

# Kilmarnock 500 MW Battery Energy Storage System

## Planning Statement

Kilmarnock Energy Centre Limited

September 2023

## Quality information

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# 1. Introduction

## Overview

- 1.1.1 This Planning Statement (PS) has been prepared by AECOM on behalf of Kilmarnock Energy Centre Limited (the 'Applicant') to accompany a s36 energy consent application to the Scottish Government's Energy Consents Unit (ECU) for the construction, operation and decommissioning of a 500-megawatt (MW) battery energy storage system (BESS) with associated infrastructure (hereafter referred to as the 'Proposed Scheme').
- 1.1.2 The Proposed Scheme is located on existing rural / agricultural land to the north of the Kilmarnock South Substation (KSS) approximately 1 kilometre (km) south-east of Kilmarnock in East Ayrshire (hereafter referred to as the 'Site').
- 1.1.3 An application for consent under Section 36 (s36) of the Electricity Act (hereafter referred to as 'the Act') (Ref 15) must be made to the Scottish Ministers (via the ECU) for the construction, extension, or operation of an onshore electricity generating station with a capacity greater than 50 MW. The Scottish Government considers (in the Chief Planner letter addressing battery storage consents of August 2020, Ref 16) that a battery installation generates electricity; therefore, the Proposed Scheme will require consent from the Scottish Ministers under s36 of the Act.
- 1.1.4 Where consent is given under s36 of the Act, Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (Ref 6) states that the Scottish Ministers may also give direction for planning permission to be deemed to be granted. This application includes a formal request for the granting of deemed planning permission alongside the consent granted under s36 of the Act.
- 1.1.5 This PS is submitted alongside an Environmental Impact Assessment (EIA) covering the following topics, which are included in Volume 1 of the EIA Report (EIAR) and cross-referenced in this PS as appropriate:
- Chapter 1 Introduction;
  - Chapter 2 The Proposed Scheme;
  - Chapter 3 EIA Methodology;
  - Chapter 4 Landscape and Visual;
  - Chapter 5 Ecology and Biodiversity;
  - Chapter 6 Cultural Heritage;
  - Chapter 7 Noise and Vibration;
  - Chapter 8 Water Environment;
  - Chapter 9 Traffic and Transport;
  - Chapter 10 Combined and Cumulative Effects Assessment;
  - Chapter 11 Other Matters; and
  - Chapter 12 Summary of Residual Effects.

## Purpose of this Planning Statement

- 1.1.6 The purpose of this PS is to assess how the Proposed Scheme meets legislative requirements and responds to national and local planning policy (Sections 4 and 5 respectively). Energy and planning policy are material considerations in the determination of this application as explained in Section 4. Section 5 demonstrates that the Proposed Scheme would have no significant detrimental impacts in terms of these policies and other material considerations and in many cases the Proposed Scheme would have a positive effect in terms of both policy compliance and energy security.

- 1.1.7 This PS is supported by the following drawings and plans:
- Site Location Plan - Volume 2: Appendix 1-D Scheme Drawings, of this EIAR;
  - Site Layout Plan - Volume 2: Appendix 1-D Scheme Drawings, of this EIAR;
  - Site Elevations - Volume 2: Appendix 1-D Scheme Drawings, of this EIAR;
  - Landscape General Arrangement Plan - Volume 2: Appendix 1-D Scheme Drawings, of this EIAR;
  - Statutory Designated Sites for Nature conservation - Volume 3: Figure 5-1 of this EIAR; and
  - Agricultural Land Classification - Volume 3: Figure 11-1, of this EIAR.

## The Applicant

- 1.1.8 The Applicant is an independent, United Kingdom (UK) based company providing expertise and management services to innovative energy development projects in the rapidly evolving electricity sector. The Applicant's focus is electricity generation, electricity grid stability and energy storage. The Applicant assesses and uses new technologies to facilitate grid balancing and is experienced in the Proposed Scheme, construction, and operation of such developments.

## Environmental Impact Assessment

- 1.1.9 EIA serves as the process that consolidates information regarding the expected significant environmental impacts of a development. The legal foundation for EIA lies in the European Union (EU) EIA Directive (2011/92/EU, amended by 2014/52/EU) (the 'EIA Directive'). In the UK, the EIA Directive is integrated into the legal framework through secondary legislation ('Regulations'), specific to the Devolved Administration, consenting regime, and development sector.
- 1.1.10 For Electricity Act 1989 s36 applications in Scotland, the relevant EIA regulations are the Electricity Works (EIA) (Scotland) Regulations 2017 (as amended) (the 'EIA Regulations' (Ref 9)). The EIA Regulations consist of two development schedules: Schedule 1 mandates EIA for specific development types, while Schedule 2 involves potential EIA requirements based on factors like the nature, size, or location of the development.
- 1.1.11 The Proposed Scheme does not fall under Schedule 1 of the EIA Regulations. Relevant Schedule 2 Development is defined as follows:
- "The carrying out of development (other than development which is Schedule 1 development) to provide any of the following –*
- (1) A generating station;*
  - (2) An electric line installed above ground –*
    - a. With a voltage of 132 kilovolts or more;*
    - b. In a sensitive area; or*
    - c. The purpose of which installation is to connect the electric line to a generating station the construction or operation of which requires consent under section 36 of the Electricity Act 1989; or*
  - (3) Any change to or extension (including a change in the manner or period of operation) of development of a description listed in schedule 1 or in paragraphs (1) or (2) of this schedule where that development is already authorised, executed, or in the process of being executed, and the change or extension may have significant adverse effects on the environment."*
- 1.1.12 Although BESS is not explicitly mentioned in Schedule 2, it does refer to power generating facilities (not classified as Schedule 1 Development). Given the Scottish Government's stance that BESS should be considered as power generation, the Proposed Scheme is categorized under Category (1) of Schedule 2.

- 1.1.13 Schedule 2 development does not always necessitate an EIA; instead, it must undergo "screening" against criteria listed in Schedule 3 of the EIA Regulations to determine the likelihood of significant environmental impacts. Schedule 3 involves an assessment of the Proposed Scheme's characteristics, location, and potential impact characteristics.
- 1.1.14 On 29 March 2022, a statutory EIA Screening Opinion Request was submitted to the Scottish Government's Energy Consents Unit (ECU) under Regulation 8(2) of the EIA Regulations. ECU consulted with East Ayrshire Council (EAC) regarding the EIA Screening Opinion Request.
- 1.1.15 On 12 July 2022, after receiving feedback from EAC, the ECU issued an EIA Screening Opinion (refer to Volume 2 Appendix 1-B, of this EIAR). The EIA Screening Opinion determined that the Proposed Scheme description does qualify as an EIA development when considering the selection criteria in Schedule 3 of the EIA Regulations. Hence, an EIAR has been prepared to accompany this s36 application.
- 1.1.16 The Applicant's response to comments received in the Screening Opinion and the manner in which concerns raised by Scottish Ministers and EAC have been addressed in the EIA is presented in the Gatecheck Report (refer to Volume 2 Appendix 1-C, of the EIAR).

## Pre-Application Consultation

- 1.1.17 There are no statutory Pre-Application Consultation (PAC) requirements for energy consent applications under s36 of the Act. Instead, the carrying out of PAC with the public is considered good practice and Applicants are encouraged to have meaningful engagement at the earliest possible stage with any communities or groups who would be affected by the Proposed Scheme.
- 1.1.18 The ECU Good Practice Guidance for Applications under s36 and 37 of the Act recommends Applicants hold at least two public consultation events prior to submitting the application. Details of the PAC carried out for the Proposed Scheme include:
- The submission of a Proposal of Application Notice (PAN) to the ECU and EAC (22 April 2022) setting out the proposed public consultation to be undertaken, including dates of events, who will be invited and venue locations.
  - Two public consultation events have been held, both of which were advertised in the local press (newspaper and online website) 7 days in advance of the events occurring. The first event was a virtual consultation event followed by an in-person public consultation at Hurlford Community Centre. The public events gave members of the public the opportunity to make comments to the Applicant in relation to the Proposed Scheme.
  - Submission of a PAC Report which sets out the consultation undertaken, any commentary received on the proposals and how this has been responded to by the proposals.

## 2. Site and Surroundings

### Site Description

- 2.1.1 The Site is located within East Ayrshire, on an agricultural field situated approximately 250 metres (m) to the north of the existing KSS. The Site comprises a parcel of land at Braehead Farm, on the left bank of the Cessnock Water.
- 2.1.2 Braehead Farm is a commercial scale dairy farm and home to the Lely Centre Kilmarnock, a farm equipment supply business. The operational dairy farm buildings and Lely centre are located to the north of the Site, beyond which is a farmhouse. Agricultural field boundaries are present in all other directions and the area immediately surrounding the Site is predominantly rural in nature.
- 2.1.3 Land surrounding the Site is generally flat and low lying. Topographic levels on Site range by 10 m from approximately 55 m Above Ordnance Datum (AOD) to 45 m AOD. The Site slopes at a consistent gradient from north-west to south-west towards the Cessnock Water watercourse.
- 2.1.4 The Site boundary totals 10.27 hectares (ha), with a total development build area of circa 5 ha. The final siting of the BESS within the overall indicative red line Site boundary is shown in Volume 2 Appendix 1-D Scheme Drawings, of this EIAR.
- 2.1.5 Whilst the nearest residential area is located 1.6 km from the Site (to the south of Kilmarnock), there are a few individual residential dwellings and farmsteads closer to the Site. The closest residential dwelling is located directly adjacent to the northern boundary of the Site (Braehead Farm).
- 1.1.1 Vehicles would gain access to the Site from Sidehead Terrace / Treeswoodhead Road and along an existing Farm Access Road (unnamed). This Farm Access Road would be upgraded and widened to allow for the movement of construction vehicles including AGVs and abnormal loads. To facilitate this a visibility splay has been designed measuring 2.4 m x 70 m to the west and east. This upgraded access track would need to be approximately 5 m wide (minimum) for a length of the existing track of approximately 860 m to where the track would turn southwards across agricultural land towards the BESS facility, requiring a new section of access track 5m wide (minimum) to be constructed. The access track would turn southwards across agricultural land towards the BESS facility, requiring a new section of access track 5m wide (minimum) to be constructed. The length of the new access track would be approximately 420 m. The total length of the access track from Treeswoodhead Road to the BESS facility is 1280 m.
- 2.1.6 The Proposed Scheme would provide five car parking spaces in the main Site, including one disabled bay and one Electric Vehicle charging port. In addition, three car parking spaces would be provided in the northern part of the Site within the perimeter fence line of the electrical substation compound.

### Environmental Designations

- 2.1.7 As reported in Chapter 5 Ecology and Biodiversity, of the EIAR, the following ecological designations were identified:
- There are no Sites of Special Scientific Interest (SSSI) within 2 km of the Site (existing / designated or proposed / candidate).
  - There are no Special Areas of Conservation (SAC) (existing / designated or proposed / candidate) or Ramsar Sites within 10 km of the Site.
  - The Muirkirk and North Lowther Uplands Special Protection Area (SPA) is located, at closest, 9.5 km south-east of the Site.
  - There is one Local Wildlife Site (LWS) located within 1 km of the Site, Riccarton Moss (Crossbush). The LWS is located immediately north-west of the Proposed Scheme.
- 2.1.8 A map showing the statutory designated sites for nature conservation is included in Volume 3: Figure 5-1, of this EIAR.



- 2.1.9 There are no listed structures within the Site. There are, however, several listed buildings in the wider area, with the C listed Haining Mains approximately 750 m to the north-east of the Site. To the south-west of the Site are Dollars mains, Dollars House and Stable Cottage, all of which are B listed and between 1 km and 1.2 km from the Site. Further to the south-east of these listed buildings are Aird farm (Grade B) and the Grade C listed Shaws Mill Bridge.
- 2.1.10 There are no Conservation Areas, Registered Parks and Gardens or Battlefields, on the Site or in the surrounding area. There are no Scheduled Ancient Monuments on, or in the vicinity of the Site.
- 2.1.11 There are no landscape designations within the Site.

