



Planning, Design and Access Statement

Corshellach Energy Storage Facility

Applicant	Renewable Energy Systems Limited
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1 Introduction

1.1 The Application

Renewable Energy Systems Limited (RES) (“the Applicant”) has prepared this Planning Statement, including a Design and Access Statement, in support of a full planning application to Moray Council for an Energy Storage Facility (ESF) (“the Proposed Development”) on land directly adjacent to Berryburn Electrical Substation, approximately 11.5km south of Forres, (nearest postcode: IV36 2QH), (“the Site”).

This statement outlines the context of the application site and surrounding area, and the need for the proposed development, including an assessment of how it accords with relevant national, regional and local planning policies as well as material considerations. It is supported by a number of drawings, technical documents and survey reports, a schedule of which has been included in Appendix A.

1.2 The Applicant

1.2.1 RES Group Experience

RES is the world’s largest independent renewable energy company with 40 years’ experience developing, constructing and operating renewable energy assets. RES has delivered more than 21GW of renewable energy projects across the globe and supports an operational asset portfolio of over 7GW worldwide for a large client base all under long term contracts.

The Group’s head office in Kings Langley, near London, is complemented by other offices across the UK including Glasgow, Gateshead, Truro, Cardiff and Larne. Internationally, RES has overseas subsidiary offices in France, Scandinavia, Australia, New Zealand, Canada, Turkey, Germany, and across the USA. The RES Group employs 3,000 staff. RES is a privately-owned company that grew out of the Sir Robert McAlpine group, a family-owned firm with over 130 years of experience in the construction and engineering sector. RES has strong in-house engineering and technical capability and operates in five main technology areas: on/offshore wind, solar, storage, green hydrogen and transmission & distribution.

1.2.2 RES Battery Energy Storage Systems Experience

Globally, RES is an industry leader in the delivery and operation of energy storage projects, delivering over 2.4GW of energy storage across the globe, of which 230MW is in the UK and Ireland. RES has been named number 4 globally in energy storage integration by Navigant Research in 2019. RES has multiple professionals dedicated to energy storage and many others supporting across technologies, including in-house capability across all the following functions:

- Energy storage engineering and design
- Control systems (our RESolve platform)
- Procurement
- Construction/delivery
- Asset management and operations

RES’s first battery storage facility in the UK was in 2016 and consisted of the 330kW Copley Wood Project. This was designed, constructed and operated by RES for Western Power Distribution and was integrated

into the existing solar farm infrastructure. In 2018, RES successfully handed over the Broxburn Battery Storage facility (20MW), the Port of Tyne Battery Storage facility (35MW) and Tynemouth Battery Storage facility (25MW) which RES designed and constructed using Samsung batteries and SMA inverters with associated civil and electrical works. RES has been retained as both the Asset Manager and O&M service provider for the projects which has been successfully delivering frequency response services to National Grid since 2018.

More recently, between 2020-2023, RES has successfully developed, consented and secured investment for: the 50MW Roaring Hill Project, in Fife; the 80MW Stoney Project, in Buckinghamshire; the 100MW Lakeside Project, in North Yorkshire, the 100MW Spennymoor Project, in Durham; the 49.9MW Drum Farm Project in Moray, and the 49.9MW Holmston Farm Project in South Ayrshire. RES has also successfully completed the development, construction and handover of Gorey, a 9MW project in ROI, and Gorman, a 50MW project also in ROI, using Narada batteries and Power Electronic inverters.

2 The Proposal

2.1 Site Description

The site is a rectangular shape to the immediate west of Berryburn Electrical Substation, comprised of an agricultural field surrounded by post-and-wire fencing. The northwest of the site is bordered by an overhead electricity line, beyond which is open field until it reaches dense woodland, approximately 135m away from the site perimeter. The southeast of the site is bordered by a minor road which leads back to the A940 under the Divie Viaduct to the west. 250m beyond this is the Stripe of Corshellach watercourse, which runs in an east-west direction. A location plan can be found in drawing 04874-RES-MAP-DR-XX-001.

The site itself generally falls toward the south-east. The southeast of the site is bordered by a minor road which leads back to the A940 and A96.

2.2 Development Description

The proposed development comprises the installation of an energy storage facility, including battery enclosures, power conversion units, transformers, substations, grid connection infrastructure, vehicular access and associated works.

The proposed system utilises proven lithium-ion battery technology which RES has deployed at multiple projects at locations including England, Scotland, Ireland, the USA and Canada.

2.2.1 Amount, Scale and Appearance

Battery Enclosures

Approximately 32 battery storage enclosures would be installed to provide approximately 49.9MW of capacity. The battery enclosures will be one of two types depending on the final choice of supplier, both of which are shown in drawing 04876-RES-BAT-DR-PT-001. The first type are simply modified ISO-style shipping containers set on concrete foundations, with typical dimensions of 6.8m long, 2.4m wide and 2.9m high. Heating Ventilation & Air Conditioning (HVAC) units are located at each end of each container. The enclosures are generally finished in a shade of white or grey.

The second type are modular battery enclosures, also set on concrete foundations, which are ‘packed’ together to form similar dimensions to that of the enclosure mentioned above. These modular battery storage enclosures have a white finish.

Power Conversion Systems and Transformers

Approximately 16 PCSs and transformers would be required with typical dimensions of 8.1m long, 2.4m wide and 2.4m high (see drawing 04876-RES-PCS-DR-PT-001). They would also be set on concrete block foundations and would be finished in a shade of white or grey.

Substations

Two containerised substation units would be required. Located adjacent to each other, these would measure a maximum of 10.0m or 8m long in total, 5m wide and 4.5m high/8.9m wide (see drawings 04876-RES-SUB-

DR-PT-005 04876-RES-SUB-DR-PT-006). The units would be set on a concrete foundation and finished in a shade of grey or green.

Auxiliary Transformer

An auxiliary transformer with typical dimensions of 2.3m long, 2.5m wide and 2.7m high would be installed adjacent to the energy storage enclosures (see drawing 04876-RES-SUB-DR-PT-001). This would be set on concrete foundations and would be finished in a shade of grey or green.

Grid Compliance Equipment

It is expected that one capacitor bank, pre-insertion resistor, and harmonic filter will be required.

The harmonic filter has typical dimensions 6m long, 3.0m wide and 2.7m high (see drawing 04876-RES-SUB-DR-PT-002).

The pre-insertion resistor has typical dimensions 3.3m long, 2.7m wide and 2.7m high (see drawing 04876-RES-SUB-DR-PT-003).

The capacitor bank has typical dimensions 6.4m long, 2.8m wide and 2.6m high (see drawing 04876-RES-SUB-DR-PT-004).

Spares Container

One additional ISO-style shipping container will be located adjacent to the battery enclosures with typical dimensions of 13.7m long, 2.4m wide and 2.9m high. It would be finished in a shade of white, grey or green.

Security

Security fencing will be installed around all four edges of the energy storage compound. Following acoustic analysis of the proposed system, this fencing will be closed board wooden acoustic fencing up to 3m in height (see drawing 04876-RES-SEC-DR-PT-002). Should alternative acoustic mitigation measures be identified during detailed design, a typical palisade or mesh security fence may be utilised (see drawing 04876-RES-SEC-DR-PT-001).

Stands for CCTV cameras will be installed on site. The CCTV cameras are mounted on galvanised steel posts (or similar) measuring up to approximately 4m high and set in concrete foundations. The cameras may have pan, tilt and zoom functions. They will be located adjacent to the fencing around the edge of the energy storage compound (see drawing 04876-RES-SEC-DR-PT-003).

The only lighting within the proposed development would be PIR 'infrared' lighting associated with the CCTV system, which would not be visible to the naked eye, together with PIR operated external lights mounted above doorways. The proposed development does not incorporate any visible, permanent artificial lighting.

Grid Connection

Cabling will connect all equipment within the energy storage compound to the on-site customer substation. An additional run of underground cable(s) will then connect the on-site customer substation to the existing Berryburn electrical substation located toward the east of the site. This latter run of cable does not form part of this planning application.

Drainage

A Sustainable Drainage System (SUDS) will be utilised to manage on-site surface water run-off. The proposed water attenuation pond, located to the west of the energy storage compound, and associated drainage route are shown on the infrastructure layout drawing (04876-RES-LAY-DR-PT-001). Further details are provided in Section 5.5 of this document and in the supporting Flood Risk Screening and Surface Water Management Plan.

