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# Loch Toftingall Battery Energy Storage System

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## Planning Statement



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## 1. Introduction

### 1.1. Background

- 1.1.1. This Planning Statement has been prepared by Savills UK Limited on behalf of Toftingall Wind Limited, a company formed by Boralex (hereafter referred to as 'the Applicant') in support of a planning application submitted to The Highland Council ('THC' or 'the Council') for the construction and operation of a Battery Energy Storage System (BESS) development and associated infrastructure with a maximum output of 49.9 megawatts (MW) on land within the Loch Toftingall plantation, located to the east of the A9, south east of the settlement of Spittal in Caithness.
- 1.1.2. This Planning Statement provides an assessment of the BESS development (hereafter referred to as 'the Proposed Development') against relevant local planning policy, national planning policy and energy policy. It concludes with comments about the overall acceptability of the Proposed Development in planning policy terms, and within the context of Scottish Government energy policy, legislation and targets.
- 1.1.3. At an earlier stage, the Proposed Development comprised a BESS facility and two wind turbines. Following a first round of public consultation on that proposal (reference 22/06046/PAN) in late January 2023 the Applicant decided to remove the two wind turbines in response to feedback from local stakeholders. The Proposed Development now comprises a BESS facility only and for clarity, no wind turbines are now proposed. The decision to remove the two wind turbines from the initial proposal was communicated to local residents at the second round of consultation events in the middle of March 2023 and also to THC planning officers.
- 1.1.4. The earlier proposal including the two wind turbines was subject to Environmental Impact Assessment (EIA). In recognition of the potential for significant environmental effects, the Applicant volunteered to undertake EIA rather than seek a formal Screening Opinion from the Council. Following deletion of the two wind turbines the Applicant submitted a screening request under Regulation 8(1) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the EIA Regulations) to the Council in April 2023 to query whether the revised development, without the wind turbines, would be subject to EIA.
- 1.1.5. The Council subsequently responded in May 2023 to confirm that no EIA was required, due to the potential impacts of the Proposed Development being unlikely to give rise to significant environmental effects. This planning application is, however, supported by an Environmental Report (ER) which considers the potential impacts (positive and negative) of the Proposed Development upon a range of topic areas. The findings of each of the individual chapters within the ER have informed the policy assessment set out in this Planning Statement.

### 1.2. Structure of the Statement

- 1.2.1. This Planning Statement is set out in sections. Following this introductory section, subsequent sections are set out as follows;
- Section 2 sets out details about the Site and the Proposed Development;

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- Section 3 assesses the Proposed Development against the relevant policies of the Development Plan including National Planning Framework 4;
- Section 4 sets out energy policy matters and considers the Proposed Development with reference to relevant policies and targets; and
- Section 5 weighs up the planning case for the Proposed Development providing concluding remarks on the overall acceptability of the Proposed Development.

## 2. The Site and Proposed Development

### 2.1. Site Description

- 2.1.1. The application site for the Proposed Development (hereafter referred to as the Site) extends to 40.3 hectares (ha) located to the east of the A9. It is located approximately 17 kilometres (km) west of Wick, 1.6km south-east of Spittal (at its nearest point) and 5.6km to the west of Watten in Caithness, the Highlands. Please refer to Figure 2.1 'Geographical Context' of the Environmental Report showing the location and wider context of the Site.
- 2.1.2. The Site comprises an area of commercial forest approximately 500 (metres) m east of Mybster Substation and 400m west of Loch Toftingall as well as an area of unforested land through which the access would pass, this route using part of the existing access to the operational Halsary Wind Farm. Access to the Site would be directly from the A9, using the same access to the operational Halsary Wind Farm before turning north into the Site (see ER Figure 3.5).
- 2.1.3. The Site lies in the vicinity of several operational wind farms including Achlachan, to the west, Causeymire and Bad a Cheo to the south-west and the aforementioned Halsary development which lies immediately to the south. The existing Mybster electricity substation is located to the immediate west of the Proposed Development, along the A9.
- 2.1.4. The area in the vicinity of the Site is sparsely populated with the main concentration of residential properties located to the north west in the settlement of Spittal, with individual scattered properties located to the west along the A9 and along the B870. The closest residential property (Croft of Bowerman) is located approximately 707m north west of the Site boundary. Table 2.1 within Chapter 2 of the ER lists the nearest residential properties, up to a distance of 1.3km from the centre of the BESS compound.
- 2.1.5. There are no cultural, historical, landscape or environmental designations affecting the Site itself and there are no identified landscape or ecological designations within 1km of the Site. The closest designations include the Caithness and Sutherland Peatlands Special Area of Conservation (SAC), Ramsar and Special Protection Area (SPA) and the Shielton Site of Scientific Interest (SSSI) which lies to the south of the Site at a distance of approximately 1.5km at its nearest point.
- 2.1.6. There are few cultural heritage interests within the vicinity of the Site. The closest is the Knockglass Broch Scheduled Monument, located approximately 1.3km to the north west of the Site. There is a further Scheduled Monument on the opposite side of the A9 at Ballone Broch approximately 2km away, but there are no designated cultural heritage assets within the 1km study area adopted for the heritage assessment (See ER Figure 9.1). The boundary of the Flow Country candidate World Heritage Site (cWHS) lies approximately 1.5 km away to the south east, extending along the southern edges of Halsary and Snottergill burns.
- 2.1.7. The Site is not located within an area of prime agricultural land. ER Figure 10.4 shows the Site boundary relative to the Carbon and Peatland Map. This shows that the vast majority of the Site consists of Class 5 peat soil, with only small areas of Class 1 and Class 2 peat along the western site boundary. No

infrastructure is proposed in these areas.

2.1.8. The Site is located outside a defined settlement boundary in terms of the Caithness and Sutherland Local Development Plan 2018.

2.1.9. The existing Mybster electricity substation is located nearby to the west of the Proposed Development, along the A9. Electricity is likely to be transmitted via an underground cable between the existing substation and the BESS and the required consents for this connection would be the responsibility of Scottish and Southern Electricity Networks. Locating the Proposed Development close to the existing substation provides operational benefits for the Applicant and also reduces environmental impacts associated with a future connection between the two facilities due to the small separation distances involved.

## 2.2. The Proposed Development

2.2.1. The Proposed Development comprises the construction and operation of a BESS facility with a maximum output of 49.9MW. Although it is technically a 'storage' facility, it is to be treated as a form of energy generation as set out in the Chief Planner's letter dated 27 August 2020<sup>1</sup>, even though it will not generate any electricity. The rechargeable batteries will be able to store electricity and release this back to the grid at times of peak demand, as well as supporting grid stabilisation by providing a flexible and efficient solution for storing excess power at times of low demand or excess generation from renewable sources. As such, the Proposed Development will play a critical role in the development of a smart energy system, helping to achieve wider aims to reduce greenhouse gas emissions and grow renewable energy development (discussed further in Sections 3 and 4).

2.2.2. The Indicative BESS Layout drawing (ER Figure 4.1) shows access to the Site from the A9, the red line site boundary and the general arrangement of the battery storage units and inverters. A more detailed layout is presented as ER Figure 4.2.

2.2.3. The Proposed Development comprises the following key elements. Submitted plans and elevations are typical to a BESS, but may be subject to change as a result of a future procurement process which would be reflective of advances in technology between application submission and construction work commencing:

- Footprint of main compound, potential future augmentation area and the access track covers an area of 1.3 hectares;
- New section of track approximately 590 metres(m) long to the BESS facility, leading from the existing Halsary Wind Farm;
- Main BESS compound area measuring approximately 100m by 65m;
- Potential future augmentation area hardstanding would measure 50m by 50m;
- Up to 52 battery energy storage units installed in sets of four units, in a grid arrangement;
- Each unit will be approximately 6.1m long, 2.5m wide and 2.9m high;
- Units consist of steel containers with appropriate light grey and/or green finish;
- Circa 13 single combined inverter and transformers;
- Four car parking spaces;

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<sup>1</sup> <https://www.gov.scot/publications/battery-storage-consents-and-variations-to-planning-permission-for-energy-generating-ancillary-uses-chief-planner-letter-august-2020/>

- Two switchgear and control buildings;
- Compound enclosed by 4m high wooden acoustic fence and 3m high steel palisade fence for security reasons;
- Drainage system;
- A temporary construction compound;
- Area for soft landscaping;
- Attenuation pond;
- Plantation felling and subsequent peatland restoration together with native riparian planting; and
- Motion sensor security lighting and CCTV camera; and
- Infra-red lighting

2.2.4. The Proposed Development will import electricity from the distribution network in times of lower demand, store it in lithium-ion battery units and then export it back to the network when demand is high. Electricity is likely to be transmitted via an underground cable to and from the existing substation at Mybster, 500m to the west of the compound, although this connection would be the responsibility of Scottish and Southern Electricity Networks.

2.2.5. It is anticipated that construction works will take approximately 9 months, following which site activity will be limited to maintenance vehicles only, estimated to be one per week by car/van. For clarity, the Applicant is seeking planning permission for a permanent use during which time the battery cells within the units would be replaced, likely at 10-15 year intervals. Battery cells that have reached the end of the life would be recycled, as discussed in ER Chapter 4.

2.2.6. There are no core path routes within the Site. The closest core path to the Site is The Drove Road approximately 1.8km to the west, at Achlachan Moss forestry.

2.2.7. Embedded mitigation and habitat management and enhancement measures are an integral part of the Proposed Development. These measures are outlined within the outline Habitat Management Plan (oHMP) submitted as ER Appendix 7.2. The OHMP sets out measures to both compensate for the adverse effects of the Proposed Development as well as to enhance overall biodiversity. The OHMP would be developed further prior to development commencing should consent be granted, but the broad principles comprise:-

- Promotion of measures to complement those set out in the HMP for the operational Halsary Wind Farm adjacent to the Site;
- Creation of 10ha of blanket bog in areas of felled conifers;
- approximately 7 ha of the felled commercial conifer plantation will be replanted with conifers
- 1.8 ha of natural regeneration and 1.3 ha of native deciduous tree planting around the BESS
- infrastructure water features as part of the drainage strategy; and
- 3ha of new riparian planting along the Allt Eireannaich watercourse and its associated tributaries.

2.2.8. During construction, environmental protection measures will also be controlled by *inter alia* a Construction Environmental Management Plan (CEMP) and a Construction Traffic Management Plan (CTMP).

### 2.3. Benefits of the Proposed Development

2.3.1. The Proposed Development will not, in itself, generate renewable electricity. As such the 49.9MW

generating capacity of the Proposed Development will not contribute directly to the attainment of renewable energy generation targets. The Proposed Development will however play a critical role in helping the move to a more flexible and resilient energy system, which will increasingly be dominated by renewable energy technologies over the coming years as more projects are brought on line to help deliver the Scottish Government's legally binding target of reaching net-zero greenhouse gas emissions by 2045, with the crucial interim 2030 target of a 75% reduction, compared to 1990 levels.

- 2.3.2. The Proposed Development will help contribute to more secure energy supplies by taking and storing electricity at time when generation is high, for example through wind energy, but demand is low. The Proposed Development will be able to store this electricity until it is required. As such, the Proposed Development is to be regarded as essential infrastructure that will help deliver wider targets for lower greenhouse gas emissions and more renewable energy generation. As discussed in Section 4, it is considered that the Proposed Development can draw strong in principle support from key Scottish Government energy publications.
- 2.3.3. The Proposed Development will also give rise to positive net impacts on the economy. These impacts will arise principally during the construction period. ER Chapter 14 'Socio-Economics' provides further detail on these benefits but that assessment concludes that the Proposed Development will support up to £10.8 million gross value added (GVA) to the Scottish economy, including £5.0 million in Highland. The Proposed Development could support 151 employment years in Scotland, including 67 employment years in Highland during the construction phase. More modest benefits would arise during the operational phase, as a result of maintenance contracts, but these impacts are nevertheless considered to be positive. Further commentary on these matters is set out in the later commentary on NPF4 Policy 11.