## Development History

### Existing Uses

- 2.1.12 The Site is located outside any settlement boundary and is currently being used for agriculture. Based on a search of the EAC planning applications web GIS, there is no evidence to suggest that previous planning applications have been submitted for this Site in the past five years.
- 2.1.13 The Site falls within the East Ayrshire Local Development Plan 2017 (EALDP) Rural Protection Area as shown on the Rural Area map below.

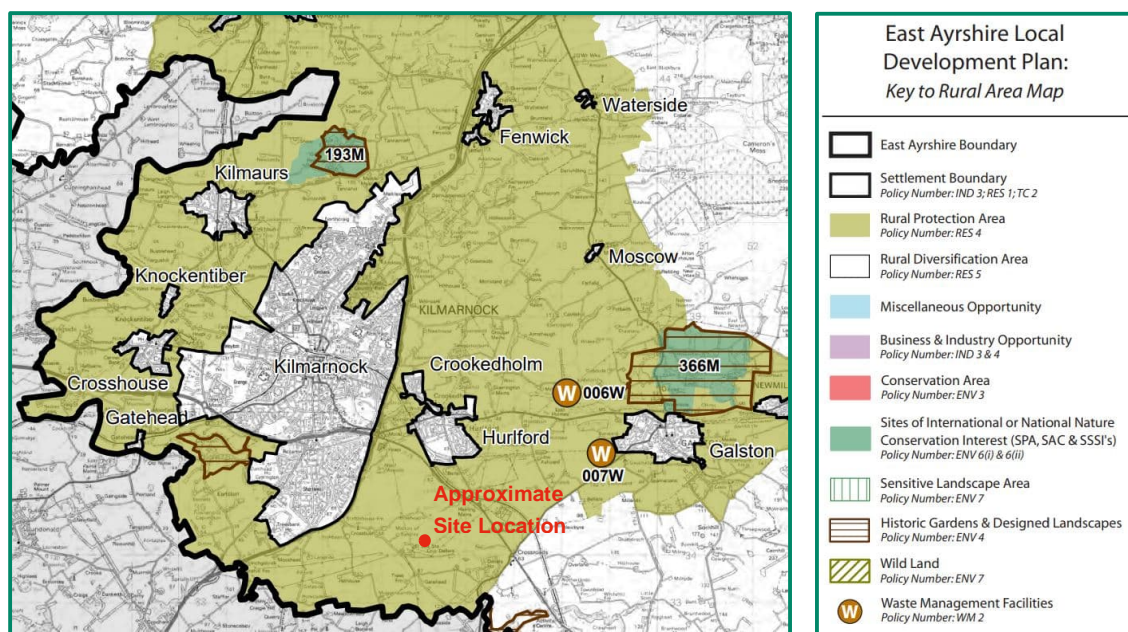


Plate 1: EALDP Rural Area Map (2017)

Source: East Ayrshire Council, 2017

- 2.1.14 **Policy RES4: Housing in the Rural Protection Area** aims to ensure, through the development management process, that proposals for small scale residential development in the Rural Protection Area meet the policy requirements. However, whilst the policy is applicable on account of the Site's location, the focus on housing development determines Policy RES4 of limited relevance to the Proposed Scheme.
- 2.1.15 **Policy IND3: Business and Industrial Development in the Rural Area** within the EALDP explicitly endorses the promotion of renewable development within rural regions:  
*'Out with settlement boundaries...industrial development will be encouraged and supported by the Council [including] renewable energy developments...that have been subject to detailed consideration against identified policy criteria.'*
- 2.1.16 Section 5 and Section 7 below provide a detailed assessment of the Proposed Scheme against all relevant policy in the EALDP.

## Cumulative Effects Assessment

- 2.1.17 Whilst it is acknowledged that any application seeking s36 energy consent and planning permission should be considered on its own merits, it is important to acknowledge the potential for cumulative effects with nearby development.
- 2.1.18 Chapter 10 Combined and Cumulative Effects Assessment, of this EIAR considers the potential for cumulative effects to arise during the construction and operational phases of the Proposed Scheme in relation to nearby developments.
- 2.1.19 Chapter 10 Combined and Cumulative Effects Assessment, of this EIAR details only one planning application which requires consideration:
- Battery Energy Storage System (BESS) with maximum installed capacity of 300MW (ECU reference ECU00003435; EAC reference 22/0002/S36).
- 2.1.20 Significant cumulative effects have only been identified during the construction phase, relating to visual impacts on the following four sensitive receptors:
- Residential receptors located at Viewpoint 1;
  - Residential receptors located at Viewpoint 2;
  - Residential receptors located at Viewpoint 7; and
  - Residential receptors located at Viewpoint 8.
- 2.1.21 A detailed description of these viewpoints is contained in Chapter 10 Combined and Cumulative Effects Assessment, of this EIAR.

## 3. The Proposed Scheme

### Need for the Proposed Scheme

- 3.1.1 The UK's electricity network has traditionally relied on fossil fuel power plants, many of which are being decommissioned as they reach the end of their operational life and no longer meet the required environmental performance standards. Furthermore, several existing nuclear power plants are reaching the end of their design lives, with no new nuclear power plants currently being planned for Scotland.
- 3.1.2 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (Ref 10) amends the Climate Change (Scotland) Act 2009 and sets a target to reduce Scotland's emissions of all greenhouse gases to net zero by 2045. Projects such as the Proposed Scheme will play a key role in decarbonising the energy sector, whilst providing environmental and economic benefits such as clean and reliable energy at low cost to consumers.
- 3.1.3 Battery storage is a form of energy storage whereby electricity that has been generated but is not needed at a particular time or place can be stored within rechargeable batteries and released and used at another time or place to meet demand. Energy storage is particularly important to store power generated from variable renewable energy sources, such as the sun and wind since electricity is not always needed at the same time as it is generated. BESS technology plays a key role in ensuring homes and businesses can be powered solely by renewable energy.
- 3.1.4 In order to manage the system frequency within the normal operating range, National Grid Electricity System Operator (ESO) relies on frequency balancing service providers to modulate their active power output or consumption in order to minimise the imbalance between generation and demand on the system. A change in grid frequency is caused by an imbalance of supply and demand. Being able to absorb and release energy, the proposed BESS facility will be used to contribute towards the frequency balancing services, by either generating or absorbing (storing) power. When there is not enough power, batteries are discharged to balance under frequency preventing black and brown outs. To balance over frequency batteries are charged to prevent dangerous spikes across electricity infrastructure.
- 3.1.5 The BESS will have a capacity of approximately 500 MW with an estimated storage capacity of approximately 1,000 MWh based on the current planned 2-hour storage duration. However, this will be dependent on the final choice of battery technology which could ultimately allow for a greater duration of energy storage.

### Development Description

- 1.1.2 A full description of the Proposed Scheme is included Chapter 2 The Proposed Scheme, of the EIAR.
- 1.1.3 The proposed BESS facility will include the following elements:
- Containerised battery units approximately 3.1 m in height, in sets of four battery units, with each set of four battery units supported by a PCS (Power Conversion System) and MV Transformer;
  - Internal access tracks and vehicular access in the north;
  - Electrical substation compounds including two 400 kV transformers - Electrical Busbars (up to 12 m in height) and Associated Switchgear to facilitate connection to the electricity grid;
  - Welfare facility and control building located in the north-east of the Site;
  - Security lighting and infrared closed-circuit television (CCTV) fixed on poles;
  - Perimeter security fencing;
  - Underground surface water drainage infrastructure;
  - Vehicular parking area (5 spaces, including one disabled and one EV charging port);
  - Landscaping areas in the south and west of the Site; and,

- Upgraded access junction with appropriate visibility splays.
- 3.1.6 To facilitate the installation of battery containers on level ground, a series of earthworks will be executed as part of site preparation. These earthworks will transform the Site into two distinct terraces. The higher terrace in the northern part of the Site will have a gentle slope, transitioning from an elevation of 56 m to 52 m AOD over a span of approximately 140 m. The second terrace will be relatively flat, with elevations ranging from 51 m to 49 m AOD over a distance of about 120 m.
- 3.1.7 Equipment would be sited on a platform and would require concrete plinth type foundations, with appropriate surface water drainage. The proposed layout for the BESS facility is shown in Volume 2: Appendix 1-D Scheme Drawings, of this EIAR.
- 3.1.8 The grid connection from the Proposed Scheme to KSS would be by an underground cable. The underground cable route would be the most direct route between the BESS and the substation, estimated to be 500 m in length. The underground cable does not form part of this S36 planning application and would be constructed using permitted development rights. An indicative route alignment is provided in Volume 2, Appendix 1-D Scheme Drawings, of this EIAR.
- 3.1.9 Site constraints include an underground 450 mm Scottish Water main running from north to south across the western part of the Site. The Site layout has avoided the positioning of any project infrastructure within an appropriate 6 m buffer zone, as specified by Scottish Water (Ref 5), to allow for suitable access and maintenance.
- 3.1.10 An attenuation pond is to be located in the south-west of the Site which will allow for drainage of the surface water to be suitably attenuated to greenfield runoff rates before being discharged off-site.

## 4. Legislative Requirements

### The Electricity Act 1989 (as amended)

4.1.1 As a result of the EIA Screening Opinion and advice given in Scottish Government chief planners letter 2020 (Ref 16), BESS above 50 MW require s36 consent. The chief planners letter states that battery installations are to be treated as “generator stations”. Consequently, the Proposed Scheme requires consent under s36 of the Electricity Act 1989, as amended.

4.1.2 In terms of process and assessment the following Schedules of the Act are applicable:

#### Schedule 8

- An application under this Act must be made in writing and must describe the land to which the application relates by use of a map;
- The Scottish Minister shall serve notice of the application on the relevant planning authority to which the application is found;
- Should the relevant planning authority notify the Scottish Ministers that they object to the application, and this is not withdrawn then the Scottish Ministers shall:
  - Cause a public inquiry to be held; and
  - Before determining whether to give consent, consider the objection and the report of the person who held the inquiry.
- Other consultees and members of the public may also make comment on the application.

#### Schedule 9

- Sets out that proposals must:
  - 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
  - do what they 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.
- In the assessment of the application, the Scottish Ministers must have regard to the desirability of the matters mentioned above and the extent to which the proposals formulated comply with those duties.

### Town and Country Planning (Scotland) Act 1997 (as amended)

4.1.3 Section 57(2) of the Town and Country Planning (Scotland) Act 1997, as amended (the ‘**Planning Act**’), stipulates that the Scottish Ministers may deem planning permission granted once s36 consent is approved. This application includes a request for the granting of deemed planning permission in conjunction with consent under s36 of the Electricity Act.

4.1.4 Given that the Electricity Act serves as the principal regulatory framework for this application, the Planning Act and its associated procedures do not apply. Section 25 of the Planning Act, pertaining to the weight of the Development Plan, is irrelevant, and the assessment criteria specified in Schedule 9 of the Electricity Act take precedence. However, Development Plan policies remain a relevant consideration for the assessment criteria outlined in Schedule 9 and are thoroughly addressed in Section 5 for this purpose.

- 4.1.5 Although the requirements of the Planning Act are generally unnecessary for this application (except for Section 57(2)) Planning Application Consultation (PAC) procedures, as outlined in Sections 35A-C of the Planning Act, have been undertaken. This is in line with standard practice, as this application would typically have fallen under the category of a National Development as per the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (Ref 7), as it is designated as such in National Planning Framework 4 (NPF4) (Ref 14). A PAC Report is included with this application for reference.

## 5. Development Plan Assessment

### Introduction

- 5.1.1 NPF4 was adopted by the Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. This replaces National Planning Framework 3 and Scottish Planning Policy. Through modifications made by the Planning (Scotland) Act 2019, the Town and Country Planning (Scotland) Act 1997 under Section 24 sets out that the Development Plan comprises of the National Planning Framework and the Local Development Plan (LDP) for the area. The Development Plan for this Site comprises NPF4 and the EALDP 2017.