2.2.2 Layout

The proposed layout of the site is shown in the Infrastructure Layout Plan (04876-RES-LAY-DR-PT-001). The layout has been guided by a number of factors, but primarily by the operational requirements of an energy storage facility combined with site constraints.

The battery storage enclosures and associated PCS and transformer units have been sited in close parallel rows to reduce the amount of cabling required between each unit and to condense the area required for the overall development. Space between the equipment on site and surrounding fence has also been left in order to provide sufficient space for a crane during construction and in case of repair and augmentation.

The attenuation basin has been located to the southwest of the site, at the lowest point, in order to utilise the existing topography of the land to assist with drainage of the site. The compound itself has also been designed in a three-tier layout to complement the existing topography.

2.2.3 Access

Access to the site would be via the existing private access track which runs to the south of the field. This track will connect the energy storage compound to the A940, and then A94 to the north of site. An indicative Transport Statement has been included in this application.

2.2.4 Landscaping

A landscaping plan has been submitted (see ‘Landscape Masterplan’) which takes account of the identified areas of sensitivity by providing additional planting where required and maintenance notes for the proposed planting which also provide benefits to local biodiversity.

The landscaping proposals include the following:

- Retention and management of native gorse scrub and heathland planting around the compound.
- Translocated upland heathland to the west of the compound.
- Proposed grassland seed mixes to the proposed infiltration/attenuation pond.
- Ongoing landscape management of planting during the lifetime of the proposed development.

2.3 Site Selection Process

Energy storage projects require certain conditions in order to be feasible. The requirements are listed here as well as a short explanation of how they shaped the selection and design of this site.

Viable grid connection: An energy storage facility needs to be able to both import and export energy to the grid network. Due to the issues facing the grid network (discussed in Section 2.4 below), the availability of sites where the required amount of import and export capacity is available is diminishing.

The existing Berryburn electrical substation has a viable amount of both import and export capacity available which RES has secured for this project. Identifying a substation which can provide a viable grid connection was the first step to selecting this site.

Proximity to substation: Energy storage facilities need to be located as close as possible to the substation from which its grid connection is provided in order to limit electrical losses and ensure greater efficiency of the system. The distance between potential energy storage sites and the nearest suitable grid connection is often a major barrier to the deployment of renewable and low carbon energy due to the high costs involved. The longer the distance, the higher the cost and the larger the environmental impacts, rendering many projects unviable.

Identifying land as close as possible to the existing Berryburn electrical substation was therefore the second step in selecting this particular site. This is a key factor in the choice of location for the proposed development.

Availability of land: An energy storage facility of this capacity requires an area of land of at least approximately 5 acres to accommodate the batteries and supporting electrical infrastructure. Land of this size, as close to the substation as possible, which is free from other development and obtainable from a third-party landowner is required. Additional space for drainage, landscaping and access is also required.

Land around the Berryburn substation was therefore assessed with regard to its size and availability. The selected site provides ample space for a storage development of this size and is free from any other forms of current or future development.

Environmental and policy constraints: Energy storage facilities, where possible, should avoid being sited on land which are designated for landscape, heritage, ecological or other environmental reasons, or on land where development is restricted by local planning policy.

This particular site has been chosen as it is not located within any statutory designated areas for landscape, heritage or ecology. The site is also located outside any restrictions placed on the area by local planning policy.

Other considerations: When a site with all the previous factors considered has been identified, several other environmental and technical constraints must be assessed. These include, but are not limited to:

- Proximity to existing overhead lines and underground utilities.
- Ground conditions.
- Distance to nearest residential properties.
- The existence of any protected species.
- The flood risk status of the site.
- Ease of access.

Conclusion:

This specific site has therefore undergone rigorous assessment to ensure that it is suitable to accommodate the development of an energy storage facility. Given the unique locational advantage of the site, directly adjacent to the existing Berryburn electrical substation with a rare available grid connection, and lack of

sensitive receptors in the immediate vicinity, the site is therefore considered particularly suitable for this type of development.

2.4 Need for the Development

There is now an undisputed need for additional renewable and low carbon energy infrastructure, including energy storage, in order to meet the challenge of climate change. In June 2019 the UK became the first major economy in the world to legislate a binding target to reach net zero emissions by 2050, whilst Scotland's Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 went even further, targeting a date of 2045 to reach net zero, with interim targets for reductions of at least 75% by 2030; one of the world's most ambitious targets.

To reach these ambitious, legally binding targets, the increased development and deployment of renewable energy technologies such as wind and solar are required. However, these renewable energy technologies generate electricity intermittently depending on weather conditions, which ultimately causes imbalances in the electricity network; at any one time, the amount of energy being generated needs to be balanced with the amount of energy being used. If this balance is not achieved, the function of the grid network is compromised, and the possibility of power outages is high. The more renewable energy generation is added to the grid network, the harder this balancing act becomes.

Energy storage therefore provides this vital balancing role to ensure that the grid remains stable at times of stress; this proposal is therefore for a battery energy storage system which is able to store energy at times when generation exceeds demand and then release electricity back to the national grid network when demand exceeds generation. Electricity is not physically generated on site. Given the high penetration of wind energy in Scotland, particularly in this area of Moray, flexibility and stability services provided by energy storage systems are urgently required to safely manage the grid network in the region.

Consequently, this form of development is crucial in enabling the continued rollout of zero carbon energy and is vital to ensuring that Scotland's ambitious net-zero emissions target is met. The development will provide valuable, essential infrastructure to meet these targets, while supporting CO₂ reduction to combat climate change and increasing the security of supply of electricity.

3 Screening & Pre-Application Consultation

Prior to the submission of this application, a formal pre-application enquiry to Moray Council, including an EIA Screening Request, was submitted by RES.

A Screening Response was issued by Moray Council on the 28th February 2023 (ref: 23/00274/SCN), which confirmed that, when screened against the selection criteria outlined in Schedule 3 of the *Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017*, (including cumulative impact, pollution, impact on natural resources/the natural environment, environmental quality and the historic environment), the potential impact on the receiving environment was considered not to be significant. Consequently, the proposed development does not constitute 'EIA development' and an Environmental Impact Assessment (EIA) has not been required.

A pre-application response was then received on 12th April 2023 (ref: 23/00239/PEMAJ). The response provided comments on the proposal from a handful of consultees and highlighted a number of key points and relevant local development plan policies to consider in further detail before progressing to a full planning application.

Following this, RES has discussed the proposal in further detail with relevant consultees in order to clarify any points raised within the pre-application response and to ensure that all points have been fully addressed in this full planning application.

4 Planning Policy Appraisal

4.1 Introduction

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended by The Planning etc. (Scotland) Act 2006 and, more recently, the Planning (Scotland) Act 2019, states that:

‘Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise to be made in accordance with that plan’.

Section 37(2) of the Act states:

‘In dealing with such an application the authority shall have regard to the provisions of the proposed development plan, so far as material to the application, and to any other material considerations’

For this proposed Corshellach Energy Storage Facility, the development plan comprises the Moray Local Development Plan (MLDP) 2020. Relevant policies within the Plan are assessed below and a summary of relevant material considerations are provided.

4.2 Moray Local Development Plan 2020

The Moray Local Development Plan (MLDP) is the statutory development plan and the starting point for determining applications as set out in the Town and Country Planning (Scotland) Act 1997 Section 25. The MLDP was adopted in July 2020 and sets out the policies and land use proposals to guide development across Moray up to 2030 and beyond.

4.2.1 Plan Aims and Objectives

Importantly, one of the key objectives of the MLDP is to:

‘Encourage efficient use of land and promote low carbon and sustainable development.’

The proposed development will provide balancing services to the National Grid Electricity Network that will help to encourage and accelerate the roll out of renewable energy sources which is critical to achieving national and local decarbonisation targets. More discussion on the wider need for the proposed development can be found in section 2.4 of this Planning Statement. Therefore, the proposed development is in line with the aims and objectives of the MLDP.

4.2.2 Policies

Specific policies within the MLDP which are relevant to this proposal are analysed in turn below and an explanation as to how this proposed development complies with each policy is provided.

Policy PP2 - Sustainable Economic Growth

Policy PP2 requires development proposals to safeguard the quality of the natural and built environment, have a clear locational need and demonstrate that all potential impacts can be satisfactorily mitigated.