### 3. Development Plan Assessment

#### 3.1. Introduction

3.1.1. Section 25 of the Town & Country Planning (Scotland) Act 1997 (as amended) states:

*“Where in making any determination under the Planning Act, regard is to be had to the Development Plan that determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise”.*

3.1.2. Section 37 states that *“In dealing with an application, the Planning Authority shall have regard to the provisions of the Development Plan so far as material to the application and to any other material considerations”.*

3.1.3. This section considers the Proposed Development against the relevant provisions of the Development Plan, which now comprises:-

- National Planning Framework 4 (NPF4), adopted in 2023;
- the Highland-wide Local Development Plan (2012), adopted in 2012; and
- the Caithness and Sutherland Local Development Plan, adopted in 2018.

3.1.4. The Scottish Government’s Chief Planner issued a letter on 8 February 2023 relating to ‘Transitional Arrangements and to provide advice on NPF4 becoming part of the statutory Development Plan. The letter reiterates that, as per Section 13(2)(3) of the Planning (Scotland) Act 2019, in the event of any incompatibility (which is not defined) between a NPF4 provision and a LDP provision, whichever of them is later in date shall prevail. In the case of the Proposed Development therefore, in the event of any policy incompatibility, NPF4 carries greater weight in the planning balance as the more recent document.

#### 3.2. National Planning Framework 4 (NPF4) (2023)

##### *Introduction*

3.2.1. NPF4 was adopted on 13 February 2023 and now comprises the national element of the statutory Development Plan. NPF4 sets out the long-term vision for development and investment across Scotland and replaces Scottish Planning Policy (SPP) and National Planning Framework 3 (NPF3) in their entirety. This marks a significant change from the status of the now replaced NPF3 and SPP, which did not form part of the statutory Development Plan. Not only has the status of the document changed, but the wording of key national planning policies has materially altered too, as discussed below.

3.2.2. In his closing remarks to the Scottish Parliament on 11 January 2023, the Minister for Public Finance, Planning and Community Wealth stated:-

*‘It has been suggested that the fourth national planning framework represents the biggest change to our approach to planning in Scotland in 75 years. Indeed, NPF4 marks a turning point for planning: it is not a general policy update; it is about change and planning with courage and determination to make some of the difficult decisions that may lie ahead’.* (emphasis added)

3.2.3. NPF4 therefore marks a major change in the tone and status of Scotland's national planning policy. This must be reflected in the weight that decision makers give to the document when making decisions on individual developments and this changed status of NPF4 and its policies is now reflected in some recent decisions on renewable energy and infrastructure developments, including:-

- Clashindarroch II Wind Farm;
- Shepherds Rig Wind Farm
- Sanquhar II Wind Farm; and
- Eccles BESS Facility.

3.2.4. The issue of giving significant weight to the climate emergency and nature crisis is discussed further in the subsequent commentary on individual policies, especially Policy 11.

3.2.5. NPF4 sets out a list of national planning policies to assess applications, alongside national developments and spatial priorities for different regions within Scotland. NPF4 is an Outcome focused document, with each of the 33 planning policies accompanied by statements on 'Policy Intent' and 'Policy Outcomes'.

3.2.6. There are two central themes running through NPF4 namely addressing i) the climate emergency and ii) the nature crisis. These key themes are reflected in the detailed wording of many policies, as well as their stated Intent and Outcomes. As the Ministerial Foreword notes:-

*'Putting the twin global climate and nature crises at the heart of our vision for a future Scotland will ensure the decisions we make today will be in the long-term interest of our country'.*

3.2.7. The Ministerial Foreword also notes that delivering net zero greenhouse gas (GHG) emissions is one of three 'strategic priorities' alongside addressing child poverty and delivering a wellbeing economy.

3.2.8. The positive contribution that the Proposed Development can make to addressing the twin nature and climate crises is set out in the following policy assessment. The following commentary starts with Part 1 of NPF4, working through the document in chronological order, and considering the Proposed Development against specific planning policies and wider stated outcomes and spatial priorities.

*NPF4 Part 1 – A National Spatial Strategy for Scotland 2045*

3.2.9. Part 1 of NPF4 sets out the national spatial strategy and regional spatial priorities for different parts of Scotland. Six spatial principles are identified which will influence all plans and decisions as follows:-

- Just Transition;
- Conserving and Recycling Assets;
- Local Living;
- Compact Urban Growth;
- Rebalanced Development; and
- Rural Revitalisation.

3.2.10. Application of these spatial principles will support the planning and delivery of:-

- Sustainable Places – where we reduce emissions, restore and better connect biodiversity;
- Liveable Places – where we can all live better, healthier lives; and
- Productive Places – where we have a greener, fairer and more inclusive wellbeing economy.

3.2.11. The commentary in NPF4 on ‘Sustainable Places’ is the most relevant section of Part 1 to this application. Page 6 notes the legislative basis for Scotland’s net zero GHG emissions target by 2045 and states that ‘we must make significant progress towards this by 2030’ (emphasis added).

3.2.12. As a headline objective, the commentary on page 7 states that ‘Scotland’s future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment’.

3.2.13. Page 7 states that ‘every decision on our future development must contribute to make Scotland a more sustainable place’ and there is encouragement for the expansion of renewable energy generation. To respond to the global biodiversity crisis, ‘nature recovery must be at the heart of future places’ (page 7). In this context, it is recognised that the Proposed Development will not generate renewable electricity. Rather, it is essential infrastructure which is complementary to the expansion of more renewable energy generating capacity and for which there is a need for more development (see comments in Section 4).

3.2.14. In the ‘Cross-Cutting Outcome and Policy Links’ Box on page 8 ‘Reducing Greenhouse Gas Emissions’, NPF4 states that:-

*‘The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole’.*

3.2.15. In the ‘Cross-Cutting Outcome and Policy Links’ Box on page 9 ‘Improving Biodiversity’, NPF4 notes that the nature crisis and the global climate emergency underpin the spatial strategy as a whole.

3.2.16. These Policy Link Boxes clarify how NPF4 will help achieve the stated Outcomes through reference to relevant policies and summary commentary on each. Those NPF4 policies of most relevance to the Proposed Development are discussed in the section below on NPF4 Part 2.

### *NPF4 Part 2 – National Planning Policy*

3.2.17. Part 2 of NPF4 sets out the national planning policies. There are 33 national planning policies in total, set out under the three headings of:-

- Sustainable Places;
- Liveable Places; and
- Productive Places.

3.2.18. For each policy, NPF4 provides commentary on Policy Intent, Policy Outcomes and then discusses implications of the policy for Local Development Plans. Following the policy wording, NPF4 then sets out statements on Policy Impact and cross references to other Key Policy Connections.

3.2.19. Those policies considered to be of relevance to the Proposed Development are discussed in the following

paragraphs, starting with Policy 11 'Energy', being the most relevant in this case. Thereafter, commentary on policies follows in numerical order.

### Policy 11: Energy

3.2.20. This policy is the most relevant to the Proposed Development. The Policy Intent is to:

*'encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS)' (emphasis added).*

The Policy Outcomes are the *'expansion of renewable, low-carbon and zero emissions technologies'*.

3.2.21. To achieve these Outcomes, Policy 11 states in part (a) that *'development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported'*. This includes *'energy storage, such as battery storage and pumped storage hydro'* (emphasis added).

3.2.22. On the basis of the above, it is considered that the Proposed Development can draw in-principle support from Policy 11 (part a). In this respect, NPF4 Part 3 states, *'where a policy states that development will be supported, it is in principle, and it is for the decision maker to take account of all other relevant policies'*. It is also recognised that each application must be treated on its own merits. However, what has changed with NPF4 is the language in Policy 11 about the need for decision makers to give *'significant weight'* to the contribution that proposals make towards meeting renewable energy generation and GHG reduction targets. This is discussed further below.

3.2.23. Part (c) of Policy 11 deals with the socio-economic impacts of renewable energy and low carbon proposals. It states that *'proposals will only be supported where they maximise net economic-impact, including local and community socio-economic benefits such as employment associated business and supply chain opportunities'*.

3.2.24. The socio-economic benefits associated with the Proposed Development are set out Chapter 14 of the ER. Key factors worthy of note from that assessment are:-

- During its development and construction, the Proposed Development it will support up to £10.8 million GVA to the Scottish economy, including £5.0 million in Highland;
- During its development and construction, the Proposed Development support 151 employment years in Scotland, including 67 employment years in Highland in the year it is constructed; and
- During its operation and maintenance, it is estimated that for each year it is operational, the spending required to operate and maintain the Proposed Development could support £0.2 million GVA and 3 jobs in Highland, and £0.3 million GVA and 4 jobs in Scotland.

3.2.25. Over and above these effects which are detailed in Chapter 14 of the ER, it is important to recognise the strategic importance of the Proposed Development to the provision of a secure supply of energy, which in itself will have important economic benefits for society by reducing our exposure to fluctuating energy supplies.

- 3.2.26. Taking the above into account and considering the nature of the Proposed Development, it is considered that the Applicant has done what it reasonably can to maximise the socio-economic benefits of the Proposed Development consistent with Policy 11 part (c).
- 3.2.27. Part (d) of Policy 11 confirms that proposals that impact on international or national designations will be assessed in relation to Policy 4. Commentary on Policy 4 is set out below.
- 3.2.28. Part (e) of Policy 11 sets out a list of factors to be considered in the assessment of renewable energy and zero emissions proposals. This list is very similar to that set out in paragraph 169 of SPP and in some cases includes identical language to paragraph 169 of SPP. Part (e) of Policy 11 requires applicants to demonstrate how various factors have been addressed through design and mitigation. The Proposed Development is assessed against these factors in
- 3.2.29. Table 1 below.

