

Planning Application for a Proposed Battery Energy Storage System (BESS), Transformers, Substation and Associated Infrastructure

Land South-West of Inglis Farm, Cockenzie, EH32 0JT

Planning, Design and Access Statement

On behalf of Cockenzie Storage Limited

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1. Introduction

- 1.1. This Planning, Design and Access Statement has been prepared by Pegasus Group on behalf of Cockenzie Storage Limited (“the applicant”) to accompany an application for consent under Section 36 of the Electricity Act 1989 (the Electricity Act) for the installation of a battery-based electricity storage scheme transformers, substation and associated development on land south-west of Inglis Farm, Cockenzie, East Lothian, EH32 0JT. The site location is provided in the submitted Location Plan ref. OO-COCKENZIE -101 rev. F.
- 1.1.1. Battery storage technologies are essential to speeding up the replacement of fossil fuels with renewable energy. Battery storage systems will play an increasingly pivotal role to responding to electricity demands. Battery storage, or BESS are devices that enable clean energy from renewables, like solar and wind, excess to requirements to be stored and then released when the power is needed most, rather than being lost.
- 1.2. In 2020, a letter was issued by the Chief Planner regarding consents and variations to planning permission for energy generating ancillary uses. They highlighted that the Scottish Government considers battery installation, which stores electricity, is to be treated as a ‘generating station’. Planning permission is needed for the construction of an electricity generating station. For generating stations which have a permitted capacity greater than 50MW, consent is also needed under Section 36 of the Electricity Act 1989 for the construction and operation of the generating station.
- 1.3. As part of the decision-making process, the Scottish Ministers will review whether the applicant has fulfilled the requirements placed upon them by Schedule 9 (3) of the Electricity Act. The decision will require an evaluation of Energy Policy, the relevant aspects of National Planning Policy and the statutory Development Plan.
- 1.4. The description of development is as follows:

“Proposed Battery Energy Storage System (BESS), Transformers, Substations and Associated Infrastructure.”

The Applicant
- 1.5. Gresham House is the owner of Cockenzie Storage Limited, and Gresham House New Energy is the clean energy division within Gresham House that will be responsible for the development of the proposed battery energy storage facility at Cockenzie.
- 1.6. Gresham House is a specialist alternative asset management group dedicated to sustainable investments across a range of investment strategies, including Battery Energy Storage, renewable energy, sustainable infrastructure and forestry. The group’s origins stretch back to 1857, while their focus is on the future and the long term.
- 1.7. The New Energy strategy and investments aim to support the shift from a world powered by finite resources to a new energy world powered by renewables. The Gresham House New Energy team has a proven track record in developing and operating renewable generating and battery energy storage assets and currently manages operational and development solar, wind and battery energy storage projects of c.2,500MW. Of this, Gresham House Energy Storage Fund plc (GRID) the UK’s largest battery energy storage fund, currently operates c.600MW of BESS (battery energy storage systems) at 21 sites around the UK.



Supporting Documentation

1.8. The following documents are submitted in support of the submission:

- Completed Application Forms;
- Covering Letter (Pegasus Group);
- EIA Screening Request (Pegasus Group);
- Planning, Design and Access Statement (Pegasus Group);
- Landscape and Visual Assessment (Pegasus Group);
- Archaeology and Built Heritage Assessment (Pegasus Group);
- Habitats Regulations Assessment (BSG Ecology);
- Ecological Impact Assessment Report (BSG Ecology);
- Construction Traffic Statement (Pegasus Group);
- Flood Risk Assessment (Pegasus Group);
- Drainage Statement (David R. Murray and Associates);
- Acoustic Design Specification (Ian Sharland);
- Battery Storage Safety Management Plan (National Fire Safety Services); and
- Pre-Application Consultation Report (Pegasus Group).

1.9. The following plans are submitted in support of the submission:

Drawing Description	Drawing No.
Topographical Survey	15763
Site Location	OO-COCKENZIE -101 Rev. F
Site Layout	OO-COCKENZIE -102 Rev. T
Existing Services	OO-COCKENZIE -107 Rev. B
Standard Equipment Layout	OO-COCKENZIE -113 Rev. A



Battery Containers	00-COCKENZIE -301 Rev. C
Inverter Arrangement	00-COCKENZIE -302 Rev. B
TX Arrangement	00-COCKENZIE -302 Rev. B
Customer Switchgear Container	00-COCKENZIE -303 Rev. A
Auxiliary Transformer	00-COCKENZIE -304 Rev. A
Customer Control Room	00-COCKENZIE -305 Rev. B
Customer 1 – 132kV	02-COCKENZIE – 306 Rev. D (Sheets 1-4)
400kV SPT Substation	00-COCKENZIE -307 Rev. F (Sheets 1-2)
Acoustic Fence and Gate	00-COCKENZIE -308 Rev. B (Sheets 1-2)
Unclimbable Palisade Fence and Gate	00-COCKENZIE -309 Rev. B
Fire Hydrant Layout	00-COCKENZIE -503 Rev. D
Water Storage Tank	00-COCKENZIE -310 Rev. A
Pump Room	00-COCKENZIE -311 Rev. A
Landscape Masterplan	P23-0093_EN_0002 rev. I
Drainage Layout	E12843/2001 rev. E
Engineering Layout	E12843/1001 rev C



Statement Approach

- 1.10. The development management issues relevant to the application proposal are discussed in this statement. The subsequent sections of this statement are divided into:
- Section 2 outlines the application site and the surrounding area;
 - Section 3 details the development proposals;
 - Section 4 discusses the relevant national and local planning policy;
 - Section 5 contains a planning assessment of the development proposals; and
 - Section 6 contains the conclusion of the report.
- 1.11. This Planning, Design and Access Statement will assess in detail all the planning aspects associated within the proposals for the application site. It will demonstrate that the proposals will allow for a straightforward connection to the grid which significantly limits its impact on the landscape and allows for highly effective delivery of stability services to National Grid. This statement is intended to provide the Scottish Ministers with sufficient information that is in accordance with national and local planning policies.

2. Site & Surroundings

Application Site

- 2.1. The site measures at approximately 15.2ha in size and is located on land south-west of Inglis Farm, Cockenzie, East Lothian, EH32 0JT. The application site is depicted on the Site Location Plan (Reference: 00-COCKENZIE -101 Rev. F) submitted as part of this application. An aerial view of the site is included below at Figure 1.



Figure 1: Aerial view of Site

- 2.2. The site is located within the administrative boundaries of East Lothian Council and is located approximately 14km north-west of the administrative centre of Haddington. The site comprises agricultural land with small areas of grassland and woodland.
- 2.3. In terms of the site surroundings, the B1348 Edinburgh Road lies to the north of the site whereas the B6371 Road is located adjacent to the eastern and southern boundary. To the west lies the former Cockenzie Power Station and the Cockenzie substation, whilst land to the south has been used to store the coal for the former power station. The town of Cockenzie & Port Seton lies to the north and east of the site. The site also sits along the periphery of the town of Prestonpans. The wider context to the north is defined by the Firth of Forth coastline.
- 2.4. There are two points of access to the site. The first being from the west, off the B1348, this will be for emergency and maintenance purposes only. The second main access will be taken from the south east, from the B6371. This will be for construction purposes. These points of access would be used until such a time as they are replaced by a replacement road that would link the B1348 with the B6371. Future amendments to the western access may be required as a consequence to the Seagreen permission when construction works begin. The proposed BESS scheme can adapt to reflect any amendments to site access arrangements, although all construction traffic would only be taken from the east.

- 2.5. Construction access will be co-ordinated between the applicant, the Local Authority and Seagreen, who will act together under licence with and under management from the Local Authority (LA) via an option agreement which is to be submitted and agreed upon. The intention is to use the public network via the existing access on the B6371 which will then be managed privately.

Site Context

- 2.6. The site is located within Land at Former Cockenzie Power Station under Local Plan Policy EGT1 which states that:
- 2.7. *"Land at the above site will be safeguarded for future thermal power generation and carbon capture and storage consistent with National Development 3. Land at Cockenzie may also present significant opportunities for renewable energy-related investment. The council will work together with developers, the landowner, the relevant agencies, local organisations and interested parties, including local residents to ensure that the best use is made of the existing land and infrastructure in this area;*
- 2.8. *If there is insufficient land for competing proposals, priority will be given to those which make best use of the location's assets and which will bring the greatest economic benefits,;*
- 2.9. *Development proposals must avoid unacceptable impact on the amenity of the surrounding area, including residential development."*
- 2.10. The site is broadly circled in red on Figure 2.

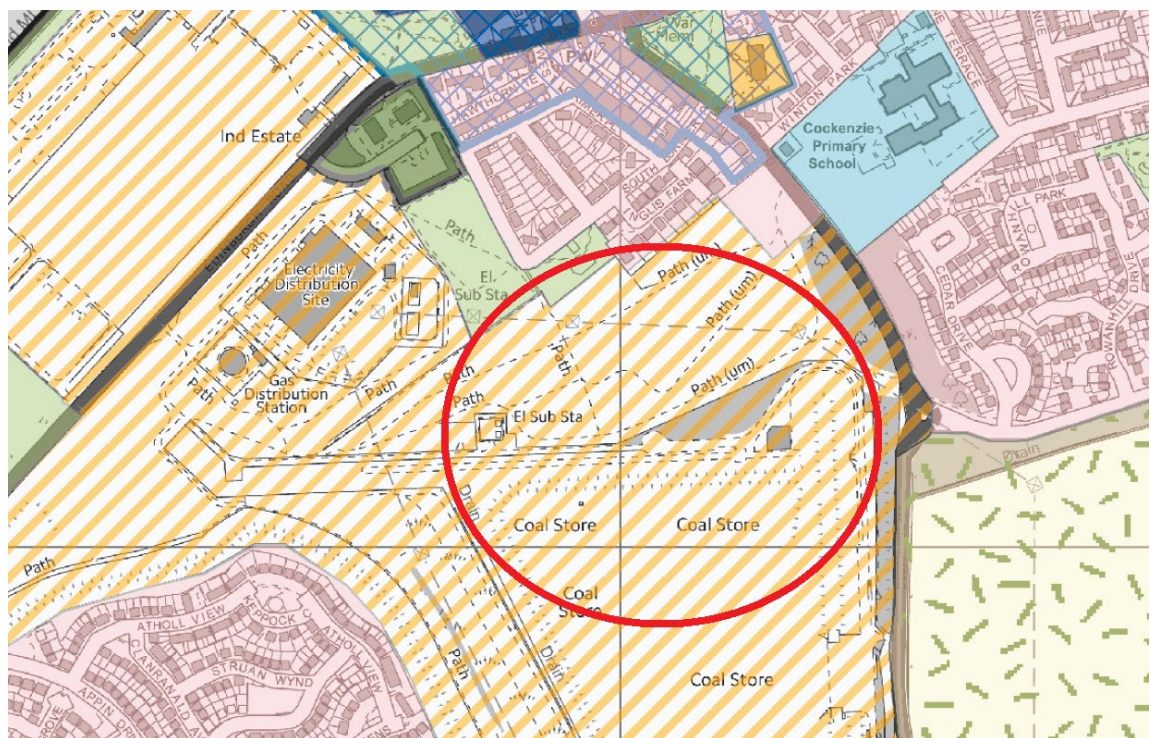


Figure 2: Aerial Image of Site

2.11. The key site characteristics are detailed below:

- According to Scotland’s Soils map, the site is located on land capability for agriculture (LCA) class 1 which is defined as “Land capable of producing a very wide range of crops”.
- The submitted Flood Risk Assessment (FRA) considers the site to be at low risk of flooding from all sources. According to Scottish Environment Protection Agency (SEPA), the site is not located in an area identified as at risk of flooding from coastal or fluvial sources, and assessed as low risk from groundwater, drainage and reservoir sources. There are two [small] isolated areas of the site predicted to have a high likelihood of surface water flooding; this risk reduces to ‘low’ with the surface water drainage mitigation proposed in the submission.
- The site benefits from existing industrial access broadly along the southern boundary which connects the B1348 and B6371 which subsequently serves the substation and former power station. This is to be replaced by a new link road in due course. The site is not located within an Air Quality Management Area (AQMA) nor is there one located in proximity.
- The site is not subject to any national landscape designations. The Firth of Forth which sits north of the site boundary along the coastline is designated as a Site of Special Scientific Interest (SSSI), Special Protection Area and RAMSAR Wetlands of International Importance.
- The proposed development site lies within the north western extent of the Inventory Boundary of the Historic Battle of Prestonpans (ref. BTL16). No other heritage assets are recorded within the site, although a number are recorded in the wider vicinity.
- The Cockenzie and Port Seton Conservation Area lies c.35m north of the proposed development site. It is considered that due to the enclosed nature of the site, adjacent large-scale development, and intervening recent development, the proposals are not anticipated to impact the heritage asset, and the character and appearance of the Conservation Area and its setting would be preserved.