As discussed in Section 2.4, energy storage systems, like this proposal, provide balancing services to the national grid network. In order to do this efficiently, they must be located as close as possible to the substation from which its grid connection is provided. This proposal is therefore located directly adjacent to the Berryburn substation, into which it will be connected.

The project has also been located and designed specifically to fit well within the surrounding environment, including its design as a 'tiered' system which will reduce earthworks and utilise the existing topography of the site. It has been located adjacent to existing electrical infrastructure, including that of the Berryburn substation and associated pylons and overhead electricity lines, to prevent development spread into the wider area. Landscaping has also been proposed around the development to reduce visual impacts and provide benefits to local biodiversity.

Furthermore, detailed surveys regarding landscape, ecology, heritage, acoustics and transport have been completed and are summarised in Section 5 of this document. They conclude that the proposal will have no significant adverse impacts upon the surrounding environment. Where moderate impacts have been identified, mitigation has been proposed to ensure that they do not become adverse.

The proposal is therefore compliant with Policy PP2.

Policy PP3 - Infrastructure and Services

This policy requires developments to be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

The development has been designed specifically to include safe transport and access routes linking to existing networks, as well as a Sustainable Urban Drainage System (SUDS) to manage surface water, both of which are required by Policy PP3.

The development is also compliant with Policy PP3 as it:

- Does not create a new access onto a trunk road or key route.
- Does not adversely impact on travel routes, including Core Paths.
- Does not adversely impact blue/green infrastructure, including green networks important for wildlife.
- Does not adversely impact on community and recreational sites, buildings or infrastructure.
- Is not incompatible with key waste sites.
- Does not adversely impact on flood alleviation and mitigation infrastructure.
- Does not compromise the economic viability of bus or rail facilities.

The proposed development is therefore considered to be compliant with Policy PP3.

DP1 - Development Principles

Policy DP1 sets out detailed criteria to ensure that proposals meet siting, design and servicing requirements, provide sustainable drainage arrangements and avoid any adverse effects on environmental interests.

The proposed development is in accordance with this policy due to the following:

- It is of an appropriate scale, density and character in respect of its surroundings, given that the site is located in close proximity to a network of existing electrical infrastructure, including the existing Berryburn substation and large-scale pylons and associated overhead powerlines radiating from it.
- Is sited as close as possible to the existing Berryburn substation (the point at which it will connect to the grid network), demonstrating a clear locational need.
- It includes the retention and management of native gorse scrub and heathland planting around the compound as well as the enhancement of other areas surrounding the compound through proposed grassland seed mixes at the attenuation pond which will not only help to reduce the visual impact of the development but will importantly help to enhance the surrounding environment through the creation of habitat and promotion of biodiversity.
- It accounts for the safe entry and exit from the development and does not impact the safety and visibility of road users.
- It is designed to accommodate the required parking provision and turning area within the site itself to avoid access routes being blocked and parking on main highways.
- It is designed to include a suitable sustainable urban drainage system (SUDS) for dealing with surface water. It is also not located in an area at risk of flooding and will not adversely impact the risk of flooding elsewhere.
- It will not adversely impact upon air quality, water quality, local amenity, or the built and natural environment.

Policy DP1 also requires developers to provide impact assessments in order to determine the impact of a proposal. Assessments regarding landscape, ecology, built heritage and archaeology, transport, acoustics and drainage have been completed and submitted in support of this application. The suite of assessments conclude that no significant adverse impacts are expected to arise due to the proposed development. Where the potential for moderate impacts has been identified, mitigation has been proposed to address the impact.

The proposed development is therefore in accordance with policy DP1.

DP9 - Renewable Energy

Policy DP9 states that all renewable energy proposals will be considered favourably where they meet the following criteria:

- i) They are compliant with policies to safeguard and enhance the built and natural environment;
- ii) They do not result in the permanent loss or permanent damage of prime agricultural land;
- iii) They avoid or address any unacceptable significant adverse impacts including:
 - a. Landscape and visual impacts.
 - b. Noise impacts.
 - c. Air quality impacts.
 - d. Electromagnetic disturbance.
 - e. Impact on water environment.
 - f. Impact on carbon rich soils and peat land hydrology.
 - g. Impact on woodland and forestry interests.
 - h. Traffic impact -mitigation during both construction and operation.
 - i. Ecological Impact.

j. Impact on tourism and recreational interests.

In addition to the above criteria, Policy DP9 requires that a detailed assessment of impact will include consideration of the extent to which the proposal contributes to renewable energy generation targets, its effect on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment.

The site of the proposed development has been chosen because of its low environmental sensitivity, its proximity to an available grid connection which is essential to delivering new electrical energy infrastructure, and the minimal impact it would have on the surrounding community, being sufficient distance from the nearest properties. Detailed surveys regarding landscape, ecology, heritage, acoustics and transport have been completed and are summarised in Section 5 of this document. They conclude that the proposal will have no significant adverse impacts upon the surrounding environment. Where moderate impacts have been identified, mitigation has been proposed to ensure that they do not become adverse.

The benefits of energy storage and how it contributes to renewable energy targets have been discussed in section 2.4 of this document and addressed further in sections 4.3.3 - 4.3.7 below. The proposed development's contribution to renewable energy generation targets and its effect on greenhouse gas emissions is substantial and this should be given significant weight in this planning balance.

The use of the site as an energy storage facility will not result in the permanent loss or permanent damage of prime agricultural land; the land in question is classed as 5.2 on the national scale land capability for agriculture maps, therefore the land is capable of use as improved grassland; there are few problems with pasture establishment, but it may be difficult to maintain. This land is not classed as prime agricultural land; this is only classes 1-3.1.

For these reasons, the proposed development is in accordance with policy DP9.

EP1 - Natural Heritage Designations

Policy EP1 acts to protect the diversity of habitats and species in Moray which contribute towards the overall high-quality environment. Moray's international, national and local designations and protected species are a valuable part of the County's nature conservation and therefore EP1 protects them from inappropriate development.

The proposed development is supported by an Ecological Impact Assessment (EclA) which is summarised in Section 5.2. The assessment confirms that adverse impacts on international, national or local designations due to the proposed development are not expected.

Whilst the EclA identified wet heath habitat on site, the proposals have been specifically located on the areas most damaged by excessive livestock poaching and grazing, whilst retaining the areas of sphagnum moss habitat toward the north. Further mitigation, in the form of translocating areas of wet heath, will also ensure that the loss of a small area of this habitat will not have significant impacts to the local area or to the local bird population.

During construction, best practice guidance will be followed in relation to any terrestrial mammals (including brown hare and badger) that may pass through the site and precautionary measures, such as directional clearance of vegetation, will be implemented to prevent impacts to any reptiles on site.

With these suitable avoidance and mitigation measures in place, the proposed development will not adversely affect protected habitats or species and will therefore not conflict with policy EP1.

EP2 - Biodiversity

This policy aims to deliver biodiversity enhancement, help promote new habitat creation and expansion and help avoid habitat fragmentation.

Measures to enhance biodiversity have been built into the design and layout of this proposal from the outset and can be seen in the supporting '*Landscape Masterplan*'. Measures include:

- Retention and management of native gorse scrub and heathland planting around the compound.
- Translocated upland heathland to the west of the compound.
- Proposed grassland seed mixes around the proposed infiltration/attenuation pond.
- Ongoing landscape management of planting during the lifetime of the proposed development.

This proposal is therefore in accordance with policy EP2 as the proposed landscaping and planting will have a positive effect on biodiversity by creating new areas of habitat and protecting and enhancing features of interest for wildlife at the site. Appropriate management of these features has also been provided.

EP8 - Historic Environment and EP10 - Listed Buildings

These two policies seek to protect archaeological sites, Scheduled Monuments and Listed Buildings from inappropriate development that would have an adverse impact on their integrity and setting.

A full Archaeological Assessment has been completed and submitted in support of this application. The closest Designated Heritage Asset is located c.1.45km to the southwest, and there are no Scheduled Monuments, Inventoried Battlefields, Gardens and Designed Landscapes or Conservation Areas within 3km. Considering the proposal's position sheltered within the valley, the scale of the site, its low construction height, and proximity to a recent development (Berryburn Substation), the proposal is not expected to cause any indirect impacts to cultural heritage assets.