*Table 1: Commentary on NPF4 Policy 11 Part (e)*

Policy Criteria	Commentary
<p>Policy 11(e)(i) Impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker.</p>	<p>The area in the vicinity of the Site is sparsely populated with the main concentration of residential properties located to the north west in the settlement of Spittal, with individual scattered properties located to the west along the A9 and along the B870. The closest residential property is located approximately 707m from the BESS compound.</p> <p>Impacts arising from shadow flicker are not relevant to a BESS proposal. ER Chapter 6 'Landscape and Visual' considers the potential impacts of the Proposed Development on residential amenity. That assessment notes that the Screened Zone of Theoretical Visibility (ER Figure 6.2) shows that there is no predicted visibility from the settlement of Spittal. As such effects on it are not considered further within the assessment with an assessment of effects upon residential amenity focusing on individual dwellings or clusters of dwellings. A summary of the findings of that assessment is presented in Table 6.7 of ER Chapter 6. That assessment concludes that all effects experienced by residential properties would either be moderate or minor/moderate, with the exception of the property at Croft of Bowerman.</p> <p>This property is situated 707m to the north west of the Proposed Development and its main facades are orientated west to east with external amenity space to the west, south and east of the dwelling. The property has existing oblique views of Mybster Substation and Halsary Wind Farm and intervening overhead powerlines while the Proposed Development would introduce additional built form into views experienced to the east from the property. The new structures would be low in height and would be seen against the</p>

Policy Criteria	Commentary
	<p>backdrop of the remaining forestry to the east of the BESS resulting in a high magnitude of change. To mitigate these, and other identified landscape and visual effects, a landscape masterplan has been prepared (see ER Figure 6.14). Over time, the landscape planting will screen views of the Proposed Development which will reduce the identified effects.</p> <p>An assessment of the noise impact of the Proposed Development is set out in ER Chapter 12. This considered noise impacts at several noise sensitive receptors (ER Table 12.2) and considered noise arising from the construction and operational phases, including a cumulative assessment comments on which are set out against assessment criteria xiii below. Predicted noise levels during the construction and operational stages were found to be acceptable and would not adversely affect the amenity of NSR or significantly affect the acoustic environment locally,</p>
<p>Policy 11(e)(ii) Significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable.</p>	<p>This part of Policy 11 notes that proposals will generally be acceptable where <u>significant</u> landscape and visual effects are localised and/or appropriate design mitigation has been applied. There is no requirement for significant effects to be localised <u>and</u> for appropriate design mitigation to be applied. The policy therefore sets out an either/or scenario.</p> <p>Secondly, this part of Policy 11 makes it clear that where significant landscape and visual effects are localised and/or design mitigation has been applied, the expectation is that these effects will generally be considered acceptable. The corollary is that it would be unusual for such effects to be considered unacceptable.</p> <p>The landscape and visual impacts of the Proposed Development are set out in detail within ER Chapter 6. A 3km Study Area was adopted for this assessment as shown on ER Figure 6.1. This assessment does not describe impacts in terms of significant, as the assessment is not a formal EIA. Instead it uses terms such as moderate and major. The assessment concludes that there will be some moderate and major landscape and visual effects associated with the Proposed Development, as summarised in Table 6.7. Receptors include recreational routes, roads and residential properties. As there are no national or locally designated landscapes within the 3km Study Area, these receptors were not considered in the assessment.</p> <p>Identified visual impacts on receptors are considered to be highly localised and only experienced from those locations closest to the Proposed Development within approximately 1km. In addition the landscape mitigation plan put forward by the Applicant (ER Figure 6.14) will provide landscape screening over time when it is established.</p>



Policy Criteria	Commentary
	<p>In considering these effects, it is important to recognise that the Site is located close to several existing wind farms, and the Mybster substation. Energy infrastructure is an existing characteristic of the landscape and the Proposed Development would not introduce energy infrastructure into an area devoid of this at present.</p>
<p>Policy 11(e)(iii) Public access, including impact on long distance walking and cycling routes and scenic routes.</p>	<p>ER Figure 6.6 shows the location of paths in the vicinity of the Site. The nearest core path is the Causeymire Wind Farm Core Path situated approximately 628m to the south west on the opposite side of the A9, while the Achanarras Quarry and The Old Quarry core paths are located approximately 1.9km to the north west and north. There is no predicted visibility of the Proposed Development from these routes and visual effects upon these paths was not considered in the assessment in ER Chapter 6.</p> <p>There are several informal routes within the surrounding landscape that are used for informal recreation comprising the Halsary Wind Farm access tracks, the former haul road to Mybster Substation and the Toftingall forest tracks. The visual impacts of the Proposed Development from these paths is discussed in ER Chapter 6 which concludes that on localised stretches of two routes there would be major/moderate effects from several sections of the nearby informal recreation routes, generally within 1km of the Site.</p> <p>There would be no closures of public access routes during the construction phase and all effects upon walking routes would be related to the visual effects of the Proposed Development which would be limited to stretches of routes only and localised to the Site.</p>
<p>Policy 11(e)(iv) Impacts on aviation and defence interests including seismological recording.</p>	<p>Not considered relevant to the Proposed Development.</p>
<p>Policy 11(e)(v) Impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.</p>	<p>There are no telecommunications links within, or in the vicinity of, the Site which could experience effects from the Proposed Development.</p> <p>Pre-construction checks will be undertaken to ensure the above findings remain unchanged nearer the time of construction or if changes have occurred, these are fully understood prior to construction works commencing.</p>
<p>Policy 11(e)(vi)</p>	<p>ER Chapter 13 'Traffic and Transport' considers the impacts of the Proposed Development during the construction and operational phases. Anticipated construction traffic movements are set out in</p>

Policy Criteria	Commentary
<p>Impacts on road traffic and on adjacent trunk roads, including during construction.</p>	<p>Table 13.3. During the peak month of construction (Month 4), approximately 1,488 two-way movements, made up of 1,040 car/van movements and 448 HGV movements per month will visit the Site. Assuming a 26-day working month, this would equate to a maximum of 58 two-way vehicle movements per day, made up of 40 car/van movements and 18 HGV movements on average. Table 13.4 considers these increase in movements in terms of percentage increases compared to baseline flows on the local road network.</p> <p>The assessment in ER Chapter 13 concludes that the increase in traffic flows during the construction of the Proposed Development will have a minor effect only. Notwithstanding, mitigation through a Construction Traffic Management Plan (CTMP) will be developed post consent, with the parameters of the CTMP set out in Section 13.5</p> <p>Overall, construction-related traffic will cause small increases in traffic flows, including HGVs, on the surrounding road network with operational traffic volumes considered minimal and with negligible impact upon the local road network.</p> <p>Operational traffic volumes will be negligible, relating to maintenance visits only on average once per week using vans/cars. No significant transport effects during the operational phase will arise.</p>
<p>Policy 11(e)(vii) Impacts on historic environment.</p>	<p>ER Chapter 9 'Cultural Heritage' evaluates the effects of the Proposed Development on Cultural Heritage. The scope of the chapter was agreed through screening and scoping responses for previous iterations of the Proposed Development received from The Highland Council and Historic Environment Scotland (HES).</p> <p>The assessment concentrated on potential direct and indirect effects of the Proposed Development upon heritage assets, including the potential for previously unrecorded heritage assets to be discovered during construction.</p> <p>There are no known heritage assets within the Site and no adverse direct or indirect physical impacts are anticipated. Notwithstanding, a programme of archaeological monitoring ('watching brief') is proposed during construction in areas where known or suspected peat deposits are proposed for removal as part of the construction of the Proposed Development as there is some potential for previously unrecorded assets to survive below-ground in these areas.</p> <p>Indirect effects on the historic environment, for example through impacts upon the setting of assets, was scoped out of the cultural</p>



Policy Criteria	Commentary
	<p>heritage assessment due to the anticipated limited visibility of the Proposed Development, and the receiving environment.</p>
<p>Policy 11(e)(viii) Effects on hydrology, the water environment and flood risk.</p>	<p>Impacts of the Proposed Development upon these interests are considered in Chapter 11 'Hydrology and Hydrogeology' of the ER.</p> <p>Most of the Site is shown as being free from flood surface water, river and coastal flood risk with isolated areas at increased risk of surface water flooding. The assessment in Chapter 11 confirms that no watercourse crossings are required and overall the proposed development is not anticipated to have significant impacts on groundwater flows, either during construction or operation. A series of mitigation measures are identified in the assessment some of which are embedded into the design such as the maintenance of watercourse buffers between construction works and the presence of an Environmental Clerk of Works (EcoW) during construction works. In addition, an Outline Water Construction Environmental Management Plan (OWCEMP) has been prepared and is submitted as Appendix 11.1, which would be developed further post consent and would set out a series of measures to be adopted on site during construction works to minimise the potential for adverse impacts upon hydrology and the water environment.</p> <p>Through embedded mitigation and through the adoption of best practice measures during construction, the assessment concluded that the Proposed Development will not have a negative effect upon these receptors.</p>
<p>Policy 11(e)(ix) Biodiversity including impacts on birds.</p>	<p>Impacts of the Proposed Development upon these interests are considered in Chapters 7 'Ecology' and 8 'Ornithology' of the ER.</p> <p>With regards to ecology and biodiversity, the closest statutory designated site is the Caithness and Sutherlands Ramsar Site and Special Area of Conservation (SAC), located approximately 1.5km to the south east (see ER Figure 7.1). There are four other designated sites within 5km also shown on ER Figure 7.1 and described in Table 7.1. The assessment in Chapter 7 concludes that these designations will not be affected either directly, or indirectly by construction or operation of the Proposed Development.</p> <p>With regards to wider impacts on habitats, ER Chapter 7 notes that the Proposed Development will result in the direct loss of approximately 23ha of coniferous woodland plantation of which approximately 1ha will be permanently lost for the BESS infrastructure and 0.3 ha of wet modified bog will be lost for the construction of the access road. The conifer plantation is a</p>

Policy Criteria	Commentary
	<p>commercial plantation which was due to be felled between 2026 and 2030. Its loss is not considered significant.</p> <p>Other habitats of value include areas of blanket bog within the Site and areas adjacent to the Site. The greatest potential for impacts upon these habitats will arise during the construction phase and a range of measures are proposed during the construction phase to avoid significant effects from arising, including fencing these areas off to prevent incursion by machinery. Other measures are set out in the OWCEMP. Once operational significant effects on habitats are not predicted.</p> <p>Few fauna species were recorded using the Site, with only foraging pine marten and common frog recorded. ER Chapter 7 notes that bats are known to forage along the forest rides in the conifer plantations to the north, although the detector on the Site boundary recorded no activity. No roosting opportunities for bats were identified during surveys.</p> <p>Overall, ER Chapter 7 concludes that no significant residual effects are predicted on either habitats, or flora / fauna species during construction or operation of the proposed development. Chapter 7 further notes that the proposals for new peatland habitat creation will compensate for sites losses as well as providing further enhancement. These measures are set out in the OHMP and are summarised in Section 2.2 of this Planning Statement. The OHMP is discussed further in relation to NPF4 Policy 3 below.</p>
<p>Policy 11(e)(x) Impacts on trees, woods and forests.</p>	<p>The construction and operation of the Proposed Development will necessitate the felling of approximately 23ha of commercial forestry. ER Chapter 5 'Forestry' highlights that commercial forests are a dynamic environment which are continually under change due to regular felling plans, natural events and external factors.</p> <p>The Forestry Study Area (FSA) is shown on Figure 5.1 and extends to approximately 24.96 ha consisting of privately owned and managed woodlands. The forests are comprised of commercial conifers with areas of open ground.</p> <p>No felling is required outwith what is required for the construction phase to accommodate the Proposed Development. The final location of the Proposed Development has been influenced by environmental constraints and technical considerations. The crops were assessed to identify the area required to be felled and due to the quality and the risk of windblow, it was concluded that felling was required.</p>

Policy Criteria	Commentary
	<p>All standing crops within the FSA will be felled to enable the construction of the Proposed Development, totalling approximately 23ha.</p> <p>The Restocking Species/Habitats plan is summarised at Table 5.3 and shown on ER Figure 5.4. While the net area of woodland removal is 11.45ha, 9.77ha is for the restoration of a priority habitat. This area does not require compensatory planting under the 'Control of Woodland Removal Policy; Implementation Guidance' as it is associated with the enhancement of priority habitats and their connectivity. As such, the net woodland removal which requires compensatory planting is 1.67ha, the location and extent of which would be agreed post consent prior to the commencement of development.</p> <p>It is considered that impacts of the loss of conifer woodland is outweighed by the introduction of new species, including: 4.25 ha of broadleaf woodland and 9.77ha of priority habitat which contributes positively to combating the nature crisis and is assessed further in relation to Policies 1 and 3 .</p>
<p>Policy 11(e)(xi) Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.</p>	<p>Not considered relevant as the Applicant is not seeking permission for a time limited permission. However, in the event that the Proposed Development is no longer being used for the storage, transmission and/or distribution of electricity for a continuous period of 12 months, it may be necessary to decommission and restore the Site. This can be controlled through a planning condition if deemed necessary.</p>
<p>Policy 11(e)(xii) The quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.</p>	<p>As above.</p>
<p>Policy 11(e)(xiii) Cumulative impacts.</p>	<p>Where cumulative effects have been assessed in ER chapters, no major issues are identified that would be determinative to this application. The noise assessment presented in ER Chapter 12 considers noise from the Proposed Development alongside other developments in the vicinity, as set out in Table 12.1. The assessment concludes that the Proposed Development results in an overall change in the acoustic climate of 1.5decibels (dB) only when combined with other developments. A change of less than 2 dB is barely perceptible to human receptors and will not result in a noticeable change in the acoustic environment. As a result cumulative noise effects are low and considered acceptable in terms of noise.</p>