Planning History

2.12. Regarding the proposals now being considered, a letter requesting a screening opinion under Regulation 8 of the Town and Country Planning (Environment Impact Assessment (Scotland) Regulations 2017 to determine whether the production of an Environment Impact Assessment Report is required was submitted to the Energy Consents Unit (ECU) on 19th July 2023. At the time of writing this report, a formal written response was awaited. However, we conclude that EIA is not required for the proposal as no significant environmental effects are likely and that the comprehensive submissions made as part of this application address the principal assessment matters.

2.13. A site history search has been undertaken for the application site. The site was previously submitted to East Lothian Council as part of a wider site for an application for an energy park by Scottish Enterprise. Further details about the application are as follows:

- 14/00015/PAN – Energy Park comprising a mix of uses including Classes 4, 5 and 6 development, associated infrastructure and construction of a new and upgraded quayside to low water mark, as well as new and altered access roads, potential road realignment, and associated/ancillary development. Decision not available on public access.

2.14. In terms of the wider context, the majority of the planning history within proximity of the site is mostly related to works associated with the Former Cockenzie Power Station. Further details about these applications are as follows. The locations of the below applications are shown below on figure 3.



Figure 3: Locations of planning applications relating to Former Cockenzie Power Station

- 22/00440/P – Construction of new link road including the formation of two new signalised junctions and associated works. Granted Permission in July 2022.
- 21/01474/PPM – Renewal of planning permission in principle 18/00189/PPM for proposed onshore transmission works associated with the Inch Cape Offshore Wind Farm comprising the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the Inch Cape Offshore Wind Farm to the National Electricity Transmission System. Granted Permission in March 2022.
- 21/01448/P – Erection of 1 wind turbine, welfare units, plant equipment, fencing and gates for a temporary period of 18 months. Granted Permission in March 2022.
- 21/00290/PPM – Planning permission in principle for onshore substation, underground electricity cables and associated temporary and permanent infrastructure to export electricity from the Seagreen Offshore Wind Farm into the national electricity transmission network. Granted Permission in August 2021.



- 21/00001/PAN – Proposed Regulation 11 application to extend the time period for submission of applications for matters specified in conditions (AMSCs). Decision not available on public access.
- 20/00010/PAN – Onshore substation, underground electricity cables and associated temporary and permanent infrastructure to export electricity from the Seagreen Offshore Wind Farm into the national electricity transmission system network. Decision not available on public access.
- 18/00189/PPM – Planning permission in principle for proposed onshore transmission works associated with the Inch Cape Offshore Wind Farm comprising the construction, operation and decommissioning of an onshore substation, electricity cables and associated infrastructure required to export electricity from the Inch Cape Offshore Wind Farm to the National Electricity Transmission System. Granted by Scottish Ministers in March 2019.
- 17/00008/PAN – Application for planning permission in principle for the construction, operation and decommissioning of an onshore substation, underground electricity cables and associated infrastructure required to export electricity from Inch Cape Offshore Limited's proposed offshore wind farm to the National Electricity Transmission System. Decision not available on public access.
- 08/00045/FUL – Erection of new primary substation and associated works. Consent Granted.



3. Development Proposals

3.1. This section provides a key overview of the development proposals.

Background, Needs and Benefits

- 3.2. The world's first integrated national grid opened in 1935 with several grid areas created to cover the UK. Rather than having a host of small power stations, these grid areas allowed energy supplies to become more accessible, cheaper, and stable. As the 20th century wore on, majority of power was still powered by coal. Remaining nuclear and coal power plants are in the process of reaching the end of their design lives or reducing in capacity.
- 3.3. The Distribution Network Operator (DNO) is responsible for the operation of the local grid network. The DNO is licensed to distribute electricity provided by the Scottish Power Transmission (SPT) network. They are responsible for the transmission of electricity in central and southern Scotland. SPT take electricity generated from power stations and various other energy sources and transport it through their vast transmission network. These systems are crucial to the delivery of the Government's renewable energy objectives.
- 3.4. There is a requirement to deliver an increasing amount of clean energy through renewable technologies, as acknowledged by the UK Government in the Energy White Paper in 2020. The Climate Change (Scotland) Act 2019 sets targets for the reduction of Scotland's emission of all greenhouse gases to net-zero by 2045. The First Minister of Scotland highlighted that the climate emergency is at the forefront of the Scottish Government programme going forward. The 2021 – 22 Programme states:
- 3.5. *"Energy and industry must be at the forefront of our progress towards net zero – securing the necessary emissions reductions, while driving investment and innovation in new technologies across the supply chain and, in turn, creating new, good and green jobs. To help drive that innovation and transition forward, the Scottish Government is investing £2 billion across 2021-22 to 2025-26 in large-scale, low carbon infrastructure."*
- 3.6. The biggest challenge facing renewable energy is that if it is not directly fed into the grid or used immediately, it is lost. Capturing excess energy that is ready to use is a fundamental challenge to ensure that all renewable energy systems can efficiently be given the opportunity to capture and store energy.
- 3.7. A battery storage system consists of batteries that can store energy and are able to release or absorb energy from the power network. Being able to absorb and release energy, the battery storage at Crockenzie can be used to contribute towards the frequency balancing services, where the power is being generated or absorbed statically or dynamically depending on the system frequency. When there is not enough power, batteries are discharged to balance under frequency preventing black and brown outs. To balance over frequency batteries are charged to prevent dangerous spikes across electricity infrastructure.
- 3.8. In terms of these Development Proposals, a battery storage system is to be treated as a generating station, as per the Chief Planners letter in 2020. Battery storage can help curb climate change by decreasing emissions from electricity and heating needs. Having battery storage systems in place allows for more renewable energy systems to be in place in the future. This would initiate higher levels of energy security through integration of locally



produced energy which is stored and released to the grid. Ultimately, more of these systems will help to reduce the impacts of climate change and meet governmental targets.

Proposal

- 3.9. The applicant is seeking to construct and operate a battery energy storage system (BESS) of up to 342 megawatts (MW). The proposed BESS will be able to store, release or absorb energy from the electricity network. It will supply energy security to the local network during times of peak demand.
- 3.10. The site boundary for the application allows for all development associated with the proposed development including connection to the grid and landscaping features.
- 3.11. Emergency and maintenance access will be from the west off the B1348 Edinburgh Road (via the existing access). Construction access will be taken from the south east off the B6371 via the existing access.
- 3.12. The associated equipment will be split between two areas of the site and would comprise:

Battery Site:

- Battery storage units – battery units arranged in rows 7m in length, 2.8m wide, and 3.1m in height;
- Switchgear containers – 20m in length, 3.5m wide and 4.1m in height;
- Inverters and transformers local to the batteries will be 3m in height;
- Palisade fencing;
- Fire Hydrants;
- Water Storage Tanks;
- 3 substations and substation equipment, with some elements being in the region of 13.13m in height. Further details are as follows:

Other Details:

- Landscaped bunds;
- Landscape features around the site will include trees and hedgerow planting;
- Site fencing, access gate and CCTV 2.4m high security mesh fence with access gates, CCTV and light poles to be 5m high;
- Wires to existing pylons;
- Area for a temporary construction compound towards the south of the site (should this be necessary during the course of the developments implementation).

3 Substations Comprising of:

Substation 1 (132kV)

- Control room – 6.5m in length, 3.9m wide and 3m in height;
- 132kV transformer – 6m in length, 3.5m wide and 3.8m in height;
- Removable panels;
- 132kV switch house enclosure 8.1m in length, 6m wide, and 6.3m in height;
- Auxiliary transformer 2.6m in length, 2.4m wide and 3m in height;
- Acoustic fence 4m in height.

Substation 2 (132kV)

- Control room/auxiliary room –11m in length, 4m wide and 3m in height;
- 2no. 132kV transformers 11m in length, 9m wide and 5.7m in height;
- Fire wall to south and in-between the 2no. 132kV transformers, 6.1m in height;
- Acoustic fence 4m in height;
- 132kV switch house enclosure 15m in length, 11m wide and 8.2m in height;
- Auxiliary transformer 2.6m in length, 2.4m wide and 3m in height.

Substation 3 (400kV)

- Auxiliary transformer 2.6m in length, 2.4m wide and 3m in height;
- Customer control room 11.4m in height, 3.3m wide and 2.5m in height.

- 3.13. Should this be necessary during the course of the developments implementation, an area for a temporary construction compound is proposed towards the south of the site on the former coalyard. The proposed construction compound is temporary, and as such should be considered on this basis. A construction compound is required to support the construction work and day-to-day operations on site. A construction compound is required either within the main body of the site, or in close proximity of the proposed BESS (possibly in combination as the development is built out). It is considered that the area proposed is the nearest suitable location in the event that the main body of the site cannot be used.
- 3.14. As part of the proposal, the applicant is open to discussions regarding a one-off financial contribution with the local community council following consent of the permission.



Pre-Application

- 3.15. A Pre-Application Advice Request for the proposed Battery Energy Storage System (BESS) and Associated Infrastructure was submitted to the ECU on 30th March 2023. The ECU highlighted that they were unable to provide any detailed comments at that stage on site suitability. They underlined that if the applicant considered the proposals not to be EIA development, then a screening opinion should be sought from the Scottish Ministers.
- 3.16. A screening opinion was submitted to the ECU on 19th July 2023. At the time of writing, no response had been received, although the applicant's position is that an EIA is not required.
- 3.17. The applicants sought to engage with East Lothian Council regarding the proposal, including to agree a list of statutory consultees to consult with as part of the pre-application consultation. The council advised that a request for pre-application advice should be submitted.
- 3.18. A request for pre-application advice for the proposed BESS and Associated Infrastructure was submitted to East Lothian Council on 24th July 2023. Pre-application meetings were held with officers from East Lothian Council on 21st August 2023 and 23rd August 2023.
- 3.19. Additionally, a representative from Pegasus Group met virtually with Cockenzie and Port Seton Community Council on 1st August 2023 and gave a presentation and questions & answers session during their monthly meeting to community council representatives and members of the local community.
- 3.20. A follow-up meeting was held on 2nd August with Cockenzie and Port Seton Community Council members to clarify any remaining queries that members may have had.

Public Consultation

- 3.21. Whilst there are no statutory pre-application consultation procedures for Section 36 applications under the Electricity Act 1989, the minimum expectation is that applicants carry out pre-application consultation. The applicant is asked to set out in advance to ECU how they will carry out pre-application consultation. Applicants for section 36 consents are asked to submit a pre-application consultation report with their application for proposed developments. This is provided within this application, although a summary is provided below.
- 3.22. The proposed plans were made be available to view on a website www.cockenziebatterystorage.co.uk. An initial consultation exhibition was held on 1st June 2023 with all relevant consultation materials present. The website was updated to reflect the current proposals at the time of the second round of consultation.
- 3.23. Feedback from the initial consultation was collated and reviewed. This allowed for changes to the proposed development where appropriate, alongside the design iteration of the scheme by the applicant. This is set out in the Pre-Application Consultation Report. A second consultation was held in July to August 2023 with virtual and in-person appointment only surgeries, and an updated website.