With regard to archaeology, a high potential for prehistoric archaeological remains was identified in the northeast corner of the site; the proposal has subsequently been located away from this concentration of possible archaeology. This has minimised the impact to identified potentially prehistoric remains, however, further archaeological investigations, such as trial trenching, or monitoring of groundworks under archaeological supervision, will be carried out to minimise impacts further.

In summary, the assessment has not identified anything that would preclude development within the site in relation to cultural heritage and concludes that the proposed development is therefore in accordance with policies EP8 and EP10.

EP12 - Management and Enhancement of the Water Environment

Policy EP12 firstly seeks to direct development away from areas at risk from flooding. A full Flood Risk Statement and Drainage Impact Assessment has been completed in support of this application and it concludes that that the proposed development would neither be at unacceptable risk of flooding, nor increase flood risk on or surrounding the site.

This policy also requires that all sites must be drained by a sustainable drainage system (SUDS) designed in line with current CIRIA guidance. Drainage systems must also contribute to enhancing existing “blue” and “green” networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives. A full assessment of various SUDS designs has been completed and, whilst further site investigation will be completed to inform the final design, it is expected that infiltration will not be possible at this site. Consequently, the proposal incorporates an above ground attenuation pond solution, designed to accommodate the ‘worst case’ to ensure that the 1 in 200-year event + a 42% climate change allowance can be accommodated, as requested by Moray’s Drainage Officer during pre-application consultation.

The discharge point for the restricted flow from the attenuation pond will be to the existing watercourse located on the site, therefore matching existing drainage routes. Surface water will receive a minimum of three stages of treatment before being discharged to the existing watercourse in order to remove any contaminants. Furthermore, during the construction phase, temporary silts fences will be installed, providing an additional treatment stage of water filtration.

Overall, the proposed development would neither be at unacceptable risk of flooding, nor increase flood risk on or surrounding the site, and includes a suitable SUDS design, therefore it is considered in accordance with policy EP12.

EP14 - Pollution, Contamination and Hazards

This policy seeks to ensure that new developments do not create pollution which could adversely affect the environment or local amenity, including pollution in various forms such as run off into watercourses, noise pollution, air pollution and light pollution.

The proposal has been specifically located a sufficient distance away from residential properties to ensure that it will not create an unacceptable impact upon the health and living conditions of nearby residents. This is supported by the submitted Acoustic Assessment which also demonstrates that no unacceptable levels of noise or vibration will occur because of this proposal.

With regard to air quality, once operational, the proposed development will create very limited vehicle movements, generally one or two every month for maintenance purposes. Furthermore, the infrastructure itself will not release any emissions to the air, therefore the development will not lead to an adverse impact upon air quality. Potential impacts upon air quality during the construction phase have been assessed in the supporting Construction Environmental Management Plan (CEMP) which includes information on construction traffic movements and dust mitigation measures, all of which indicate that no unacceptable impacts will occur.

The only lighting within the proposed development will be ‘infrared’ lighting associated with the CCTV system and PIR operated security lighting above doors. The proposed development does not incorporate any permanent, visible artificial lighting and is therefore in accordance with the provisions of policy EP14.

4.3 Material Considerations

4.3.1 National Planning Framework 4 (NPF4)

The National Planning Framework 4 (NPF4) was approved by Scottish Parliament on 11th January 2023 and was adopted and published by Scottish Ministers on the 13th February 2023, superseding the NPF3. The NPF4 sets the context for development planning in Scotland and is a framework for the spatial development of Scotland as a whole.

NPF4 confirms the necessary and urgent action required to achieve net zero-emissions by 2045; a new policy on ‘*Tackling the Climate and Nature Crises*’, has formed the foundations for the spatial strategy as a whole and underpins all other policies in the NPF4, acknowledging that we are within a critical decade for emissions reduction progress. It is now clear through the weighting to be applied to different policies, that the climate and nature crises are the priority. Specifically, Policy 1 of the NPF4 states:

‘When considering all development proposals significant weight will be given to the global climate and nature crises.’

There is a clear expectation on the role that planning must play in delivering the expansion of renewable energy needed to realise the transition from a reliance on fossil fuels. NPF4 reflects the need to get behind the delivery of renewable energy to achieve net zero targets. Contrary to previous frameworks, NPF4 explicitly recognises the role that energy storage facilities play in facilitating the generation of renewable energy, with Policy 11 stating:

‘Policy Intent: To encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies including hydrogen and carbon capture utilisation and storage (CCUS).’

It goes on to state that all forms of renewable, low-carbon and zero emissions technology will be supported, explicitly listing battery storage.

Furthermore, the NPF4 recognises the nature crisis, with Policy 3 requiring development to provide significant biodiversity enhancements through careful design and planning. The design of the proposed development includes the retention and management of native gorse scrub and heathland planting around the compound as well as the enhancement of other areas surrounding the compound through proposed grassland seed mixes around drainage features. The proposed development therefore provides opportunities for biodiversity enhancement and protection and is therefore in accordance with this policy.

Given that the proposed development constitutes battery energy storage to support the generation of energy from renewable sources, reduce reliance on fossil fuels and ensure that the UK is more resilient to the impacts of climate change, it clearly accords with the aims of the Scottish Government and is supported by the overarching ambition of the NPF4, particularly when significant weight is given to the global climate crisis as required by Policy 1.

4.3.2 Scottish Planning Policy (SPP) 2014

The purpose of the Scottish Planning Policy (SPP), published in June 2014, is to set out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. It promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances.

The SPP contains four planning outcomes which explain how planning should support the vision for Scotland to become a sustainable economy and a low carbon place. The second of the four outcomes is as follows:

Outcome 2: A low carbon place - reducing our carbon emissions and adapting to climate change.

Outcome 2 goes on to state:

By seizing opportunities to encourage mitigation and adaptation measures, planning can support the transformational change required to meet emission reduction targets and influence climate change.

Given that the proposed development presents an opportunity help accelerate the roll out of a low carbon electricity system and therefore support in meeting emission reduction targets, it is considered that this proposal is strongly aligned with the SPP.

Furthermore, paragraph 154 of the SPP states that the planning system should:

'Support the transformational change to a low carbon economy, consistent with national objectives and targets.

Support the development of a diverse range of electricity generation from renewable energy technologies - including the expansion of renewable energy generation capacity - and the development of heat networks.'

Whilst the SPP clearly encourages the planning system to support proposals such as this, it does also highlight that safeguarding and enhancing the natural and built environments is a key role of the planning system. This proposal is a well-designed development which has not been found to cause significant adverse impacts to the surrounding natural and built environment. It has a clear locational need to be sited as close as possible to a connection point to the national grid network and will assist in the roll out of renewable energy generation across Scotland. As paragraph 168 the SPP states:

Energy storage schemes help to support development of renewable energy and maintain stability of the electricity network in areas where reinforcement is needed to manage congestion.

The SPP therefore demonstrates significant support for the proposed development.

4.3.3 Moray Council Climate Change Strategy 2020-2030

On 27th June 2019, Moray Council declared a Climate Change Emergency, agreeing to prepare and adopt a Climate Change Strategy and declaring the aim of Moray Council becoming carbon neutral by 2030. This resulting Climate Change Strategy, published on 10th March 2021 marks the Council's commitment to taking

action locally. The strategy is complimented by a ‘Route Map to Net Zero’ document, which outlines how Moray Council plan to achieve carbon neutrality by 2030.

Although the strategy and route map largely focus on reducing the Council’s own emissions from its buildings, transport, procurement and waste processes, it importantly acknowledges that the climate agenda needs to be embedded into all decision making, stating:

‘The strategy has been designed to mainstream climate change action within our organisation and make it a natural part of decision-making processes’

It also acknowledges that biodiversity should be promoted through the planning system. Given that this proposal will maximise opportunities to incorporate and enhance biodiversity within the designs wherever possible, it is considered to be supported by this strategy. Furthermore, this energy storage facility supports Moray Council’s vision to be carbon neutral by 2030 and as such, this Climate Change Strategy and Moray’s increasing focus on the climate agenda should be afforded significant weight in the planning balance.