- 3.2.30. As this commentary demonstrates the Proposed Development can be positively considered against the Policy 11 part (e) criteria.
- 3.2.31. NPF4 Policy 11 now explicitly recognises in national planning policy that significant landscape and visual impacts *'are to be expected for some forms of renewable energy'*. Policy 11 also notes that proposals will generally be acceptable where significant landscape and visual effects are localised and/or appropriate design mitigation has been applied.
- 3.2.32. In the context of Policy 11(e)(ii), in the absence of any guidance on what defines 'localised' within the context of this policy, the Applicant's position is that the landscape and visual effects of the Proposed Development could be described as localised, most being confirmed to within approximately 1km of the Site. These landscape and visual effects should therefore be considered acceptable noting the location of the Site within an area already characterised by renewable energy developments and electricity substations. Positive effects would arise from the felling of commercial woodland and alternative replanting and biodiversity measures put forward through the OHMP. These matters are discussed further below in relation to NPF4 Policy 3.
- 3.2.33. To add to this commentary, it is relevant to note that at the end of the part (e) assessment criteria after part (xiii), Policy 11 states that:-
- 'In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets'* (emphasis added)
- 3.2.34. Whereas previously it was down to the discretion of individual decision makers about what weight they decided to give to a particular matter, Policy 11 now explicitly states that as a matter of national planning policy, they must give significant weight to the renewable energy benefits (including storage) of a scheme in the planning balance (this is also set out in Policy 1 which also addresses the nature crisis and is discussed below).
- 3.2.35. There is no room for manoeuvre on this matter as there was previously. The inclusion of these words in two NPF4 policies is a very deliberate effort on behalf of the Scottish Government to 'rebalance' the planning system and to ensure that climate change is a guiding principle for all plans and decisions. It is worth reiterating here that the stated policy Outcome of Policy 11 is:-
- 'Expansion of renewable, low-carbon and zero emissions technologies'*.
- 3.2.36. While decision makers will still need to balance sometimes competing priorities or points of view, they must now give significant weight to the contribution a proposal makes towards renewable energy generation targets and GHG emission reduction targets. This is a notable development in terms of national planning policy that decision makers must engage with in each and every case. This aspect of Policy 11 adds substantial weight to the case for the Proposed Development.

### Policy 1: Tackling the Climate and Nature Crises

- 3.2.37. Policy 1 states in full that:-

*'When considering all development proposals significant weight will be given to the global climate and*

*nature crises*'.

- 3.2.38. The Policy Intent is to *'encourage, promote and facilitate development that addresses the global climate emergency and nature crises'*. The Policy Outcomes are *'zero carbon, nature positive places'*.
- 3.2.39. This policy applies to all forms of development and not just renewable energy and infrastructure proposals. The reference to the need to give *'significant weight'* to the global climate and nature crises in this overarching policy aligns with but goes further than Policy 11, which does not specifically mention the nature crisis.
- 3.2.40. The language of this overarching policy is very clear. Combined with the Policy Intent and Policy Outcomes, there can be no doubt about what this policy is designed to achieve and what it requires of decision makers. While the loss of the SPP 'presumption' from NPF4 may be noted, the language used in Policy 1 makes it clear that there is no longer any discretion about what weight should be given to these matters in the planning balance, and this marks a notable and significant shift in national planning policy. Indeed, it is already evident from recent Ministerial decisions that NPF4 is a 'game changer'. In both the Clashindarroch II Wind Farm and Shepherd's Rig Wind Farm cases, original pre-NPF4 recommendations to refuse consent for these two projects by the Reporters were amended by the same Reporters following consideration of NPF4. In both case, Reporters referenced the need to give 'significant weight' to the aforementioned issues, which ultimately resulted in them changing their assessments of each scheme in the planning balance. In both cases, Scottish Ministers accepted the recommendation to grant consent.
- 3.2.41. The Proposed Development has a maximum output of 49.9MW and will be able to store and release this back to the grid at times of peak demand, which will help meet the Scottish Government's renewable energy generation targets in the post 2020 period and the net zero legal obligations by 2045.
- 3.2.42. Biodiversity improvements are an integral part of the Proposed Development, not an afterthought. The principles of the Applicant's biodiversity improvements are set out in the OHMP and summarised in Section 2.2 of this Planning Statement (see also discussion below on Policy 3). The dual benefits of the Proposed Development will ultimately make a positive contribution to the Policy Outcomes of Policy 1 which is to deliver *'Zero carbon, nature positive places'*. These factors allow the Applicant to draw strong support from Policy 1 for the Proposed Development.

### Policy 3: Biodiversity

- 3.2.43. The Intent of Policy 3 is *'to protect biodiversity, reverse biodiversity loss, deliver positive benefits from development and strengthen nature networks'*. The Policy Outcomes are that *'biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions'*.
- 3.2.44. Policy 3 sets out a range of criteria that vary depending upon the scale and type of development proposed. Part (a) applies to all scales of development and states that proposals will contribute to the enhancement of biodiversity including, *inter alia*, restoring degraded habitats and building and strengthening nature networks and the connections between them. Part (b) relates to *'national or major development or for development that requires an Environmental Impact Assessment'*. This part of Policy 3 states that proposals will only be supported where they will conserve, restore and enhance biodiversity *'so that they are in a demonstrably better state than without intervention'*. Part (b) continues and sets five criteria that proposals will be expected to meet. These are discussed in Table 2 below.

- 3.2.45. Before commenting on Policy 3(b), it is worth noting that the Scottish Government’s Chief Planner issued a letter on 8 February 2023 relating to ‘Transitional Arrangements for National Planning Framework 4’<sup>1</sup> to provide advice on NPF4 becoming part of the statutory Development Plan. This letter included commentary on certain NPF4 policies, including Policy 3. In the letter, the Chief Planner noted that guidance on the application of Policy 3 is currently being produced by NatureScot and would be available shortly. The letter recognises that there are *‘some proposals which will not give rise to opportunities to contribute to the enhancement of biodiversity, and it will be for the decision maker to take into account the policies in NPF4 as a whole, together with material considerations in each case’*. While this helpful clarification is noted, it is considered that the Proposed Development will bring about positive environmental benefits as set out in the OHMP and can draw support from Policy 3.
- 3.2.46. Subsequent to this letter the Scottish Government published a further updated on this issue on 21 September 2023<sup>2</sup>, noting that NatureScot will shortly commence work to develop an adapted biodiversity metric suitable for use in supporting delivery of NPF4 Policy 3b. This announcement follows publication of research undertaken by undertaken by Scotland’s Rural College (SRUC) into ‘Approaches to Measuring Biodiversity in Scotland’. For the time being therefore, there is no standard agreed national metric for considering schemes against NPF4 Policy 3b.

Table 2: Commentary on NPF4 Policy 3 Part (b)

Criteria	Commentary
Policy 3(b)(i) <i>‘The proposal is based on an understanding of the existing characteristics of the Site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats’.</i>	The ER accompanying the application for the Proposed Development is based upon a thorough understanding of the Site and its ecological context, obtained through desk-based assessment, field work and consultation. The assessment of the impacts of the Proposed Development, mitigation measures and enhancement proposals have been informed by a significant understanding of the Site built up over several months of surveys, consistent with this policy requirement.
Policy 3(b)(ii) <i>‘Wherever feasible, nature-based solutions have been integrated and made best use of.’</i>	NPF4 defines nature-based solutions as <i>‘...actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously providing human wellbeing and biodiversity benefits’</i> .  The Proposed Development involves enhancement measures as well as mitigation. The key objective of the submitted outline Habitat Management Plan (oHMP) (Appendix 7.2) is to provide a holistic framework for the enhancement of the Proposed Development site with a main focus on restoring peatland habitats.  The measures outlined within the OHMP are designed to conserve, restore and enhance the peat resource through the creation of the following habitats:

<sup>2</sup> <https://www.gov.scot/publications/research-approaches-measuring-biodiversity-scotland/documents/>



Criteria	Commentary
	<ul style="list-style-type: none"> <li>• 10 ha of blanket bog in areas of felled conifers;</li> <li>• 3 ha of new riparian planting along the Allt Eireannaich watercourse and its associated tributaries;</li> <li>• 1.8 ha of natural regeneration and 1.3 ha of native deciduous tree planting around the BESS infrastructure;</li> <li>• 0.2 ha of standing water (attenuation pond); and</li> <li>• An area of approximately 7 ha of the felled commercial conifer plantation will be replanted with conifers.</li> </ul> <p>The Site is currently of little value for fauna species however the OHMP has outlined that the creation of new habitat will seek to increase the value for fauna, within the the Allt Eireannaich (eg for otter, water vole, bats, birds, amphibians, reptiles) through the provision of nesting, foraging, loafing and commuting habitats and refugia / hibernacula for herptiles.</p> <p>The OHMP submitted is in outline and agreement will be sought on the approach and key components with the Planning Authority and other key stakeholders should planning permission be granted but the measures outlined above are considered consistent with the objectives of this criterion.</p>
<p>Policy 3(b)(iii)  <i>'An assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements'.</i></p>	<p>The design of the Proposed Development has sought to implement the mitigation hierarchy (NPF4 definition, page 153) and avoid features of biodiversity importance wherever possible. There will, however, be some losses of habitat and effects on fauna species including the loss of a commercial conifer plantation and a small area of wet modified bog.</p> <p>The OHMP and Chapter 7 outline mitigation and enhancement measures to address identified negative effects and to ensure that biodiversity net gain will be achieved. Opportunities identified include those that complement those set out in the HMP for the nearby Halsary Wind Farm, to ensure that any negative effects are fully mitigated.</p> <p>The submitted ER confirms that following embedded mitigation and best practice construction measures, there would be no significant residual effects upon on either habitats, or flora / fauna species. The enhancement measures proposed will result in a significant biodiversity gain arising from the Proposed Development.</p>

Criteria	Commentary
<p>Policy 3(b)(iv)  <i>‘Significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate’.</i></p>	<p>The measures for restoration and enhancement detailed in the OHMP result in the Proposed Development having a significant net increase in biodiversity value. This is to be achieved through the restoration of blanket bog, new native tree planting and habitat creation and enhancement of riparian habitats and their future management.</p> <p>All areas of existing conifer plantation in the Site boundary will be felled including in areas where infrastructure will not be built. This will allow for subsequent habitat management proposals to deliver significant biodiversity improvements, compared to retaining the commercial forests. Areas of existing blanket bog along the rides between the blocks of conifers will be retained</p> <p>The OHMP would be finalised in consultation with THC and the relevant stakeholders prior to construction commencing should consent be granted. It is considered that the final HMP will be a live document that will be operated throughout the life of the Proposed Development and will take account of ongoing monitoring and linkages with habitat management in the wider area.</p>
<p>Policy 3(b)(v)  <i>‘Local community benefits of the biodiversity and/or nature networks have been considered’.</i></p>	<p>The focus of the Applicant’s enhancement measures have been on securing biodiversity and nature conservation benefits.</p> <p>As a result of the nature and scale of the Proposed Development, the opportunities for delivering local community benefits are limited. The Proposed Development does not impact on any public access and links into the existing tracks for the Halsary Wind Farm to the south.</p>

### Policy 4: Natural Places

- 3.2.47. This policy sets the basis for assessing applications that affect European natural heritage designations, such as Special Protection Areas (SPAs), as well as proposals affecting National Parks and NSAs and also local level natural heritage and landscape designations. The Policy Intent is to *‘protect, restore and enhance natural assets making best use of nature-based solutions’*. There are two Policy Outcomes namely (i) *‘natural places are protected and restored’* and (ii) *‘natural assets are managed in a sustainable way that maintains and grows their essential benefits and services’*.
- 3.2.48. Part (a) states that proposals that have an *‘unacceptable’* impact on the natural environment will not be supported.
- 3.2.49. Part (b) relates to European level natural heritage designations. The Proposed Development is not located within or adjacent to any designations. The closest is 1.7km to the south-east of the Site known as the Caithness and Sutherland Peatlands SPA, Ramsar and SAC. None of these designations will be affected



by the Proposed Development either directly or indirectly during the construction or operational phases.