- 3.24. Appointment only surgeries were also held virtually between Thursday 13th July – Thursday 3rd August 2023 between 9am–5:30pm Mondays–Fridays. In person appointments were available on 20th July 2023. Alternative arrangements were made available for those that were not able to make an appointment during these times.

Access

- 3.25. There are two existing access points to the site from the B1348 Edinburgh Road and B6371 Road. The existing access point from B1348 Edinburgh Road will be utilised as part of the proposals and will provide access to the development for Emergency and Maintenance access only. Access for construction will be taken via the existing access on the south-eastern boundary along the B6371 Road.
- 3.26. This will remain the case until such a time as the new link road between these two highways is built and/or as they may be amended by the Seagreen proposals.

Connection to Local Electrical Network

- 3.27. The proposed development will connect to the SPT Cockenzie substation located adjacent to the red line boundary. The connection will utilise existing infrastructure within SPT's network. The substation has sufficient export and import capacity to accommodate the development proposal, and the connection is secured. Thus, the benefits that would flow from this proposal are viable.

Site Management

- 3.28. Taking access from the B6371, the full construction period is anticipated to be around 12–14 months with majority of the construction to be completed in a 4–6-month period. Deliveries will be taken during daylight hours to avoid peak traffic hours. Once completed, the site will be operated remotely however there will be weekly maintenance and inspection visits (taking access from the west off the B1348)

4. Design and Access Matters

Use

- 4.1. The proposal is for the installation of a battery-based electricity storage scheme on land south-west of Inglis Farm, Cockenzie, East Lothian, EH32 OJT. The description of development is as follows:

“Proposed Battery Energy Storage System (BESS), Transformers, Substations and Associated Infrastructure.”

Amount

- 4.2. The site comprises roughly 15.2 ha in size and is shown on the enclosed Site Location ref. OO-COCKENZIE -101 Rev. F. The detailed plans for the site are submitted alongside this Planning, Design and Access Statement.

Access

- 4.3. Emergency and maintenance access will be from the west off the B1348 Edinburgh Road via the existing access. Construction access will be taken from the south east off the B6371 via the existing access.

Layout

- 4.4. The associated equipment will be split between two areas of the site and would comprise:

- Battery storage units;
- Switchgear containers;
- Inverters and transformers;
- 3no. substations and substation equipment;
- Landscaped bunds;
- Landscape features;
- Site fencing, access gate, CCTV and light poles; and
- Wires to existing pylons.

- 4.5. Further details are provided on the Site Layout ref. OO-COCKENZIE -102 Rev. T.

5. Planning Policy

- 5.1. Scotland's planning system is plan-led. The 'purpose of planning' is "to manage the development and use of land in the long-term public interest". Development plans set out how places will change into the future, including the long-term vision for where development should and shouldn't happen.
- 5.2. This section sets out the relevant policies of the adopted Development Plan, any material considerations of relevance policies of the adopted Development Plan, any material considerations of relevance to the determination of this planning application and any emerging local plan policy.
- 5.3. Significant changes to development planning were made by the Planning (Scotland) 2019 Act. The statutory Development Plan comprises:
 - The National Planning Framework 4 (adopted 13 February 2023)
 - East Lothian Local Development Plan 2018 (adopted 27 September 2018)

National Planning Framework 4

- 5.4. The National Planning Framework 4 (NPF4) was adopted on 13th February 2023. NPF4 sets out Scotland's spatial principles, regional priorities, national developments and national planning policies which reflect Scottish Ministers' priorities for the development and use of land. NPF4 also relates to preparation of development plans, development design and determination of planning applications and appeals. NPF4 plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals.
- 5.5. Following the approval by the Scottish Parliament of National Planning Framework 4 (NPF4) on 11 January 2023, the Chief Planner provided advice on NPF4 becoming part of the statutory 'development plan' alongside local development plans (LDPs). The intention for this advice being to support consistency in decision making ahead of new style LDPs being in place.
- 5.6. This means that former Strategic Development Plans, National Planning Framework 3 and Scottish Planning Policy are superseded. Thus, NPF4 forms part of the statutory development plan relevant to the consideration of this development proposal and carries significant weight.
- 5.7. All planning applications in Scotland must be determined in accordance with the provisions of NPF4 and the relevant Local Development Plans unless material considerations indicate otherwise. If there is any inconsistency with NPF4 policies and an LDP adopted before 13 February 2023, NPF4 will take precedence. The Scottish Government expects new LDPs in future to be more place-based. National policies relevant to the site are outlined in NPF4.
- 5.8. Under Annex B: National Development Statements of Need, NPF4 states that "*national developments are significant developments of national importance that will help to deliver our spatial strategy.*" Strategic Renewable Electricity Generation and Transmission Infrastructure is one of eighteen national developments within NPF4 that would support the delivery of the spatial strategy.



Given the size of this proposal (exceeding 50MW), this proposal qualifies as a national development and would need to gain consent under Section 36 of the Electricity Act 1989 (the Electricity Act). The scheme therefore attracts significant weight from the policies within NPF4.

- 5.9. The following NPF4 policies are considered applicable to the proposed development:
- 5.10. **Policy 1: Tackling the climate and nature crises** – states proposals should give significant weight to global climate and natural crisis.
- 5.11. **Policy 3: Biodiversity** – states development should contribute to enhancing biodiversity, integrating nature-based solutions where possible. Major proposals should demonstrate how they will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. Any potential adverse impacts should be minimised through careful planning and design.
- 5.12. **Policy 4: Natural places** – notes how development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. Point (d) states development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or*
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.*
- 5.13. **Policy 5: Soils** – The policy intent is to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. The Policy supports the generation of energy from renewable sources on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use.
- 5.14. **Policy 7: Historic assets and places** – aims to protect and enhance the historic environment, including protecting heritage assets, listed buildings, conservation areas and scheduled monuments.
- 5.15. **Policy 11: Energy** – This policy seeks 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...’ Part a(iii) specifically supports ‘energy storage, such as battery storage and pumped storage hydro’.
- Point (c) of the policy states development 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
- Point (e) sets out a range of impacts which should be addressed through project design and mitigation. Not all are relevant to the proposed development, but includes impacts on communities and individual dwellings, such as residential amenity, visual impact and noise. Other impacts include landscape visual impacts, road traffic, biodiversity and trees.
- 5.16. **Policy 22: Flood risk and water management** – seeks to strengthen resilience to flood risk. Point (c) notes how development proposals are expected not to increase the risk of surface



water flooding, manage rain and surface water through SUDS and minimise areas of impermeable surfaces.

- 5.17. **Policy 23: Health and safety** – point (e) states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

East Lothian Local Development Plan 2018

- 5.18. East Lothian Council adopted the East Lothian Local Development Plan 2018 in September 2018. The next Local Development Plan for East Lothian (LDP2) is in the early stages of preparation. However, it is not yet at an advanced enough stage to be a material consideration.
- 5.19. The following East Lothian LDP 2018 policies are considered applicable to the proposed development:
- 5.20. **Policy PROP EGT1: Land at Former Cockenzie Power Station** – This policy states that land at Cockenzie is highlighted to present significant opportunities for renewable energy related investment. The council will work together with developers, the landowner, the relevant agencies, local organisations and interested parties, including local residents to ensure that the best use is made of the existing land and infrastructure in this area.
- 5.21. **Policy CH4: Scheduled Monuments and Archaeological Sites** – This policy states that where a proposed development might affect any Scheduled Monument or archaeological site (of known or suspected archaeological interest), the developer must undertake and make available to the planning authority a professional archaeological assessment and, if necessary, a field evaluation.
- 5.22. **Policy CH5: Battlefields** – This policy states that development within a site listed in the Inventory of Historic Battlefields will not be permitted where it would have a significant adverse effect on the key features of the battlefield, including its key landscape characteristics and special qualities, unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised.
- 5.23. **Policy T1: Development Location and Accessibility** – This policy states that new developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.
- 5.24. **Policy T2: General Transport Impact** – This policy states that new developments must have no significant impact on Road Safety; The convenience, safety and attractiveness of walking and cycling in the surrounding area; Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times; The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and Residential amenity as a consequence of an increase in motorised traffic.

- 5.25. **Policy PROP EGT3: Forth Coast Area of Co-ordinated Action** – The Council supports the principle of electricity grid connections on the Forth coast from Cockenzie to Torness. Proposals must be accompanied by project-specific information to inform a Habitats Regulations. In order to facilitate off-shore energy generation, the following criteria need to be met:
- infrastructure is combined wherever possible;
 - connection to existing infrastructure at Cockenzie and Torness is prioritised;
 - and proposals must not have an adverse effect on the integrity of the Firth of Forth SPA or any other European site either alone or in combination with other projects and plans.
- 5.26. **Policy DC1: Rural Diversification** – This policy states that proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan for agriculture, horticulture, forestry, infrastructure or countryside recreation developments.
- 5.27. **Policy DC6: Development in the Coastal Area** – This policy states that the siting and design of new development must respect the qualities of the particular coastal location. It highlights that new development may be acceptable in certain circumstances where there is an operational requirement for a coastal location
- 5.28. **Policy NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species** – This policy states that developers must demonstrate, where relevant, how impacts on biodiversity and geodiversity have been addressed as part of their proposals. It is highlighted that proposals should indicate how they have had regard to the mitigation hierarchy, the potential for incorporating biodiversity or geodiversity features within the site into the proposal in a positive way where appropriate, and for providing on-site or off-site enhancements.
- 5.29. **Policy NH7: Protecting Soils** – This policy indicates that proposals for renewable energy generation or mineral extraction on prime quality agricultural land may also be acceptable where provision is made for restoration of the land to its former status and if soil will be reused where feasible.
- 5.30. **Policy NH11: Flood Risk** – This policy states that all relevant development proposals will be assessed based on the probability of a flood affecting the site and the nature and vulnerability of the proposed use. Flood Risk Assessments will normally be required for proposals within the medium to high-risk category of flood risk.
- 5.31. **Policy NH13: Noise** – This policy states that the impact of noise will be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise. A noise impact assessment will be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of noise in the area. The assessment must specify suitable and appropriate mitigation measures that would make the proposal acceptable. Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported.
- 5.32. **Policy DP1: Landscape Character** – This policy states that all new developments, with the exception of changes of use and alterations and extensions to existing buildings, must:

- Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;
- Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.

5.33. **Policy DP2: Design** – This policy indicates that the design of all new development must be appropriate to its location. With regards to these proposals, this includes the following:

- Ensuring privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
- Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

Former Cockenzie Power Station Site: Update

5.34. In January 2023, East Lothian Council's bid for £11.3 million of UK Government's Levelling Up funding was successful. The allocated site for the former Cockenzie Power Station was secured for funding in support of the site's regeneration and making it developable. The funding is aimed to be used for:

- Remove the bunds from around the former coal store increasing the area that is developable and improving access
- Use bund material to infill the hole where the former power station building was sited to create a level, developable platform
- Infill the former underground power station cooling ducts
- Repair the sea wall and make flood protection improvements
- Make improvements to the John Muir Way along the promenade area of the site.

5.35. In June 2023, East Lothian Council provided an update from their full meeting on the redevelopment of the former Cockenzie Power Station site. The site was acquired by the council in 2018 to promote economic growth and create employment opportunities. It highlighted that works are required to make the best use of the land available, regardless of the end land use of the site, with the removal of the bunds making available approximately 8ha of land with the site allocated in NPF4 and identified to generate employment and provide essential infrastructure for net zero.

5.36. East Lothian Council, who considered the complexities around the use of the Cockenzie site as a port, agreed that no further work should be undertaken to advance the site as a major

port facility and/or cruise terminal. Instead, the site they agreed that the site should be considered for a broader range of employment uses. It was further emphasised that the focus should be on employment-related, land-based development as supported by NPF4 which promotes net zero infrastructure and significant economic and employment opportunities at the site and that is the context for future delivery.