4.3.4 Scottish Energy Strategy: The Future of Energy in Scotland

Published in 2017, Scotland’s first energy strategy sets out the Scottish Government’s vision for the future energy system in Scotland through to 2050. The strategy aims to deliver a well-balanced system capable of providing secure and affordable energy to meet Scotland’s needs. One of the strategy’s six priorities is:

‘System security and flexibility - Scotland should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of our homes and businesses as our energy transition takes place.’

The strategy acknowledges that Scotland’s future energy mix needs to be far more flexible than in the past, and recognises the role of newer, emerging technologies, stating:

‘Renewables will play a huge part in meeting our future energy needs. But there will be roles too for other sources and technologies - for thermal generation with carbon capture, for pumped storage hydro and other forms of storage, and for smarter, more interconnected networks.’

As discussed in Section 2.4 of this document, the proposed energy storage facility will provide a vital balancing role to ensure that the grid network remains stable at times of stress and balances the peaks and troughs of weather dependant renewable energy sources; this is imperative to the successful transition towards carbon net-zero objectives and a successful energy system for Scotland. The proposed development is therefore thoroughly in line with the Scottish Energy Strategy.

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

In direct response to the international Paris Agreement, the Climate Change (Scotland) Act 2009 was amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, increasing the ambition of Scotland’s emissions reduction targets to net zero by 2045, which is ahead of many other countries, including the UK. There is also an interim target of a 75% reduction in emissions by 2030.

The Climate Change (Scotland) Act 2009 had already established Scotland as a leader in tackling climate change, but the updated Act further asserts the Scottish Government’s commitment to being at the forefront of global change.

Projects such as this proposal play a key role in aiding the decarbonisation of the energy sector by supporting the increased roll out of renewable energy generation and therefore being a key asset in the delivery of these ambitious targets. There is a clear need to consent proposals such as this if Scotland’s targets are to be met.

4.3.6 Update to the Climate Change Plan: 2018-2032

Published in December 2020, this document provides an update to the Climate Change Plan, originally published in 2018, to reflect the increased ambition of the new targets set in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The plan sets out Scotland’s approach to delivering a green recovery and a pathway to achieving world leading climate change targets as it emerges from COVID-19.

With regard to electricity, the Update to the Climate Change Plan lists a series of policies in order to meet three outcomes:

‘Outcome 1: The electricity system will be powered by a high penetration of renewables, aided by a range of flexible and responsive technologies.

Outcome 2: Scotland’s electricity supply is secure and flexible, with a system robust against fluctuations and interruptions to supply

Outcome 3: Scotland secures maximum economic benefit from the continued investment and growth in electricity generation capacity and support for the new and innovative technologies which will deliver our decarbonisation goals.’

In line with the 2018 plan, the focus is on the period up to 2032. By this time, the strategy sees Scotland’s electricity system having 100% of electricity demand being met from renewable sources and sees it moving from a low to a zero-carbon electricity system. To do this, the strategy focuses on a substantial and sustained increase in renewable generation, expecting to see the development of between 11 and 16GW of capacity during this period, particularly through an increase in offshore and onshore wind development. As discussed in Section 2.4 of this document and recognised by the Update to the Climate Change Plan, ensuring that the infrastructure is in place to balance out the peaks and troughs of energy generation from these weather dependent sources should be a priority and projects such as this proposal afforded significant support.

Supporting policies include, but are not limited to:

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- *‘Support the development of technologies which can deliver sustainable security of supply to the electricity sector in Scotland and ensure that Scottish generators and flexibility providers can access revenue streams to support investments.*
 - *Introduce a new framework of support for energy technology innovation, delivering a step change in emerging technologies funding to support the innovation and commercialisation of renewable energy generation, storage and supply.*
 - *Support improvements to electricity generation and network asset management, including network charging and access arrangements that encourage the deployment and viability of renewables projects in Scotland.’*
-

Importantly, the strategy also recognises the role that the planning system will play in enabling Scotland’s ambitious targets and the Update to the Climate Change Plan’s outcomes, stating:

‘Planning has been, and will remain, a critical enabler of rapid renewables deployment in Scotland. The position statement on our fourth National Planning Framework (NPF4), published in November, makes clear the Scottish Government’s intention to actively facilitate decarbonised electricity generation and distribution.’

The proposed development receives significant support from this ‘Update to the Climate Change Plan: 2018-2032’ and is strongly in-line with the policies and aims which it includes. The proposal will play a key role in ensuring that the vision for 2032 becomes a reality and should therefore be approved without delay.

4.3.7 Socio-Economic Benefit

Whilst the wider socio-economic benefit of renewable and low carbon developments such as this widely accepted and acknowledged by the policies discussed above, the development also has the potential to generate a range of economic opportunities for local businesses through the construction activities required for the development as well as throughout the supply chain and during decommissioning.

Locally sourced materials and services will be preferred where possible, however this is subject to competitive tendering and is often constrained by the specialist nature of the equipment. However, there remains several benefits and opportunities for the local area including:

- Increased local spending in the area during construction and decommissioning. This includes, but is not limited to, increased spending on local accommodation, building material stores, food outlets and fuel stations.
- The use of local services for activities such as:
 - Pre-construction site investigation
 - Haulage and delivery
 - Landscaping
 - Fencing
 - Tool servicing
 - Stone, concrete and other quarry products
 - Security
- Employment opportunities created down the supply chain by those providing these services to the development during construction and decommissioning.

4.4 Summary of the Planning Balance

As evidenced in this section and the supporting documents, the proposed development will comply with the relevant adopted Local Development Plan policies, and, importantly, it draws support from the Local Development Plan given its objectives relating to promoting low carbon and sustainable development. The proposed development will not create any significant or unacceptable adverse effects on ecology, transport, flood risk, heritage, landscape, amenity and other sensitive environmental assets; it represents the best use of the site given its unique locational advantage directly adjacent to Berryburn Electrical Substation which has available grid capacity. It has been designed with siting, design and servicing requirements in mind and has been coordinated with other infrastructure in the local area. Consequently, the proposed development’s compliance with the development plan has been demonstrated.

This section has also outlined other relevant material considerations, particularly significant energy policies and the recently adopted NPF4, to assist in the determination of the planning application and it demonstrates that they provide significant support for the proposed development. These material considerations clearly

outweigh any limited contention with the development plan thereby affirming that planning permission should be granted for the proposed development in the wider public interest; the wider social, environmental and economic benefits associated with facilitating the increased production of energy from low carbon and renewable sources and achieving net zero is recognised and supported throughout the policies discussed above.

This energy storage proposal represents low carbon energy infrastructure which is crucial to enable the increased installation of renewable energy generation for which there is a clear and urgent national need if Scotland is to achieve its world leading net zero target by 2045. There is a climate emergency, and as stressed by the NPF4, this must hold considerable weight in the planning balance which can no longer be approached as it has been in the past.

This development is therefore strongly aligned with the policies of the Moray Local Development Plan and is supported by the material considerations discussed in this section, including the NPF4, Scotland's Energy Strategy and its Update to the Climate Change Plan. It is therefore considered that, on balance, the benefits of this proposal significantly outweigh any limited impacts which may arise from the development.

5 Technical Assessments

A number of supporting technical assessments have been carried out to support this full planning application. They have been submitted alongside this document, however, a summary of each of these is provided here.

5.1 Landscape

A Landscape and Visual Assessment (LVA) has been completed by Pegasus Ltd. in order to consider the site and its surrounding context in both landscape and visual terms, to assess the potential effects of the proposed energy storage facility upon landscape features, landscape character and visual amenity. This assessment was completed via a desk study analysis of the site and its policy context, as well as site visits to gain an appreciation of the landscape and visual context of the site. Alongside the LVA, a detailed Landscape Masterplan has been completed and included within the assessment.

Landscape Character

The site lies entirely within LCT 290 Upland Moorland and Forestry as characterised within the NatureScot Landscape Character Types Digital Map, published in 2019. Key characteristics of LCT 290 include:

‘Generally simple, large scale landscape with expansive scale of interior plateau area. Predominantly simple landcover of extensive, geometric conifer forests and heather moorland.

Large scale commercial forestry blankets much of the mid and upper slopes, many of which are undergoing deforestation and restocking. The differing tree heights and open areas of landcover disturbance are prominent on the simple broad slopes, reinforced by the wider resurfaced forest roads upgraded for timber extraction.

More intimate farmed landscapes at the margins and close to burns and roads, with farms, small holdings and marginal pastures.