### National Planning Framework 4

- 5.1.2 NPF4 sets out how the Scottish Government's approach to planning and development will help to achieve a net zero, sustainable Scotland by 2045. Addressing climate issues and the wellbeing economy at a national scale, NPF4 will support the delivery of 'Sustainable Places', 'Liveable Places' and 'Productive Places' through six overarching spatial principles:
- Just transition
  - Conserving and recycling assets
  - Local living
  - Compact urban growth
  - Rebalanced development
  - Rural revitalisation.
- 5.1.3 NPF4 identifies eighteen National Developments which are significant developments of national importance that will help deliver the spatial strategy. Of direct relevance to the Proposed Scheme is National Development 3 'Strategic Renewable Generation and Transmission infrastructure'.
- 5.1.4 Annex B of NPF4 sets out the National Development Statements of Need. For this category of National Development, it states that any on shore electricity generation, including electricity storage, from renewables exceeding 50 MW capacity shall be designated as a National Development. This development therefore would be considered a National Development. This National Development:
- "...supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply." (Page 7)*
- 5.1.5 Page 103 also states that:
- "Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require."*
- 5.1.6 Any development which has been given a National Development status is considered to be acceptable in principle. The Proposed Scheme is therefore considered to have in principle support from NPF4 as a development which is considered to be of national priority.
- 5.1.7 NPF4 sets the national policy assessment for planning applications within Scotland and forms part of the statutory Development Plan. Assessment of relevant policies is set out within Table 1 below.

**Table 1: NPF4 Policy Assessment**

NPF4 Policy	Assessment	Complies Y/N
<p><b>Policy 1: Tackling the climate and nature crises</b></p> <p>This policy prioritises the climate and nature crises in all decisions. The wording of this policy puts significant weight towards approval of developments which will contribute to the fundamental aims of NPF4: to enable Scotland to achieve Net Zero by 2045 and to ensure the protection and enhancement of biodiversity.</p>	<ul style="list-style-type: none"> <li>• The Proposed Scheme will contribute to tackling the climate crises by providing battery storage to support the roll out of renewable energy within Scotland. BESS technology reduces the need for fossil fuels and supports the transition to clean energy.</li> <li>• The Proposed Scheme will also assist in tackling the nature crises by avoiding any significant effects on natural heritage and providing biodiversity enhancement. In Scotland, Biodiversity Net Gain (BNG) is not currently implemented, and policy takes a more holistic approach to ensure development provides a biodiversity enhancement. Further detail of the proposed planting design which has been informed by existing local habitats and plant species is included in Section 7 of this report.</li> <li>• The Proposed Scheme is supported by <b>Policy 1</b> and the significant positive contribution of this development in terms of tackling both the climate and biodiversity crises should be considered a significant material consideration towards approval of the application.</li> </ul>	<p>Y</p>
<p><b>Policy 2: Climate mitigation and adaptation</b></p> <p>Policy 2 encourages, promotes, and facilitates development that minimises emissions and adapts to the current and future impact of climate change.</p> <p>The Policy states that Development proposals:</p> <ol style="list-style-type: none"> <li>Will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.</li> <li>Will be sited and designed to adapt to current and future risks from climate change.</li> </ol>	<ul style="list-style-type: none"> <li>• The Proposed Scheme will play a role in decarbonising the energy sector by providing clean and reliable energy to consumers. By introducing more flexibility into the grid, the proposals will help integrate more solar, wind and distributed energy resources.</li> <li>• In relation to the vulnerability of the Proposed Scheme to climate change, the BESS has been engineered to endure severe weather conditions, including strong winds and the potential formation of ice on the containers. The Proposed Scheme has also been located outside of the flood zone (further details are provided in <b>Section 7</b>).</li> <li>• Chapter 11 Other Matters of the EIAR provides a detailed assessment of the impact of the Proposed Scheme on climate and the vulnerability of the project to climate change.</li> <li>• The Proposed Scheme inherently promotes reducing greenhouse gas emissions through supporting the transition to clean energy and as such complies with <b>Policy 2</b>.</li> </ul>	<p>Y</p>



NPF4 Policy	Assessment	Complies Y/N
<p><b>Policy 3: Biodiversity</b></p> <p>Policy 3 aims to promote biodiversity and nature network improvement in development. Developments that require EIA must meet the following criteria:</p> <ul style="list-style-type: none"> <li>i) Understand site and ecological context, including irreplaceable habitats.</li> <li>ii) Prioritize nature-based solutions when possible.</li> <li>iii) Address negative effects using mitigation hierarchy prior to identifying enhancements.</li> <li>iv) Provide significant biodiversity enhancements, linking habitats and ensuring long-term management.</li> <li>v) Consider local community benefits of biodiversity and nature networks.</li> </ul>	<ul style="list-style-type: none"> <li>• Based on information collected during field surveys and existing data, the presence of ecological features and important habitats in the Site and its surroundings have been identified.</li> <li>• Cessnock Water provides suitable habitat for otter commuting, foraging, and refuge establishment. As recommended in Chapter 5 Ecology and Biodiversity of the EIAR, the Proposed Scheme avoids work near Cessnock Water. A buffer zone exceeding the recommended 30 m distance will be maintained, thereby preserving the ditch and banks beyond the Site.</li> <li>• Some hedgerow loss may affect badger commuting, but most works will occur during the day as opposed to around dusk or beyond and there is no shortage of connected surrounding fields for badgers to forage or commute through. No badger setts exist nearby. Furthermore, creating an attenuation pond and sowing grassland counters the loss of pasture with foraging potential.</li> <li>• There would be no direct impact on trees or buildings for bat roost sites, and the proposed landscaping would improve bat foraging habitat.</li> <li>• Japanese Knotweed, found 30 m south of the proposed access track, will be removed during vegetation clearing. It is of concern due to its prolific spread and listing on Schedule 9 of the Wildlife and Countryside Act. A Biosecurity Management Plan (BMP) will also be prepared and implemented to avoid the spread of all Invasive Non-Native Species (INNS) in or near the site.</li> <li>• Chapter 5 Ecology and Biodiversity, of the EIAR provides details of the mitigation measures proposed, which are summarised in Section 7 of this PS. Chapter 5 includes details of future monitoring and management where appropriate.</li> <li>• The Proposed Scheme includes biodiversity enhancement measures and landscaping which will have ecological benefits and positive impacts on the natural environment. These measures include native woodland and scrub planting, the full details of which are set out in Section 7. These measures will provide significant benefits to local biodiversity including the local pollinator population, breeding birds, invertebrates, and foraging bats.</li> <li>• Given the utilitarian function of the Proposed Scheme, it is not considered relevant to assess local community benefits of biodiversity.</li> <li>• The Proposed Scheme complies with <b>Policy 3</b>.</li> </ul>	<p>Y</p>
<p><b>Policy 4: Natural Places</b></p> <p>Policy 4 aims to protect and enhance natural assets through nature-based solutions. Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. Development proposals that affect a local nature conservation site or landscape areas in the LDP will only be supported if they do not significantly harm the area's integrity and if any such harm is outweighed by local social, environmental, or economic benefits.</p>	<ul style="list-style-type: none"> <li>• Due to the presence of watercourses and ditches along the periphery of part of the Site, a detailed survey for otter and water vole was carried out in suitable habitat within 200 m of the Site. One otter holt was identified about 55m north of the proposed substation parking area, heavily concealed by woodland and downhill. As mentioned in relation to <b>Policy 3</b> above, the ditch and ditch banks just beyond the Site will be retained and no other possible otter habitat will be affected. Operational impacts of the Proposed Scheme will have no effect on protected species.</li> <li>• The Site is not located within any national or international landscape or national environment designations. There are no SSSIs within 2 km of the Site, and no SAC or Ramsar Sites within 10 km of the Site.</li> <li>• A small proportion of the Muirkirk and North Lowther Uplands SPA falls within 10 km of the Site, as shown in Volume 3 Figure 5-1, of the EIAR. However, due to the distance of the Proposed Scheme from this SPA, the Proposal is not expected to have a detrimental impact upon the designation.</li> <li>• The southern edge of Riccarton Moss (Crossbush) LWS aligns with the existing access track, which will expand northward, slightly encroaching into the site. Only the species-poor hedgerow in this area will be directly affected by the Proposed Scheme. Hedgerow losses along the access track will be offset by planting valuable native hedgerows. Native scrub and woodland planting around the BESS compound will also enhance habitat quality.</li> <li>• The Site is not located within an area identified as wild land in the Nature Scot Wild Land Areas map.</li> <li>• There are no landscape designations within the Site.</li> <li>• The Proposed Scheme therefore accords with <b>Policy 4</b>.</li> </ul>	<p>Y</p>

NPF4 Policy	Assessment	Complies Y/N
<p><b>Policy 5: Soil</b></p> <p>This policy aims to protect carbon-rich soils and Prime Agricultural Land, restore peatland and minimise disturbance to soils.</p>	<ul style="list-style-type: none"> <li>The Site does not lie within an area identified as having potential for peat or carbon-rich soils according to the Carbon and Peatland Map (2016) (Ref 12).</li> <li>The Proposed Scheme is located on agricultural land class 3.2 and represents 'agricultural land capable of average production'. The Proposed Scheme is not located on Prime Agricultural Land. Volume 3 Figure 11-1 of this EIAR shows the location of the Site in relation to agricultural land classification.</li> <li>Further details on agriculture and soils are included in Chapter 11 Other Matters, of the EIAR.</li> <li>The Proposed Scheme will adopt a terraced form which will result in the removal of soil from the Site and consequential loss of agricultural land. The land can return to agriculture post-development, and during construction, temporarily used land will be reinstated. The worst-case scenario would see a change of approximately 9 ha of agricultural land to hardstanding – a small scale impact on a resource abundant throughout East Ayrshire and which is therefore considered to be not significant.</li> <li>Soil structures will be protected where land would be used temporarily, such as for compounds, re-grading areas etc. so that when it is returned to the existing land use, it is in a suitable condition.</li> <li>It is therefore considered that the Proposed Scheme is in compliance with <b>Policy 5</b>.</li> </ul>	<p>Y</p>
<p><b>Policy 6: Woodlands</b></p> <p>This policy aims to protect forests, woodland, and trees. Development proposals that enhance, expand, and improve woodland and tree cover will be supported.</p>	<ul style="list-style-type: none"> <li>The Proposed Scheme would not impact any areas of forestry or woodland.</li> <li>As part of the Proposed Scheme, a zone of native woodland will be planted beyond the southern edge of the BESS compound, within the Site. Native scrub will be planted along the western edge of the Site, and a line of native trees between the Site and farm buildings to the east.</li> <li>The hedgerows at the Site are not of special note and such hedgerows are common in the local area. The hedgerow that passes through the proposed BESS compound will be removed, and 410 m of hedgerow along the proposed access track. These existing hedgerows are all species poor. The lost hedgerows along the proposed access track will be compensated with planted hedgerows of the same length along the realigned access track, however these will be species rich as well as native.</li> <li>The Proposed Scheme complies with <b>Policy 6</b>.</li> </ul>	<p>Y</p>
<p><b>Policy 7: Historic Assets and Places</b></p> <p>This policy protects and enhances historical assets and locations. Non-designated historical assets, places, and their surroundings should be preserved whenever possible. If there is a chance of buried archaeological remains, developers must evaluate them early for planning authorities to assess impacts. Any new archaeological findings during development must be reported to the planning authority for appropriate inspection, recording, and mitigation measures.</p>	<ul style="list-style-type: none"> <li>There are no listed structures within the Site. There are, however, listed buildings within the wider area, with the closest being the C listed Haining Mains which is located approximately 750 m to the north-east of the Site. The Proposed Scheme is situated at a sufficient distance from these assets, that it would have no impact on them.</li> <li>There are no Conservation Areas, Registered Parks and Gardens or Battlefields, on the Site or the surrounding area.</li> <li>There are no Scheduled Ancient Monuments on, or in the vicinity of the Site.</li> <li>Regarding other cultural and historic assets, there is no evidence of prehistoric activity within the Site or within the 1 km study area.. Potential physical impacts resulting from the Proposed Scheme are limited to the potential to disturb previously unidentified archaeological remains and it is assumed that these would be of low value. Furthermore, evidence indicates that the area has been utilised for agricultural purposes since at least the 17<sup>th</sup> Century, and possibly even earlier. Consequently, it is considered unlikely that there would be impacts on subterranean archaeological remains as a result of the Proposed Scheme. As set out in Chapter 6 Cultural Heritage, of the EIAR, any potential impacts could be mitigated through standard archaeological methods. Further details on historic assets are included in Section 7 of this PS.</li> <li>The Proposed Scheme complies with <b>Policy 7</b> as no historic assets would be adversely affected.</li> </ul>	<p>Y</p>