The Electricity Act 1989

- 5.37. The Scottish Government set out its position on the granting of energy consents and related planning permissions in Scotland, to clarify current procedural expectations and its position on electrical 'storage' and the appropriate consenting regime for decision making, noting the respective roles of the Town and Country Planning (Scotland) Acts and the Electricity Act 1989 (the Electricity Act). In 2020, a letter was issued by the Chief Planner regarding consents and variations to planning permission for energy generating ancillary uses. The Scottish Government considers that a 'battery installation' generates electricity and is therefore to be treated as a generating station.
- 5.38. As a result, a battery installation should be treated as any other generating station for the purposes of deciding whether Section 36 consent is required for its construction and operation. The Government highlights that battery facilities which are to be constructed as extensions to existing electricity generating stations, should be considered under Section 36 of the Act 1989 where the combined output of the existing generating station and the proposed battery facility would exceed 50MW.
- 5.39. The principal planning statute in Scotland is the Town and Country Planning Act (Scotland) 1997 (the Planning Act). Section 57(2) of the Planning Act provides:
- 5.40. *"On granting or varying a consent under section 36 or 37 of the Electricity Act 1989, the Scottish Ministers may give a direction for planning permission to be deemed to be granted, subject to any conditions (if any) as may be specified in the direction".*
- 5.41. Schedule 9 of the Electricity Act 1989 sets out the environmental features which the decision maker must have regard to and identifies that mitigation must be considered. Sub-paragraph 1 is relevant to an applicant if they hold a License at the date the application is submitted. Sub Paragraph 1 (1) states:
- "In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity;*
- (a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and*
- (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects."*
- 5.42. Sub-paragraph 1 (2) applies to all applicants and refers to sub paragraph 1. Sub-paragraph 2 states:

"In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to –

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

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

5.43. Sub-paragraph 3 (1) gives advise that a developers should consider the following:

"In formulating any relevant proposals, a licence holder or a person authorised by an exemption to generate, distribute, supply, or participate in the transmission of electricity –

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

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

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

"(a) the desirability of the matters mentioned in paragraph (a) of sub - paragraph (1) above; and (b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of the sub-paragraph."

5.45. This sets out a range of environmental matters to which the developer must assess and, if required, mitigate the effects of the proposed development on environmental matters. The Scottish Ministers will determine if an application takes into account the statutory duties in Schedule 9 of the Electricity Act and any other relevant material considerations and relevant aspects of the statutory development plan.

5.46. For the purposes of Section 36 decision making, the Town and Country Planning Act (Scotland) 1997 sets out the meaning of the statutory Development Plan, which is indicated to be:

"(a) the National Planning Framework,

(b) any strategic development plan for the time being applicable to the area, together with—

(i) the Scottish Ministers' notice of approval of that plan, and

(ii) any supplementary guidance issued in connection with that plan, and

(c) any local development plan for the time being applicable to the area.

(2) A reference in subsection (1) to provisions of a framework or plan is to be construed as a reference to so much of the provisions as are applicable to the area.

(3) In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.”

5.47. In this case, the statutory Development Plan is comprised of:

- National Planning Framework 4 (adopted 13 February 2023);
- East Lothian Local Development Plan 2018 (adopted 27 September 2022)

5.48. Whether an LDP has been adopted prior to or after the adoption and publication of NPF4, legislation states that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997; section 24(3)). Provisions that are contradictory or in conflict would be likely to be considered incompatible.

5.49. Following the approval by the Scottish Parliament of National Planning Framework 4 (NPF4) on 11 January 2023, the Chief Planner provided advice on NPF4 becoming part of the statutory ‘development plan’ alongside local development plans (LDPs). The intention for this advice being to support consistency in decision making ahead of new style LDPs being in place.

5.50. NPF4 sets out Scotland’s national planning policies and the determination of planning applications and appeals. Thus, this forms part of the statutory development plan relevant to the consideration of this development proposal and carries significant weight.

Other Material Considerations

5.51. The following lists the relevant (and extensive) key renewable energy policy and legislation. All are material considerations in the determination of these proposals.

International Agreements and Obligations

The COP21 UN Paris Agreement 15

5.52. The Paris Agreement (December 2015) is an international agreement on climate change, of which there are 195 countries, including the UK. The Agreement came into force on November 4th, 2016, having been ratified by at least 55% (the point which triggers ratification) of the 195 countries.

5.53. The meeting in Paris was considered a make-or-break opportunity to secure an international agreement on the approach to tackling climate change, commitment to a longer-term goal of near zero net emissions in the second half of the century and supporting the transition to a clean economy and low carbon society.

5.54. Governments agreed:

- A long-term goal of keeping the increase in global average temperature to well below 2°C above pre-industrial levels.

- To aim to limit the increase to 1.5°C, since this would significantly reduce risks and the impacts of climate change.
- On the need for global emissions to peak as soon as possible, recognising that this will take longer for developing countries.
- To undertake rapid reductions thereafter in accordance with the best available science.

5.55. Countries will also be legally obliged to make new post-2030 commitments to reduce emissions every five years.

[The Intergovernmental Panel on Climate Change \(IPCC\) Sixth Assessment Report \(2021\), related Press Release and Statements \(2021\)](#)

5.56. The first part of the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6) was published on 9 August 2021. The Working Group I (WGI) contribution to the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report (AR6) assesses the physical science basis of climate change. It acknowledges that there is an improved understanding of the current state of the climate, human influence on the climate System, possible climate futures and climate information for risk assessment and regional adaptation.

5.57. The key points taken from the report are:

- It is unequivocal that human influence has warmed the atmosphere, ocean and land.
- The scale of recent changes across the climate system as a whole – and the present state of many aspects of the climate system – are unprecedented over many centuries to many thousands of years.
- Human-induced climate change is already affecting many weather and climate extremes in every region across the globe. Evidence of observed changes in extremes such as heatwaves, heavy precipitation, droughts, and tropical cyclones, and, in particular, their attribution to human influence, has strengthened since the last report.
- Global surface temperature will continue to increase until at least mid-century under all emissions scenarios considered. Global warming of 1.5°C and 2°C will be exceeded during the 21st century unless deep reductions in carbon dioxide (CO₂) and other greenhouse gas emissions occur in the coming decades.
- Many changes due to past and future greenhouse gas emissions are irreversible for centuries to millennia, especially changes in the ocean, ice sheets and global sea level.
- With further global warming, every region is projected to increasingly experience concurrent and multiple changes in climatic impact-drivers. Changes in several climatic impact-drivers would be more widespread at 2°C compared to 1.5°C global warming and even more widespread and/or pronounced for higher warming levels.



COP26 – The Glasgow Climate Pact (November 2021)

- 5.58. The negotiations at the COP26 climate summit held in November 2021 under the UN Framework Convention on Climate Change. The aim of COP26 was to keep alive the hope of limiting the rise in global temperature to 1.5C. After 13 days of intense negotiations, COP26 concluded on Saturday 13th November 2021 with every Party at COP26 – representing almost 200 countries – agreeing the Glasgow Climate Pact. However, even with the action committed both during and before COP26, communities around the world would continue to feel the impact of climate change on the planet, work must continue beyond COP26 with concerted and immediate global effort to deliver on all pledges.

IPCC Second AR6 Report (February 2022)

- 5.59. The second part of the IPCC's AR6 Report was published on 28 February 2022. It highlights throughout that climate change has already disrupted human and natural systems. Past emissions, development and climate change have not advanced global climate resilient development. It states that societal choices and actions implemented in the next decade determine the extent to which medium and long-term pathways will deliver higher or lower climate resilient development. It importantly confirms that development prospects are increasingly limited if current greenhouse gas emissions do not rapidly decline, especially if 1.5°C global warming is exceeded in the near-term. This can only be enabled by inclusive governance, adequate and appropriate human and technological resources, information, capacities, and finance.

IPCC Third AR6 Report (April 2022)

- 5.60. The third part of the IPCC's AR6 Report 'Mitigation of Climate Change' was published on 04 April 2022. The latest report consequences of the failing to limit the rise of global temperatures and that reducing emissions is a crucial near-term necessity.
- 5.61. Global GHG emissions in 2030 associated with the implementation of Nationally Determined Contributions announced prior to COP26 would make it likely that warming will exceed 1.5°C during the 21st century. Policies implemented by the end of 2020 would be projected to result in higher global GHG emissions than those implied by NDCs. It suggests that limiting warming to below 2°C would then rely on a rapid acceleration of mitigation efforts after 2030.

IPCC AR6 Synthesis Report (March 2023)

- 5.62. The IPCC published 'The Synthesis Report', last of the AR6 products, in March 2023. They warned that the emissions curve is not bending yet and that between 2010 and 2019, the earth experienced the highest levels of emissions in human history.
- 5.63. Climate action and progress has been made, and there are solutions available for mitigation and adaptation. However, this is not enough to respond to this crisis. Immediate and deep emissions reductions across all sectors are needed urgently. According to the IPCC report, limiting global warming to 1.5°C requires a peak before 2025, reduce emissions by 43% by 2030, 60% by 2035 and reach net-zero in early 2050.

United Kingdom Energy matters

UK 2050 Net Zero Target

- 5.64. The UK Renewable Energy Strategy (UKRES) sets out the means by which the UK can meet the legally binding target of 15% of energy consumption from renewable sources by 2023. It presents a 'lead scenario' that more than 30% of electricity should be generated from renewables by 2020.
- 5.65. A key element of the Strategy is that it sets out the EU requirement that progress will be reported to the EU every two years, in terms of the achievement of delivery against the trajectory set for the 2020 target. The purpose of the milestone reporting is to ensure that a trajectory is maintained towards 2020.
- 5.66. Under the Directive, the UK has interim targets to achieve the following shares for renewables in the energy mix as follows:
- 7.5% in 2015 – 2016.
 - 10.2% in 2017 – 2018.

The UK's Sixth Carbon Budget (December 2020)

- 5.67. The Committee on Climate Change (CCC) published their advice on the UK's sixth Carbon Budget 'The UK's Path to Net Zero' in early December 2020. It builds on the previous CCC advice to Government in relation to net zero.
- 5.68. The CCC has set out some recommended priorities for UK policy, including:
- Sets a Sixth Carbon Budget to require a reduction in UK greenhouse gas emissions of 78% by 2035 relative to 1990 levels;
 - This is seen as a world leading commitment, placing the UK "decisively on the path to net zero by 2050 at the latest with a trajectory that is consistent with the Paris Agreement";
 - It should be accompanied by an ambitious 2030 pledge to reduce emissions by at least 68% from 1990;
 - The recommended budget would achieve well over half of the required emissions reduction to 2050 in the next 15 years.
 - Key benefits for the UK are seen as including the opportunity for low carbon investment – recognised at a time when it is needed to support the UK's economic recovery from the COVID-19 health crisis.
- 5.69. Although the Report recognises that the main policy levers are held by the UK Government it states at Para 23 that "UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland" and that Scotland can take action through complementary measures at the devolved level including supporting policies such as "planning and consenting".

5.70. The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and “doubling or even trebling by 2050”. The CCC advice sets out that reducing emissions and meeting the budget requires action across various areas including expansion of low carbon energy supplies.

5.71. Page 29 sets out recommendations for action including “delivering the actions required in the 2020s to meet the Sixth Carbon Budget requires policies to be strengthened now. Matching strong ambition with action is vital for the UK’s credibility...”

The UK Energy White Paper (December 2020)

5.72. The Energy White Paper ‘Powering our Net Zero Future’ was published on 14 December 2020. The White Paper builds on the Prime Minister’s recently announced ‘Ten Point Plan’ to set the energy-related measures and a long-term strategic vision for the energy system, consistent with net zero emissions by 2050. It sets out (page 2) that it “puts net zero and our effort to fight climate change at its core.”

5.73. It also aims to support a ‘green recovery’ from COVID-19 and confirms that electricity demand could double by 2050. Whilst offshore renewables are expected to grow significantly, the White Paper also sets out that “onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios” (page 45).