- 3.2.50. Part (c) relates to national level landscape and natural heritage designations. It states that proposals will only be supported where the objectives of the designation and overall integrity of the area will not be compromised, or, any significant adverse effects are clearly outweighed by social, environmental or economic benefits of national importance.
- 3.2.51. The closest such designation to the Site is the Shielton Peatlands SSSI which shares its boundary with the aforementioned SPA and SAC. That designation will not be affected by the Proposed Development either directly or indirectly during the construction or operational phases. There are no National Parks or NSAs with the 3km LVIA Study Area and no adverse effects upon these designations will arise. There are therefore no conflicts with this part of Policy 4.
- 3.2.52. Part (d) deals with local nature conservation sites or landscape areas. It notes that development should not have significant adverse effects on the integrity of the area and if any significant adverse effects on the integrity of the area are identified, they should clearly be outweighed by social, environmental or economic benefits.
- 3.2.53. The nearest landscape designation is The Flow Country and Berriedale Coast Special Landscape Area (SLA) located approximately 5.4km to the south west of the Proposed Development beyond the 3km Study Area, and beyond the existing Halsary Wind Farm. No adverse effects upon this SLA will arise. Furthermore, there are no local nature conservation sites that could be affected by the Proposed Development and none within 2km of the Site, as shown by ER Figure 7.1.
- 3.2.54. On the basis of these facts, it is considered that the Proposed Development can be positively considered against Policy 4(d).
- 3.2.55. Part (f) relates to protected species and states that the level of protection required by legislation must be factored into the planning and design of development and potential impacts must be fully considered prior to the determination of any application. As demonstrated in the ER Chapters 7: 'Ecology' and 8: 'Ornithology' subject to mitigation, no significant adverse effects on any protected species are identified.
- 3.2.56. Part (g) of Policy 4 does not apply to the Proposed Development on the basis that there is no Wild Land designation within the defined Landscape and Visual Study Area.

### Policy 5: Soils

- 3.2.57. The Intent of Policy 5 is to '*protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development*'. One of the Policy Outcomes seeks that '*valued soils are protected and restored*'.
- 3.2.58. Part (b) is concerned around the loss of prime agricultural land but this is not relevant as the Site is not located on prime agricultural land.
- 3.2.59. The NatureScot Carbon & Peatland Map indicates that there are no Class 1 or 2 nationally important, priority peatlands within the Site boundary. The vast majority of the Site consists of Class 5 peat soil, with only small areas of Class 1 and 2 peat along the western site boundary, where no development is proposed (Figure 10.4).

- 3.2.60. Part (c)(ii) notes that proposals for the generation of energy from renewable sources that optimise the contribution of the area to GHG emissions reduction targets are one of the identified land uses potentially permitted on areas of peatland, carbon-rich soils and priority peatland.
- 3.2.61. Part (d) sets out a requirement for a detailed site specific assessment to help understand the presence of peat and carbon-rich soils on site and to enable the likely effects of a development proposal on these resources to be considered. It continues and states that this should inform careful project design and that impacts should first be avoided and then minimised through best practice. The requirement for a peat management plan is also noted.
- 3.2.62. ER Chapter 10 'Geology and Peat' examines the effects of the Proposed Development on the geology and peat resource at the Site. Phase One peat probing was undertaken in May 2019 in association with the previous six-turbine layout and then the revised 2-turbine layout. In June 2022, a Phase Two peat probing exercise was undertaken targeting formally proposed infrastructure, which most of has now been removed from the Proposed Development. The Stage Two data gathered throughout the Site is more extensive than the current infrastructure footprint. Extensive probing has not been undertaken at the proposed BESS facility due to dense forestry and wind-blown trees restricting access to some of the proposed BESS footprint, however it is considered that sufficient peat probe data was gathered during both previous phases of probing to inform the revised site layout. ER Figure 10.5 provides the peat data and demonstrates that the revised layout has been designed to avoid the deepest area of peat at the Site.
- 3.2.63. ER Table 10.4 summarises the recorded peat depths which averaged 2.68m across the Site, with approximately 81% of probes recording depths of greater than 1.0m. The area where deepest peat can be found at the Site is in the northwest, where depths of up to 5.0m have been recorded.
- 3.2.64. Site infrastructure has been sited in the western sector of the Site where shallower peat depths have been recorded. The BESS is proposed in an area of shallower peat than the Site average, however, the assessment of peat disturbance has highlighted that the north and east of the BESS compound, as well as the northernmost portion of the access track, are currently sited on areas of deep peat. Peatland restoration works are proposed to compensate for the disturbance of deep peat and to avoid the loss of the excavated peat, details of which are set out in the OHMP. In the context of Policy 5, it is important to note that no Class 1 or 2 peatland will be disturbed. The areas of peat that will be disturbed by the Proposed Development are Class 5, and underlay areas of commercial forestry meaning that these soils will already have been subject to some modification and are not the most sensitive peatlands.
- 3.2.65. An outline Peat Management Plan (OPMP) has been provided at Appendix 10.2 which notes that a total of 7,085m<sup>3</sup> of acrotelmic peat and 13,586m<sup>3</sup> of catotelmic Peat (20,671m<sup>3</sup>) (including a 10% contingency Bulking Factor) will be excavated during construction of the Proposed Development. Table 3 within Appendix 10.2 summarises the opportunities for re-use of peat within the Site, demonstrating that all peat excavated (total 20,671m<sup>3</sup>) during construction will be reinstated, leaving no surplus or deficit. The OPMP is linked to the OHMP, in as far as peat excavated to construct the Proposed Development will be used in the creation of new habitats, to deliver biodiversity enhancements.
- 3.2.66. A site-specific Peat Slide Risk Assessment (PSRA) has been produced at Appendix 10.1 to inform the Proposed Development design. It indicates the majority of the Site as having negligible risk of peat landslides. There is one zone that has been recorded as Medium risk, H3, which corresponds to the area

in the north and north west of the Site. In summary, the areas of deep peat at the Site are situated in areas of flat land and there are no steep slopes present. Nonetheless, a risk of peat slide may still exist and the Applicant is aware that mitigation measures set out in the PSRA should be applied to minimise any risk.

- 3.2.67. In terms of Policy 5(c) the Proposed Development is considered to be 'essential infrastructure'. There is therefore no in principle policy restriction to developing such facilities on areas of Class 5 peat. The choice of Site location here, very close to the connecting electricity substation justifies development on Class 5 peat. In addition, it is evident from the ER Chapters that the Applicant has sought to avoid through site design areas of deeper and more sensitive peat. Overall, this approach to site design, combined with the implementation of mitigation measures during the construction phase, and delivery of the OHMP to reuse excavated peat, means that the Proposed Development can be positively considered against the Outcomes of Policy 5.

### Policy 7: Historic Assets and Places

- 3.2.68. This policy sets out the framework for assessing the impact of development proposals on a wide range of cultural heritage receptors. The Intent is *'to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places'*. Policy Outcomes include that *'the historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change'*.
- 3.2.69. As required by part (a), an historic environment assessment has been undertaken and the conclusions are presented in ER Chapter 9: 'Cultural Heritage'.
- 3.2.70. No adverse direct or indirect physical effects are anticipated upon known heritage assets during construction as there are none within the Site. Direct physical construction effects may however occur upon previously unknown heritage assets in the Site in areas of deep peat, where there is potential for previously unrecorded assets to survive below-ground and obscured by the masking effect of peat cover.
- 3.2.71. Due to the nature and anticipated limited visibility of the Proposed Development, and the receiving environment, no adverse setting effects upon cultural heritage interests are anticipated. Consideration of the setting of heritage assets in the wider area during construction and operation was scoped out of the assessment.
- 3.2.72. A programme of archaeological monitoring ('watching brief') is proposed during construction in areas where known or suspected peat deposits are proposed for removal as part of the construction of the Proposed Development. Archaeological monitoring will identify any archaeological remains and allows for effects upon them to be mitigated, by avoidance and preservation *in situ* where possible, or otherwise by advance excavation and recording. Where construction effects are unavoidable, these will be offset by excavation and recording of the remains in accordance with best practice. The scope of such an exercise can be controlled through planning condition.
- 3.2.73. The Site and surrounding environment is not considered particularly sensitive from a cultural heritage perspective. No setting effects are anticipated and no known archaeological interests would be affected by the Proposed Development. Following implementation of the proposed mitigation measures for identified possible adverse direct physical construction effects upon archaeological potential, there will be no residual effects. Overall, the Proposed Development can be positively assessed against Policy 7.

### Policy 23: Health and Safety

- 3.2.74. The Intent of Policy 23 is *'to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing'*. There are three Policy Outcomes including that *'safe places protect human health and the environment'*.
- 3.2.75. Part (d) confirms that *'development proposals that are likely to have significant adverse effects on air quality will not be supported'*, while part (e) states that *'development proposals that are likely to raise unacceptable noise issues will not be supported'*.
- 3.2.76. Commentary in relation to Noise and Health & Safety is set out in ER Chapters 12 and 15 respectively. In summary, subject to mitigation, no significant effects on account of noise during construction or operation are predicted. Those conclusions included potential cumulative impacts with other developments in the vicinity of the Site, and as discussed earlier in relation to Policy 11(e), ER Chapter 12 concluded that noise arising from the Proposed Development is acceptable and would not adversely affect the amenity of NSR or significantly affect the acoustic environment locally
- 3.2.77. In relation to air quality, the Applicant is committed to adopting good practice measures for dust management during construction and will implement these through a CEMP, thereby controlling and reducing any potential effects that dust generation may have on health.
- 3.2.78. Finally, the Applicant has submitted an Outline Battery Safety Management Plan in ER Chapter 15. This chapter considers potential risks arising from the transport, installation, operation and decommissioning of battery cells and considers relevant legislation and policy. Chapter 15 considers the potential for fire risk and what steps would be taken in the event of a fire. These measures include liaison with the local fire department through the detailed design process, ensuring appropriate ventilation and temperature control, water supply etc. The Applicant is proposing that a Detailed Battery Safety Management Plan (DBSMP) would be developed in consultation with THC and other bodies, especially the fire department, to ensure the details design and layout of the Proposed Development takes all necessary steps to minimise fire risk as far as practicable and to then set out a series of measures to tackle a fire, should one occur, to stop it from spreading. The requirement for a DBSMP can be controlled through planning condition. *NPF4 Part 3 - Annex A 'Outcomes'*
- 3.2.79. Part 3, Annex A confirms that NPF4 is required by law to contribute to six Outcomes. These Outcomes are set out in Section 3 of the Town and Country Planning (Scotland) Act 1997 (as amended), having been amended by Section 2 of the Planning (Scotland) Act 2019. The six Outcomes are:-
- (a) meeting the housing needs of people living in Scotland including, in particular, the housing needs for older people and disabled people,
  - (b) improving the health and wellbeing of people living in Scotland,
  - (c) increasing the population of rural areas of Scotland,
  - (d) improving equality and eliminating discrimination,
  - (e) meeting any targets relating to the reduction of emissions of GHGs, within the meaning of the Climate Change (Scotland) Act 2009, contained in or set by virtue of that Act, and
  - (f) securing positive effects for biodiversity.