NPF4 Policy	Assessment	Complies Y/N
<p><b>Policy 11: Energy</b></p> <p>This policy states that the planning system should support all forms of renewable energy development (including energy storage), and this should be balanced against potential impacts but weighed up against the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.</p>	<ul style="list-style-type: none"> <li>The Proposed Scheme is supported by this policy. Given this policy is most relevant to the proposed land use, a full assessment of the Proposed Scheme against the criteria of <b>Policy 11</b> is set out in <b>Section 7</b> below.</li> <li>In summary, significant weight should be placed on the contribution of the Proposed Scheme to greenhouse gas emission reduction targets, as detailed in <b>Section 3</b> of this document.</li> <li>The design of the Proposed Scheme will ensure there will be no adverse impacts on the residential amenity of neighbouring communities / individual dwellings.</li> <li>The Proposed Scheme complies with <b>Policy 11</b>.</li> </ul>	Y
<p><b>Policy 12: Zero Waste</b></p> <p>Policy 12 aims to encourage, promote, and facilitate development that is consistent with the waste hierarchy. The reduction and reuse of materials in construction should be prioritised.</p>	<ul style="list-style-type: none"> <li>The Proposed Scheme will adhere to the waste hierarchy, recycling and reusing elements during decommissioning to minimize environmental impact. Notice will be given to EAC in advance of such works commencing and all necessary licenses and permits will be acquired prior to decommissioning.</li> <li>Waste batteries will be collected and delivered to approved recycling facilities, and equipment will be managed by licensed waste operators. Further details of decommissioning are included in Chapter 2 The Proposed Scheme and Chapter 10 Other Matters, of the EIAR.</li> <li>As mentioned in paragraph 2.1.3 the Site slopes from north-east to south-west from approximately 56 – 44 m AOD. The Site will be levelled into two terraces, involving the import of 30,000 m<sup>3</sup> of clean materials. To limit waste, sustainable waste management practices would be implemented by the Principal Contractor, including the adoption of a Site Waste Management Plan (SWMP).</li> <li>Once during construction and operation, toilets will be taken off-site for appropriate disposal by certified contractors.</li> <li>The Proposed Scheme complies with <b>Policy 12</b>.</li> </ul>	Y
<p><b>Policy 14: Design, Quality and Place</b></p> <p>Policy 14 promotes well-designed development to enhance the quality of urban and rural areas, regardless of scale.</p>	<ul style="list-style-type: none"> <li>The Proposed Scheme is seen within the wider context of the existing KSS and would not be out of keeping with the local landscape character. More information on the existing landscape character, within and surrounding the Site, is provided in Chapter 4 Landscape and Visual, of the EIAR.</li> <li>Given the functional nature of the Proposed Scheme, there is limited scope to add to the six qualities of place. However, it has been designed to integrate with the surrounding landscape as much as possible.</li> <li>The Proposed Scheme complies with <b>Policy 14</b>.</li> </ul>	Y
<p><b>Policy 22: Flood Risk and Water Management</b></p> <p>Development proposals at risk of flooding or in a flood risk area will only be supported if they are for essential infrastructure where the location is required for operational reasons.</p> <p>Development proposals will:</p> <ol style="list-style-type: none"> <li>Not increase the risk of surface water flooding to others, or itself be at risk.</li> <li>Manage all rain and surface water through sustainable urban drainage systems (SUDS).</li> <li>Seek to minimise the area of impermeable surface.</li> </ol>	<ul style="list-style-type: none"> <li>The Site abuts both Cessnock Water and Muggersland Burn (which feeds into Cessnock Water), both of which are known to flood, as indicated on Scottish Environment Protection Agency (SEPA) flood maps (Ref 4).</li> <li>The Proposed Scheme has been carefully sited and positioned so all areas of hardstanding and infrastructure are located outside of the flood zone. The areas of the Proposed Scheme located within the flood zone are areas of landscape planting for biodiversity enhancement.</li> <li>It is considered that the Site is not at risk from other sources of flooding such as sewer, surface, or groundwater.</li> <li>An attenuation pond will be located in the south-west of the Site which will allow for drainage of surface water to be suitably attenuated to greenfield runoff rates before being discharged off-site.</li> <li>The Layout demonstrates the proposed site drainage which has been designed cognisant of the surface materials proposed (tarmac, type one stone, and limestone chippings). In accordance with Scottish Water's hierarchy, and good industry practice, the disposal of surface water through the capture, re-use and infiltration have been discounted due to the Site's use and underlying geology.</li> <li>Further details on flood risk and water management are included in Chapter 8 Water Environment, of the EIAR.</li> <li>The Proposed Scheme complies with <b>Policy 22</b>.</li> </ul>	Y

NPF4 Policy	Assessment	Complies Y/N
<p><b>Policy 23: Health and Safety</b></p> <p>This policy aims to safeguard people, places, and the environment; promote safe development; and enhance health and well-being. It prohibits development with significant negative impacts on air quality or noise levels. Development will also consider suicide risk.</p>	<ul style="list-style-type: none"> <li>• The Proposed Scheme would be operated in accordance with InterGen's Health, Safety, and Environmental management System throughout its lifecycle.</li> <li>• Regular inspection and maintenance will be required to ensure that the Proposed Scheme operates safely throughout the infrastructure's entire lifetime. The Proposed Scheme comprises a small welfare building to facilitate maintenance visits.</li> <li>• Access to the Proposed Scheme would be strictly controlled. Security access gates would provide security to the Site, with a further security access gate to enter the area of the electrical substation compound located in the south-east of the Site. CCTV cameras (attached to emergency lighting) would provide remote monitoring of the Site.</li> <li>• Further details on the safety of the Proposed Scheme, including measures to minimise fire risk are included in Chapter 2 The Proposed Scheme, of the EIAR.</li> <li>• The Proposed Scheme would not adversely affect air quality.</li> <li>• Chapter 7 Noise and Vibration, of the EIAR reports the potential noise and vibration associated with the construction and operation of the Proposed Scheme. When considering cumulative effects with neighbouring proposed planning applications and alongside the KSS, the Proposed Scheme would not create a nuisance to neighbouring noise sensitive receptors.</li> <li>• Due to the type of development, there are no measures employed to deal with suicide risk.</li> <li>• As such the Proposed Scheme complies with <b>Policy 23</b>.</li> </ul>	<p>Y</p>
<p><b>Policy 25: Community Wealth Building</b></p> <p>Policy 25 encourages and promotes development proposals which contribute to local or regional community wealth building.</p>	<ul style="list-style-type: none"> <li>• The Proposed Scheme meets this policy objective which encourages the creation of employment opportunities. In particular, the Proposed Scheme would support a just transition that continues to create jobs, build skills and capabilities in the renewable energy sector.</li> </ul>	<p>Y</p>

5.1.8 The policies in Table 2 have been discounted from further assessment for the reasons outlined below.

**Table 2: NPF4 Policies not relevant to the Proposed Scheme**

<b>NPF4 Policy</b>	<b>Reason not assessed further</b>
<b>Policy 8: Green Belts</b>	The Site is not within the green belt.
<b>Policy 9: Brownfield, vacant and derelict land and empty buildings</b>	The Site is not brownfield, vacant or derelict land.
<b>Policy 10: Coastal Development</b>	The Site is not in a coastal location.
<b>Policy 20: Blue and green infrastructure</b>	The Site is not within a Green Space Network.
<b>Policy 26: Business and Industry</b>	The Proposed Scheme is not allocated for business and industry in the LDP.
<b>Policy 13: Sustainable Transport</b>	The Proposed Scheme would have no permanent staff or residents to which this policy would apply. Given the remote location and nature of the Proposed Scheme as an unmanned facility with only occasional requirement for visitation for maintenance, it is anticipated that travel to and from the Site would only be by private vehicular transport modes.
<b>Policy 15: 20-minute neighbourhoods; Policy 16: Good quality homes; and, Policy 17: Rural Homes</b>	Proposed Scheme does not include residential.
<b>Policy 18: Infrastructure first policy; Policy 19: Heating and cooling; Policy 21: Play, recreation and sport; Policy 24: Digital Infrastructure Policy 29: Rural Policy Policy 30: Tourism; and, Policy 31: Culture and Creativity</b>	Not relevant to the Proposed Scheme.
<b>Policy 27: City, town and commercial centres; Policy 28: Retail Policy 32: Aquaculture; and, Policy 33: Minerals</b>	Relate to land uses not involved in the Proposed Scheme.

5.1.9 In conclusion, the Proposed Scheme aligns with NPF4 by contributing to the Scottish Government's climate change and biodiversity targets. NPF4 strongly favours climate change mitigation, making it a compelling reason for approving this application.

## East Ayrshire Local Development Plan

5.1.10 The EALDP 2017 (Ref 2) is a material consideration for the Proposed Scheme. The EALDP was formally adopted in April 2017 and sets out the direction for development in East Ayrshire over the subsequent 10 - 20 years.

5.1.11 EAC submitted their Proposed Local Development Plan 2 (LDP2) (Ref 3) to Scottish Ministers in December 2022. The Examination proper commenced in May 2023. As the EALDP2 has not yet been adopted, the current EALDP 2017 remains the primary local policy consideration for this PS.

5.1.12 The EALDP sets out the following vision:

*'East Ayrshire will be a desirable place in which to live, work, invest and visit... it will contribute to providing a low carbon economy through the use of renewable energy technologies.'* (Page 6)

5.1.13 The key aim of the spatial strategy is to promote high quality sustainable development:

*'There will be a presumption in favour of development which contributes to sustainable development.'* (Page 11)