The UK Net Zero Strategy (October 2021)

5.74. The UK Government published the Net Zero strategy in October 2021. The Net Zero Strategy is a UK government strategy that sets out plans to reduce climate-changing emissions and decarbonise all sectors of the UK economy, from transport to agriculture. These plans are needed to meet its target of net zero emissions by 2050, and the shorter-term targets that ensure action starts now, and isn’t kicked down the road. The Strategy was submitted to the United Nations Framework Convention on Climate (UNFCCC) as the UK’s second long-term low greenhouse gas emission development strategy under the Paris Agreement.

5.75. The strategy also builds on the Government’s Ten Point Plan with a vision to create new jobs and net zero industries to meet climate targets.

UK Renewable Energy Strategy (2009)

5.76. The UK Renewable Energy Strategy (UKRES) sets out the means by which the UK can meet the legally binding target of 15% of energy consumption from renewable sources by 2023. It presents a ‘lead scenario’ that more than 30% of electricity should be generated from renewables by 2020.

5.77. A key element of the Strategy is that it sets out the EU requirement that progress will be reported to the EU every two years, in terms of the achievement of delivery against the trajectory set for the 2020 target. The purpose of the milestone reporting is to ensure that a trajectory is maintained towards 2020.

5.78. Under the Directive, the UK has interim targets to achieve the following shares for renewables in the energy mix as follows:

- 7.5% in 2015 – 2016.
- 10.2% in 2017 – 2018.

UK Renewable Energy Roadmap Update (2013)

- 5.79. The Government first published the Renewable Energy Roadmap in July 2011; which sets out the path to achieve the UK's headline renewable energy target. Paragraph 1 of the November Update reaffirms the UK Government commitment towards the delivery of renewable energy.
- 5.80. The Roadmap has been updated on two occasions since July 2011, once in 2012 and most recently in November 2013. The update sets out the progress that has been made against the 15% target introduced in the 2009 EU Renewable Energy Directive and provides an overview of development that has occurred in the sector.
- 5.81. The opening Ministerial Statement to the Update identifies how the Government remains strongly committed to cost effective renewable energy as part of a diverse, low-carbon and secure energy mix. The Minister concludes by emphasising how the Update to the Renewable Energy Roadmap has been produced in collaboration with other Government Departments and Devolved Administrations.

Scottish Energy matters

The Climate Change (Scotland) Act 2009

- 5.82. The Climate Change (Scotland) Act 2009 initially established long term statutory targets for Scotland of reducing greenhouse gas emissions by at least 80% by 2050, with an interim target of reducing emissions by at least 42% by 2020. The Act also placed climate change duties on Scottish public bodies and included provisions on climate change including adaption, forestry, energy efficiency and waste reduction.

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

- 5.83. The Scottish Government set out short, medium, and long-term goals and when they are to be achieved by in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. It sets targets for the reduction of Scotland's emission of all greenhouse gases to net-zero by 2045, in doing so amending the Climate Change (Scotland) Act 2009. The Climate Change Act reaffirms Scotland's commitment to remain at the forefront of global ambition, increasing its reduction in emissions targets to limit global temperature rises to 1.5 degrees Celsius above pre-industrial levels. Scotland proposes to reduce emissions by 56% by 2020, 75% by 2030, and 90% by 2040.

Scottish Energy Strategy: The future of energy in Scotland

- 5.84. The Scottish Government published its Scottish Energy Strategy: The future of energy in Scotland in December 2017. The strategy sets out an overall 2050 vision for Scotland:

"A flourishing, competitive local and national energy sector, delivering secure, affordable, clean energy for Scotland's households, communities and businesses."

- 5.85. The strategy sets two new targets for the Scottish energy system by 2030:

- The equivalent of 50% of the energy for Scotland's heat, transport, and electricity consumption to be supplied from renewable sources.
- An increase by 30% in the productivity of energy use across the Scottish economy.

The Global Climate Emergency – Scotland's Response

5.86. On 14 May 2019 the Climate Change Secretary Roseanna Cunningham made a statement to the Scottish Parliament regarding Scotland's response to the climate change emergency. Her statement highlighted inter alia:

"There is a global climate emergency. The evidence is irrefutable. The science is clear. And people have been clear: they expect action. The Intergovernmental Panel on Climate Change [IPCC] issued a stark warning last year: the world must act now. By 2030 it will be too late to limit warming to 1.5 degrees..."

...It's not too late for us to turn things around, but to do so requires transformative change. This is not just about government action. And it is not something that only affects Scotland... We all have a part to play individuals, communities, businesses, other organisations...

...Earlier this month, the Scottish Government received advice from the UK Committee on Climate Change [CCC] in light of the IPCC report. We acted immediately with amendments to our Climate Change Bill to set a 2045 target for net zero emissions...these will be the most stringent legislative targets anywhere in the world and Scotland's contribution to climate change will end, definitively, within a generation. The CCC was clear that this will be enormously challenging...

...The CCC has been stark in saying that the proposed new targets will require a 'fundamental change from the current piecemeal approach that focuses on specific actions in some sectors to an explicitly economy wide approach'. To deliver the transformational change that is required, we need structural changes across the board: to our planning, procurement and financial policies, processes and assessments...that is exactly what we will do."

Scotland Climate Change Plan (2018)

5.87. The Climate Change Plan (2018) provides the framework for Scotland's transition to a low-carbon economy, setting out how emissions will be reduced in every year to 2032.

5.88. The Climate Change Plan highlights that climate change is one of the greatest global threats we face, and that Scotland must play its part to achieve the ambitions set out in the Paris Agreement, which mandates concerted, global action to deal with the threat. It notes that the path towards a low carbon future will require great effort across all parts of our society and economy, but it also presents tremendous opportunities.

The Update to the Climate Change Plan (2018–2032) 'Securing a Green Recovery on a Path to Net Zero' (16 December 2020)

5.89. The Scottish Government published a Roadmap to world-leading climate change targets, with more than 100 new policies and proposals to support Scotland's green recovery and help deliver a just transition to Net Zero. They form part of the Climate Change Plan 2018 – 2032, which has been updated to reflect the world's most ambitious framework of climate

targets as enshrined in Scotland’s Climate Change Act 2019. The Plan also increases the ambition of more than 40 other policies to cut greenhouse gas emissions across all sectors.

- 5.90. The Scottish Government’s vision for 2045 is one of a society that prioritises the environment and the wellbeing of its people, reaching net zero in a way that is fair and just to all. A key part of the plan is the green recovery, and it states (page 1) that: “It is essential that a recovery from the pandemic responds to the climate emergency and puts us on a pathway to deliver our statutory climate change targets and a just transition to net zero, by ensuring our actions in the immediate term are in line with our long-term goals”. “The Scottish Government has been clear in its commitment to securing a just and green recovery, which prioritises economic, social and environmental well-being, and responds to the twin challenges of the climate emergency and biodiversity loss”.
- 5.91. In terms of electricity, the CCP update announces, “further policies to continue the rapid growth in renewable generation over the past 20 years, moving from a low to a zero carbon electricity system”. Reference is also given to the intention to prepare an Energy Strategy update in 2021 and an updated Electricity Generation Policy Statement by 2022.
- 5.92. Page 18 states that “by 2032 our energy system will be in the midst of a major transformation, integrating new ways of producing, transporting and using energy with existing technologies. This transformation will be planned and developed through a systems led approach, ensuring that decisions take account of the benefits across all of the energy sectors as well as the economic and social benefits they create for everyone in Scotland. By 2032 we will generate at least the equivalent of 50% of our energy across heat, transport and electricity demand from renewable sources”.

The 2020 Routemap for Renewable Energy in Scotland

- 5.93. The Scottish Government produced the Renewable Action Plan (RAP) in 2009 to drive development of renewable energy and to establish a framework for action relating to specific areas of renewable energy. This is updated annually in order to provide an indication as to the progress being made towards implementing the changes.
- 5.94. The 2020 Routemap for Renewable Energy in Scotland 2011 is an update and extension of the 2009 Action Plan and reflects the Scottish Government’s target of meeting an equivalent of 100 % demand for electricity from renewable energy by 2020, as well as the target of 11% renewable heat. The Routemap is therefore an important Scottish Government policy document. In order to achieve the delivery target of 100% renewables, equates to the equivalent of 16GW of installed capacity and that to achieve this target the Routemap states that this will demand a ‘significant and sustained improvement over the deployment levels seen historically’ (pg. 26).
- 5.95. The Executive Summary concludes by stating that:

“Across all scales of renewable generation, from householder to community to large-scale commercial schemes, the Scottish Government is working to make Scotland the renewables powerhouse of Europe. The benefits are not only in terms of energy generation and future security of supply but can underpin our economic recovery over the next decade and beyond. This Routemap for renewable Energy in Scotland sets out how we can meet our challenging targets in harmony with the local environment and make a wider contribution to emission reductions through the displacement of fossil fuel generation.”

Electricity Generation Policy Statement (2013)

- 5.96. The Scottish Government published the Electricity Generation Policy Statement (EGPS) on 28 June 2013. It states at paragraph 1 that electricity generation and the economic and environmental benefits which could arise from a shift from fossil fuel generation to a portfolio comprising renewable and cleaner thermal generation are matters of considerable importance to the Scottish Government.
- 5.97. The report summarises the Scottish Government’s targets and these are set out as inter alia:
- Delivering the equivalent of at least 100% of gross electricity consumption from renewables by 2020 as part of a wider, balanced electricity mix.
 - Enabling local and community ownership of at least 500 MW of renewable energy by 2020.
 - Seeking increased interconnection and transmission upgrades capable of supporting projected growth and renewable capacity’.
- 5.98. In terms of economic benefit, the report states that it is expected that there would be, over the decade to 2020, from renewables alone, a provision of up to 40,000 jobs and £30 Billion of investment to the Scottish economy and a transformational opportunity for local ownership and benefits.
- 5.99. Paragraph 17 states that the Government estimates that the 100% target will require around 14-16GW of installed capacity to be deployed.
- 5.100. Page 11 of the report explains that the UK target is to produce 15% of all energy from renewable sources and an estimated 30% of electricity from renewable sources by 2020 and that this:
- “will require connection to Scotland’s vast energy resource and we will continue to work to connect Scotland to an ever more integrated UKL and EU market’ The Report cross refers to the 2020 Routemap for renewable energy in Scotland. Paragraph 32 reiterates the EU context and states that Scotland has the potential to make a ‘major contribution to the EU’s overall renewables target.”*
- 5.101. The Report cross refers to the 2020 Routemap for renewable energy in Scotland. Paragraph 32 reiterates the EU context and states that Scotland has the potential to make a ‘major contribution to the EU’s overall renewables target’.

The Scottish Energy Strategy Position Statement (March 2021)

- 5.102. The Scottish Government published ‘Scotland’s Energy Strategy Position Statement’ in March 2021. The Position Statement provides an overview of key priorities for energy.
- 5.103. The Ministerial Foreword refers to the challenges of the pandemic which has created an economic crisis. It notes that the Climate Emergency “has continued unabated”. It states that “the need for a Just Transition to net zero greenhouse gas emissions by 2045, in a manner that supports sustainable economic growth and jobs in Scotland, is greater than ever”.

5.104. Since Scotland's last Energy Strategy was published, the Scottish Government has continued to commit to achieving ambitious targets of net zero greenhouse gas emissions by 2045 and a 75% reduction by 2030.

5.105. Section 5: A Green Economic Recovery of the document states that "Creating green jobs are at the heart of the Scottish Government's plans for a fair, resilient and green economic recovery." When describing how the support for industries and sectors across the energy landscape would be support, it is highlighted that the continued growth of Scotland's renewable energy industry is fundamental to enable Scotland to create sustainable jobs in order to transition towards net zero.

The Scottish Government & Scottish Green Party: Shared Policy Programme (2021)

5.106. The Scottish Government and the Scottish Green Party published the 'Scottish Government and Scottish Green Party Shared Policy Programme' in September 2021. Upon addressing how to respond to the climate emergency, the energy section states that:

"The Scottish Government and Scottish Green Party believe that the climate emergency means we need to use the limited powers we have to accelerate the decarbonisation of our energy system. While electricity has already been largely decarbonised, our plans will see a significant increase in electricity demand for heating and transport. To accommodate this, we will support the continued and accelerated deployment of renewable energy."

