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Springfield Solar Farm and BESS Planning Statement

Department: ERM
Project: Springfield Solar Farm and BESS
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INDEX

1 INTRODUCTION

1.1 Background

1.1.1.1 This Planning Statement supports an application for consent under Section 36 of the Electricity Act 1989 (including deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997). The application is for the construction and operation of a ground-mounted solar photovoltaic ('PV') development with a generating capacity of up to 165 megawatts (MW), a Battery Energy Storage System (BESS), consisting of up to 40 units with a generating capacity of up to 80MW, and associated infrastructure, access arrangements, and landscaping ('the Proposed Development').

1.1.1.2 This Planning Statement provides a detailed assessment of the Proposed Development against relevant legislation, planning policy, guidance and material considerations. This Planning Statement also considers the proposed benefits of the Proposed Development, along with proposed mitigation measures where appropriate. The application for consent is accompanied by an Environmental Impact Assessment Report (EIA Report), in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ('the EIA Regulations').

1.2 The Applicant

1.2.1.1 Founded in 2005, Voltalia UK Ltd is a leading Independent Power Producer (IPP) in the renewable energy market, developing, constructing, and operating solar, wind, hydro, biomass and storage projects. Operating across three continents and in over 20 countries, Voltalia has 3.3GW of installed generating capacity (including over 1GW of solar generation).

1.2.1.2 With a mission to improve the global environment by fostering local development, all of Applicant's sites will contribute towards addressing national and local electricity needs by generating an affordable and renewable source of clean energy.

1.3 Structure of This Planning Statement

1.3.1.1 This rest of this Planning Statement is structured as follows:

- Section 2 – Site and Surroundings: This Section provides an overview of the Site and its surroundings.
- Section 3 – The Proposed Development: This Section includes a summary of the proposed infrastructure, and an overview of the phases of the Proposed Development.
- Section 4 – Legislative and Policy Context: This Section provides a summary of the relevant climate change and planning legislation, statutory Development Plan, and other material considerations relevant to the Proposed Development.
- Section 5 – Assessment of the Proposed Development: This Section includes an assessment of the Proposed Development against the relevant Development Plan and other material considerations.
- Section 6 – Conclusion: This Section provides a summary and overall conclusions.

1.4 Pre-Application Consultations

1.4.1.1 Public consultation events were held at Oldhamstocks Village Hall on 28th Aug 2024 and 13th Mar 2025, to allow the local community opportunities to view and provide feedback on the design of the Proposed Development. Details of the events are included under the pre-application consultation report ("PAC Report").

1.5 Environmental Impact Assessment Screening and Scoping

1.5.1.1 Based on the key characteristics and parameters of the Proposed Development, the location of the Site, and potential impacts, it was considered that this is a development which constitutes EIA development. Therefore, a screening opinion has not been requested.

1.5.1.2 A request for a scoping opinion was submitted to the Scottish Ministers (ECU00004815, on the 15th August 2024 under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, which outlined the scope of information to be included in an EIA Report. Scottish Ministers issued their final Scoping Opinion on 29th January 2025 The Scoping Opinion set out the scope and level of detail of environmental information to be provided in the EIA Report (EIAR) and identified key environmental considerations that are likely to be affected by the Proposed Development. The EIAR is based on the Scoping Opinion.

1.5.1.3 The Scoping Opinion included responses from the following statutory consultees:

- British Horse Society Scotland
- East Lothian Council
- East Lammermuir Community Council
- Historic Environment Scotland
- Scottish Environmental Protection Agency
- NatureScot (previously "SNH")
- British Horse Society
- Network Rail
- Office of Nuclear Regulation
- Scottish Gas Networks
- Scottish Rights of Way and Access Society
- Scottish Water
- Internal advice from areas of the Scottish Government was provided by officials from Transport Scotland, Scottish Forestry.

2 SITE AND SURROUNDINGS

2.1 The Site

2.1.1.1 The Site will occupy an area of approximately 184 hectares (ha) of land approximately 50m north of Oldhamstocks, and 7.8km southeast of Dunbar, centred on National Grid Reference ('NGR') NT 74514 71531. The site is located within a mixture of arable fields and grazing pasture which form Springfield Farm which is part of the wider Dunglass Estate. The Site is wholly within the East Lothian Council administrative area. The Site is shown on the Site Location Plan (Planning Drawing 1).

2.1.1.2 The topography of the site is centred on a ridge, rising to approximately 177m above ordinance datum (AOD). The site slopes to the north/northeast to approx. 85m AOD, as well as sloping to the south down to approx. 128m AOD at the southern boundary.

2.1.1.3 According to the system of Land Classification for Agriculture (LCA) the Site is made up of mostly Grade 3.2 with some of 3.1 grade agricultural land.

2.1.1.4 An existing 400 kV overhead power line (OHL) runs across the northeastern portion of the Site.

2.2 Site Selection and Advantages

2.2.1.1 The choice of Springfield Farm offers a significant number of benefits for the Proposed Development which are summarised in this section.

2.2.1.2 Firstly, there is the existence of a suitable grid connection at Branxton which is located approximately 1.2km north of the Site. The proximity of grid connection at Branxton is beneficial in terms of reduced cable length, transmission losses and potential environmental impacts.

2.2.1.3 Secondly, there is the important consideration that the whole of the Proposed Development is located within the Dunglass Estate. Given that the estate is under the ownership of one organisation, who are strongly supportive of the project this is advantageous in terms of the deliverability of the Proposed Development.

