress that has been made in the renewable energy sector since the publication of the Roadmap. The Roadmap Update re-iterates Central Government's commitment to renewable energy (Paragraph 1):

"The Government strongly supports renewable energy as part of a diverse, low carbon and secure energy mix. Alongside gas, low-carbon transport fuels, nuclear power and carbon capture and storage, renewable energy offers the UK a wide range of benefits from economic growth, energy security and climate change perspective."

The Roadmap Update indicates that tools to help balance the supply and demand of electricity, including energy storage and management, are required to remove constraints on the level of renewable energy which the grid can support.

³⁴ UK Government (2016) Smart Power: A National Infrastructure Commission Report [Online] Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/505218/IC_Energy_Report_web.pdf (Accessed 14/10/2021)

³⁵ Department of Energy and Climate Change (2011) *The UK Renewable Energy Roadmap* [Online] Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48128/2167-uk-renewable-energy-roadmap.pdf (Accessed 14/10/2021)

³⁶ Department for Energy and Climate Change (2013) *UK Renewable Energy Roadmap Update 2013* [Online] Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255182/UK_Renewable_Energy_Roadmap_-_5_November_-_FINAL_DOCUMENT_FOR_PUBLICATION_.pdf (Accessed 14/10/2021)

The Roadmap Update also recognises that a number of barriers continue to present challenges to delivery, including pre-consent delays.

7.3 Net Zero – The UK’s Contribution to Stopping Global Warming

In May 2019 the Committee on Climate Change published Net Zero – The UK’s Contribution to Stopping Global Warming. The report recommends a new emissions target for the UK: net zero greenhouse gas emissions by 2050.

The Report highlights the falling cost of key renewable technologies including battery storage and advises that flexibility in the energy supply (e.g. demand response, storage and interconnection) should be encouraged by policy and regulatory frameworks.

On 27 June 2019, the Climate Change Act 2008 was amended to introduce a target for at least a 100% reduction in greenhouse gas emissions (compared to 1990 levels) in the UK³⁷ by 2050. This ‘net zero’ target is likely to affect and increase future Government renewable and low carbon energy targets and create a more positive policy environment for energy storage and management development.

7.4 Socio-Economic Benefit

The Development will result in economic opportunities for local and regional contractors both for construction activities themselves and throughout the supply chain. The investment in the Development has the potential to generate a range of economic opportunities for local businesses, most notably employment opportunities and local spending.

Potential social and economic effects can be divided into:

- Direct effects: for example, employment opportunities during construction and decommissioning of the Development.
- Indirect effects: such as employment opportunities created down the supply chain by those companies providing services to the Development during construction and decommissioning; and
- Induced effects: for instance employment created by the additional spend of wages into the local economy.

These effects are considered below for construction of the Development. Effects during decommissioning would be broadly similar. During the operational phase much of the maintenance will be undertaken remotely, although specialist jobs will be retained for the maintenance of this and other similar plants.

Construction contracts will be placed for services and materials and local sourcing will be preferred where possible, however this is subject to competitive tendering and constrained by the specialist nature of the equipment. Examples of direct opportunities for local contractors would include:

- Accommodation;
- Earth Excavation and ground works;
- Cabling;
- Fencing;
- Quarry Products;
- Ready Mixed Concrete;
- Security;
- Plant;
- Haulage;
- Landscape and Renovation;

³⁷ UK Government (2019) *The Climate Change Act 2008 (2050 Target Amendment) Order 2019* (2019 No. 1056) [Online] Available at: <http://www.legislation.gov.uk/uksi/2019/1056/made> (Accessed 14/10/2021)

- Civil Engineering;
- Surveying; and
- Mechanical, Electrical and Supervisory Services.

Based on experience of other similar developments, it is estimated that the Development will generate approximately 40-60 jobs for the local area during the construction period.

7.5 Emerging Planning Policy

7.5.1 NPF4

National Planning Framework 4 (NPF4) is nearing adoption. A publication draft NPF4 was published for consultation on 10th November 2021, with consultation ending on the 31st March 2022. A draft was laid before the Scottish Parliament on 8th November 2022. It will include all aspects of national planning policy as per the provisions of the Planning (Scotland) Act 2019, which was passed by the Scottish Parliament in June 2019. The Act includes a broad range of changes to be made across the planning system. The SPP will be fully replaced when the final version of NPF4 is published at a future date expected in late 2022.

It is anticipated that NPF4 will be produced with a focus on green energy and will “*provide a spatial planning response to the Global climate emergency*”³⁸. This is indicative of the growing national investment in renewable energy, which must filter through to local level and consent suitable and sustainable renewable energy developments such as this one.

The revised NPF4 will also allow for the national planning framework and policies to reflect the up-to-date renewable energy guidance and climate change targets. Therefore, it is anticipated that national policy will provide further support for the Development.

7.6 Summary

The material considerations cited in Section 7 provide weight in favour of the Development. The effects from the Development are modest, acceptable if recommendations are adopted, and are wholly outweighed by the benefits of the Development, particularly the Development’s contribution to providing grid flexibility services in East Lothian. The Development will support the flexible operation of the National Grid and decarbonisation of electricity supply.

³⁸ The Scottish Government (2019) Planning and Architecture Blog: National Planning Framework 4 – The Essentials! [Online] Available at: <https://blogs.gov.scot/planning-architecture/2019/10/08/national-planning-framework-4-the-essentials/> (Accessed 14/10/2021)

8 CONCLUSION

This statement has been prepared in order to accompany an application for Section 36 consent with deemed planning permission submitted to the ECU, for the Development of the Branxton Energy Storage Facility, located on land near Thorntonloch.

In determining the Application, National Energy and Planning Policy will be important considerations. In the Section 36 determination, the ELLDP does not have statutory status, but is a further material consideration and should form the basis of the local authority's views on the Development.

There is clear in-principle support for both the nature and location of the Development within the adopted ELLDP. The location of the Development has been chosen due to its required role as a key node in the transmission network that needs to be located near to the energy developments it is connecting, as well as its proximity to existing overhead lines and the proposed SPT Branxton substation. The Application is supported by a comprehensive and necessary suite of technical and environmental documents, demonstrating that there would be no unacceptable adverse impacts as a result of the Development.

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

- The Development complies with the relevant Development Plan and can draw support from a number of material considerations;
- The Development is designed to support the flexible operation of the National Grid and decarbonisation of electricity supply in support of EU targets and national planning policy;
- The Development is located in close proximity to the SPT Branxton substation, ensuring an efficient connection to the grid when required and allows the Development to provide vital electrical functions;
- The Development Site is not sensitive in regards to environmental considerations such as; cultural heritage, noise, air, hydrology and flood risk and ecology;
- The Development will not have a negative effect on the nature and characteristics of the Green Belt

Given the combination of the above factors, it is respectfully requested that Section 36 consent with deemed planning permission for the Branxton Energy Storage Facility is approved by the Scottish Ministers.