CCC Report to Parliament 'Progress in reducing emissions in Scotland' (2021)

5.107. The Climate Change Committee (CCC) published a report to the Scottish Parliament 'Progress in reducing emissions in Scotland' in December 2021. It looks at Scotland's progress in emissions reduction, policy plans, and delivery of those plans in the last year. The focus is to monitor a set of quantified indicators of decarbonisation progress:

5.108. The key messages in the report include:

- Changes in emissions accounting methodology do not imply the need to change the Net Zero and 2030 and 2040 interim targets, as legislated by the Scottish Parliament
- Scotland's annual targets in the 2020s should be adjusted and recommend that the annual targets be adjusted to align with a translation of the legislated 2020 target to the new inventory basis.
- Meeting the 2030 means that policies must go further than the CCC pathway.
- The 2020 interim target was achieved however the fall in emissions in 2020 was largely due to travel restrictions during the COVID19 pandemic, without which it is unlikely the target would have been met.

Draft Energy Strategy and Just Transition Plan (2023)

5.109. The Draft Energy Strategy and Just Transition Plan was published on 10th January 2023. It sets out the Scottish Government's plan to transform the way Scotland generates, transports and uses energy. This draft Strategy sets out key ambitions for Scotland's energy future including:

- A just transition by maintaining or increasing employment in Scotland's energy production sector against a decline in North Sea production.
- Maximising the use of Scottish manufactured components in the energy transition, ensuring high-value technology and innovation.

5.110. It highlights that the following about Battery Storage Systems:

"Utility scale battery storage offers fast responding, dispatchable power when required. As of September 2021, only 124 MW of the total 864 MW of energy storage was provided by Battery Energy Storage Systems (BESS) capacity installed in Scotland. However, there is a further 2.1 GW that has secured planning permission. Typically, these systems use lithium-ion technology, and only contain energy to dispatch full power continuously for a short number of hours. They also provide a number of ancillary services required to maintain stability within the electricity networks. We urge the UK Government to make these markets more accessible for BESS and other low carbon technologies ahead of fossil fuel powered alternatives."

6. Planning Assessment

- 6.1. This section of the Statement contains a detailed analysis of the proposal against the relevant material planning considerations. These considerations have been derived from an understanding of the site and its surroundings and the policy analysis of the previous section.

Renewable Energy

- 6.2. It is evident within NPF4 that energy-related developments play a crucial role in order to achieve the ambitious goals for renewable energy generation on both a national and local level. As highlighted in the previous section, this proposal qualifies as a national development under 'Strategic Renewable Electricity Generation and Transmission Infrastructure'. NPF4 states that:
- 6.3. *"This national development supports renewable electricity generation, repowering, and expansion of the electricity grid;*
- 6.4. *A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits;*
- 6.5. *The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions."*
- 6.6. Page 8 of NPF4 identifies the links between policies, it states:
- 6.7. *"Our strategy and policies support development that helps to meet greenhouse gas emissions targets;*
- 6.8. *The global climate emergency and the nature crisis have formed the foundations for the spatial strategy as a whole. The regional priorities share opportunities and challenges for reducing emissions and adapting to the long-term impacts of climate change, in a way which protects and enhances our natural environment.*
- 6.9. *Policy 1 gives significant weight to the global climate emergency in order to ensure that it is recognised as a priority in all plans and decisions...Policy 11 supports renewable energy development..."*
- 6.10. Policy 1 of NPF4 states that proposals should give significant weight to global climate and natural crisis. The policy intent here is to encourage development that addresses the global climate emergency and nature crisis.

- 6.11. Key infrastructure, such as the battery storage scheme proposed, plays a crucial role in order to achieve the ambitious goals for renewable energy generation on a national level and address the global climate emergency.
- 6.12. Policy 5 of NPF4, criterion b) demonstrates that proposals on prime agricultural land will only be supported where it is for:
- "iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration;"*
- 6.13. As mentioned above, these proposals are for renewable energy purposes and accordance with Policy 5 b) is therefore provided.
- 6.14. Out of all national policies within NPF4, Policy 11: Energy is the 'go to' policy, given that it is most specific to the proposals. Policy 11 supports the expansion of renewable, low-carbon and zero emissions technologies. The policy intent here is to encourage, promote and facilitate all forms of renewable energy development.
- 6.15. Policy 11 of NPF4, criterion (a) states the following:
- 6.16. *"Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:*
- 6.17. *iii. energy storage, such as battery storage and pumped storage hydro;"*
- 6.18. This proposal qualifies as a national development and would be need to gain consent under Section 36 of the Electricity Act 1989 (the Electricity Act). Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas.
- 6.19. Policy 11 of NPF4, criterion (c) states the following:
- "Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated."*
- 6.20. The site sits within allocated land for PROP EGT1 on the council's policy map. Policy EGT1 states that land at Cockenzie is highlighted to present significant opportunities for renewable energy related investment. It is reiterated that the council will work together with developers, the landowner, the relevant agencies, local organisations and interested parties, including local residents to ensure that the best use is made of the existing land and infrastructure in this area.
- 6.21. As highlighted in the previous section, East Lothian Council agreed that the site should be considered for a broader range of employment uses. It was further emphasised that the focus should be on employment-related, land-based development as supported by NPF4 which promotes net zero infrastructure and significant economic and employment opportunities at the site and that is the context for future delivery. These will bring many socio-economic benefits to the local community, especially after being granted the Levelling Up Fund in January 2023. This also benefits the current and future generations as it also helps to address the global climate emergency.

6.22. The applicant is willing to accept a condition which indicates that prior to the commencement of the development, a written statement setting out the programme of implementation, local labour, supply chain and procurement measures, which shall be taken by the developer during the scheme's procurement, construction and commissioning phase shall be submitted to and agreed in writing by East Lothian Council, with the approved scheme being implemented and completed. This would allow for local companies to have the opportunity to understand and tender for the economic activities associated with a project of this type.

6.23. The proposed development is assessed against project design and mitigation measure each of the criteria from Policy 11 (e) and comparable policies within the Local Development Plan.

i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;

6.24. The most directly comparable policy within the Local Development Plan is Policy NH13: Noise. It states that:

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

6.25. The proposal is supported by an Acoustic Design Specification which is included within this application. The proposed development complies with the statutory Development Plan. The assessment concludes that the proposed installation of the BESS, with attenuated noise sources, would not have a significant adverse impact on the neighbouring properties.

6.26. Shadow flicker is not considered relevant to the battery storage proposals here, being more relevant to wind developments. As a renewable form of energy storage, battery storage developments do not create any particulate which would impact upon air quality.

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;

6.27. The closest policies which would refer to these would be DP1: Landscape Character. Policy DP1 states that all new developments must:

"be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;

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

- 6.28. The proposal is supported by a Landscape and Visual Assessment (LVA) which is included within this application. The LVA sets out that the main BESS site would be sited away from the existing mature woodland to the southeast and gap hedgerow to the north west. Mitigation measures would be provided such as landscape bunds, new hedgerow and shrub planting, and an extension of the existing green finger east of the site.
- 6.29. As the proposed planting matures, the proposed development would be further integrated within the local landscape and with some additional biodiversity opportunities.
- 6.30. The LVA concludes overall, the total extent of the landscape and visual effects would be localised and limited in nature.
- 6.31. The proposed development complies with the requirements of The Electricity Act 1989 and statutory Development Plan will not unacceptably impact the landscape character of the area.

iii. public access, including impact on long distance walking and cycling routes and scenic routes;

- 6.32. The most directly comparable policies within the Local Development Plan are Policy T1: Development Location and Accessibility and Policy T2: General Transport Impact. Policy T1 states that:

"New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals."

- 6.33. The proposed development retains existing designated footpaths and realigns permissive routes, careful landscaping of the scheme shall assist in maintaining and enhancing the use of those routes. Post completion, the scheme will only create low levels of vehicle movements, as such a Travel Plan is not considered necessary at this stage.

iv. impacts on aviation and defence interests including seismological recording;

- 6.34. The site is not located in proximity to any military bases. As such, the development will have no impact on aviation and defence interests.

v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;

- 6.35. No known telecommunication or broadcasting installations are located on site or within the immediate area. The scheme will therefore not compromise telecommunications and broadcasting installations and transmission links.

vi. impacts on road traffic and on adjacent trunk roads, including during construction;

- 6.36. The most directly comparable policies within the Local Development Plan are Policy T1: Development Location and Accessibility and Policy T2: General Transport Impact. As mentioned above, Policy T1 states that:

- 6.37. *"New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals."*
- 6.38. Policy T2 indicates that:
- 6.39. *"New development must have no significant adverse impact on:*
- *Road safety;*
 - *The convenience, safety and attractiveness of walking and cycling in the surrounding area;*
 - *Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;*
 - *The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and*
 - *Residential amenity as a consequence of an increase in motorised traffic"*
- 6.40. The proposal is supported by a Construction Traffic Management Plan which is included within this application. As the site will not be manned, operational traffic is expected to be minimal. The impact of this on the local and wider highway network is therefore expected to be negligible.
- 6.41. The statement considers that the proposed access arrangement and the construction route are suitable to accommodate the low number of construction and operation trips related to the proposed BESS. In summary, it is considered that there are no valid highway or transportation reasons which would prevent the proposed development of this site.
- 6.42. *vii. impacts on historic environment;*
- 6.43. The most directly comparable policies within the Local Development Plan are Policy CH4: Scheduled Monuments and Archaeological Sites and Policy CH5: Battlefields. Policy CH4 states that:
- "where a proposed development might affect any Scheduled Monument or archaeological site (of known or suspected archaeological interest), the developer must undertake and make available to the planning authority a professional archaeological assessment and, if necessary, a field evaluation."*
- 6.44. Policy CH5: Battlefields states that:
- "development within a site listed in the Inventory of Historic Battlefields will not be permitted where it would have a significant adverse effect on the key features of the battlefield, including its key landscape characteristics and special qualities, unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised."*

6.45. The proposal is supported by an Archaeology and Built Heritage Assessment which is included within this application. The assessment concludes the proposals are not anticipated to impact any historic assets identified in the vicinity through changes to setting.

6.46. The proposed development complies with the statutory Development Plan and would not adversely affect the setting of the identified assets, and, in turn, their historic significance, appreciation and understanding would not be negatively impacted.

viii. effects on hydrology, the water environment and flood risk;

6.47. The most directly comparable policy within the Local Development Plan is Policy NH11: Flood Risk where it states that:

"Flood Risk Assessments will normally be required for proposals within the medium to high-risk category of flood risk. They may also be required in the low to medium category in certain circumstances, for example at the upper end of the probability range or for essential infrastructure and the most vulnerable uses."

6.48. The proposal is supported by a Flood Risk Assessment and Surface Water Drainage Strategy Group which is included within this application. The assessment demonstrates the acceptability of the proposed scheme.

6.49. The proposed development complies with the statutory Development Plan will not unacceptably pose any significant risks.

ix. biodiversity including impacts on birds;

6.50. The most directly comparable policy within the Local Development Plan is Policy NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species. Policy NH5 states that developers must demonstrate, where relevant, how impacts on biodiversity and geodiversity have been addressed as part of their proposals. It is highlighted that:

"Proposals should indicate how they have had regard to the mitigation hierarchy, the potential for incorporating biodiversity or geodiversity features within the site into the proposal in a positive way where appropriate, and for providing on-site or off-site enhancements."

6.51. Moreover, it is highlighted throughout the LDP in policies such as PROP EGT1: Land at Former Cockenzie Power Station that:

"Proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations."

6.52. The proposal is supported by a Preliminary Ecological Appraisal, Habitat Regulations Assessment and Ecological Impact Assessment which is included within this application.

6.53. The Ecological Impact Assessment sets out that an extended phase 1 habitat survey was undertaken in February 2023. The extended phase 1 survey identified protected species groups which could be present on site and impacted by the proposed development:

- **Bats** – local level scoped out of detailed assessment.