2.2.1.4 Thirdly, the implementation of the Proposed Development would mean energy production taking place alongside agriculture. This multi-use site approach on the Estate diversifies its economic activity, and thus contributes to its long-term viability. This is in line with the Scottish Government's 'Whole Farm Plan' rules which apply to the operations of farms and estates, like Dunglass, to improve productivity, profitability and to meeting Scotland's nature and climate goals. It should always be born in mind that Scotland has committed to an ambition of deploying at least 4GW, but up to 6GW of solar power by 2030[1]. It's with that latter ambition in mind that the rapidity of solar deployment comes strongly into play as a key advantage over other renewable energy sources.

[1] Scottish Governments Commitment to Solar Energy by 2030: EIR Response. Available at: https://www.gov.scot/publications/foi-202400392034/ (Accessed May 2025)

2.3 Surrounding Land Use

2.3.1.1 The Site is predominantly surrounded by agricultural fields with hedgerows and drainage features. Within and bordering the Site are sections of woodland. In the wider area there are various properties, farms and small settlements. Springfield Farm is located to the immediate east of the Site. The village of Oldhamstocks is the closest settlement to the Site, being located 300m to the south of it. Other settlements in the vicinity of the Site include:

- Bilsdean, 0.86km east-northeast of the Site;
- Cockburnspath, 2km east of the Site;
- Innerwick, 2.4km north-northwest of the Site; and,
- Dunbar, 7.8km north-northwest of the Site.

2.3.1.2 Other sites of interest in the surrounding area include Torness Nuclear power station, approx. 2km north of the Site.

2.4 Site planning history and other nearby developments

2.4.1.1 At the time of writing, using publicly available information, the Site itself does not appear to have any planning history for the last 30 years.

2.4.1.2 A review of planning applications for other energy developments within 5km of the Site has identified the following applications as set out below.

- 23/00616/PM – Branxton Substation[2]- Branxton Substation: Erection of 400KV substation and associated developments (a rebuild and upgrade in effect). Located within 1km of the Proposed Development. Consented November 2024.
- 23/00162/PPM – Branxton connection[3]: Construct and operate electricity transmission infrastructure (substation or converter station) and associated development including buried cabling. Located with 1km of the Proposed Development. Granted planning permission in principle 5th December 2023. Associated with offshore Berwick Bank Wind Farm
- ECU00004659 – Branxton BESS[4]: Battery Storage containers and associated infrastructure with a capacity of more than 50MW. Located within 1km of the Proposed Development. This was granted consent by the Energy Consents Unit (ECU) of the

[2] East Lothian Council Planning Application. Available at: https://pa.eastlothian.gov.uk/online-applications/caseDetails.do?caseType=Application&keyVal=RVM7PXGNK8S00. Accessed 21 February 2025.
[3] East Lothian Council Planning Application. https://pa.eastlothian.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RQDEHCGNGQX00. Accessed 21 February 2025.
[4] Scottish Government Energy Consents Unit. Available at: https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00004659. Accessed 24 February 2025

Scottish Government on 19th December 2023. Associated with offshore Berwick Bank Wind Farm.

- ECU00004993 – Braxbess BESS[5]: Construction and operation of a BESS facility with transformers, substations and associated infrastructure, with a capacity exceeding 650 MW. Located 1.8km to the north west of the proposed development. This application is still under consideration by the Scottish Governments Energy Consents Unit (ECU) at the time of writing.

- 14/00169/S36 – Aikengall 2A Wind Farm[6]: A wind farm with 19 wind turbines, each with a capacity of 4.3 MW, totalling 81.7 MW and associated infrastructure. Located 3.2 km to the south west of the Proposed Development. This is operational and is an extension of Aikengall 2 Wind Farm.

- 05/00216/FUL – Aikengall 1 Wind Farm[7]: A community wind farm and associated works with 15 turbines totalling 48 MW total generating capacity. Located 3.4 km to the West south west of the Proposed Development. This is operational.

- ECU00003132 – Aikengall 2 Wester Dod Community Wind Farm[8]: A community wind farm and associated infrastructure with 19 wind turbines and a total generating capacity of 68.4 MW. Located 3.8 km to the south west of the Proposed Development. This is operational.

- 23/01071/P – Aikengall 2 BESS[9]: Formation of a battery energy storage system facility and associated works with a capacity of 19.99 MW, featuring 46 battery units. Located 3.9 km south west of the Proposed Development. This received planning consent on 16th August 2024. This development is in association with Aikengall Wind Farm.

- 22/00852/PPM – Eastern Green Link 1[10]: Converter station and associated development including a landfall and connecting buried cabling connecting the converter station to a landfall south of Thorntonloch Beach and Branxton substation. Located 4km north of the Proposed Development. Currently under construction.

- P/0867/91 – Closure and restoration of Quarry: Restoration of quarry to agriculture by infilling with controlled waste. Located 4km to the north west of the Proposed

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[5] Scottish Government Energy Consents Unit. Available at: https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00004993. Accessed 24 February 2025

[6] Scottish Borders Council. Available at: https://eplanning.scotborders.gov.uk/online-applications/caseDetails.do?keyVal=N0VZHZNT08G00&caseType=Application. Accessed 25 February 2025.