3.2.80. These Outcomes differ in status from those set by NPF3 and the accompanying SPP in that they are now enshrined in statute. The Proposed Development can contribute positively to Outcome (e) through playing a critical role in helping the move to a more flexible and resilient energy system by storing electricity at times when generation is high, but demand is low. This helps deliver wider targets for lower greenhouse gas emissions and more renewable energy generation. In addition, the Proposed Development can also contribute positively to Outcome F by implementing the HMP, which will see a range of measures undertaken to secure biodiversity benefits across the Site and wider afield, complementing existing HMPs already in operation through wind farm developments in the area. As required by NPF4 Policy 1, decision makers must now give 'significant weight' to the contribution a proposal can make to these two matters and the Applicant considers that the Proposed Development can draw strong support from Annex A of NPF4, given the legal basis for these Outcomes.

### *NPF4 Part 3 – Annex C 'Spatial Planning Priorities'*

3.2.81. The National Spatial Strategy is supported by commentary on five Regional Spatial Strategies, each of which will contribute in their own different ways to achievement of the National Spatial Strategy.

3.2.82. The Highland Council falls within the 'North' Regional Area and NPF4 states that this part of Scotland can continue to make a strong contribution towards meeting our ambition for a net zero and nature positive country. Page 125 of NPF4 recognises that a programme of investment in, *inter alia*, peatland restoration will play a key role in reducing our national emissions and supporting biodiversity. The same page notes that as renewable energy technologies continue to develop, storage and other forms of generation will grow.

3.2.83. One of the priorities for this area identified on page 26 of NPF4 is to '*Protect environmental assets and stimulate investment in natural and engineered solutions to climate change and nature restoration, whilst decarbonising transport and building resilient connections.*' The Proposed Development can assist in achieving these objectives on a site well located alongside existing renewable energy generators and an electricity substation. It can therefore contribute to the spatial priorities for this part of Scotland, while making a positive contribution to wider national efforts to combat the climate emergency and nature crisis.

### **3.3. The Highland – wide Local Development Plan (LDP) 2012**

3.3.1. The LDP is the Highland-wide element of the Development Plan, supported by the Caithness and Sutherland Local Development Plan, which is discussed below. As already noted in the event of any incompatibility (which is not defined) between a NPF4 provision and a LDP provision, whichever of them is later in date shall prevail. The LDP is now over 10 years old, having been adopted in 2012. In the case of the Proposed Development therefore, in the event of any policy incompatibility, NPF4 carries greater weight in the planning balance as the more recent document.

3.3.2. This Section of the Planning Statement considers those LDP policies of most relevance to the Proposed Development. Inevitably there is some overlap between the aims and objectives of some LDP policies and the previously discussed NPF4 policies. To avoid unnecessary duplication, where LDP policies raise matters already discussed in relation to NPF4, cross reference will be made to the earlier policy national policy appraisal.

3.3.3. Although it does not specifically refer to energy storage projects, LDP Policy 67 'Renewable Energy



Developments' is the 'lead' policy for the assessment of BESS proposals. It is acknowledged that the Proposed Development requires to be assessed 'in the round' against all policies in the LDP, however LDP Policy 67 is the key topic specific policy against which to assess the Proposed Development, noting also its criteria are wide ranging.

3.3.4. The LDP policies most relevant to the Proposed Development are addressed below. These policies are:

- Policy 67 – Renewable Energy Developments;
- Policy 28 – Sustainable Design;
- Policy 29 – Design Quality and Placemaking;
- Policy 36 – Development in the Wider Countryside;
- Policy 52 – Principle of Development in Woodland;
- Policy 56 – Travel;
- Policy 57 – Natural, Built and Cultural Heritage;
- Policy 55 – Peat and Soils;
- Policy 58 – Protected Species;
- Policy 61 – Landscape;
- Policy 63 – Water Environment; and
- Policy 64 – Flood Risk.

3.3.5. The Council do not have Supplementary Guidance that covers BESS proposals. The “Development guidance – onshore wind energy” focuses on wind energy only.

### *Policy 67 - Renewable Energy Developments*

3.3.6. At its core, Policy 67 is a policy that supports the continued development of renewable energy developments, where a range of locational and environmental criteria can be met. It states that renewable energy proposals should be well related to the source of the primary renewable resources needed for their operation. In this case, for BESS technology, the source is the grid instead of a natural resources i.e. running watercourse or wind, given that the energy is already generated. The proximity of a BESS facility to the electricity substation is also a key consideration, with the Mybster substation in this case being located in very close proximity to the Site.

3.3.7. The Policy further states that THC will take account of the contribution proposals make towards meeting renewable energy generation targets and any positive or negative effects they are likely to have on the local and national economy. Proposals will be assessed against other relevant development plan policies as well as other material considerations. These policy criteria seek to ensure that a proposal is located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments having regard to specified criteria listed on page 123 within the LDP.

3.3.8. The bulleted criteria set out on page 123 largely reflect those set out in NPF4 Policy 11(e). The Proposed Development's compliance with NPF4 Policy 11(e) is discussed in Table 1 above and so is not repeated here. This assessment demonstrates that the significant residual landscape and visual effects are localised. The Proposed Development sits in an area located close to other renewable energy technologies, including Halsary Wind Farm to the south and the Halsary Wind Farm substation to the west. The ER submitted with the planning application has demonstrated that the Proposed Development has no adverse impacts on the

cultural, historical or environmental designations or protected species that cannot be overcome through further mitigation, for example through implementation of habitat management measures and adherence to a CEMP.

3.3.9. The Proposed Development will result in the felling of approximately 23ha of commercial forestry but these areas of felling will be replaced by the creation of 10 hectares of blanket bog, replanting with 7ha of conifers along with other biodiversity improvement measures as set out in the OHMP. The OHMP concludes that these measures result in a significant net increase in biodiversity value.

3.3.10. It is recognised that some impacts will arise as a result of the Proposed Development including short term during the construction phase such as traffic movements, and longer term during operation such as landscape and visual effects which will soften over time as the landscape planting grows. The key test set by Policy 67 is whether having considered all material factors, a proposal is considered to be 'significantly detrimental overall', individually and cumulatively. In considering identified effects in each of the ER chapters and proposed mitigation, it is imperative to note the following:

- The Proposed Development will play a critical role in helping the move to a more flexible and resilient energy system, which will increasingly be dominated by renewable energy technologies in the lead over the coming years;
- The Proposed Development will help contribute to more secure energy supplies by taking and storing electricity at time when generation is high, for example through wind energy, but demand is low; and
- The Proposed Development is to be regarded as essential infrastructure that will help deliver wider targets for lower greenhouse gas emissions and more renewable energy generation.

3.3.11. In light of these benefits, it is considered that the small number of adverse impacts associated with the Proposed Development, and which are also highly localised to the Site, are acceptable and there is no conflict with LDP Policy 67.

#### *Other LDP Policies*

3.3.12. This section considers other relevant LDP policies. It should be noted however that the topic areas are already largely contained within the 'lead' energy policy (LDP Policy 67) and so only brief commentary is provided.

#### *Policy 28 – Sustainable Design and Policy 29 – Design Quality and Placemaking*

3.3.13. Policies 28 and 29 set out the requirement for all development to be designed in the context of sustainable development and climate change whilst making a positive contribution to the architectural and visual quality of the place in which it is located. The policy sets out various principles relating to *inter alia* the use and management of land; protection of both natural (landscapes, habitats and species) and built/cultural resources; preservation of air and water quality; and, minimisation of waste.

3.3.14. All development proposals must demonstrate compatibility with the Sustainable Design Guide: Supplementary Guidance, which requires that all developments should:

- conserve and enhance the character of the Highland area; use resources efficiently;
- minimise the environmental impact of development;
- enhance the viability of Highland communities.

3.3.15. As detailed in ER Chapter 3 'Alternatives and Scheme Evolution' and Chapter 6 'Landscape and Visual', the iterative design process has resulted in an appropriately located and designed BESS facility, which includes all essential elements to enable successful operation. There is limited theoretical visibility (Figure 6.2) and therefore construction activity and the Proposed Development once complete, will be screened from most parts of the Study Area.

3.3.16. Furthermore, as mentioned, the Proposed Development is located in an area that already hosts other renewable energy development and electricity infrastructure. Identified landscape and visual impacts would be seen in the context of these existing land uses. It is also relevant to note the iterative approach to site design adopted by the Applicant to minimise environmental effects, including the deletion of the originally proposed wind turbines. These decisions have helped minimise the spread of landscape and visual effects in particular such that they are very clearly now localised and, in the context of Policies 28 and 29, are acceptable.

3.3.17. Finally, in terms of the viability of Highland communities, the Proposed Development will provide positive net impacts on the economy including supporting 67 employment years in Highland due to the construction activity.

### *Policy 36 – Development in the Wider Countryside*

3.3.18. Policy 36 supports the development of rural areas to help maintain population, infrastructure and services. Proposals in the Wider Countryside Area are to meet criteria set out on page 87 and 88 to ensure they don't compromise the qualities of the countryside.

3.3.19. The policy identified exceptions, which includes renewable energy developments, whereby it notes that proposals for renewable energy should be assessed against Policy 67 'Renewable Energy Development'. The principle of locating a BESS in the wider countryside is supported by Policy 36 and the detailed appraisal against Policy 67 (and the most recent NPF4 Policy 11) demonstrated that the limited number of localised environmental impacts are more than offset by wider benefits.

### *Policy 52 – Principle of Development in Woodland*

3.3.20. The Council maintains a strong presumption in favour of protecting woodland resources. Development proposals will only be supported where they offer clear and significant public benefit. Where this involves woodland removal, compensatory planting will usually be required. Policy 52 emphasises that there will be a stronger presumption against development where it affects inventoried woodland, designated woodland or other important features.

3.3.21. The Proposed Development involves the felling of commercial woodland only to accommodate the development, which is less sensitive than inventoried and designated woodland. The environmental impacts of this felling has previously been discussed in the analysis of NPF4's Policy 11 'Energy' and Policy 3 'Biodiversity' at Table 1 and Table 2, and is not repeated here except to note that ER Chapter 5 confirms



that the loss of the coniferous plantation is not significant after the replanting outlined within The Restocking Species/Habitats Plan (Table 5.3) takes place. The impacts of the loss of existing commercial forestry is outweighed by the introduction of new species, including 4.25 ha of broadleaf woodland and 9.77 ha of priority habitat. The Proposed Development can be positively considered against Policy 52.

### *Policy 56 – Travel*

- 3.3.22. Development proposals that involve travel generation must include sufficient information with the application to enable the Council to consider any likely on- and off- site transport implications of the development.
- 3.3.23. ER Chapter 13 ‘Traffic and Transport’ considers the impacts of the Proposed Development during the construction and operational phases, albeit most traffic generation will arise during the construction phase with only negligible amounts of traffic generated during the operational phase. Details of key traffic generation figures are set out in Table 1 and not repeated here except to note that traffic associated with the construction of the Proposed Development will have a minor effect only and no significant transport effects during the operational phase will arise.
- 3.3.24. It is therefore concluded that the Proposed Development is in line with Policy 56.