- **Birds** – local level scoped out of detailed assessment.
- **Great crested newt** – The habitats on Site have been assessed as being of negligible value to great crested newt. The site is considered to be of negligible value to priority species. As such they have been scoped out of further detailed impact assessment.

6.54. The HRA concludes:

- It is considered that there are no impact pathways alone or in combination, during construction and operation of the proposed scheme, that could undermine the conservation objectives of Firth of Forth Spa AND Ramsar site or the Outer Firth of Forth and St Andrews Bay SPA
- And therefore, LSE can be ruled out; and
- It is considered there is no need for any further assessment.

6.55. The proposed development complies with the statutory Development Plan where measures have been proposed to improve the overall biodiversity of the site in line with the submitted Landscape Masterplan ref. 23-0093_EN_0002 rev. I.

6.56. x. impacts on trees, woods and forests:

6.57. As per the submitted plans, the scheme shall retain woodland blocks at the main sites periphery, this being consistent with the new link road proposals.

6.58. The most comparable policy within the Local Development Plan is Policy DC1: Rural Diversification. It states that:

"proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan for agriculture, horticulture, forestry, infrastructure or countryside recreation developments."

6.59. The sites surroundings and location are factors that would need to be addressed. Schedule 9 of the Electricity Act 1989, sub-Paragraph 1 (1) states:

"In formulating any relevant proposals, a licence holder or a person authorised by exemption to generate, transmit, distribute or supply electricity;

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

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

6.60. The proposal is supported by a Preliminary Ecological Appraisal, Habitat Regulations Assessment and Ecological Impact Assessment which is included within this application. The conclusions of these reports are set out in the above section.

6.61. The proposed development complies with the statutory Development Plan where measures have been proposed to improve the overall biodiversity of the site in line with the submitted Landscape Masterplan ref. P23-0093_EN_0002 rev. I.

xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;

6.62. The most directly comparable policy with the Local Development Plan is Policy NH7: Protecting Soils. It states that:

"proposals for renewable energy generation or mineral extraction on prime quality agricultural land may also be acceptable where provision is made for restoration of the land to its former status and if soil will be reused where feasible."

6.63. The site is to be decommissioned after 40 years when it is no longer operational and restored its former status.

xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and

6.64. As mentioned in point above, the site is to be decommissioned after 40 years when it is no longer operational and restored its former status.

xiii. cumulative impacts

6.65. The proposed battery storage facility is located independently of other renewable energy projects. A planning history search has been undertaken which confirms there are no planned battery energy projects permitted or awaiting determination within the site's locality. The scheme will therefore result in no cumulative impacts.

6.66. Overall, the above assessment confirms the proposed development fully accords with the criteria of NPF4 Policy 11 with the Local Development Plan. The Local Development Plan underlines that there should be "significant opportunities for renewable energy-related investment" and "support the principle of electricity grid connections on the Forth coast from Cockenzie to Torness in order to facilitate off-shore energy generation". Although the LDP mentions it would be in favour for renewable energy-related investment and is specific to the site, NPF4 arguably would have significant weight as it is able to address and expand on renewable energy development in more detail and lists battery storage as a form of renewable technology that would be accepted.

6.67. Moreover, NPF4 addresses the global climate emergency and nature crisis by encouraging these type of developments. The principle of battery storage development is therefore acceptable, and the proposed development will contribute significantly to the renewable energy ambitions and targets.

6.68. Additional National Policies within NPF4 are recognised in the list below:

Site Selection Methodology

- 6.69. This section outlines the applicant's site selection methodology, which is based on a series of criteria/tests for determining the suitability of land for BESS development. The application site was tested against these criteria before it was selected.

Fundamental Requirements

- 6.70. There are a number of fundamental considerations for the applicant to understand whether a development of this type can be accommodated on the land as set out within this section.

Capacity of Electricity Network and Ability to Connect

- 6.71. The energy storage development needs to be capable of connecting to the Electricity Network at a location where there is existing capacity. It has been identified that a suitable connection is proposed to the 400kV overhead line via a Scottish Power substation to be built within the site, next to the point of connection.
- 6.72. Proximity to such infrastructure is important, given the manner in which energy is transferred into the grid, short connection routes are highly desirable, ensuring efficiency and speed of transmission when required.
- 6.73. The point of connection for this proposal is the pylon located towards the northern boundary of the site, which is to be located next to the substation. The site and the scheme within therefore, is most suited and meets the optimum requirements for this type of development.
- 6.74. The agricultural land classification for the site is Class 1 – land capable of producing a very wide range of crops. However, this classification was considered when East Lothian Council allocated the site for renewable energy under ref. PROP EGT1. Further details regarding the allocation are set out below. Also, as set out above, owing to the renewable energy nature of the scheme, the proposal is supported by Policy 5 b) of NPF4.

Alternative Site Identification

- 6.75. The site is located within Local Plan allocation PROP EGT1: Land at Former Cockenzie Power Station. This policy states that land at Cockenzie is highlighted to present significant opportunities for renewable energy related investment and that the council will work together with developers, the landowner, the relevant agencies, local organisations and interested parties, including local residents to ensure that the best use is made of the existing land and infrastructure in this area.
- 6.76. The site is specifically allocated for renewable energy under Local Plan ref. PROP EGT1, as such the proposal for a BESS located on the site is consistent with the site's allocation. This allocation is a key factor in this site being selected for assessment and then application.
- 6.77. The site has been assessed in terms of planning, landscape and visual effects, transportation, flood risk and drainage, heritage and ecology. It is considered that there are no significant constraints which affect the proposal on the site.
- 6.78. Dialogue has been undertaken with the principal landowner being closest to the substation. The applicant recognises that there may be other sites suitable for the proposal. However, these sites would be located further away from Cockenzie substation. In terms of the coal



store site located to the south of the proposed site, this is not available due to the levelling up fund which includes removal of the bunds, and longer term aspirations for the site for employment use. As such, it was considered that the current site was the best location and other further sites were not considered, as land remained available within the remainder of the EGT1 allocation which is permissive of this nature of use.

6.79. Additionally, the land south-west of Inglis Farm, was identified by the applicant as a location with a connection potential and a convenient point of connection – the existing pylon. A convenient point of connection negates the need to lay lengthy cable routes and/or install additional overhead power lines and pylons. Thus, reducing the disruption to local residents and road users during construction. This then became the nearest land for the point of connection away from a built-up area.

6.80. In summary, the application site is considered to be the most preferable location for development at this time and when having regard to the relevant matters set out below and was therefore progressed to an application. The reasons are as follows:

- The site is allocated for renewable energy under East Lothian Local Plan policy ref. PROP EGT1.
- The application site allows for a viable connection to the Electricity Network by connecting to a substation within the site boundary.
- There is no specific risk of flooding for the site as identified on the Scottish Environment Protection Agency Flood Hazard and Flood Risk Information.
- The landowner is willing to enter into an agreement to promote the land for an energy storage development and the application site is available to accommodate this development.

Conclusions

6.81. The specific land take and land characteristics guiding a BESS development makes the application site the best and most viable site within the area. It is considered that there are no alternatives that are more sequentially favourable, in the response of planning, landscape and visual effects, transportation, flood risk and drainage, heritage and ecology.

6.82. Key to the suitability and viability is grid access It is proposed for the BESS to be connected via a 400kV overhead line via a Scottish Power substation to be built within the site, next to the point of connection.

6.83. It is considered that the significant environmental benefits, location to a viable grid connection, and allocation of the site for renewable energy outweigh the loss of land.

Landscape & Visual

6.84. The proposal is supported by a Landscape and Visual Assessment (LVA) and a Landscape Masterplan ref. P23-0093_EN_0002 rev. I which are included within this application.

- 6.85. As shown on the masterplan, the existing Core Path 284 to the north west of the site, and the existing permissive route to the north of the site will be realigned, retained and enhanced.
- 6.86. Mitigation measures such as landscape bunds, new native planting along the northern, western and eastern perimeter of the main BESS, and an extension of the existing green finger east of the site through tree and shrub planting north of the existing wayleave and appropriate seed mixes applied within other areas are shown on the masterplan.
- 6.87. In terms of landscape maintenance, this point is recognised and is being discussed between the applicant and landowner.
- 6.88. During a pre-application meeting with East Lothian Council on 21st August 2023, the council's landscape officer suggested additional landscaping could be provided along the southern boundary on the site so that landscaping is provided between the site fencing and the footpath within the link road permission. The masterplan recognises that the link road permission provides an area of landscaping between the footpath and the application boundary, therefore there will be a distance between users of the new right of way and the proposed site boundary. Nevertheless, the masterplan has been updated to include additional landscaping along the southern site boundary to include seed mix and woodland planting mix.
- 6.89. The LVA concludes overall, the total extent of the landscape and visual effects would be localised and limited in nature.
- 6.90. The proposed development complies with the requirements of The Electricity Act 1989 and statutory Development Plan will not unacceptably impact the landscape character of the area.

Ecology

- 6.91. The proposal is supported by a Preliminary Ecological Appraisal (PEA), Habitat Regulations Assessment (HRA) and Ecological Impact Assessment (EclA) which are included within this application.
- 6.92. The EclA sets out that an extended phase 1 habitat survey was undertaken in February 2023. The extended phase 1 survey identified protected species groups which could be present on site and impacted by the proposed development:
- **Bats** – local level scoped out of detailed assessment.
 - **Birds** – local level scoped out of detailed assessment.
 - **Great crested newt** – The habitats on Site have been assessed as being of negligible value to great crested newt. The site is considered to be of negligible value to priority species. As such they have been scoped out of further detailed impact assessment.
- 6.93. A HRA has been prepared to provide the necessary information to enable East Lothian Council to assess potential impacts of the proposal on Internationally Important Wildlife Sites (IIWS).

- 6.94. No additional wintering bird surveys have been undertaken of the site and the immediate surrounding area due to the site itself being small and enclosed, and heavily disturbed by walkers and dog walkers. The potential to support birds associated with the Special Protection Area is severely reduced.
- 6.95. The HRA concludes:
- It is considered that there are no impact pathways alone or in combination, during construction and operation of the proposed scheme, that could undermine the conservation objectives of Firth of Forth Spa AND Ramsar site or the Outer Firth of Forth and St Andrews Bay SPA
 - And therefore, LSE can be ruled out; and
- 6.96. It is considered there is no need for any further assessment.
- 6.97. The proposed development complies with the statutory Development Plan where measures have been proposed to improve the overall biodiversity of the site in line with the submitted Landscape Masterplan ref. P23-0093_EN_0002 rev. 1.

Noise

- 6.98. Policy 23 of NPF4, criterion e) states that:
- "Development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely."*
- 6.99. As mentioned above, the proposal is supported by a Acoustic Design Specification which is included within this application. The proposed development complies with the statutory Development Plan. The assessment concludes that the proposed installation of the BESS, with attenuated noise sources, would not have a significant adverse impact on the neighbouring properties.

Heritage

- 6.100. Policy 7 of NPF4, criterion h) and j) demonstrate the need to protect and enhance historic environment assets and to enable positive change for the regeneration of places:
- "h) Development proposals affecting scheduled monuments will only be supported where:*
- i. direct impacts on the scheduled monument are avoided;*
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or*



iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised;

j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities."

- 6.101. The proposal is supported by an Archaeology and Built Heritage Assessment which is included within this application. The assessment concludes that the proposals are not anticipated to impact any historic assets identified in the vicinity through changes to setting.
- 6.102. The proposed development complies with the statutory Development Plan and would not adversely affect the setting of the identified assets, and, in turn, their historic significance, appreciation and understanding would not be negatively impacted.

Transport

- 6.103. Policy 13 of NPF4, criterion d) and f) prioritises the need to travel unsustainably and closely monitor how travel will be facilitated:
- 6.104. *"d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area;*
- 6.105. *f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation."*
- 6.106. The proposal is supported by a Construction Traffic Statement which is included within this application. As the site will not be manned, operational traffic is expected to be minimal. The impact of this on the local and wider highway network is therefore expected to be negligible.
- 6.107. The statement considers that the proposed access arrangement and the construction route are suitable to accommodate the low number of construction and operation trips related to the proposed BESS. In summary, it is considered that there are no valid highway or transportation reasons which would prevent the proposed development of this site.
- 6.108. A Transport Assessment is being prepared and submission of this report is to follow.