[7] East Lothian Council Planning Application. Available at: https://pa.eastlothian.gov.uk/online-applications/caseDetails.do?caseType=Application&keyVal=ICF9JBGNA3000. Accessed 24 February 2025

[8] Scottish Government Energy Consents Unit. Available at: https://www.energyconsents.scot/ApplicationDetails.aspx?cr=EC00003132&T=6. Accessed 24 February 2025

[9] East Lothian Council Planning Application. Available at: https://pa.eastlothian.gov.uk/online-applications/caseDetails.do?caseType=Application&keyVal=RVM7PXGNK8S00. Accessed 24 February 2025.

[10] East Lothian Council Planning Application. Available at: https://pa.eastlothian.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RFS6V1GNI5P00. Accessed 24 February 2025.

Development. Currently in the planning process. Restoration extended in 2020 for 5 years; expected completion by September 2025.

- 11/00664/FUL – Hoprigshiels Wind Farm[11]: a community wind farm and associated works with 3 turbines, each with a capacity of 2.3 MW, totalling 6.9 MW. Located 2.4km to the south of the Proposed Development. Operational.

- ECU000005085 – Bowshiel Solar and BESS[12]: an active application to construct and operate a Solar Farm with accompanying BESS, associated infrastructure, access, and landscaping, generating up to 165 MW of power, including an 80MW BESS. Located 4.5km to the south east of the Proposed Development.

- ECU00005089 – Crystal Rig 1 Repower[13]: a wind farm repower with potential for Solar PV Array and Battery Storage, which could replace existing turbines with 10 wind turbines of more efficient models, increasing its capacity to up to 62.5 MW. Located 5.7km to the west of the Proposed Development. This is an active planning application.

- Torness Nuclear Power Station defuel and decommission: whilst there is no specific planning application for this, the defueling and decommissioning process is scheduled to begin in 2030. That is after the proposed construction period of the Proposed Development and is located 2.4km to the north of it.

[11] Scottish Borders Council. Available at: https://eplanning.scotborders.gov.uk/online-applications/simpleSearchResults.do?action=firstPage. Accessed 25 February 2025.
[12] Scottish Government Energy Consents Unit. Available at: https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00005085. Accessed 24 February 2025
[13] Scottish Government Energy Consents Unit. Available at: https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00005089. Accessed 24 February 2025

3 THE PROPOSED DEVELOPMENT

3.1 Overview

3.1.1.1 A S36 application is being submitted to construct and operate a ground-mounted solar PV development with associated BESS with associated infrastructure, access, and landscaping. The solar PV development will have a generating capacity of up to 165 MW and the BESS will have a generating capacity of up to 80 MW.

3.1.1.2 Access to the Proposed Development will be from the A1 at the Cockburnspath Roundabout then via the U246 and U220 to the C120 from which the site entrance at the northeastern corner of the Site can be reached. Outbound journeys would be via the C120 and U220 before joining the A1 at the junction to the north of Bilsdean.

3.1.1.3 The Proposed Development would incorporate the following components:

- Solar panels mounted on aluminium frames, with metal supports pile driven into the ground, and arranged in rows;
- Central inverters;
- Power Control System;
- MV Transformer;
- 132 kV Substation;
- Customer Substation;
- O&M Building;
- Access tracks;
- Battery Energy Storage System (BESS);
- Gates;
- Security/deer fencing; and
- Closed Circuit Television (CCTV) cameras.

3.1.2 Solar PV Arrays and Associated Infrastructure

3.1.2.1 The solar panels are composed of PV cells and are designed to maximise the absorbency of the sun's rays and minimise solar glare. Each string (row) of solar panels will be mounted on a rack comprising poles, and between each string, there would be gaps to avoid inter-panel shading. The gaps between rows would be between 2 – 6 m depending on topography. The solar panels would be inclined at an angle of up to 25 degrees from horizontal. The arrays would be oriented in an approximate east-west alignment across the site. This would result in the façade of the panels facing south, maximising the absorption of incident solar radiation throughout the daytime. The solar panels would be mounted at approximately 0.8

m from the ground at the lowest point (the southern edge), rising to a maximum of 3.2 m at the highest point (the northern edge).

3.1.2.2 16 inverters will be installed throughout the Site. The inverters will have maximum dimensions of 2.93 (H) m x 12.55 (L) m x 3 (W) m. These would be mounted on 12 concrete foundations with depth up to 1m, and extending up to 0.2m above ground level. The inverters would also be underlain by permeable gravel.

3.1.3 Battery Energy Storage System (BESS) and Associated Infrastructure

3.1.3.1 The Proposed Development will contain a BESS compound, situated in Field 5 (approximate NGR 748 720). The footprint to this compound would measure approximately 80 m x 85 m. This BESS compound would be co-located with the substation and surrounded by security fencing.

3.1.3.2 Alongside the BESS containers, up to 20 Power Control System (PCS) boxes and 10 MV transformers will be installed. The PCS boxes will have dimensions up to 2 m (W) x 2.4 m (H) x 3.7 m (L), while the MV transformers will have dimensions 2.45 m (W) x 2.55 m (L) x 3 m (H).

3.1.4 Customer Substation

3.1.4.1 Located at approximately NGR 748 720 is the onsite Customer Substation that contains the specialist equipment to allow the voltage of electricity to be transformed from the Solar PV arrays and BESS facility. The substation compound will comprise the following infrastructure:

- Customer Substation – The compound will house the respective switch gears, dimensions up to 2.4 m (w) x 6.5 m (L) x 3 m (H). This will be built on top of a concrete plinth of up to 0.5 m in height, underlain by permeable gravel.
- 33 kV Customer Substation – This would be a small building, with dimensions up to 2.4 (W m x 6 (L) m x 3 (H) m. This building will be built on top of a concrete plinth of up to 0.5 m in height and would be underlain by a permeable gravel sub-base.
- 132 kV Customer Substation – This will be a small building, dimensions up to 4 m (W) x 7 m (L) x 3.7 m (H). This building will be built on top of a concrete plinth of up to 0.6 m in height.