### *Policy 55 – Peat and Soils*

- 3.3.25. Policy 55 requires that development proposals demonstrate how they have avoided the unnecessary disturbance, degradation or erosion of peat and soils. It continues and states that unacceptable disturbance of peat will not be permitted unless it is shown that the adverse effects of such disturbance are clearly outweighed by the social, environmental or economic benefits of the development.
- 3.3.26. This issue is addressed in ER Chapter 10 ‘Geology and Peat’, which explains how the design of the Proposed Development takes account areas of peat. ER Figure 10.4 shows the Site boundary relative to the Carbon and Peatland Map. This shows that the vast majority of the Site consists of Class 5 peat soil, with only small areas of Class 1 and Class 2 peat along the western site boundary.
- 3.3.27. The Proposed Development has been subject to an iterative design process and the BESS compound is located in the western sector of the Site where shallower peat depths have been recorded. Some peat disturbance and excavation will be required but this is not considered ‘unnecessary’ and it will be reused as part of measures to create new bog habitat, as set out in the OHMP. There will be no excess peat that requires to be taken off site. In addition, the deep peat affected by the Proposed Development has been heavily modified and degraded by historical drainage associated with commercial forestry. The wider environmental benefits associated with the Proposed Development, including proposals set out in the OHMP demonstrate the Proposed Development complies with Policy 55.

### *Policy 57 – Natural, Built and Cultural Heritage*

- 3.3.28. Policy 57 ‘Natural, Built and Cultural Heritage’ sets a hierarchy of policy considerations for proposals depending upon whether they have impacts upon features, or their settings, of local/regional, national or international importance. The scale of protection provided by the policy is reflective of whether the asset is

of local/regional, national or international importance.

- 3.3.29. There are no local, regional or national designations relating to landscape, cultural heritage or natural heritage that would be adversely affected by the Proposed Development as confirmed by the findings of ER Chapters 6, 7, 8 or 9 and many of these designations are located outside of the respective study areas adopted for the assessments in each of these chapters. The Proposed Development complies with Policy 57.

### *Policy 58 – Protected Species*

- 3.3.30. Policy 58 sets out the Council's approach to the protection of species and habitats that may be affected by a development proposal. The policy effectively provides a 'catch all' approach to protecting species and habitats of varying levels of importance, to ensure an adequate degree of protection through the planning process. The policy reflects the hierarchical approach to protecting species and habitats and sets out the circumstances where development may be permitted, even where an adverse effect is identified.

- 3.3.31. The impact of the Proposed Development upon protected species is set out in ER Chapters 7 'Ecology' and 8 'Ornithology'. Both those Chapters confirm that no significant residual effects following good practice construction methods and mitigation will arise upon any protected species or habitats during the construction and operational phases of the Proposed Development. In fact, the habitat management proposed will replace the lost habitats with a range of new habitats of much greater nature conservation value such that Proposed Development will result in a significant biodiversity gain overall. The Proposed Development therefore complies with the requirements of Policy 58.

### *Policy 61 – Landscape*

- 3.3.32. Policy 61 states that proposed developments should be designed to reflect the characteristics and special qualities recognised in the Landscape Character Assessment of the area in which they are proposed. THC will consider the appropriateness of the scale, form, pattern and construction materials and the cumulative impacts of the development. Policy 61 applies to all forms of development and does not add policy considerations of substance not otherwise addressed in Policy 67.

- 3.3.33. ER Chapter 6 notes that the Site lies within Landscape Character Type (LCT 134) 'Sweeping Moorland and Flows', the characteristics of which are described in ER Chapter 6. LCT143 'Farmed Lowland Plain' is located approximately 555m to the north west of the Site, and it too is described and assessed in ER Chapter 6. The overall sensitivity of LCT134 to the Proposed Development is considered to be medium while LCT143 is considered to have a low/medium sensitivity.

- 3.3.34. Coniferous forest forms a dominant characteristic of this part of LCT 134 a significant part of which would be felled to make way for the Proposed Development. ER Chapter 6 notes that the commercial forestry is an 'introduced landscape element' that is subject to change over time through forest management practices, resulting it being of low value and susceptibility. The forest would have been felled in time, even without the Proposed Development and while the felling will result in a high magnitude of change, the overall effect is considered to be moderate/minor.

- 3.3.35. In terms of construction phase effects on the LCT, ER Chapter 6 notes that overall, there would be no greater than a low magnitude of change and a moderate minor temporary additional effect on the host LCT

as a whole during the construction phase. For LCT143 the magnitude of change is very low, with a minor level of effect. Table 6.5 within ER Chapter 6 considers operational phase effects and considers that the Proposed Development would have a moderate level of effect on the host LCT during operation within 700m and a moderate minor effect beyond approximately 700m. For LCT 143 the effects are considered in terms of north and south of the B870; with effects south of the road considered to be minor and north of the road effects are considered to be minor/no effect.

- 3.3.36. Overall, the assessment in ER Chapter 6 concludes that the Proposed Development would result in direct effects on a localised part of LCT134 and indirect effects on LCT 143 would occur. These landscape effects are considered to be acceptable in the context of Policy 61 given their localised nature and the fact that the Site is located adjacent to an existing electricity substation and wind farm. The landscape masterplan will, over time, screen the Proposed Development reducing the scale of what are already very minor effects.

### *Policy 63 – Water Environment*

- 3.3.37. This policy states that THC will support proposals for development that do not compromise the objectives of the Water Framework Directive (WFD), which is aimed at the protection and improvement of Scotland's water environment. Potential effects of the Proposed Development upon the water environment are considered in ER Chapter 11 'Hydrology and Hydrogeology'. The greatest potential for effects upon the water environment are likely to occur during the construction phase and could potentially arise from sedimentation or pollution of the water environment from surface run-off, compaction of soils, peat landslide hazard etc.
- 3.3.38. The assessment in ER Chapter 11 confirms that no watercourse crossings are required and overall the Proposed Development is not anticipated to have significant impacts on groundwater flows, either during construction or operation. A series of mitigation measures are identified in the assessment, some of which are embedded into the design, such as the maintenance of watercourse buffers between construction works and the presence of an Environmental Clerk of Works (ECoW). In addition, an OWCEMP has been prepared and is submitted as Appendix 11.1 which sets out good practice methods and works for protection of hydrological receptors.
- 3.3.39. With the adoption of embedded mitigation, best practice methods in construction, and implementation of mitigation measures the Proposed Development will not have a negative effect on the local or downstream hydrology or hydrogeology and it therefore complies with Policy 63.

### *Policy 64 – Flood Risk*

- 3.3.40. This policy states that development proposals should avoid areas susceptible to flooding and promote sustainable flood management.
- 3.3.41. Impacts of the Proposed Development on flooding is also considered in Chapter 11 'Hydrology and Hydrogeology' of the ER. Most of the Site is shown as being free from flood surface water, river and coastal flood risk with isolated areas at increased risk of surface water flooding likely associated with local variations in ground levels and the artificial drains throughout the forestry plantation.
- 3.3.42. As described in ER Chapter 4, an attenuation pond has been included in the Proposed Development,

designed as a sustainable drainage system feature to manage run-off from the impermeable elements of the BESS facility. As noted in the above commentary on Policy 63, ER Chapter 11 concludes that with the adoption of embedded mitigation, best practice methods in construction, and implementation of mitigation measures the Proposed Development will not have a negative effect on the local or downstream hydrology or hydrogeology and will not increase flood risk. It therefore complies with Policy 64.

*Caithness and Sutherland Local Development Plan (CaSPlan) 2018*

- 3.3.43. CaSPlan joins the Highland Wide LDP and Supplementary Guidance as part of the Development Plan. One of the Vision Outcomes highlighted within CaSPlan's 'A vision for Caithness and Sutherland in 2035' is 'Employment: A strong, diverse and sustainable economy characterised as being an international renowned centre for renewable energy...' Furthermore, it notes that 'Caithness and Sutherland are the two most northerly parts of Highland and the British mainland and they are characterised by a unique landscape and coastal setting. Their location presents many challenges but make them well placed to take advantage of a number of opportunities. Tourism, aquaculture, renewable energy and the service industry play a strong role in the local job market' (underlining added)
- 3.3.44. CaSPlan does not specifically mention BESS facilities but it emphasises the importance of renewable energy proposals in the Caithness and Sutherland area. It notes that investment in renewable energy generation in North Highland is not only helping to meet Council and national climate change targets but it has also delivered economic benefits for the area. It recognises that "The area has a vital contribution to make towards achieving the Council's ambitious aim of a low carbon Highlands by 2025 and is already playing a significant part in this".
- 3.3.45. The introduction of a BESS facility at the Site allows the energy generated by the surrounding renewable technologies to be stored and released in times of need, which enhances the performance and efficiency of the other renewable technologies in the area. It is considered that the proposed Development has support within the vision and aspirations set out in CaSPlan.

*Development Plan Conclusions*

- 3.3.46. The Development Plan now comprises NPF4 as well as the Highland-wide LDP and the CaSPlan. This Section of the Planning Statement has considered the Proposed Development against the relevant policies of each of these documents drawing upon the findings of each of the ER Chapters. Policy 11 is the main NPF4 policy against which the Proposed Development is to be assessed with Policy 67 of the LDP the corresponding local policy. Other policies are relevant and in each case the detailed appraisal has demonstrated that through careful site selection and design, the Proposed Development will give rise to very few adverse environmental effects. Those effects that are identified are either highly localised (generally within 1km) and/or will arise during the construction phase only. Longer term, adverse landscape and visual effects will mitigate as the landscape planting plan matures.
- 3.3.47. NPF4 requires decision makers to give 'significant weight' to the extent to which a Proposed Development contributes to the climate emergency and nature crisis. For the reasons already discussed the Proposed Development will make a positive contribution to both these national initiatives and this provides significant support in policy terms. The appraisal against other relevant NPF4 policies adds further substance in the case for the Proposed Development.

- 3.3.48. The primary LDP policy of relevance is Policy 67, Renewable Energy Developments. That policy clearly recognises that renewable energy developments can give rise to significant environmental effects; as such, the key test in assessing the extent of compliance with the policy is to ascertain whether a proposal is *'significantly detrimental overall'*. Inbuilt into the policy is the need to have regard to the extent to which the proposal contributes to renewable energy targets, the location of the Site relative to the primary source of energy and the extent of any positive or negative effects on the local and national economy.
- 3.3.49. The appraisal against Policy 67 has demonstrated that significant environmental effects have been kept to a minimum, that the Site is well related to wider energy infrastructure especially the adjacent Mybster substation and environmental benefits will arise through measures set out in the OHMP. The Proposed Development will contribute to a more flexible and robust energy system for the UK, with wider benefits for security of future energy supplies.
- 3.3.50. When these benefits are taken into account, it is considered that the Proposed Development can be positively assessed against Policy 67, and other relevant LDP policies. Where adverse effects are identified, these are outweighed by the benefits of the Proposed Development, such that any policy tension or conflict with individual criteria is outweighed by the wider contribution that the Proposed Development makes to the achievement of sustainable development. Overall, therefore it is considered that the LDP is supportive of the Proposed Development.