Large expanses of un-settled areas, with settlement very sparsely scattered near the very few roads.

Windfarm development both within the Landscape Character Type and in adjacent landscapes.’

The LCT is influenced by operational wind farms, pylon lines and associated substations. Accounting for the influence of existing elements of electricity infrastructure the susceptibility of the LCT is judged to be medium. Accounting for the size and scale of the proposed development and screening provided by conifer forest plantations in vicinity, notable landscape effects would be largely limited to the site level, extending to around 0.4km to the southwest at Year 1 of operation. The proposed development would marginally extend the presence and influence of electricity infrastructure west of Berryburn substation within the northern fringe of the LCT. The proposed development would give rise to a no greater than low magnitude of change upon the wider LCT, resulting in a Minor level of landscape effect, which would reduce in the longer-term due to the proposed mitigation planting as it becomes more established, integrating the proposal into the local landscape.

Designated Landscapes

The site is not covered by any national landscape designations but is located approximately 1.7km east of the Findhorn Valley and the Wooded Estates SLA, as identified by the Moray Local Landscape Designation Review 2018. The Screened Zone of Theoretical Visibility (SZTV) indicates no theoretical visibility from the, SLA; therefore there would be no effect on this locally designated landscape resulting from the introduction of the proposed development.

Visual

The proposed layout has sought to integrate and minimise potential visual effects through siting the proposed development in close proximity to existing electricity infrastructure and introducing appropriate mitigation measures.

Visual effects on local residents arising from the proposed development would be limited to views experienced from the access and northern curtilage of Tomcork. These receptors would experience a Moderate adverse and temporary visual effect during construction. Following construction, a Moderate to Minor adverse visual effect is anticipated for operational Year 1 reducing further as mitigation planting matures by Year 15. From a very short section of the single track road in proximity to the proposed development a Moderate adverse and temporary visual effect during construction is identified reducing to Moderate to Minor adverse for Years 1 and 15.

The Dava Way recreational route is found 1.8km west at the closest point crossing the Divie Viaduct. Accounting for extensive conifer forest plantation, the SZTV indicates that theoretical visibility is limited to an open section of this route southwest of Brantrach Wood. Views from this open section of the route are heavily influenced by the operational wind farms at Hill of Glaschyle and Berry Burn which are seen in the background of view on the skyline. At Years 1 and 15, the proposed development would be seen as a distant feature back clothed by landform within the context of the existing infrastructure of Berryburn substation the associated pylon line and the operational wind farms at Hill of Glaschyle and Berry Burn. The magnitude of change is judged to be low and taking account of the high sensitivity would result in a Minor adverse effect.

No notable visual effects are anticipated from other residential, recreational and road user receptors.

The assessment concludes that, from a landscape and visual perspective, any effects on landscape character as a result of the proposed development would be confined to the surrounding local areas, with visual effects reduced by the proposed mitigation planting. As the proposed planting matures the proposed development would be further integrated within the local landscape with some additional biodiversity opportunities. Overall, the total extent of the landscape and visual effects would be localised and limited in nature.

5.2 Ecology

An Ecological Impact Assessment (EclA) has been completed by RammSanderson Ecology Limited to assess the potential impacts on local ecology as a result of the proposed development and to inform further site design, mitigation and assess the need for further survey work. The EclA has been informed by a desk-based assessment, an Extended Phase 1 Habitat Survey and protected species assessments.

Statutory and Non-Statutory Designated Sites

There are no statutory or non-statutory designated sites of national or international importance within the application site.

Habitats

The Phase 1 walkover of the site broadly followed the Phase 1 habitat survey methodology as set out in Joint Nature Conservation Committee guidance (Joint Nature Conservation Committee, 2010). This survey method records information on habitat types and is 'extended' to record any evidence of and potential for protected or notable species of both flora and fauna to be present.

The construction of the proposed development will occur over or near to the habitats identified as follows:

- **A2.1 - Dense Scrub** - Two areas of gorse (*Ulex europaeus*) were present along the southern boundary of the application site and adjacent to the access road. The area of A2.1 will be retained as g3c grassland, as per the Landscape Masterplan.
- **B1.2 - Acid Grassland - Semi-Improved** - An area of grassland on peat substrate was present in the east of the application site. Grass species included sweet vernal grass (*Anthoxanthum odoratum*), common bent (*Agrostis capillaris*), wavy hair grass (*Deschampsia flexuosa*), tufted hair grass (*Deschampsia cespitosa*), crested dog's-tail (*Cynosurus cristatus*), with other species including tormentil (*Potentilla erecta*). A very small area of this habitat will be lost to facilitate access tracks.
- **B4 - Improved Grassland** - Heavily rabbit grazed grassland, with high abundance of soft rush (*Juncus effusus*), parts of the habitat were quite wet as water appeared to drain into this corner. Present in the northwestern corner of the site. The ecological value of this habitat has been limited by heavy grazing and is to be replaced with a higher value habitat.
- **D6 - Wet Heath/acid grassland** - The largest habitat on site included heather (*Calluna* sp.), cross-leaved heath (*Erica tetralix*), common cotton grass (*Eriophorum angustifolium*), mat grass (*Nardus stricta*), various sphagnum species including small red peat moss (*Sphagnum capillifolium*). Part of the habitat will be removed to facilitate the proposal but retained and/or translocated where possible.
- **E1.7 - Wet Modified Bog** - A small area of wet bog was present by the northwest boundary (outside of the application boundary), including mosses (*Sphagnum* sp.), lichens, heath rush (*Juncus squarrosus*), bog myrtle (*Myrica gale*), bog asphodel (*Narthecium ossifragum*). This will not be impacted by the proposal.
- **J6 Hardstanding** - A road present along the southeast border.
- **G2.1 - Running Water** - A narrow, shallow stream was running along the western application site boundary. This is off-site and will not be impacted by the proposals.

Protected and Notable Species

Birds

During the Phase 1 walkover survey, several bird species were noted associated with the grassland in the eastern portion of the application site, and next to the site in the grounds of the existing electrical substation to the east. These species included displaying lapwing (*Vanellus vanellus*), curlew (*Numenius arquata*), skylark (*Alauda arvensis*), and meadow pipit (*Anthus pratensis*). Snipe (*Gallinago gallinago*) was noted around the wetter areas of the site. Along the road within the gorse scrub, stonechat (*Saxicola rubicola*) and song thrush (*Turdus philomelos*) were observed. Breeding bird surveys were therefore undertaken and they recorded a total of 38 species of bird within and around the periphery of the site boundary.

Within the proposals, areas of wet heath/acid grassland habitats will be retained (or translocated) where possible. Whilst it is not possible to retain all suitable habitat for ground-nesting birds, the amount lost is not considered to have a significant impact on any populations, since ample alternative is available across the landscape. Any vegetation clearance will take place outside the bird nesting season (which runs March to August inclusive) to ensure compliance with the general protection afforded to wild birds under the Wildlife and Countryside Act 1981 (as amended). If this is unavoidable, the vegetation will be carefully checked, by a suitably qualified ecologist, prior to removal. Where active nests are found, working restrictions would be put in place until follow up survey can demonstrate that all chicks have fledged.

Brown Hare

Four records of brown hare (*Lepus europaeus*) were returned within the desk study, the closest one being 200m to the southwest. It is considered likely for this species to be using the site for foraging and traversing but unlikely to be present in high numbers/densities.

Red Squirrel

Four records of red squirrel (*Sciurus vulgaris*) were returned within the desk study, the closest one being 1.41km to the west. As there is no suitable woodland within or adjacent to the site, red squirrel are considered absent from the application site.

Scottish Wildcat

The habitats on site offer some limited foraging (in the form of rabbits), but there are no opportunities for den building as the gaps in the pile of boulders were far too small for this species to utilise. Given the exceptional rarity of this species, and the lack of records from the desk study, wildcat are likely absent from the application site.

Pine Marten

A single record of pine marten was returned within the desk study, 1.33km to the southwest. A mustelid scat was recorded adjacent to a pile of boulders in the southeast of the application site. The size of the scat suggests that it was from a stoat rather than a pine marten. The habitats on site offer some limited foraging (in the form of rabbits) but as this species is associated more with woodland habitat than open grassland and heathland, pine marten are likely absent from the application site.