5.2 Table 3 below provides an assessment of the EALDP policies relevant to the Proposed Scheme.

**Table 3: EALDP Policy Assessment**

Policy Intent	Assessment	Complies Y/N
<b>Vision and Spatial Strategy</b>		
<p><b>Overarching Policy OP1</b></p> <p>Development proposals must:</p> <ul style="list-style-type: none"> <li>• Be fully compatible with surrounding established uses and have no unacceptable impacts on the environmental quality of the area;</li> <li>• Ensure that there is no unacceptable loss of safeguarded areas of open space / green infrastructure and prime quality agricultural land;</li> <li>• Protect and enhance natural and built heritage designations; and,</li> <li>• Ensure that there are no unacceptable impacts on the landscape character or tourism offer of the area.</li> </ul>	<ul style="list-style-type: none"> <li>• The Proposed Scheme has been designed to integrate with the existing land uses. It has undergone a comprehensive EIA to evaluate its potential impacts on the environmental quality of the area. The findings of the EIA indicate that the Proposed Scheme will not result in any unacceptable impacts. Measures have been incorporated into the design to mitigate potential environmental effects, including visual impacts and flood risk, ensuring that the Proposed Scheme is fully compatible with its surroundings.</li> <li>• No safeguarded areas of open space or prime quality agricultural land will be lost as a result of the Proposed Scheme. The site layout has been carefully planned to minimise its footprint. Additionally, the Proposed Scheme includes landscaping and habitat enhancement measures.</li> <li>• The Proposed Scheme would have no adverse effects on any cultural heritage designations. Furthermore, steps have been taken to protect and enhance the natural heritage, including the preservation of ecologically valuable habitats and species that may be present within the area.</li> <li>• A thorough Landscape and Visual Assessment (LVA) has been conducted (See Chapter 4 Landscape and Visual, of the EIAR). This identifies that the Proposed Scheme is likely to have some localised effects however the wider landscape would remain largely unimpacted by the proposals. This is due to the intermittent and intervening vegetation and topography.</li> <li>• Landscape effects associated with the construction period are expected to be relatively minor (minor adverse) and not significant. By year 15, when mitigation planting has matured, the development will be better integrated into the wider landscape. Whilst the landscape effect would remain minor adverse, the development will not result in a significant impact due to the character of the local landscape and the ability of the landscape to absorb the development.</li> </ul>	<p>Y</p>
<b>Delivering Renewable Energy</b>		
<p><b>RE1: Renewable Energy Developments</b></p> <p>Proposals for the generation and utilisation of renewable energy will be supported in standalone locations and as integral parts of new and existing developments where it can be demonstrated that there will be no unacceptable significant adverse impacts on the following criteria:</p> <ul style="list-style-type: none"> <li>i) Landscape and visual impacts;</li> <li>ii) Cumulative impacts;</li> <li>iii) Impacts on carbon rich soils and deep peat;</li> <li>iv) Effects on the natural heritage, including birds;</li> <li>v) Impacts on wild land;</li> <li>vi) Impacts on all aspects of the historic environment;</li> <li>vii) Effects on hydrology, the water environment and flood risk;</li> <li>viii) terrestrial ecosystems;</li> <li>ix) Re-use of excavated peat, forest removal and forest waste;</li> <li>x) Impacts on forestry and woodlands;</li> <li>xi) Effect on greenhouse gas emissions;</li> <li>xii) Impacts on communities and individual dwellings, including</li> </ul>	<ul style="list-style-type: none"> <li>i) A detailed discussion on landscape and visual effects in undertaken in Section 7 below.</li> <li>ii) Details on Cumulative impacts are provided in Section 2 above and in Chapter 10 Combined and Cumulative Effects Assessment, of the EIAR.</li> <li>iii) The Site does not lie within an area identified as having potential for peat or carbon-rich soil according to the Carbon and Peatland Map (2016).</li> <li>iv) The Site is not located within any national or international landscape or national environment designations. Details on natural heritage are included in Section 7 of this PS and in Chapter 5 Ecology and Biodiversity, of the EIAR.</li> <li>v) The Site is not located within an area identified as wild land in the Nature Scot Wild Land Areas map (2014).</li> <li>vi) There are no Conservation Areas, Registered Parks and Gardens or Historic Battlefields, on the Site or the surrounding area. There are no listed buildings within the Site or surrounding area which would be impacted by the Proposed Scheme. Further details on the historic environment are included in Chapter 6 Cultural Heritage, of the EIAR.</li> <li>vii) A detailed discussion on flood risk and the water environment is provided in Section 7 below and in Chapter 8 Water Environment, of the EIAR.</li> <li>viii) Chapter 5 Ecology and Biodiversity, of the EIAR provides information on the terrestrial ecosystems within and surrounding the Site.</li> <li>ix) The Site does not lie within an area identified as having potential for peat. The removal of trees is not required as part of the Proposed Scheme.</li> <li>x) The Proposed Scheme will not have an impact on any existing areas of forestry or woodland.</li> <li>xi) The Proposed Scheme would have a positive effect in terms of greenhouse gas emissions reductions as discussed in Table 1:</li> </ul>	<p>Y</p>

<p>visual impact, residential amenity and noise;</p> <p>xiii) Impacts on tourism and recreation;</p> <p>xiv) Public access, including impact on long distance walking and cycling routes;</p> <p>xv) Net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;</p> <p>xvi) Impacts on aviation and defence interests and seismological recording;</p> <p>xvii) Impacts on road traffic including during construction and decommissioning;</p> <p>xviii) Impacts on adjacent trunk roads;</p> <p>xix) Impacts on telecommunications and broadcasting installations;</p> <p>xx) The appropriate siting and design of turbines and ancillary works;</p> <p>xxi) The need for conditions relating to the decommissioning of developments;</p> <p>xxii) The need for a robust planning obligation to ensure that operators achieve site restoration;</p> <p>xxiii) The scale of contribution to renewable energy generation targets;</p> <p>xxiv) Opportunities for energy storage.</p>	<p>NPF4 Policy Assessment. By enabling the efficient use of renewable energy and reducing reliance on fossil fuels, BESS contributes to a significant reduction in greenhouse gas emissions, thereby supporting climate change mitigation efforts.</p> <p>xii) Detailed consideration of potential impacts on communities and individual dwellings in covered under <b>Policy ENV12</b> below and in Section 7 of this PS..</p> <p>xiii) The Proposed Scheme would not have a detrimental impact on tourism or recreation.</p> <p>xiv) There is a public right of way along the access road leading to Braehead Farm, crossing Cessnock Water. No significant effects on this right of way are anticipated.</p> <p>xv) The Proposed Scheme would support a just transition that continues to create jobs, build skills and capabilities in the renewable energy sector.</p> <p>xvi) Not relevant to the Proposed Scheme.</p> <p>xvii) Detailed consideration of impacts on road traffic of the Proposed Scheme is provided in Section 7 of this PS and in Chapter 9 Traffic and Transport, of the EIAR.</p> <p>xviii) As above.</p> <p>xix) Not relevant to the Proposed Scheme.</p> <p>xx) Not relevant to the Proposed Scheme</p> <p>xxi) The Proposed Scheme will have an operational lifetime of around 40 years. Details of the decommissioning phase of the Proposed Scheme are included in Chapter 2 The Proposed Scheme, of the EIAR.</p> <p>xxii) Not relevant due to the scale of the Proposed Scheme.</p> <p>xxiii) As discussed in Section 2 of this PS, BESS plays a pivotal role in renewable energy generation, enhancing its reliability and efficiency. As renewable energy sources like wind and solar become a larger part of the energy mix, BESS helps integrate these variable resources seamlessly into the grid.</p> <p>xxiv) The Proposed Scheme is vital for supporting the national grid and maintaining the resilience and stability of the electricity grid, ensuring continuous energy flow as wind and solar power naturally vary throughout the day.</p>	
<p><b>Policy RE5: Financial Guarantees</b></p> <p>The Council will mandate financial guarantees for electrical infrastructure proposals, scaled to the project's size and complexity, and potential consequences of failing to restore the Site. These guarantees ensure the ability to meet all planning consent-related decommissioning, restoration, aftercare, and mitigation obligations.</p>	<ul style="list-style-type: none"> <li>Provisions have been made for the decommissioning of the Proposed Scheme at the end of its operational lifetime. Further details on the decommissioning of the Proposed Scheme are included in Chapter 2 The Proposed Scheme and Chapter 11 Other Matters, of the EIAR.</li> <li>The Proposed Scheme is not of a scale / complexity to require a financial guarantee.</li> </ul>	Y
<b>Promoting Sustainable Transport</b>		
<p><b>Policy T1: Transportation requirements for new development</b></p> <p>Proposals must adhere to the Ayrshire Roads Alliance's standards. New developments must prioritize active travel, emphasizing walking, cycling, and public transport over private car usage.</p>	<ul style="list-style-type: none"> <li>During construction, a Construction Workers Travel Plan may be implemented for the Site to promote sustainable transportation to the Proposed Scheme. This plan may involve initiatives like encouraging carpooling, promoting public transportation and appointing a Travel Plan Coordinator. Additionally, if feasible, the introduction of a shuttle bus service to transport workers to vital interchange points could be considered.</li> <li>Further details on Transport during construction and operation of the Proposed Scheme are provided in Chapter 9 Traffic and Transport, of the EIAR.</li> <li>The Proposed Scheme complies with <b>Policy T1</b>.</li> </ul>	Y
<p><b>Policy T4: Development and Protection of Core Paths and Natural Routes</b></p> <p>The Council will not be supportive of development which disrupts or adversely impacts on any existing or potential core path, right of way, bridle path, or footpath used by the general public for recreational or other purposes.</p>	<ul style="list-style-type: none"> <li>There is a public right of way along the access road leading to Braehead Farm, crossing Cessnock Water, leading to Haining Mains and terminating at the B7037 after crossing the A76.</li> <li>Given the temporary and limited nature of construction and decommissioning traffic, no significant effects on this right of way are anticipated.</li> <li>The Proposed Scheme complies with <b>Policy T4</b>.</li> </ul>	Y

Policy Intent	Assessment	Complies Y/N
<b>Sustainable Waste Management</b>		
<p><b>Policy WM3: Sustainable Waste Management and New Developments</b></p> <p>The Council will require all major...developments to provide Site Cleaner Communities Plans to demonstrate how waste generation will be minimised during the construction and operational phases of the development.</p>	<ul style="list-style-type: none"> <li>• During construction, the Principal Contractor would be required to manage Site waste sustainably by adopting measures to limit waste (not over-ordering), appropriate stock control and recycling waste, where possible. The Contractor will be required to adopt and maintain a Site Waste Management Plan (SWMP), as industry best practice.</li> <li>• The Proposed Scheme has been designed to reduce waste throughout construction and operation. Whilst decommissioning will be necessary at the end of the operational lifetime of the BESS infrastructure, this will be undertaken prioritising the recycling and reuse of materials.</li> <li>• There would be no waste generated by the operation of the Proposed Scheme. Toilets would be self-contained and taken off-site for appropriate disposal by certified contractors.</li> <li>• The Proposed Scheme complies with <b>Policy WM3</b>.</li> </ul>	Y
<b>Environment</b>		
<p><b>Policy ENV1: Listed Buildings</b></p> <p>The Council support the retention and preservation of all listed buildings.</p>	<ul style="list-style-type: none"> <li>• There are no listed buildings within the Site boundary. There are, however, listed buildings in the wider area, with the C listed Haining Mains approximately 750 m to the north-east of the Site.</li> <li>• The Proposed Scheme is situated at a sufficient distance from these assets, that it would have no impact on them.</li> <li>• It is therefore considered that the Proposed Scheme complies with <b>Policy ENV2</b>.</li> </ul>	Y
<p><b>Policy ENV2: Scheduled Monuments and Archaeological Resources</b></p> <p>Archaeological resources should be preserved in situ wherever possible. The developer may be required to supply an archaeological evaluation report prior to the determination of a planning application.</p>	<ul style="list-style-type: none"> <li>• There are no Scheduled Ancient Monuments on, or in the vicinity of the Site.</li> <li>• Potential physical impacts resulting from the Proposed Scheme, are limited to the potential to disturb previously unidentified archaeological remains. Evidence suggests that the land has been used for agriculture since at least the 17<sup>th</sup> Century. Subsequently, it is considered there is limited potential for impacts on below ground archaeological remains within the Site. Further details on historic assets are included in Chapter 6 Cultural Heritage, of the EIAR.</li> <li>• The Proposed Scheme complies with <b>Policy ENV2</b>.</li> </ul>	Y
<p><b>Policy ENV6: Nature Conservation</b></p> <p>The importance of nature conservation and biodiversity should be fully recognised in the assessment of development proposals.</p> <ul style="list-style-type: none"> <li>• Development impacting Natura 2000 sites requires a Habitats Regulation Assessment (HRA)</li> <li>• Development near SSSI areas must not compromise their integrity or designated qualities.</li> <li>• Developments affecting local nature conservation areas must show how impacts will be avoided or mitigated.</li> <li>• If protected species may be impacted by a proposed development, steps must be taken to establish their presence.</li> <li>• New developments must protect, extend, or incorporate existing habitat networks to enhance the Central Scotland Green Network in Ayrshire.</li> </ul>	<ul style="list-style-type: none"> <li>• The Proposed Scheme would not impact a Natura 2000 site and therefore would not require a HRA.</li> <li>• There are no SSSI's within 2 km of the Site.</li> <li>• The expansion of the access track into the site slightly encroaches on Riccarton Moss (Crossbush) LWS's southern edge, affecting only a species-poor hedgerow. Hedgerow losses will be compensated with native hedgerow planting, and native scrub and woodland planting will enhance habitat quality around the BESS compound.</li> <li>• As mentioned in Table 1: NPF4 Policy Assessment, an otter holt was identified approximately 55 m north of the proposed substation parking area, concealed by woodland and downhill. Details of the mitigation measures proposed to ensure there would be no impact on protected species, including otter, is provided in Section 7 of this PS.</li> <li>• The Proposed Scheme is not located within the Central Scotland Green Network.</li> </ul>	Y