Flood Risk & Drainage

- 6.109. Policy 22 of NPF4, criterion a) prioritises the need to travel unsustainably and closely monitor how travel will be facilitated:



- 6.110. *"a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:*
- 6.111. *i. essential infrastructure where the location is required for operational reasons;*
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice."*
- 6.112. The proposal is supported by a Flood Risk Assessment which is included within this application. The assessment concludes overall that the development is not considered to be at significant risk of flooding.
- 6.113. A Drainage Strategy Report and a Drainage Layout ref. E12843/2001 rev. E have also been prepared and are submitted as part of this application. The Surface Water Drainage Strategy will be implemented to ensure flood risk elsewhere is not impacted.
- 6.114. As such, the proposed development complies with the statutory Development Plan and will not unacceptably pose any significant risks.

Other Matters

Fire Safety

- 6.115. A Battery Storage Safety Management Plan has been prepared and is submitted as part of this application. The report demonstrates the scheme is acceptable in terms of fire safety.
- 6.116. Fire risk within the BESS site will be managed in several different ways based on the latest research and recommendations (in addition to the base chemistry of the battery cells LFP), including software and hardware fail safes and internal and external fire monitoring and suppression systems. Temperature of each battery module will be monitored by the BESS container thermal monitoring system, and any excessive temperature increase within an individual battery module outside normal operating conditions would trigger a number of staged responses. Most BESS projects incorporate liquid cooling systems for the containers interiors with the fundamental approach to monitoring and control remaining the same. Additionally, the containers have HVAC units to maintain internal battery container temperatures. If the temperature in any battery increase occurs above the normal level, or there is a failure of the cooling units, the SCADA system will raise a warning to the monitoring team. If the temperature continues to rise in the Batteries the container would automatically shutdown (partially or fully) to minimise the risk of thermal runaway and fire.
- 6.117. Before a battery goes into thermal runaway a number of stages have been identified through testing to UL9540A that identifies the stages that a battery undergoes, the latest VOC gas detection will be installed that will identify that a battery is going into thermal runaway and will through the BMS isolate the Battery, rack and container. This isolation will cause the temperature to reduce within the battery and prevent the battery going into thermal runaway. In the very unlikely event that a battery fire in one of the modules occurs, a fire suppression system would be triggered automatically that has been designed to extinguish the localised fire risk and the possibility of reignition. The extinguishant water

would be discharged into the immediate fire risk area to suppress any fire risk by removing the free radicals or heat elements from the fire triangle. (Oxygen, Heat and Fuel).

Extinguishant systems are widely used for confined spaces and reach extinguishing levels, stopping fires before they cause significant damage. This minimises the local fire risk and radiated heat to adjacent racks and containers, which means less damage risk to adjacent battery modules and preventing or reducing toxic smoke plumes.

- 6.118. Additionally, BESS systems will be compliant with UL9540A which assesses the stages that a battery progresses through before thermal runaway within battery systems in both cell module and rack level. The site layout will be compliant with NFPA 855 with regards to the layout of battery containers and associated equipment to ensure the lowest possible risk of fire propagation in the unlikely event that should this occur.
- 6.119. Furthermore, the applicant will work with both East Lothian Council and the local Fire Brigade in terms of the site fire safety. There will be adequate access and water supplies in accordance with the NFCC recommendations, a fire safety plan will be produced and agreed with the local fire authority.

Financial Contributions

- 6.120. Additionally, as previously mentioned, the applicant is open to discussions regarding a one-off financial contribution with the local community council following consent of the permission.

Planning Balance

- 6.121. It was highlighted earlier in the statement that Scottish Ministers will determine if an application considers the statutory duties in Schedule 9 of the Electricity Act and any other relevant material considerations and relevant aspects of the statutory development plan.
- 6.122. In the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997; section 24(3)). Provisions that are contradictory or in conflict would be likely to be considered incompatible.
- 6.123. The statutory Development Plan is comprised of:
- National Planning Framework 4 (adopted 13 February 2023);
 - East Lothian Local Development Plan 2018 (adopted 27 September 2022)
- 6.124. This assessment has found no incompatibility in relation to this proposal. The main implication of NPF4 is the clarification of significant weight being given to renewable energy schemes, such as this. This quantification of weight being an obvious and clear change from the previous NPF.
- 6.125. Importantly, this assessment has not found any conflict with any Development Plan policy, consequently the scheme should be found acceptable. In fact, the sites allocation for such purposes identifies the strongest policy support, coupled with NPF4 and its clear intent to address the effects of climate change and the nature crises. The ability to then apply

significant weight upon this proposal, in combatting the effects of climate change and cutting Greenhouse Gas Emissions would thus make the application even more acceptable. In the event that any conflict against development plan policy was found, it is considered that the benefits of this proposal more than outweigh any such harm.

- 6.126. A number of key renewable energy government policies and legislation are material considerations in the determination of these proposals. Thus, it is crucial to understand how the statutory Development Plan and key government policies/legislation should be considered under Section 36 of the Electricity Act 1989.
- 6.127. The Update to the Climate Change Plan (2018–2032) ‘Securing a Green Recovery on a Path to Net Zero’ recognises a growing and increasingly decarbonised electricity sector is critical to enabling other parts of our economy to decarbonise – notably transport, buildings and industry.
- 6.128. The Draft Energy Strategy and Just Transition Plan published in 2023 focuses on energy security in light of recent global events and the need to reduce dependency on oil and gas and fast track towards Net Zero by 2045. Focus is placed on generating more than 20GW of additional renewable energy alongside other technologies, including additional energy storage capabilities. The Strategy identifies that utility scale battery storage offers fast responding, dispatchable power when required and provides services required to maintain stability within the electricity networks.
- 6.129. As is evident within NPF4, there is a step change in the significant weight to be applied to the achievement of targets and renewable energy deployment. The urgent need for renewable energy to tackle the declared Climate Emergency as a material consideration in the determination of planning applications is established by a range of extant Government policies on energy and statutory development plan alongside the suite of national and international legislation which has informed the policy context.
- 6.130. NPF4 identifies that these proposals are a national development and thus garner policy strength toward their principle of development.
- 6.131. It is evident that there has been a persistent underachievement of renewable energy/greenhouse gas reduction targets over a considerable period of time. As more time passes, the imperative to do more and to be more radical in decision making increases at a greater rate.
- 6.132. This must be seen in the growing context of a growing market for electricity as it displaces fossil fuels for transport, commerce, and heat. Sustainable economic growth can only be achieved by ensuring enough energy, which must be produced in line with obligations to reduce greenhouse gas emissions.
- 6.133. Measuring against the targets set out within The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, where Ministers “must ensure” that the net Scottish emissions account for the net-zero emissions target year (i.e., 2045) is at least 100% lower than the baseline. The interim targeting being:
- 2018 is at least 54% lower than the baseline,
 - 2019 is at least 55% lower than the baseline

- 2020 is at least 56% lower than the baseline,
- 2030 is at least 75% lower than the baseline,
- 2040 is at least 90% lower than the baseline, and
- 2045 is at least 100% lower than the baseline.

6.134. The targets within the Climate Change 2019 Act flow through to the Planning Act 2019, with the purpose of planning being the need to act in the long-term public interest and considering sustainable development.

6.135. The achievement of Net Zero by 2050 is clearly a long-term public interest and planning proposals for sustainable development that helps meet that objective (such as this application) must be considered in that context.

6.136. NPF4 evidently underlines this theme, clearly stating that:

“A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. Generation is for domestic consumption as well as for export to the UK and beyond, with new capacity helping to decarbonise heat, transport, and industrial energy demand. This has the potential to support jobs and business investment, with wider economic benefits.

The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond. Delivery of this national development will be informed by market, policy and regulatory developments and decisions”.

6.137. The Committee on Climate Change (CCC) published their advice on the UK’s sixth Carbon Budget ‘The UK’s Path to Net Zero’ in early December 2020. It builds on the previous CCC advice to Government in relation to new zero.

6.138. Although the CCC Report recognises that the main policy levers are held by the UK Government it states at Para 23 that “UK climate targets cannot be met without strong policy action across Scotland, Wales and Northern Ireland” and that Scotland can take action through complementary measures at the devolved level.

6.139. The CCC is clear in setting out that new demand for electricity will mean that electricity demand will rise 50% to 2035 and “doubling or even trebling by 2050”. The CCC advice sets out that reducing emissions and meeting the budget requires action across various areas including expansion of low carbon energy supplies.

6.140. Page 29 sets out recommendations for action including “delivering the actions required in the 2020s to meet the Sixth Carbon Budget requires policies to be strengthened now. Matching strong ambition with action is vital for the UK’s credibility...”

6.141. For Scotland, the CCC have advised that the interim target for 2030 (i.e. a reduction by at least 75% against baseline levels) will be “extremely challenging”. The proposed development would make a direct contribution to achieving renewable energy generation targets in the UK



and would support Scottish Government policy to encourage more electricity generation from renewable sources, to secure greenhouse gas reductions and to attain energy security of supply. Noting that the targets are presently being missed, the imperative to reach those targets, particularly over the next decade (to 2030) is ever more challenging.

- 6.142. The proposal will provide a community benefit fund which will be made available for community projects.

Public Consultation

- 6.143. As highlighted in Section 3, there are no statutory pre-application consultation procedures for Section 36 applications under the Electricity Act 1989.
- 6.144. The proposal is supported by a Pre-Application Consultation Report which is included within this application to detail the public consultation process.

7. Conclusions

- 7.1. This statement has been prepared in order to accompany an application for Section 36 consent with deemed planning permission submitted to the Scottish Government's ECU, for the construction and operation of a Battery Energy Storage System (BESS), located on land south-west of Inglis Farm, Cockenzie, East Lothian, EH32 OJT. The Scottish Ministers in determining the application will have to have regard as to whether the applicant has met its duties in terms of Schedule 9. In the Section 36 determination, the statutory Development Plan and government policies and legislation will be important considerations.
- 7.2. The site at Cockenzie would provide a significant amount of flexibility to the grid and at 342 MW. The proposed development would provide much needed stability in the region caused by the decline in transmission connected through coal. A variety of international, national, and local policy requires a dramatic increase in battery storage if carbon emissions are to be reduced through more renewable energy generation being connected to the grid.
- 7.3. The proposed development fully accords with all the relevant criteria of NPF4 Policy 11: Energy. NPF4 manages to address the global climate emergency and nature crisis by encouraging these type of developments. The principle of battery storage development is therefore acceptable, and the proposed development will contribute significantly to the renewable energy ambitions and targets.
- 7.4. The proposed development has been strategically sited to allow for a straightforward connection to the grid when required and will avoid any significant infrastructure works which could directly affect the surrounding environment. The site is also allocated under policy PROP EGT1: Land at Former Cockenzie Power Station. This presents significant opportunities for renewable energy related investment. The proposal at Cockenzie is an important step towards this goal and the Applicant is committed to ensuring that the site is developed as quickly as possible.
- 7.5. It is understandable that there will be some concerns with the proposed development is sensitive receptors such as nearby residencies. Nonetheless, any impact of the proposed development are considered to be minimal, with there being no significant impact on: heritage, noise, landscape, flood risk and ecology, with relevant assessments having been undertaken.
- 7.6. Overall, the proposal is supported by a number of assessments as mentioned in Section 6. The key features in support of the proposed development are summarised below:
- It complies with the requirements of The Electricity Act 1989, statutory Development Plan, and a number of material considerations;
 - It is designed to support the flexible operation of the grid network and will provide a significant contribution to a variety of important services to National Grid;
 - It enables the decarbonisation of electricity supply in support of EU targets and national planning policy;
- 7.7. It is therefore respectfully requested that the Scottish Ministers grant consent for the proposed development under Section 36 and the associated deemed planning permission.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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