Bats

Four species of bats were returned within the desk study, including Daubenton's bat (*Myotis daubentonii*), common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*Pipistrellus pygmaeus*), and brown long-eared bat (*Plecotus auritus*). All the records were from the same grid reference 1.47km to the southwest of the application site. There are no trees or buildings within or adjacent to the application site; therefore, there are no opportunities for roosting bats. When assessed against criteria in best practice guidelines (Collins J., eds, 2016) the application site offers low quality foraging and commuting habitat for bats. As such further survey of the application site for bat foraging is considered disproportionate to the scale and nature of the scheme.

Badger

A single record of badger (*Meles meles*) was returned within the desk study, beyond 1km from the Site. No evidence of badger presence was recorded. Badgers may be present in the woodlands in the wider landscape and may use the application site for foraging, albeit on a sporadic basis given the lack of evidence to support this.

Water Vole and Otter

A single record of otter (*Lutra lutra*) was returned during the record search, which was located 1.33km to the southwest of the site. The stream and ditch within/adjacent to the application site are not suitable for either water vole or otter. They are both small, very shallow and lack opportunities for burrows, holts, resting sites or foraging. These species are considered absent from the application site.

Invertebrates

A single record of small pearl-bodied fritillary (*Boloria selene*) was returned within the desk study, 360m to the northeast. The grassland and heathland offer some opportunities for invertebrates, though as these habitats are present in the wider landscape the application site is not considered to be an important resource for notable invertebrate species. Small pearl-bordered fritillary requires common dog-violet or marsh violet for its caterpillars; as these species are absent from the application site, this butterfly species is unlikely to be present.

Habitat and Mitigation

Habitat/Species	Proposed Mitigation
General Habitat	To mitigate some of the loss of this habitat, the area of improved grassland will be utilised for translocation of wet heath. It is possible that wet heath would be present in this area, if it were not actively utilised for grazing. This will reduce the extent of the loss of wet heath habitat. Since it is likely that this area contains the same, or a very similar, soil type, and landscape morphology, it is considered likely that the translocation of this habitat type will succeed. Methodology for the translocation will be formalised within a Construction Environmental Management Plan (CEMP).
Birds	Any vegetation clearance will take place outside the bird nesting season (which runs March to August inclusive) to ensure compliance with the general protection afforded to wild birds under the Wildlife and Countryside Act 1981 (as amended). If this is unavoidable, the vegetation will be carefully checked, by a suitably qualified ecologist, prior to removal. Where active nests are found, working restrictions would be put in place until follow up survey can demonstrate that all chicks have fledged.
Reptiles	A precautionary methods of works will be implemented with relation to reptiles that may be present on site during any vegetation clearance required. This will include directional clearance of vegetation, and will be implemented within a CEMP and an ecological watching brief.

Mammals	<p>During construction, best practice guidance will be followed in relation to any terrestrial mammals (including brown hare and badger) that may pass through the site. This will include the following measures, and will be formalised within the CEMP:</p> <ul style="list-style-type: none"> • Mammal ladders (such as a plank) or earth ramps to be placed in any open excavations at the end of each day. • Cap off any open pipes at the end of each day. • Keep all fuel and other harmful substances in a locked area. • Ensure any spillages are treated with spill kits. • If any fresh sett digging is observed/suspected notify an ecologist immediately and leave a 30m buffer around the area until an assessment can be made.
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Taking avoidance, mitigation and compensation measures into account, the proposal conforms in respect of biodiversity to National and Local planning policies.

5.3 Heritage & Archaeology

An assessment of the proposed development’s potential impacts on cultural heritage and archaeology has been completed by SLR Consulting Ltd. The assessment includes the results of a site survey conducted in March 2023 and an examination of published and unpublished records.

The closest Designated Heritage Asset is Category C Listed Bantrach Bridge over River Divie, located c.1.45km to the southwest. There are no Scheduled Monuments, Inventoried Battlefields, Gardens and Designed Landscapes or Conservation Areas within 3km. Considering the proposal’s position sheltered within the valley, the scale of the site, its low construction height, and proximity to a recent development (Berryburn Substation), the proposal is not expected to cause any indirect impacts, and therefore assessment of setting for heritage assets has been scoped out.

Overall, a high potential for prehistoric archaeological remains was identified in the northeast corner of the site, with a lower potential for unknown archaeological remains across the remainder of the site. The prehistoric remains identified likely consist of clearance cairns/cairns associated with agricultural or ritual activity and may be of regional significance. Archaeological examination of these assets may contribute to our understanding of the prehistoric landscape within the valley of the Stripe of Corshellach.

Post-medieval remains identified are considered likely to comprise agricultural remains (e.g., former field boundaries) or quarrying and be of low significance. The examination of such remains under archaeological conditions would contribute little further to our understanding of the agricultural practices of these periods and/or of local land use.

Based on this assessment, and in line with pre-application advice received from the Regional Archaeologist for Moray Council, the development has been micro-sited away from the concentration of possible archaeology in the north-eastern corner. This has minimised the impact to identified potentially prehistoric remains, though does not remove entirely the risk to unknown, buried archaeology associated with these assets. Further archaeological investigations may be required, such as trial trenching, or monitoring of groundworks under archaeological supervision, the requirements of which would be determined in discussion with the Regional Archaeologist.

In summary, the assessment has not identified anything that would preclude development within the site, in principle, in relation to cultural heritage. The proposals would be consistent with the provisions of NPF4 (2023), HEPS (2019), and the Moray Local Development Plan.

5.4 Acoustics

An assessment in accordance with BS 4142: 2014 has been undertaken and submitted in support of this application in order to determine the acoustic impact of the proposed development.

The main sources of sound within the proposed development are the cooling fans for the inverters housed within the Power Conversion System (PCS) units, air conditioning for the Energy Storage Systems (ESS) and the transformers. The ESS units are expected to be continuously charging and discharging. If there are any rest periods for the PCS units these are likely to be infrequent and the Heating Ventilation and Air Conditioning systems (HVAC) will still be functioning.

The expected acoustic emissions from the equipment within the proposed development has been assessed against the baseline noise level within the vicinity of the site, with specific reference to background noise levels at 14 properties, or groups of properties, located closest to the proposal. A level of conservatism has been built into the assessment to compensate for the potential impact of uncertainty.

The impact of the proposed development is low to negligible where the rating sound level does not exceed the existing background sound level and no observed effect on health or quality of life would be expected where the impact is low. The assessment concludes that this is the case at all properties during daytime periods, evening and night periods. The results show that sound levels resulting from the operation of the site will generally be low in the context of relevant assessment criteria (i.e. BS 4142, BS 8233 and that provided by the World Health Organisation) and can be considered insignificant in terms of technical advice provided by the Scottish Government.

5.5 Flood Risk and Surface Water Management

A full Flood Risk Statement and Drainage Impact Assessment has been submitted alongside this application. It has been completed in accordance with early consultation with Moray Council and relevant policy.

The proposed energy storage compound and electrical infrastructure does not lie in an area at risk of flooding from fluvial sources or surface water. The development boundary includes an existing private road that will be used to access the site during construction; the junction between this road and the public road U89E is located in an area at high risk of flooding. Nevertheless, the supporting assessment, utilising Moray Council's Flood Risk and Drainage Impact Assessment for New Developments guidance, demonstrates that safe access and egress can be achieved by utilising alternative access routes during operation and the Scottish Environment Protection Agency 'Floodline' flood warning service.

An assessment of the drainage options has also been undertaken and an outline drainage strategy has been prepared, to be refined further following on site testing of ground conditions prior to construction commencing. In line with the drainage hierarchy, infiltration is the preferred drainage option for surface water drainage. Although infiltration testing will be carried out, it is anticipated that the ground on site is unlikely to be able to support drainage by infiltration. As such, the current proposal is to drain the site via an attenuation basin located to the southwest of the site. Water will then discharge from the basin at a

restricted flow rate, to not exceed that of pre-existing greenfield conditions, into the existing watercourse located on the site, therefore matching existing drainage routes.

The basin has been designed with a plan area and depth sufficient to accommodate storm flows generated on site during a 200-year event including an additional 42% allowance for climate change.

Overall, the proposed development would neither be at unacceptable risk of flooding, nor increase flood risk on or surrounding the site.