Policy Intent	Assessment	Complies Y/N
<b>Environment</b>		
<p><b>Policy ENV8: Protecting and Enhancing the Landscape</b></p> <p>The protection and enhancement of East Ayrshire's landscape character as identified in the Ayrshire Landscape Character Assessment will be a key consideration in assessing the appropriateness of development proposals in the rural area. The Council will require that:</p> <ul style="list-style-type: none"> <li>• Development proposals are sited and designed to respect the nature and landscape character of the area and to minimise visual impact.</li> <li>• Where visual impacts are unavoidable, development proposals should include adequate mitigation measures to minimise such impacts on the landscape.</li> <li>• Development that would result in the loss of valuable landscape features, to such an extent that character and value of the landscape, are unacceptably diminished, will not be supported.</li> </ul>	<ul style="list-style-type: none"> <li>• The Site is located at the transition between an area of Agricultural Lowlands – Ayrshire Landscape Character Type (LCT) and Lowland Valleys – Ayrshire of the Cessnock Water, as defined by the 2019 NatureScot National Landscape Character Assessment.</li> <li>• The southern part of the Site (i.e., towards the sub-station) forms part of the Acid Grassland Network and Wetland Network.</li> <li>• The immediate proximity of the Site is heavily influenced by surrounding infrastructure, such as Kilmarnock South Substation located immediately south of the Site, pylons and overhead power lines. The Proposed Scheme is not expected to result in a significant change in character landscape due to its proximity to the current KSS.</li> <li>• The Proposed Scheme seeks to minimise the amount of BESS infrastructure required.</li> <li>• The Proposed Scheme layout has been designed with the aim of screening the most visible structures. At approximately 12 m high, the 400 kV transformer would be the tallest element of the Proposed Scheme. The transformer would be partially enclosed by a 3.5 m perimeter security fence to allow the existing substation infrastructure to offer a degree of screening. A detailed description of the appearance and dimensions of the Scheme component is provided in Chapter 2 The Proposed Scheme, of the EIAR.</li> <li>• Options are being explored for more colour sensitive battery containers which would significantly help with the visual impact of the Proposed Scheme.</li> <li>• Boundary treatments and landscaping will limit views of the plant and energy equipment within the Site. It is expected that the BESS compound will be enclosed by a 3 m high weldmesh fence with an access gate.</li> <li>• The scale of the Proposed Scheme is illustrated in the Site Elevations drawings, shown in Volume 2 Appendix 1-D, of the EIAR.</li> <li>• Proposed planting including a woodland in the west and tree planting along the southern boundary of the Site (see Landscape General Arrangement Plan, Volume 2 Appendix 1-D, of the EIAR) provides visual screening of the Proposed Scheme. The landscaping plans would provide some overall landscape betterment for the area.</li> <li>• While the Proposed Scheme is likely to have some localised effects on the immediate landscape, the wider landscape would remain largely unimpacted by the Proposed Scheme due to the intermittent and intervening vegetation and topography. Detailed consideration of landscape character is contained within Chapter 4 Landscape and Visual, of the EIAR.</li> <li>• The Proposed Scheme complies with <b>Policy ENV8</b>.</li> </ul>	Y
<p><b>Policy ENV9: Trees, Woodland and Forestry</b></p> <p>The Council will support the retention of individual trees, hedgerows and woodlands within rural areas.</p> <p>Non statutory guidance in the form of the Ayrshire and Arran Forestry and Woodland Strategy (Ref 1) supports policy ENV9 by providing detailed guidance on the most appropriate tree species.</p>	<ul style="list-style-type: none"> <li>• As part of the Proposed Scheme, a zone of native woodland will be planted beyond the southern edge of the BESS compound, within the Site. Native scrub will be planted along the western edge of the Site, and a line of native trees between the Site and farm buildings to the east.</li> <li>• While some areas of hedgerow may be lost, as discussed in Table 1: NPF4 Policy Assessment, the introduction of hedgerow planting along the access track will compensate for this loss and will be of higher ecological value.</li> <li>• The Proposed Scheme does not require the removal of any trees and is therefore considered to comply with <b>Policy ENV9</b>.</li> </ul>	Y

Policy Intent	Assessment	Complies Y/N
<b>Environment</b>		
<p><b>Policy ENV11: Flood Prevention</b></p> <p>The Council will take a precautionary approach to flood risk from all sources and will promote flood avoidance in the first instance.</p> <p>Development proposals should:</p> <ul style="list-style-type: none"> <li>Consider site-specific characteristics, neighbouring land uses, and use water-resistant and resilient materials where appropriate.</li> <li>Reduce impermeable surfaces, incorporate sustainable drainage systems with maintenance plans to prevent surface water flooding.</li> <li>Include flood protection measures which take account of climate change effects.</li> <li>Limit land raising, allowed only if it has a neutral or positive impact on flood risk, especially in undeveloped floodplains where no lower-risk locations are available.</li> <li>Include a Drainage Assessment approved by the Council for sites with constrained or problematic drainage.</li> </ul>	<ul style="list-style-type: none"> <li>The Site abuts both Cessnock Water and Muggersland Burn (which feeds into Cessnock Water), both of which are known to flood, as indicated on Scottish Environment Protection Agency (SEPA) flood maps.</li> <li>The Proposed Scheme has been carefully sited and positioned so all areas of hardstanding and infrastructure are located outside of the flood zone. The areas of the Proposed Scheme located within the flood zone are areas of landscape planting for biodiversity enhancement.</li> <li>It is considered that the Site is not at risk from other sources of flooding such as sewer, surface, or groundwater.</li> <li>The Proposed Scheme will introduce areas of hardstanding where natural, grassed land is currently present. For this reason, a proposed drainage layout has been provided that captures, treats and restricts runoff from the Site at 4.5 l/sec/hectare.</li> <li>An attenuation pond is to be located in the south-west of the Site which will allow for drainage of surface water to be suitably attenuated to greenfield runoff rates before being discharged off-site.</li> <li>Volume 2, Appendix 8-A Drainage Impact Assessment, of the EIAR includes the drainage strategy.</li> <li>A site-specific FRA has been prepared for the Proposed Scheme with climate change uplift guidance. This is presented in Volume 2, Appendix 8-B, of the EIAR.</li> <li>Further details on flood risk and water management are included in Chapter 8 Water Environment, of the EIAR.</li> <li>The Proposed Scheme complies with <b>Policy ENV11</b>.</li> </ul>	<p>Y</p>
<p><b>Policy ENV12: Water, air and light and noise pollution</b></p> <p><b>Water:</b></p> <ul style="list-style-type: none"> <li>Priority is given to maintaining and improving water quality.</li> <li>No development that adversely affects water quality or habitats is allowed.</li> <li>Buffer strips of at least 6 meters are required near water bodies.</li> <li>No support for developments causing significant impacts on water bodies.</li> </ul> <p><b>Air:</b></p> <ul style="list-style-type: none"> <li>All proposals must minimize adverse air quality impacts.</li> <li>Air quality assessments are required for potential impact.</li> </ul> <p><b>Light:</b></p> <ul style="list-style-type: none"> <li>All projects must reduce light pollution.</li> <li>Consideration should be given to minimizing unnecessary lighting.</li> </ul> <p><b>Noise:</b></p> <ul style="list-style-type: none"> <li>Comply with Noise Action Plan and Noise Management Areas.</li> <li>Avoid significant adverse noise impacts.</li> </ul>	<ul style="list-style-type: none"> <li><b>Water</b> There is potential for pollution and run-off risk due to engineering works during construction. A Construction Environmental Management Plan (CEMP) will be prepared and adopted to mitigate these risks. A buffer zone exceeding the recommended 30 m distance will be maintained between the Proposed Scheme and the Cessnock Water watercourse.</li> <li><b>Air</b> The Site is not located within an Air Quality Management Area. The Proposed Scheme would produce no emissions to air during the operational phase. During construction and decommissioning, there would be emissions to air from vehicles and plant, but these would not be sufficient to lead to air quality effects at the nearest receptors.</li> <li><b>Light</b> Temporary flood lighting for safety reasons would be installed at the Site compound. Permanent lighting is not considered necessary for the Proposed Scheme. Instead, emergency lighting is proposed which will be motion sensitive (for example, controlled by an infrared monitor sensor system), and will switch on only when movement is detected when essential operational maintenance is required. This emergency lighting will be highly directional (for example, controlled by cowling) to avoid excessive light spillage beyond the boundary fencing.</li> <li><b>Noise</b> There are potential noise and vibration sensitive receptors in the area including a small number of residential properties located within 1 km of the Proposed Scheme. There will be some noise impacts during operation from the main step-up transformer and associated cooling equipment. It is considered that these will be reasonably mitigated through the design process. There is expected to be some noise during construction from traffic transporting construction materials. Noise generated as a result of construction traffic would be managed with a suitable route and timing of traffic agreed with the Highway Authorities.</li> </ul>	<p>Y</p>

	<p>Construction noise would be managed through the adoption of best practice measures incorporated within a CEMP. Impacts would be temporary during a construction period of up to 24 months.</p> <p>More information on noise and vibration is provided in Chapter 7 Noise and Vibration, of the EIAR.</p>	
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5.2.2 The EALDP policies in Table 4 have been discounted from further assessment for the reasons outlined below.

**Table 4: EALDP Policies not relevant to the Proposed Scheme**

<b>EALDP Policy</b>	<b>Reason not assessed further</b>
<b>Vision and Spatial Strategy</b> Policy OP2	This policy relates to the implementation of the SEA Environmental Report.
<b>Enabling New Housing</b> Policy RES1 – RES13	The Proposed Scheme does not include residential.
<b>Successful town Centres</b> Policy TC1 – TC6 <b>Promoting Tourism</b> Policy TOUR1 – TOUR5 <b>Delivering Renewable Energy</b> Policy RE2 – RE5 Environment <b>Promoting Sustainable Transport</b> Policy T2 – T3 <b>Delivering Infrastructure</b> Policy INF1 – INF8 <b>Sustainable Waste Management</b> Policy WM1 – WM2; WM4 – WM8	Not relevant to the Proposed Scheme.
<b>Revitalising our Economy</b> Policy IND1 – IND2; IND4 – IND6	The Proposed Scheme is not allocated for business and industry in the LDP.
<b>Environment</b> Policy ENV3 – ENV5; ENV7; ENV10; ENV13 – ENV14	<p>There are no Conservation Areas, Registered Parks and Gardens or Historic Battlefields, on the Site or the surrounding area.</p> <p>The Site is not located within an area identified as wild land in the Nature Scot Wild Land Areas map.</p> <p>The Site is not located within a Sensitive Landscape Area identified on the EALDP maps.</p> <p>The Site is not on land which is known or suspected to be contaminated.</p> <p>The Proposed buildings are 'stand-alone' and will not be heated or cooled.</p>

## 6. Energy Policy Context

- 6.1.1 The commitment to the development of renewable energy is evident through climate and energy policy in the UK and Scotland. In April 2019, Scotland became one of the first nations in the world to declare a state of climate emergency, placing climate change at the heart of all policy decisions. Following this declaration, the Scottish Government amended the Climate Change (Scotland) Act 2009 with the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, setting a net-zero emissions target for 2045 and increasing the targets for 2030 (75% reduction) and 2040 (90% reduction).
- 6.1.2 In May 2019, the UK Government declared a climate emergency, leading to the Climate Change Act 2008 (2050 Target Amendment) Order 2019 the following month, amending the central greenhouse gas emissions reduction target to net zero emissions by 2050 for the UK as a whole.

### Energy Strategy (Position Statement 2021)

- 6.1.3 The Scottish Energy Strategy (Ref 13) outlines a vision for Scotland's energy sector until 2050, aiming for a thriving, competitive local and national energy industry that provides secure, affordable, and clean energy for households, communities, and businesses. This vision is guided by three core principles:
- A whole system perspective;
  - An inclusive transition towards sustainable energy; and,
  - A more intelligent, localized energy model.
- 6.1.4 In alignment with the whole-system perspective, the strategy sets two key targets for 2030:
- Achieving 50% of Scotland's energy consumption for heat, transportation, and electricity from renewable sources; and,
  - Enhancing energy use efficiency across the Scottish economy by 30%.
- 6.1.5 In March 2021, the Scottish Energy Strategy was updated to include a Position Statement, reflecting a revised target of achieving net-zero emissions by 2045.

### Scottish Climate Change Plan: 2018-2032 (2020 update)

- 6.1.6 The Scottish Government is updating the Climate Change Plan (Ref 11) and has published an update to align with the increased ambition of the new targets set in the Climate Change (Scotland) Act 2019 and Scotland's commitment to the Paris Agreement.
- 6.1.7 The Climate Change Plan outlines a comprehensive strategy for reducing greenhouse gas emissions across all sectors. Specifically, the plan includes a commitment to accelerating the growth of renewable energy, in alignment with the goals of the Scottish Energy Strategy.