3.1.4.2 The compound will also contain an operations and maintenance building. This building will have dimensions up to 6.4 m (W) x 24 m (L) x 3 m (H). This building will contain the site welfare facilities and storage.

3.1.5 Grid Connection

3.1.5.1 The Proposed Development will be connected to the consented Branxton Substation, which is to be constructed approximately 1.2 km to the north of the Site.

3.1.5.2 The Transmission Network Operator (TSO) will be responsible for assessing, designing, and obtaining consent for the connection. The grid connection does not form part of the application for the Proposed Development, and its environmental effects will be considered as part of any future application for consent to be made by the Transmission Network Operator.

3.1.6 On-Site Access Tracks

3.1.6.1 The Site will be accessed via an entrance off the C120 road. This entrance will serve all vehicles entering the Site during all phases of the Proposed Development.

3.1.6.2 Access tracks will be up to 5 m in width, with an additional verge on either side of up to 1 m to 1.5 m, subject to local ground conditions with the length of on-site track will be approximately 3472.5 m.

3.1.6.3 It is anticipated that access tracks would be constructed using a 'cut track' design where topsoil is stripped to expose a suitable rock or sub-soil horizon on which to build the track. The track is built up on a geotextile layer by laying and compacting crushed rock to a depth dependent on ground conditions and topography. Generally, the surface of the track will be flush with or raised slightly above the surrounding ground level.

3.1.7 Water Course Crossings

3.1.7.1 As noted previously, the track layout design has sought to limit the number of watercourse crossings however, the Proposed Development will require 3 watercourse crossings to be created or upgraded. The type and design of each watercourse crossing will be dependent on the stream morphology, peak flows, local topography and ecological requirements, and will be chosen to avoid or minimise potential environmental effects.

3.1.7.2 Any crossing would be designed in accordance with Construction Industry Research and Information Association (CIRIA) Culvert design and operation guide (C689)4 and incorporating the most recent climate change allowances, to ensure sufficient carrying capacities.

3.1.8 Fencing

3.1.8.1 Both the substation and BESS compound will be surrounded by wire mesh fences, up to 2 m in height. A secondary, galvanised security fence, up to 2.5 m high, will be placed within the wire mesh fencing surrounding the Customer Substation, to provide additional security. Wire mesh fences, up to 2 m in height, will be installed around each field containing the Solar PV Arrays to provide security for the infrastructure in these fields.

3.1.8.2 As part of the embedded mitigation for noise and vibration acoustic fencing will be incorporated into the site design. This acoustic fencing will surround each central invertor at a distance of 2 m, with height up to 4.5 m. This height is composed of an up to 4 m vertical portion, with a subsequent inward cantilevered section extending another 0.5 m vertically. Similar acoustic fencing, with the same dimensions, will be installed around each of the groupings of BESS containers.

3.1.9 Closed Circuit Television Masts

3.1.9.1 During the operation of the Proposed Development closed circuit television (CCTV) masts with security cameras on the perimeter of the compound would be installed. The masts would be slender and measure up to 3 m in height. The masts will accommodate infrared night-time cameras, as well as standard cameras, to maintain security surveillance during hours of darkness.

3.1.10 Lighting

3.1.10.1 During the construction of the Proposed Development 50/30 W Halogen floodlights would be mounted to the welfare buildings. Additionally, solar powered LED lights fitted to CCTV cameras would be placed throughout the site in high priority areas to ensure the security of materials on site.

3.1.10.2 During operation there will be no lighting present within the fields containing the solar PV arrays. Within the BESS and substation compounds the following lighting will be present, but will be off during normal operation:

- External 50/30 W floodlight on the welfare building; and
- 30 W LED floodlights fitted to CCTV lighting columns

3.1.10.3 Certain maintenance actions may require the use of temporary lighting as required by the task and time of year etc.

3.1.11 Temporary Construction Compound

3.1.11.1 A temporary construction compound for the Proposed Development will be created for the duration of construction, located at approximately NGR 744 713. This area will ultimately be back-filled with solar panels. The area of the compound will measure approximately 100 x 155 m, and will include space for:

- Portacabins for site office and staff welfare facilities with provision for sealed waste storage and removal;
- Areas for storing construction materials;
- Parking for project related vehicles; and
- Containerised storage for tools and spares.

3.1.11.2 A second, smaller temporary construction compound located at NGR 746 720, measuring approximately 30 x 75m.This will serve the construction of the onsite substation and BESS compound.

3.1.11.3 Welfare facilities for site personnel will be required during construction which would be located within the construction compound.

3.1.11.4 Following completion of the construction phase, the components of the compounds will be removed and the area fully restored.

3.2 Development Phases Overview

3.2.1 Construction Phase

3.2.1.1 The construction period of the Proposed Development will take approximately 18 months. All construction activities will be carried out by suitably trained and experienced personnel, in line with good practice guidance. Prior to construction, a Construction Environmental Management Plan (CEMP) will be prepared which will incorporate mitigation measures based on the recommendations of the EIAR. A Construction Traffic Management Plan (CTMP) will also be prepared and submitted before commencement of construction. The applicant is content to accept a suitably worded condition to control these requirements, which construction activities will be completed in accordance with.