5.6 Transport

A full Transport Statement has been submitted in support of this planning application. The document gives details of the anticipated traffic movements associated with the construction of the proposal as well as during the operational phase. It also assesses the suitability of the strategic road network to accommodate the development and provides the proposed transport route to the site.

The proposed transport route to site is to utilise the existing motorway network until it leads onto the A96 heading south onto the A940. It will then turn off the A940 onto the U89E Half Davoch Road at GR E:302068 N:853927 before turning onto the private access road at Tomnamoon. This private access leads directly to the site entrance. The A96 is a major road, and the A940 is an A road, both of which are capable of supporting the delivery of infrastructure. The private access road was used originally to serve the construction of the nearby wind farm, and as such is also suitable for infrastructure delivery.

Throughout the construction phase there will be a combination of HGVs (for the component and material deliveries) and cars/vans (for construction staff), visiting the site. HGV movements are expected to be most intense throughout the first weeks of construction whilst car/van movements are expected to be constant throughout. Following the construction of the project, vehicle movements to and from the site are expected to be limited to occasional maintenance visits, usually around one per month by a car, van or light goods vehicle.

The scope of the construction project does not entail any abnormal loads being delivered subject to supplier confirmation. Should the need for an abnormal load or STGO vehicle(s) be identified during the development of the final delivery solution and confirmation of the final supplier, the route will be fully assessed, and suitable measures implemented e.g. the use of escort vehicles, as required by law.

The transport route is not expected to give rise to any severe or otherwise unacceptable impacts on the safety or operation of the local highway network.

5.7 Fire

A full Fire Risk Statement has been submitted in support of this proposal which provides detail on how the project has been developed to address fire risk throughout the various stages of design. It contains key mitigation measures against the risk of fire ignition and propagation within the energy storage site. Mitigation measures include battery selection and design factors such as the location of the system itself, equipment spacing, protection systems, and access to the battery enclosures and compound.

Battery technology and associated understanding of fire risk is continually evolving within the industry. As such, the Fire Risk Statement sets out key principles and mitigation measures based on the current

understanding of battery fire risk but does not include a detailed Fire Risk Management Plan. A detailed Fire Risk Management Plan would be developed during detailed design, following battery selection.

6 Pre-application Consultation (PAC)

The proposed development constitutes a 'Major Development' as the proposed capacity is, or exceeds, 20 megawatts. This requires RES to carry out Pre-Application Consultation (PAC) with the local community; a full PAC report has therefore been submitted in support of this planning application, setting out the consultation activities completed to date.

The Applicant originally submitted a PAN to the LPA on 6th February 2023. The submitted information included details of the site location, the type of consultation methods that would be undertaken, with whom and within what distance from the site. An updated PAN was submitted to the LPA on 4th April 2023 advising that the date of the second consultation event had changed. A range of engagement and communication activity was undertaken as part of the pre-application community consultation, reaching both nearest neighbours to the site as well as audiences in the wider area. This activity included:

- Letters to Elected Representatives;
- Advertisements for the public exhibitions in the local press;
- Two newsletters informing local residents about the public consultations;
- Two public exhibitions; and
- A Project website.

Between the two consultation events, approximately 31 people attended. The main concerns were around fire risk and visual impact of the proposed development. Nevertheless, RES is committed to being a good neighbour; anyone can contact the company about the development at any stage and RES will respond in a timely manner. Contact details have been made available via the project website which will be updated regularly to enable people to keep up to date with the latest news about the proposed development.

All feedback received during the pre-application community consultation, through all consultation activities, has been considered by the Applicant throughout the design iteration and pre-planning stages of the proposed development.

RES engaged early with the local community to encourage a constructive consultation process and has undertaken all necessary statutory pre-application consultation.

7 Conclusions

It is considered that the proposed development complies with the requirements of all relevant development plan policies and other local and national policy and guidance, and there are no other material planning considerations that suggest that the proposed development should be opposed. The proposed development is, undisputedly, sustainable and low carbon development, which is supported and encouraged by policies within NPF4, Scottish Planning Policy and the Moray Local Development Plan as well as Scotland's current energy policies.

The proposed development has a unique locational requirement to be positioned in this particular site, directly adjacent to the Berryburn Electrical Substation, where there is the available capacity to connect to the grid network. Every effort has been made to ensure that any impacts upon the surrounding area are kept to an acceptable level and the supporting technical assessments conclude that:

- Whilst some minor landscape impacts may be possible at nearby sensitive receptors during construction, the total extent of the landscape and visual effects once operational would be localised and limited in nature. The proposed landscaping and 'tiered' design will significantly help to reduce any impacts and ensure they remain at an acceptable level.
- No observed adverse effect on health or quality of life would be expected due to noise from the proposed development.
- There will be no significant adverse effects on any statutory or non-statutory designated environmental sites as a result of the proposed development. The proposed avoidance, mitigation and compensation measures outlined in the EclA will be incorporated into the detailed design for the proposal, thus maximising opportunities to incorporate and enhance biodiversity within the proposals wherever possible. It is therefore considered that there will also be no significant adverse effects upon protected or notable species.
- There will be no significant adverse effects on any designated or non-designated cultural heritage assets as a result of the proposed development. The siting and design of the site has been specifically chosen to avoid a concentration of potential prehistoric archaeological remains toward the northeast of the site. However, further archaeological investigations will be completed, such as trial trenching, or monitoring of groundworks under archaeological supervision, to ensure that any unknown archaeological remains across the site itself are not impacted by the development.
- The development will not be at unacceptable risk of flooding, nor increase flood risk on or surrounding the site. A suitable SUDS has been proposed and will be implemented following further site assessment to manage surface water.
- No severe or otherwise unacceptable impacts on the safety or operation of the local highway network would be observed.
- The development is compliant with the policy objectives of the NPF4, Scottish Planning Policy, Scotland's Energy Strategy, Scotland's Update to the Climate Change Plan, and the Moray Local Development Plan.

There is an urgent need for energy storage facilities, such as this proposal, in order to facilitate the increased penetration of renewable and low carbon generation by providing critical flexibility services to smooth out the peaks and troughs of generation and demand, therefore ensuring continuity, security and decarbonisation of Scotland's energy supply. This application therefore must be viewed in the context of a national climate emergency and Scotland's ambitious net zero emissions targets. It is considered that the significant benefits from this proposed storage development outweigh any limited local impacts which have been satisfactorily mitigated by way of a carefully considered siting and design approach. It is therefore requested that Moray Council grant planning consent for this crucial development without delay.

Appendix A

A.1 Schedule of Drawings

Drawing Number	Drawing Title
04876-RES-MAP-DR-XX-001	Location Plan
04876-RES-LAY-DR-PT-001	Infrastructure Layout
04876-RES-BLD-DR-PT-001	Spares Container
04876-RES-DRN-DR-PT-001	Typical Drainage Details
04876-RES-DRN-DR-PT-002	Typical Water Channel Crossing Culvert
04876-RES-BAT-DR-PT-001	Battery Enclosures
04876-RES-PCS-DR-PT-001	Power Conversion System and Transformer
04876-RES-SUB-DR-PT-001	Auxiliary Transformer
04876-RES-SUB-DR-PT-002	Harmonic Filter
04876-RES-SUB-DR-PT-003	Pre-Insertion Resistor
04876-RES-SUB-DR-PT-004	Capacitor Bank
04876-RES-SUB-DR-PT-005	BESS Control Building
04876-RES-SUB-DR-PT-006	DNO Control Building
04876-RES-SUB-DR-PT-007	LV Feeder Pillar & Aggregation Panel Details
04876-RES-SEC-DR-PT-001	Typical Security Fencing
04876-RES-SEC-DR-PT-002	Acoustic Fencing
04876-RES-SEC-DR-PT-003	Lighting and CCTV

A.2 Schedule of Technical Reports and Documents

Report / Document	Author
Landscape and Visual Assessment	Pegasus Ltd
Landscape Masterplan	Pegasus Ltd
Ecological Impact Assessment	RammSanderson Ecology Ltd
Archaeology Desk-Based Assessment	SLR Consulting Ltd
Acoustic Assessment	RES Ltd
Flood Risk Screening and Drainage Impact Assessment	RES Ltd
Transport Statement	RES Ltd
Construction Environmental Management Plan	RES Ltd
Fire Risk Statement	RES Ltd
Pre-Application Consultation (PAC) Report	RES Ltd