### Energy Storage Planning Advice Note (2013)

- 6.1.8 This advice note (Ref 8) emphasises the importance of energy storage for maximising the benefits of renewable energy. To achieve its renewable energy targets, Scotland must connect renewable energy sources with energy storage technologies, to help address intermittency issues associated with certain energy sources and prevent excess power wastage during high production times.

### Compliance with Energy Policy

- 6.1.9 The Proposed Scheme is in line with both the Scottish Energy Strategy and the Climate Change Plan, as it supports the expansion of the renewable energy sector and contributes to Scotland's transition from a low-carbon to a zero-carbon energy supply.

## 7. Further Assessment

### Introduction

7.1.1 This Section provides further detailed assessment of the Proposed Scheme against the above national and local planning policy context of the matters considered most relevant to this proposal using the following themes:

- Principle of Land Use, Renewable and Low Carbon Development;
- Traffic and Transport;
- Landscape and Visual;
- Cultural Heritage;
- Ecology and Biodiversity; and,
- Water Environment.

### Principle of Land Use, Renewable and Low Carbon Development

7.1.2 Both national and local policies endorse renewable and low-carbon energy projects, provided they operate efficiently and address environmental and cumulative impacts adequately. The status of the Proposed Scheme as a 'National Development' in NPF4 signifies acceptance of the development principle. Throughout NPF4, policies align with and support the Proposed Scheme and its land use in principle. Notably, **Policy 1** and **Policy 11** in NPF4 carry substantial weight in favour of this application due to the positive impact it would have on addressing climate change and biodiversity issues.

7.1.3 **Criterion 11 c)** supports renewable energy development when it maximizes net economic benefits, including local socio-economic advantages such as employment and supply chain opportunities. While the operational phase requires limited employment, the Proposed Scheme would generate jobs during construction and decommissioning, employing approximately 30 people per day at its peak.

7.1.4 Concerning **Criterion (e)** of NPF4 **Policy 11**, thorough assessments have been conducted to explore potential impacts of the Proposed Scheme on communities. The application is supported by Chapter 4 Landscape and Visual, and Chapter 7 Noise and Vibration, of the EIAR which indicate no significant visual or noise impacts that would warrant refusal of the application. Chapter 4 Landscape and Visual, of the EIAR confirms that all landscape and visual effects would be localised. NPF4 sets out that where the visual effects are localised then the impacts will generally be considered acceptable.

7.1.5 Chapter 9 Traffic and Transport, of the EIAR confirms no significant impact on road traffic, while Chapter 6 – Cultural Heritage, of the EIAR confirms no significant effects on the historic environment. Hydrology and flood risk are discussed in Section 5. There would be no impact on trees or woodland as a result of the Proposed Scheme. Cumulative impacts are assessed in Section 2, identifying no significant effects. These findings demonstrate that the Proposed Scheme satisfies all criteria outlined in **Policy 11**, thus warranting support of this application.

7.1.6 Additionally, NPF4 identifies eighteen 'National Developments', including National Development 3, '**Strategic Renewable Generation and Transmission Infrastructure**'. This National Development:

*'...supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply.'* (Page 7)

7.1.7 Page 103 of NPF4 also states that:

*'Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require.'*

7.1.8 Overall, NPF4 provides a strong presumption in favour of the Proposed Scheme. The Climate Change Act (Emissions Reduction Targets) (Scotland) Act 2019 and Climate Change Plan (2018-2032) provide further evidence of the importance of the Proposed Scheme in the drive towards Net Zero emissions.

7.1.9 At the local level, EALDP 2017 explicitly supports renewable development, aiming to contribute to a low-carbon economy through renewable energy technologies. While the Proposed Scheme does not generate renewable energy, it is recognized for its role in storing renewable energy generation.

## Traffic and Transport

7.1.10 The Traffic and Transport assessment in Chapter 9 Traffic and Transport, of the EIAR provides an assessment of potential traffic impacts associated with the Proposed Scheme, in line with relevant policy guidelines. As per NPF4, Chapter 9 assesses the effect of the project on road traffic during both construction and operation phases. The assessment concludes that the Proposed Scheme would not significantly impact the road network.

7.1.11 Once operational, access to the site would be via Sidehead Terrace / Treeswoodhead Road and an existing unnamed Farm Access Road, which would be upgraded and widened to accommodate construction vehicles, including abnormal loads. To ensure safe access, visibility splays measuring 2.4 m by 70 m will be established to the west and east, as shown in Volume 3 Figure 9-6, of this EIAR

7.1.12 Additionally, a new road connecting the Farm Access Road to the BESS compound will be constructed, with dimensions of 5 m in width and 160 m in length. This road will serve construction, decommissioning, and maintenance activities, allowing for Heavy Goods Vehicles (HGVs) and abnormal loads to access the Site.

7.1.13 The construction phase of the Proposed Scheme is expected to last approximately 24 months, with varying construction intensities during this period. Light Goods Vehicles (LGVs) and HGVs will be used for material and personnel transportation during construction. Adequate parking will be provided for on-site staff during this phase.

7.1.14 A Construction Traffic Management Plan (CTMP) will be developed once a contractor is appointed, aimed at minimizing the impact of construction on local communities. Traffic patterns during the decommissioning phase will be similar to those during construction.

7.1.15 To promote sustainable travel to the Site, a Construction Workers Travel Plan may be implemented. This plan will encourage practices such as carpooling and the use of public transport. A shuttle bus service may be introduced to transport workers to key interchange locations.

7.1.16 Chapter 9 Traffic and Transport, of the EIAR outlines that once operational, the Site will be remotely monitored and controlled. Maintenance activities are expected to generate an average of one LGV trip per week, with occasional increases depending on specific maintenance requirements. These movements are considered negligible.

7.1.17 The Site will provide five parking spaces, including one for disabled individuals and one Electric Vehicle charging port at the welfare facility. Additionally, three parking spaces will be available in the northern part of the site.

7.1.18 Overall, it is considered that there are no transportation grounds on which to object to this planning application. The Proposed Scheme aligns with national and local planning policy objectives, which aim to minimize adverse traffic impacts on the surrounding road network.

## Landscape and Visual

7.1.19 According to NPF4 **Policy 11**, it is acknowledged that certain forms of renewable energy may result in landscape and visual impacts. **Policy 11** generally deems such developments acceptable when these impacts are localised and / or appropriate design mitigations are applied. Notably, the Proposed Scheme is not situated within or adjacent to any national or local landscape designations.



- 7.1.20 As set out in Chapter 4 Landscape and Visual, of the EIAR, landscape effects associated with the construction period, would result in a minor adverse and not significant effect. With regard to the requirement in **Policy 11** in NPF4, once operational, the Proposed Scheme would be integrated into the context of the KSS by extending the presence of energy-related infrastructure within the immediate vicinity of the existing KSS, featuring additional electrical infrastructure and the introduction of battery storage units. The project's design aims to minimise the need for extensive BESS infrastructure, with the tallest structures strategically placed in the north-eastern corner of the Site.
- 7.1.21 The presence of dense hedgerow areas effectively screens the Site from various viewpoints. Mature vegetation along the road corridors provides valuable visual screening, reducing the visual impact and enclosing portions of the Proposed Scheme.
- 7.1.22 To enhance screening of views from sensitive locations, the proposal includes landscape planting that aligns with the existing landscape characteristics of the area. Planting to the east and south of the BESS facility will reduce the visual impact on neighbouring residents. The Proposed woodland block planting would further complement the existing landscape elements in the immediate and wider area. The Landscape General Arrangement Plan sets out the proposed planting scheme.
- 7.1.23 The landscape mitigation design, presented in Volume 2: Appendix 4-C Landscape General Arrangement Plan, of this EIAR, encompasses various plant and habitat types, including:
- Implementing dense woodland planting along the eastern boundary of the Site to serve as visual screening, particularly from southeast viewpoints.
  - Establishing scrub planting in the north western and southern areas of the Site to provide visual screening from western viewpoints and promote habitat connectivity between existing hedgerows in the west and the wooded area in the east.
  - Seeding species-rich grass in open areas that may be disturbed during construction.
  - Introducing hedgerow planting along the access track to replace any hedgerows lost due to track widening activities.
  - Planting a linear tree belt to the north, immediately adjacent to the perimeter fence, to enhance visual screening.
  - Implementing dense woodland planting along the northern embankment for visual screening and noise mitigation from the northern perspective.
- 7.1.24 Consideration will also be given to landscape sympathetic colour schemes wherever economically and technically viable.
- 7.1.25 With this mitigation in place, the Proposed Scheme would not dominate the landscape and would be screened from distant views. The greatest impacts will occur within the closest proximity to the Proposed Scheme. In particular, the impact on the views experienced from Low Dallars Farm would be affected with the introduction of the Proposed Scheme. Chapter 4 concludes that the impact on this visual receptor would be moderate adverse and significant.
- 7.1.26 Whilst visual effects during the construction phase are identified as significant, it is considered the impacts would reduce over time as mitigation planting establishes. Effects would be contained to the local area and are not considered to result in widespread effects or effects on any valued landscapes or designations. Given that the Proposed Scheme primarily affects the local landscape and visual context, it aligns with **Policy 11** of NPF4, making the visual and landscape effects acceptable.

## Cultural Heritage

- 7.1.27 The Proposed Scheme complies with the requirements of NPF4 Policy 7, EALPD Policy ENV1 and Policy ENV2, which aim to protect and enhance historical assets and places. There are no listed structures within the Site and the closest listed building in the wider area is Haining Mains, located approximately 750 m to the northeast of the Site. The listed buildings in the wider area are a sufficient distance from the listed assets that there would be no impact on them.
- 7.1.28 There are no Conservation Areas, Registered Parks and Gardens, Battlefields, or Scheduled Ancient Monuments on the site or in its vicinity.

- 7.1.29 There is no evidence of prehistoric activity within the Site or within the 1 km study area. Chapter 6 Cultural Heritage, of the EIAR acknowledges the potential for disturbing previously unidentified archaeological remains. It also notes that these potential remains are assumed to be of low value and that impacts could be mitigated through standard archaeological methods.
- 7.1.30 In summary, the Proposed Scheme adheres to NPF4 Policy 7, EALDP Policy ENV1 and Policy ENV2, by assessing the potential impacts of historical assets and confirming that a mitigation strategy will be developed post-determination. This will be informed by an initial phase of evaluation trenching to investigate the Site and assess the potential for previously unrecorded archaeology depositions to survive.

## Ecology and Biodiversity

- 7.1.31 NPF4 **Policy 11** and EALDP **Policy ENV6** ensure positive effects for biodiversity, in line with efforts to address the biodiversity crisis.
- 7.1.32 The Proposed Scheme is not located within any national or international natural environment designations. There are no Sites of Special Scientific Interest (SSSI) within 2km of the Site and no Special Areas of Conservation (SAC) or Ramsar Sites within 10 km of the Site. The Muirkirk and North Lowther Uplands SPA lies almost 10 km south-east of the Site and is designated for several species of moorland / upland breeding birds, in addition to non-breeding hen harrier. There is no habitat within or near to Site which is suitable for supporting the qualifying species of the Muirkirk and North Lowther Uplands SPA.
- 7.1.33 Riccarton Moss (Crossbush) LWS, situated northwest of the Site as shown in Volume 3, Figure 5-2, of the EIAR contains a small remnant of raised bog habitat. Road-widening for the access route impacts a section of hedgerow and agriculturally improved livestock field, which are widespread and of negligible ecological significance within the LWS.
- 7.1.34 As discussed in Section 5 of this PS, hedgerow losses along the access track will be compensated by planting ecologically valuable native hedgerow. Native scrub and woodland around the BESS compound will offset species-poor hedgerow loss and enhance habitat.
- 7.1.35 Construction will cause some temporary badger habitat loss, with potential disturbances mainly at dusk or in the winter months. However, work will predominantly occur during the day, and nearby fields provide alternative habitats. Furthermore, no badger setts are known in or near the Site.
- 7.1.36 No direct impacts on trees or buildings mean no potential loss of bat roost sites, and retaining the ditch and ditch banks preserves otter habitats. Further details on nature conservation designations, habitats, and species in and around the Site are included in Chapter 5 Ecology and Biodiversity, of the EIAR.
- 7.1.37 In line with NPF4 **Policy 3**, the Proposed Scheme includes biodiversity enhancement proportional to its scale and informed by local habitats. Heavily planted green corridors to the east and south of the BESS facility will enhance ecological connectivity within the area. The choice of planting has been guided by habitats and plant species found locally.
- 7.1.38 Standard best practices will be followed, including the following:
- An Ecological or Environmental Clerk of Works (ECoW) will oversee construction and advise on ecological matters, including compliance with nature conservation legislation.
  - Pre-commencement surveys for protected species will be conducted by the ECoW or qualified ecologists within three months of construction to assess any changes to baseline conditions.
  - Personnel will be informed about ecological features and mitigation measures and working procedures to be adopted during induction.
  - A Construction Environment Management Plan (CEMP) will be developed, outlining environmental management measures and roles, subject to approval by East Ayrshire Council.
  - Pollution prevention measures will adhere to SEPA Guidance, including runoff and chemical storage protocols.