3.2.2 Operational Phase Overview

3.2.2.1 Section 36 consent and deemed planning permission is being sought for a temporary operational period of 40 years. During the operational phase, the Proposed Development will be monitored and maintained in accordance with relevant good practice guidance. All maintenance will be carried out by trained specialists.

3.2.3 Decommissioning Phase Overview

3.2.3.1 At the end of the operational period, the Site will be fully decommissioned, and the land restored. All infrastructure, including the solar PV array modules, mounting structures, cabling, inverters, transformers would be removed from the Site, and recycled or disposed of. The decommissioning period will take approximately 8 months. The applicant is content for details of decommissioning to be controlled by condition.

4 LEGISLATIVE AND POLICY CONTEXT

4.1 Legislative Context

4.1.1.1 Applications for consent for the construction and operation of an electricity generating station with a capacity exceeding 50 MW must be made under Section 36 of the Electricity Act 1989 ('the 1989 Act'). If granted consent, deemed planning permission may be granted by Scottish Ministers under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 ('the 1997 Act').

4.1.1.2 When determining an application for Section 36 consent, the Scottish Ministers are required (under Schedule 9 to the Electricity Act 1989) to 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. The Scottish Ministers must also have regard to the extent to which the applicant has done all that they reasonably can to mitigate any effects on these receptors, and avoid so far as possible causing injury to fisheries or to the stock of fish in any waters.

4.1.1.3 The Applicant has fully considered the matters set out in Schedule 9 to the 1989 Act in formulating its proposals for the Proposed Development. Regard to these has been had to these throughout the design process for the Proposed Development. This is set out in the EIAR, which also outlines the Applicant's commitment to mitigation of the Proposed Development's effects upon these receptors.

4.1.1.4 The Site is located within the administrative boundary of the East Lothian Council. Scottish Ministers will take the local planning authority's response and comments into account as a statutory consultee when determining Section 36 applications. East Lothian Council's Local Development Plan (LDP) as well as National Planning Framework 4 (NPF4) are therefore material considerations and consideration must be given to relevant policies in NPF4 and the LDP.

4.1.1.5 Section 25 of the Town and Country Planning (Scotland) Act 1997, which states that regard is to be had to the development plan and that planning decisions are to be made in accordance with the development plan, does not have primacy as the application is being submitted under Section 36 of the Electricity Act 1989. 4.2 International Climate Change Policy Context.

4.1.2 United Nations Intergovernmental Panel on Climate Change - The Paris Agreement

4.1.2.1 The Paris Agreement is a legally binding international treaty on climate change, which was adopted by 196 Parties at the UN Climate Change Conference (COP21) in Paris on 12th December 2015, coming into force on 4th November 2016. Its goal is to prevent the increase in the global average temperature from reaching 2°C above pre-industrial levels, and to pursue efforts to limit the increase to 1.5°C.

4.1.2.2 The Paris Agreement represents a global action plan which requires countries to commit to highly ambitious reductions in greenhouse gas ('GHG') emissions. Countries set out their

national climate action plans, known as Nationally Determined Contributions ('NDC') for reducing GHG emissions. The most recent target published by the UK Government is a reduction of at least 81% by 2035 compared to 1990 levels. While the Paris Agreement does not comprise UK or Scottish Government policy itself, it represents a commitment which renewable energy and GHG reduction targets in the UK and Scotland seek to meet. These targets are established in UK and Scottish legislation as set out in Section 4.3 below.

4.3 UK Legislative and Policy Context

4.3.1.1 The following Acts of Parliament, which are part of UK-wide legislation, and Government policy papers, are relevant to the Proposed Development:

4.3.2 UK Parliament Climate Emergency Declaration (May 2019)

4.3.2.1 On 1st May 2019 the UK Parliament declared an environment and climate emergency. MPs approved a motion to declare the emergency following the findings of the Intergovernmental Panel on Climate Change (IPCC) that to avoid a more than 1.5°C rise in global warming, global emissions would need to fall by around 45% from 2010 levels by 2030 and reach net zero by 2050.

4.3.3 Climate Change Act 2008

4.3.3.1 The Climate Change Act 2008 ('the 2008 Act'), sets a target for 2050 for the reduction of GHG emissions. The 2008 Act also introduced a system of carbon budgeting, which restrict the total amount of GHG emissions over five-year periods. The UK is currently in the fourth carbon budget (2023-2027). The 2008 Act also established the Committee on Climate Change.

4.3.3.2 In June 2019, the Government passed the Climate Change Act 2008 (2050 Target Amendment) Order 2019 to amend the 2008 Act, to introduce a target for at least a 100% reduction of GHG emissions compared to 1990 levels by 2050.

4.3.4 Clean Power 2030 Action Plan: A New Era of Clean Electricity (2024)

4.3.4.1 The Clean Power 2030 Action Plan: A New Era of Clean Electricity report was published in December 2024. The aim of the Action Plan is for the UK to accelerate its clean energy generation to increase energy security, affordability, and reduce GHG emissions, to generate at least 95% of energy generation from clean sources. The Action Plan builds on the National Energy System Operator's (NESO's) Clean Power 2023 report.