## 4. Energy Policy Considerations

### 4.1. Introduction

4.1.1. As already noted, the Proposed Development will not in itself generate renewable electricity. It will however provide a crucial facility to store energy when electricity demand is low but generation is high. This will help with the growth of a flexible energy system that can help with wider objectives to deliver more security over Scotland's future energy supplies, and help the transition to a net zero economy. As already noted in the earlier discussion on NPF4 Policy 11 recognises that energy storage facilities are necessary to help deliver these objectives, and such developments benefit from strong in principle policy support.

4.1.2. The following paragraphs provide an overview of the energy policies, targets and statements considered to be of most relevance to the Proposed Development.

### 4.2. UK Energy Policy

#### *Powering Up Britain – Energy Security Plan*

4.2.1. In March 2023, the UK Government published the above Plan which set out the steps the Government is taking to ensure the UK is more energy independent, secure and resilient. The Introduction noted that 'energy security necessarily entails the smooth transition to abundant, low-carbon energy' and that increasing the supply of low carbon energy needs to be complemented by infrastructure to store and transport low carbon energy around the country.

#### *British Energy Security Strategy – Secure, clean and affordable British energy for the long term*

4.2.2. In April 2022, the UK Government published the above Strategy primarily in response to rising global energy prices and following the Russian invasion of Ukraine. A key aim of the Strategy is to reduce our dependence on imported oil and gas and to help decarbonise the energy sector, achieving net zero by 2050.

4.2.3. Under the Heading 'Networks, storage and flexibility' the Strategy notes that accelerating our domestic supply of clean and affordable electricity must also work in tandem with efforts to accelerate the connecting network infrastructure to support it. In order to deliver a more flexible and efficient system, the Strategy notes that the Government will encourage all forms of flexibility with sufficient large-scale, long-duration electricity storage. The Proposed Development falls into the category of storage that the Strategy is seeking to encourage, as part of a wider move to provide a secure energy system.

#### *Energy White Paper – Powering our Net Zero Future*

4.2.4. The UK Government published the above White Paper in December 2020, which sets out the approach to tackling the inter-generational challenge of climate change. The Ministerial Foreword recognises that while the UK has set a world-leading net zero target, setting the target is not enough, 'we need to achieve it'. The Foreword considers that achieving this target and tackling climate change will require decisive global action and significant investment, which can open up huge opportunities for economic growth and job creation.



4.2.5. The various actions set out in the White Paper are described as ‘a strong signal to project developers and the wider investor community about the government’s commitment to delivering clean electricity’. In the section ‘Strategic Context’, the White Paper notes that ‘A low-cost, net zero consistent system is likely to be composed predominantly of wind and solar. But ensuring the system is also reliable, means intermittent renewables need to be complemented by technologies which provide power, or reduce demand, when the wind is not blowing, or the sun does not shine. Today this includes nuclear, gas with carbon capture and storage and flexibility provided by batteries, demand side response, interconnectors (see ‘Energy system’ chapter) and short-term dispatchable generation providing peaking capacity’.

### 4.3. Scottish Energy Policy

4.3.1. The Scottish Government declared a climate emergency in May 2019 and passed the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which amends the Climate Change (Scotland) Act 2009 and sets a target for a 100% reduction in GHG emissions by 2045, with an interim target of a 75% reduction by 2030 (relative to 1990 levels). Further renewable energy generation through onshore wind, offshore wind, solar and other technologies will generate the renewable electricity needed to deliver these targets, but these forms of electricity generation will require ancillary essential infrastructure such as energy storage systems, which is recognised in the previously discussed NPF4.

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

4.3.2. In December 2020, the 'Update to the Climate Change Plan 2018 - 2032: Securing a Green Recovery on the Path to Net Zero' (CCP Update) was published. The CCP Update sets the Scottish Government's legislative commitment to reducing emissions by 75% by 2030 (compared with 1990) and to net zero by 2045 in the context of a post-Covid-19 green recovery.

4.3.3. The CCP Update emphasises the growth and success to date of Scotland's renewable energy generation and notes that as the electricity system is further decarbonised it will be necessary to address the substantial challenges of maintaining security of supply and a resilient electricity system (page 76). It continues and states that:-

*‘Operating a zero carbon electricity system will mean finding new ways to provide a range of technical services and qualities currently provided by fossil fuel and nuclear generation’.*

4.3.4. Support for these types of developments is set out on page 77 and the Proposed Development is one type of development that can work alongside increased renewable electricity generation to help deliver the wider infrastructure needed to achieve the 2045 net zero target.

*Onshore Wind Policy Statement (OWPS) 2022*

4.5.15. The Onshore Wind Policy Statement (OWPS) was published in December 2022 and clearly sets out that onshore wind will be a critical technology to help deliver the 2030 and 2045 climate change targets. The importance of energy storage to delivery of these wider targets is referenced in the OWPS. While these observations relate mainly to the co-location of wind and battery storage, there is recognition in paragraph 8.4.5 that ‘as we continue to progress towards the decarbonisation of our energy system, battery storage will be more and more prevalent’ as a means of adding resilience to the energy system.

### *Scottish Energy Strategy (SES) 2017*

- 4.3.5. The SES was published in December 2017 and sets out the Scottish Government's strategy through to 2050, marking a 'major transition' over the next three decades in terms of energy management, demand reduction and generation.
- 4.3.6. The Strategy notes the development of electricity storage technology and states in the Ministerial Foreword that storage will have '*a major influence on our future energy system*'. Page 14 notes that Scotland's future energy system will be, and needs to be, much more flexible than in the past and battery storage will play a role in our future energy system. Page 59 notes that the Scottish Government agrees that storage is a strategically important issue, with real potential benefits for Scotland, stating that '*We will continue to support innovation and deployment in this area*'.

### *Draft Energy Strategy and Just Transition Plan (2023)*

- 4.3.7. The Scottish Government published the Draft Energy Strategy & Just Transition Plan (hereafter referred to as the Draft SES) for consultation purposes in January 2023. While the Draft SES may be subject to change following consideration of responses, brief commentary is merited here on certain aspects of its content.
- 4.3.8. The Ministerial Foreword describes the 2020s as a '*decisive decade*' when we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045. Section 3.2 notes that in alignment with NPF4, '*we encourage, promote and facilitate all forms of renewable energy development....this includes energy generation, storage, ....*' (underlining added).
- 4.3.9. The overall vision is that by 2045:-  
  
*'Scotland will have a flourishing, climate friendly energy system that delivers affordable, resilient and clean energy supplies for Scotland's households, communities and business. This will deliver maximum benefit for Scotland, enabling us to achieve our wider climate and environmental ambitions, drive the development of a wellbeing economy and deliver a just transition for our workers, businesses, communities and regions.'*
- 4.3.10. On page 128 the document notes that grid scale battery storage can increase flexibility in our electricity system and provide wider benefits for consumers and society. It notes that Scotland has approximately 864MW of electricity storage capacity and 2.2GW of battery storage that has been granted permission. This is recognition that we need to '*significantly increase this capacity*'.
- 4.3.11. One of the key ambitions of the Draft SES as set out in the Ministerial Foreword is to deliver increased energy security through development of our own resources and '*additional energy storage*'.
- 4.3.12. Finally, it is worth noting that THC declared its own climate and ecological emergency in 2019. The Council has also rolled out an initiative called *Carbon Clever* which sets a target of a carbon neutral Inverness in a low carbon Highlands by 2025. The mission statement of *Carbon Clever* notes that "*electricity will be generated from a range of renewable sources, and excess energy can be transmitted to surrounding regions through smart grids, or stored efficiently.*" (underlining added).



#### 4.4. Conclusions on energy policy considerations

- 4.4.1. It is clear that the UK and Scottish Governments see energy storage facilities playing a crucial role in the drive to facilitate the move to net zero GHG emissions, while providing a more flexible energy system and helping to increase the security of our energy supplies. The SES from 2017 noted that electricity storage systems would have '*a major influence on our future energy system*' and there have been significant advances in battery technology over the last 6 years, which has seen a significantly increase in grid scale battery storage developments. These developments help meet the challenge set by the Draft Energy Strategy and Just Transition Plan which notes the requirement for a significant increase in the capacity of this technology. Drawing these various strands together, it is considered that the Proposed Development can draw strong in principle support from relevant energy policy publications.

## 5. Conclusions

- 5.1.1. This Planning Statement supports a planning application to THC for the construction and operation of a Battery Energy Storage System (BESS) development and associated infrastructure with a maximum output of 49.9 megawatts on land located to the east of the A9, south east of the settlement of Spittal in Caithness, at the Loch Toftingall plantation. The Applicant is seeking planning permission for a permanent use, not temporary.
- 5.1.2. The overall intention of the Proposed Development is to link to the electricity network and provide support for a balanced grid in the area. The Proposed Development will not generate renewable electricity, but is considered to be a form of essential infrastructure needed to help the transition to net zero by 2045 and develop a more flexible and robust energy system. It will take and store electricity at a time when generation is high and demand is low and then releasing this back to the grid in times of higher demand, thus providing the necessary infrastructure to allow the continued roll out of renewable energy technologies to deliver the 2045 net zero target and the interim 2030 target.
- 5.1.3. The planning application requires to be determined in accordance with the relevant provisions of the Development Plan unless material considerations indicate otherwise. As of February 2023, NPF4 now comprises the national element of the Development Plan, and sits alongside the LDP. This Planning Statement has considered the Proposed Development against relevant policies of NPF4 and the LDP. As a matter of principle it is considered that the Proposed Development complies with the key NPF4 policy, Policy 11 'Energy', and the principle LDP Policy 67 'Renewable Energy Developments'. The detailed point by point assessment against the policy criteria in NPF4 Policy 11 demonstrates that the Proposed Development will not give rise to any unacceptable environmental effects and that it is not '*significantly detrimental overall*' when the LDP Policy 67 criteria are considered in the round.
- 5.1.4. NPF4 now requires, as a matter of national planning policy, that decision makers give '*significant weight*' to the extent to which a proposal contributes to the climate emergency and nature crisis. This is expressed through NPF4 Policies 1 and 11 and this is where NPF4 differs from the general support for renewable energy projects in the LDP. As this Planning Statement has demonstrated, the Proposed Development will help contribute to attainment of renewable energy targets and net zero by 2045 while at the same time incorporating an integral package of measures to secure significant and demonstrable biodiversity benefits across the Site. These measures are set out in the OHMP and would be developed further post consent, but are based upon the principle of felling commercial forestry and using a significant portion of that area for blanket bog creation. Other measures include new riparian planting, replanting of some commercial forestry and areas of deciduous trees. These measures will result in a significant net increase in biodiversity value.
- 5.1.5. Some localised landscape and visual effects will arise, but with the proposed landscape planting and screening these will be mitigated over time. The acknowledgement of localised landscape and visual impacts is not unusual for a BESS development nor do they equate to a policy conflict to the extent that this Proposed Development is considered to be in conflict with the Development Plan. The Proposed Development is located in an area that is characterised at present by renewable energy and grid infrastructure and it would be complementary to these existing facilities.

# Loch Toftingall Battery Energy Storage System

## Planning Statement

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- 5.1.6. In addition to helping meet to meet the Scottish Government’s legally binding target of reaching net-zero greenhouse gas emissions by 2045, the Proposed Development also has positive impacts on the economy through job creation and supporting the Scottish economy. The UK and Scottish Government energy policy documents discussed in Section 4 of this Statement all lend further support to the case for granting planning permission. These documents recognise the need for more battery storage across the country as we continue to progress towards the decarbonisation of our energy system, which will add resilience to the energy system.
- 5.1.7. Overall it is concluded that the Proposed Development complies with relevant Development Plan policies. The material considerations of relevance in this case lend support to a compliant Development Plan position and it is respectfully requested that planning permission is granted.
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