- Tree protection will follow British Standard 5837:2012 guidelines for works near retained trees.
  - Nesting bird mitigation will be carried out outside the breeding season and include pre-works nest checks.
  - Lighting during construction will minimize disturbance to nocturnal species and avoid light spill.
  - Excavations and pipes will be checked daily to ensure no animals are trapped.
- 7.1.39 Japanese Knotweed 30 m south of the proposed access track requires removal due to its invasive nature. A Biosecurity Management Plan (BMP) will be prepared and implemented to avoid the spread of all Invasive non-native plants in or near the Site.
- 7.1.40 With these surveys and enhancements, it is clear that the Proposed Scheme will have no significant detrimental impact on ecology or biodiversity or protected habitats and would accord with national and local policies.

## Water Environment

- 7.1.41 **Policy 22** of NPF4 states that development proposals at risk of flooding will only be supported if they are for essential infrastructure, where the location is required for operational reasons. The strategic placement of BESS infrastructure in close proximity to the substation is imperative to optimise the efficiency, reliability, and resilience of the electrical grid network. Locating the BESS infrastructure close to the KSS allows for swift and seamless integration into the grid, enhancing overall system reliability.
- 7.1.42 The Site is near Cessnock Water (a Water Framework Directive designated watercourse), approximately 4.5 km upstream from its confluence with the River Irvine. The layout of the Proposed Scheme ensures that the BESS units will be offset from watercourses by a buffer zone exceeding the recommended 30 m distance.
- 7.1.43 Chapter 8 Water Environment, of this EIAR, outlines a series of measures required for the management of construction runoff and of spillage risk. These measures are aligned with industry guidelines and include the use and maintenance of temporary lagoons, tanks, bunds, fabric silt fences, and silt screens, as well as considering the type of plant used. A temporary drainage system will be established to prevent runoff contaminated with fine particulates from entering surface water drains without treatment. Where practical, earthworks will be scheduled during drier months to minimise runoff risk. Topsoil / subsoil storage and runoff storage areas will be managed appropriately, and equipment cleaning, and mud control measures will be implemented. During construction, all works would be carried out in accordance with a CEMP.
- 7.1.44 A Drainage Strategy has been prepared for the Proposed Scheme and is included as a Drainage Impact Assessment document within Volume 2 Appendix 8-A, of the EIAR. The strategy demonstrates that the application of Sustainable Drainage Systems (SuDS) incorporated in the drainage designs to manage the surface water runoff will ensure sufficient attenuation is included to maintain greenfield runoff rates within the Site of 4.5 l/sec/hectare.
- 7.1.45 To achieve the desired rate restriction, a total storage volume of approximately 3,725 m<sup>3</sup> is required. Filter drains and a detention basin in the west of the Site will treat and attenuate runoff from access tracks, sealed container units, and hard surfaces. A dedicated oily water drainage system in the substation compound connects to the Site's broader surface water system, incorporating treatment components such as sumps, bunds, and full retention separators. It effectively captures and stores pollution events, including transformer oil leaks, before releasing them into Muggersland Burn.
- 7.1.46 Immediately east and south of the BESS facility is a flood zone as indicated by the Scottish Environment Protection Agency (SEPA) flood maps (Ref 4). A Flood Risk Assessment (FRA) has been prepared for the Proposed Scheme and is presented in Volume 2 Appendix 8-B Flood Risk Assessment, of this EIAR. The FRA displays the BESS facility and the modelled flood extent (which has a peak water level of 45.1 mAOD). Within the FRA a figure is provided which displays the 45.1 m contour based on an updated topographic survey, undertaken in 2022.
- 7.1.47 The flood extent is seen to encroach onto the BESS facility, whereas the 45.1 m survey contour shows all development and land reprofiling located above this elevation. The surveyed ground surface is

considered unlikely to materially affect flood levels due to the localised nature of the elevation differences and distance from the flood source of the Cessnock Water. It is therefore deemed appropriate to use the surveyed 45.1m contour to define the flood extent for the purposes of developing Site layout. All areas of hard standing and BESS facility infrastructure are located outside of the flood zone. The area of flood zone located within the Site boundary is designated for landscape screening and comprises of a wet woodland and wet grassland mix.

- 7.1.48 In conclusion, the Proposed Scheme aligns with both national and local policies concerning flood risk and the water environment. A comprehensive FRA has been carried out, which demonstrates that the development will not exacerbate existing flood risks, either on-site or downstream. During construction, all works would be carried out in accordance with a CEMP. Furthermore, taking embedded design and mitigation measures into account, it is considered that there would be no significant effect on the water environment.

## 8. Conclusion

- 8.1.1 This PS has provided a comprehensive description of the Proposed Scheme and evaluated it against planning and energy policy. Through this assessment, supported by accompanying assessments (included in the accompanying EIAR), it is evident that the Proposed Scheme aligns with NPF4 and the EALDP 2017. Compliance with NPF4 **Policy 1** and **Policy 11** carries substantial weight in favour of approving this application. Along with this, the proposal is considered a National Development in line with NPF4 and therefore has in principle support.
- 8.1.2 While battery storage itself is not a direct source of renewable energy, it plays a crucial role in supporting and enhancing the renewable energy industry. The national electricity grid infrastructure relies on BESS to effectively integrate Scotland's planned renewable energy sources, such as wind power. The Proposed Scheme enables the storage and controlled release of clean energy from renewables, contributing to grid stability. It provides emergency backup capabilities, reducing the risk of blackouts and the need for additional power generation infrastructure. This aligns with local and national planning policies and establishes a compelling case for the Proposed Scheme's necessity.
- 8.1.3 In terms of potential impacts, the Proposed Scheme is considered to have potential significant localised effects on receptors within Viewpoints 1, 2, 7 and 8 during construction, with significant effects during operation also anticipated for receptors at Viewpoint 8. This is detailed further in Chapter 4 Landscape and Visual, of this EIAR. This impact is considered acceptable when weighted against the benefits of renewable energy in tackling the climate crises. The Proposed Scheme is considered to accord with the Development Plan, specifically regarding Policy 11 (Energy) which outlines that local effects should not generally render a proposal unacceptable. The benefits of the proposal are considered to outweigh the significant effects on the visual receptors.
- 8.1.4 The Proposed Scheme aligns with the EALDP by maximizing renewable energy benefits while ensuring there is unlikely to be significant adverse impacts on the natural environment. This factor strongly supports approval. This PS also demonstrates that no material considerations warrant application refusal. The siting of the Proposed Scheme outside the flood zone and mitigation measures including landscape screening and ecological enhancements make the Proposed Scheme acceptable overall. The greatest effects are considered to be landscape and visual effects local to the development. In line with NPF4 **Policy 11** this would not warrant the application to be unacceptable when considered against the support given to renewable energy by **Policies 1** and **11** of NPF4. Therefore, there are no grounds for refusing this application, and we respectfully request the Scottish Ministers to grant S36 consent and deemed planning permission.
- 8.1.5 With regard to the statutory tests in Appendix 9 of the Act, it is considered that the Proposed Scheme has had 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.
- 8.1.6 In addition, as described in the EIAR, the applicant has done what they reasonably can to mitigate any adverse effects which the Proposed Scheme would have on the natural beauty of the countryside and on any such flora, fauna, features, sites, buildings or objects.

## 9. References

- Ref 1 East Ayrshire Council (2017). *East Ayrshire Local Development Plan Non-Statutory Planning Guidance – Ayrshire and Arran Forestry and Woodland Strategy*. Available at: <https://www.east-ayrshire.gov.uk/Resources/PDF/A/AyrshireandArranForestWoodlandStrategy2014.pdf> [Accessed: 27.07.2023].
- Ref 2 East Ayrshire Council (2017). *East Ayrshire Local Development Plan*. Available at: <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/development-plans-and-policies/adopted-local-development-plans/ldp.aspx> [Accessed: 17.07.2023].
- Ref 3 East Ayrshire Council (2022). *East Ayrshire Draft Local Development Plan 2*. Available at: <https://www.east-ayrshire.gov.uk/PlanningAndTheEnvironment/development-plans-and-policies/ldp2/ldp2.aspx> [Accessed: 17.07.2023].
- Ref 4 Scottish Environmental Protection Agency (2023). *SEPA Flood Maps*. Available at: <https://www.sepa.org.uk/environment/water/flooding/flood-maps/> [Accessed: 26.07.2023].
- Ref 5 Scottish Water (2016). *Asset Policy Standard Water Mains Protection Distances*. Available at: <https://www.scottishwater.co.uk/-/media/ScottishWater/Document-Hub/Business-and-Developers/Connecting-to-our-network/All-connections-information/190718AssetPolicyStandardWaterMainsProtectionDistanceFeb16.pdf> [Accessed: 06.07.2023].
- Ref 6 *Town and Country Planning (Scotland) Act 1997*. (c.8). London: The Stationery Office. Available at: <https://www.legislation.gov.uk/ukpga/1997/8/contents> [Accessed: 20.07.2023].
- Ref 7 *Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009*. Scottish SI 2009/51. London: The Stationery Office. Available at: <https://www.legislation.gov.uk/ssi/2009/51/contents/made> [Accessed: 20.07.2023].
- Ref 8 The Scottish Government (2013). *Energy Storage: Planning Advice*. Available at: <https://www.gov.scot/publications/energy-storage-planning-advice/> [Accessed: 20.07.2023].
- Ref 9 *The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017*. Scottish SI 2017/101. London: The Stationery Office. Available at: <https://www.legislation.gov.uk/ssi/2017/101/contents/made> [Accessed: 20.07.2023].
- Ref 10 *Climate Change (Emissions Reduction Targets) (Scotland) Act 2019*. (asp.15). London: The Stationery Office. Available at: <https://www.legislation.gov.uk/asp/2019/15/enacted> [Accessed: 06.04.2023].
- Ref 11 The Scottish Government (2020). *Climate Change Plan: 2018-2032 - update 2020*. Available at: <https://www.gov.scot/publications/securing-green-recovery-path-net-zero-update-climate-change-plan-20182032/> [Accessed: 07.04.2023].
- Ref 12 The Scottish Government (2021). *Carbon and Peatland 2016 map*. Available at: <https://soils.environment.gov.scot/maps/thematic-maps/carbon-and-peatland-2016-map/> [Accessed: 06.09.2023].
- Ref 13 The Scottish Government (2023). *Draft Energy Strategy and Just Transition Plan 2023*. Available at: <https://www.gov.scot/publications/draft-energy-strategy-transition-plan/> [Accessed: 10.04.2023].
- Ref 14 The Scottish Government (2023). *National Planning Framework 4 2023*. Available at: <https://www.gov.scot/publications/national-planning-framework-4/> [Accessed: 10.04.2023].
- Ref 15 *Electricity Act 1989* (c.29). London: HMSO. Available at: <https://www.legislation.gov.uk/ukpga/1989/29/contents> [Accessed: 06.06.2023].

Ref 16 Scottish Government (2020). *Battery storage consents: Chief Planner letter August 2020*. Available at: <https://www.gov.scot/publications/battery-storage-consents-and-variations-to-planning-permission-for-energy-generating-ancillary-uses-chief-planner-letter-august-2020/> [Accessed: 27.08.2023].