4.3.4.2 The Action Plan outlines that the grid connections process will be reformed to prioritise viable projects in the connection queue, over those which are speculative or do not have the necessary funding or planning permission to progress. It also identifies capacity for solar generation in Scotland and notes that the Scottish Government's forthcoming Solar Vision will commit to enabling the greater deployment of solar in Scotland. In addition, it notes that

the current legislative framework for electricity infrastructure consenting in Scotland is not fit for purpose. It states the UK and Scottish Governments have worked closely together on reforms to the consenting regime, with consultation ongoing to gather evidence on proposals to streamline the existing consenting system, to encourage acceleration towards 2030. In March 2025 the UK Government published its Planning and Infrastructure Bill, which proposes amendments to the Electricity Act to speed up the consenting process in Scotland.

4.3.5 Net Zero Strategy: Build Back Greener (October 2021)

4.3.5.1 The Net Zero Strategy: Build Back Greener ('NZS') was published by the Government in October 2021, and is one of two strategy publications the Government has adopted in order to reach net zero. The NZS includes policies for decarbonising all sectors of the UK economy, including the power sector to be fully decarbonised by 2035.

4.3.6 British Energy Security Strategy (April 2022)

4.3.6.1 The British Energy Security Strategy was published in April 2022 and sets out the Government's plan to achieve greater energy independence, amidst increasing prices in oil and gas. The Strategy emphasises the importance of transitioning from fossil fuels to clean renewable sources for greater energy security. Government measures and targets to increase deployment of renewable energy sources, including solar energy, are set out in the Strategy. A five-found increase in deployment of solar energy is expected by 2035 and the Government intends to make amendments to planning policies to support this deployment.

4.3.6.2 The Government will consult on amending planning rules to strengthen policy in favour of ground-mounted solar development on non-protected land. In addition, the Government will support solar that is co-located with other functions, such as storage, onshore wind generation, and agriculture.

4.3.7 Powering Up Britain: Energy Security Plan (March 2023)

4.3.7.1 The Powering Up Britain: Energy Security Plan ('ESP') was published in March 2023, and is the Government's plan to improve the UK's energy security and independence, and increase renewable energy generation. The ESP reiterates the Government's aim of doubling electricity generation capacity by the late 2030s to move towards energy independence. The ESP states an aim of a five-fold increase in solar power by 2035.

4.3.8 UK Battery Strategy (November 2023)

4.3.8.1 The UK Battery Strategy was published in November 2023, and sets out the Government's vision for the battery industry and priorities to deliver this vision. The Foreword states:

> *"The Government's 2030 vision is for the UK to have a globally competitive battery supply chain that supports economic prosperity and the net zero transition."*

4.3.8.2 The UK Battery Strategy highlights that batteries are one of the highest growing clean energy sectors, and the importance of capitalising on the growth of a successful battery industry for the UK economy. The UK has one of the most ambitious targets to reduce carbon

emissions. The UK Battery Strategy notes the importance of creating favourable conditions for ongoing industry investment, in order to achieve these targets.

4.3.9 Energy White Paper: Powering our Net Zero Future (December 2020)

4.3.9.1 The Energy White Paper (published in December 2020) includes actions for the UK to move towards a low-cost, clean electricity system by 2050. The White Paper notes that electricity demand is forecast to double by 2050, which would require a four-fold increase in renewable electricity generation.

4.3.9.2 The Energy White Paper emphasises the importance of a fully decarbonised, reliable and low-cost power system by 2050. In regards to solar, the Energy White Paper states:

> *"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."*

4.4 Scottish Legislative and Policy Context

4.4.1 Scottish Government Climate Emergency Declaration (April 2019)

4.4.1.1 In April 2019, the then First Minister declared a climate emergency stating:

> *"As first minister of Scotland, I am declaring that there is a climate emergency. And Scotland will live up to our responsibility to tackle it."*

4.4.2 Climate Change (Scotland) Act 2009

4.4.2.1 The Climate Change (Scotland) Act 2009 introduces GHG emissions reduction targets for Scotland, and sets an interim 42% target for 2020, and a target of 80% for 2050. The Act also requires that Scottish Ministers set annual targets for emissions from 2010 to 2050.

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

4.4.3.1 The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 to set even more ambitious emissions reduction targets for Scotland. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 introduces a statutory target to achieve net zero by 2045. The 2045 target date is five years ahead of the date for the rest of the UK. An interim target of 75% reduction by 2030 was also initially set, however it was announced in April 2024 that this would be scrapped due to the target being unreachable.

4.4.4 Climate Change (Emissions Reduction Targets) (Scotland) Act 2024

4.4.4.1 The Climate Change (Emissions Reduction Targets) (Scotland) Bill became an Act of Scottish Parliament on 22nd November 2024. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 modifies the Climate Change (Scotland) Act 2009 in relation to the targets for the reduction of GHG emissions. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 introduces carbon budgets over five-year periods to limit the amount of GHG emissions, replacing the annual and interim emissions targets previously in place.

4.4.5 The Scottish Energy Strategy 2017: The Future of Energy in Scotland

4.4.5.1 The Scottish Energy Strategy 2017: The Future of Energy in Scotland outlines the vision for the future energy system in Scotland, up until 2050, with key priorities being the development of an integrated approach that considers both the use and supply of energy for heat, power and transport. It aims to strengthen the development of local energy projects, protect consumers and support the development of climate change policies. In addition, it states that Scotland's long term climate change targets will require the complete decarbonisation of its energy grid, with renewable energy therefore meeting a very significant share of the country's energy requirements.

4.4.6 Draft Energy Strategy and Just Transition Plan (2023)

4.4.6.1 Further support for large scale solar can be found in the draft Energy Strategy and Just Transition Plan for Scotland. This sets out the Scottish Government's key ambitions for energy, including the following key ambition; "*Increased contributions from solar, hydro and marine energy to our energy mix*". It further states that "*Our aim is to maximise the contribution solar can make to a just, inclusive, transition to net zero. We will support the sector to minimise barriers to deployment wherever possible and continue to provide support through our renewable support schemes*". In addition, it sets out the ambition; "*Generation of surplus electricity, enabling the export of electricity and renewable hydrogen to support development of our own resources and additional energy storage*'.

4.4.6.2 The draft Solar Vision for Scotland contained in this document, lays out a strong supportive policy and enabling environment for additional solar energy developments, without naming specific targets for deployment.

4.4.6.3 In October 2023, the Scottish Government announced a proposal for a solar deployment ambition of 4 – 6 GW by 2030. The letter to the Net Zero, Energy and Transport Committee states that there has been significant industry interest for the Scottish Government to consider setting a solar deployment ambition. A final decision on the proposed solar deployment target is due to be published with the Energy Strategy and Just Transition Plan.

4.5 National Planning Framework 4

4.5.1.1 Scotland's National Planning Framework 4 (NPF4) was adopted on 13th February 2023 and is the national spatial strategy for Scotland to 2045. NPF4 guides spatial development in Scotland by setting out national planning policies, designating national developments and highlighting regional spatial priorities. NPF4 replaces National Planning Framework 3 (2014) and Scottish Planning Policy (2014), and forms part of the Development Plan.

4.5.1.2 As noted in Section 4.1, Section 25 of the 1997 Act does not have primacy as the application is being submitted under Section 36 of the Electricity Act 1989. Notwithstanding, NPF4 is a relevant consideration in the decision-making process and carries significant weight as the up-to-date expression of national planning policy.

4.5.2 National Developments

4.5.2.1 NPF4 identifies 18 national developments, which the NPF4 defines as significant developments of national importance. The NPF4 states:

A development contributing to 'Strategic Renewable Electricity Generation and Transmission' in the location described, within one or more of the Classes of Development described below and that is of a scale or type that would otherwise have been classified as 'major' by 'The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009', is designated a national development:
a) On and off shore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity;
b) New and/or replacement upgraded on and offshore high voltage electricity transmission lines, cables and interconnectors of 132kv or more; and
c) New and/or upgraded Infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations"

4.5.2.2 The Proposed Development is classed as National Development 3 ('NAD3') 'Strategic Renewable Electricity Generation and Transmission Infrastructure', as it exceeds 50 MW in capacity. Annex 3 of NPF4 states that a rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. The NPF4 also states that energy storage technology will also be required, to provide the vital services (including flexible response) that a net zero network will need.

4.5.2.3 The location for NAD3 is Scotland-wide, in contrast to other NADs which are location-specific.

4.5.3 National Planning Policy

4.5.3.1 Part 2 of NPF4 includes the national planning policies. The following policies are considered to be relevant, and the Proposed Development should be assessed against these policy considerations:

- **Policy 1 – Tackling the Climate and Nature Crises:** This policy states that when considering all development proposals, significant weight will be given to the global climate and nature crises.

- **Policy 2 – Climate Mitigation and Adaptation:** This policy requires development proposals to be designed to minimise lifecycle GHG emissions.

- **Policy 3 – Biodiversity:** This policy requires all development proposals to contribute to the enhancement of biodiversity and strengthen nature networks Proposals that require an Environmental Impact Assessment will only be supported where it can be shown that proposals will conserve, restore and enhance biodiversity. This includes assessing and mitigating against any potential negative effects (Part B, iii.) and providing significant biodiversity enhancements (Part B, iv.). Adverse impacts, including cumulative impacts, should be minimised through careful planning and design.

- **Policy 4 – Natural Places:** This policy seeks to protect the natural environment, and states that proposals with an unacceptable impact will not be permitted. Development proposals that are likely to have a significant effect on a European site (Special Area of Conservation or Special Protection Areas) will be subject to an appropriate assessment of the implications for the conservation objectives.

- **Policy 5 – Soils:** This policy states that a detailed site-specific assessment will be required for developments on peatland, carbon-rich soils and priority peatland habitat. This will be required to identify:

  – the baseline depth, habitat condition, quality and stability of carbon rich soils;

  – the likely effects of the development on peatland, including on soil disturbance; and

  – the likely net effects of the development on climate emissions and loss of carbon.

  This policy specifies the development types that will be supported on prime agricultural land, peatland, carbon-rich soils and priority peatland habitat, where the layout and design of the proposal minimises the amount of protected land that is required. Development types include renewable energy developments.

- **Policy 6 – Forestry, Woodland and Trees**: This policy seeks to protect woodland and trees, and states that proposals for any loss in ancient woodland or trees will not be supported. Proposals involving woodland removal will only be supported where significant public benefits are achieved.

- **Policy 7 – Historic Assets and Places**: This policy requires development proposal applications with potential impacts on historic assets or places to include an assessment which is based on an understanding of the cultural significance of the historic asset and/or place.

- **Policy 11 – Energy:** This policy supports development proposals for all forms of renewable energy. Project design must demonstrate how the following impacts have been addressed (Part E):

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

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;

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

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

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

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

vii. impacts on historic environment;

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

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

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

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

xiii. cumulative impacts.

4.5.3.2 In considering these impacts, the policy states that significant weight will be placed on the contribution of the proposal to renewable energy generation and greenhouse gas emissions reduction targets.

- **Policy 14 – Design, Quality and Place:** This policy states that development proposals which are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places listed in NPF4 will not be permitted.

- **Policy 20 – Blue and Green Infrastructure:** This policy seeks to protect and enhance blue and green infrastructure. Development proposals incorporating new or enhanced green infrastructure will be supported.

- **Policy 22 – Flood Risk and Water Management:** This policy states that developments should not increase the risk of surface water flooding. Surface water should be managed through Sustainable Urban Drainage Systems (SUDS), and impermeable surfaces should be minimised where possible.

- **Policy 23 – Health and Safety:** This proposal seeks to protect residential amenity and should be designed to have no adverse impacts on health and wellbeing, including noise.

- **Policy 29 – Rural Development:** This policy promotes diversification in rural areas whilst ensuring that natural assets and cultural heritage are safeguarded.

4.5.3.3 The relevant NPF4 policies are addressed within the following sections of this Planning Statement.

TABLE 4.1 NPF 4 POLICIES ADDRESSED

POLICY	ADDRESSED WITHIN PLANNING STATEMENT SECTION
Policy 1 – Tackling the Climate and Nature Crises	5.1
Policy 2 – Climate Mitigation and Adaptation	5.1
Policy 3 – Biodiversity	5.4
Policy 4 – Natural Places	5.4
Policy 5 – Soils	5.4, 5.6
Policy 6 – Forestry, Woodland and Trees	5.4
Policy 7 – Historic Assets and Places	5.3
Policy 11 – Energy	5.1, 5.8, 5.10
Policy 14 – Design, Quality and Place	5.9
Policy 20 – Blue and Green Infrastructure	5.4, 5.6
Policy 22 – Flood Risk and Water Management	5.5
Policy 23 – Health and Safety	5.8
Policy 29 – Rural Development	5.9

4.5.4 National Planning Guidance

4.5.4.1 In addition to NPF4, the following planning advice notes (PANs) were considered during the preparation of the EIAR:

- PAN 60 Planning for Natural Heritage (2000), within Chapter 7 of the EIAR;
- PAN 61 Planning and Sustainable Urban Drainage Systems (2001), within Chapter 9 of the EIAR;
- Draft Planning Guidance: Biodiversity (2023), within Chapter 8 of the EIAR;
- Flood Risk: Planning Advice (2015), within Chapter 9 of the EIAR;
- PAN 75 Planning for Transport (2005), within Chapter 11 of the EIAR;
- PAN 79 Water and Drainage (2006), within Chapter 9 of the EIAR;
- PAN 3/2010 Community Engagement (2010);

- PAN 1/2011 Planning and Noise (2011), within Chapter 12 of the EIAR;
- PAN 2/2011 Planning and Archaeology (2011), within Chapter 7 of the EIAR;
- PAN 1/2013 Environmental Impact Assessment (2013), Revision 1.0, May 2017; and
- Large Photovoltaic Arrays: Planning Advice.

4.6 Local Policy Context

4.6.1.1 The Local Development Plan (LDP) applicable to the Site comprises the following, and alongside NPF4 represents the Development Plan for the site:

- East Lothian Local Development Plan 2018

4.6.1.2 Relevant Supplementary Planning Guidance:

- Climate Evolution (Draft) SPG 2020
- Countryside and Coast SPG 2018
- Special Landscape Areas 2018 (Part 1)
- Special Landscape Areas 2018 (Part 2)
- Sustainable Urban Drainage SPG

4.6.2 East Lothian Council and the Climate Emergency

4.6.2.1 East Lothian Council declared a climate emergency in 2019, stating that "*We acknowledge that climate change is already affecting us with hotter summers, wetter winters, and rising sea levels. We must act urgently to adapt to these effects and mitigate further climate change by reducing greenhouse gases. As a public body, the Council must contribute to Scotland's target of reaching net zero emissions by 2045*".

4.6.3 East Lothian Local Development Plan (LDP)

4.6.3.1 The East Lothian Local Development Plan was adopted in 2018. Given the scale of the proposals for the Development, the Council is not the decision maker, but it is an important consultee and its LDP is an important source of policy that will have to be given due regard as such compliance with it will assist in gaining consent from Scottish Ministers.

4.6.3.2 The LDP sets out its vision for East Lothian which includes a range of objectives that will work towards sustainable development. The policies in the document aim to support growth whilst protecting those characteristics that make East Lothian special.

4.6.3.3 The following policies are considered most relevant to the Proposed Development:

- **Policy SEH1 – Sustainable Energy and Heat**: This policy sets out the Council's policy for supporting renewable energy proposals, "*The Council supports the principles of the 'energy hierarchy' and promotes energy-efficient design in new development. The council*

supports the principle of combined heat and power schemes and energy generation from renewable or low carbon sources".

- **Policy T1 – Development Location and Accessibility**: This policy sets out accessibility standards for development across transport modes.

- **Policy T2 – General Transport Impact**: This sets out the criteria with respect to transport that the Council will accept, including lists of adverse impacts to avoid.

- **Policy T4 – Active Travel Routes and Core Paths as part of the Green Network Strategy: H**ere the Council seeks to protect accessibility in its core green network and development should facilitate that.

- **Policy DC1 - Rural Diversification**: This policy sets out how the Council will support development that diversifies the rural economy, and states that proposals for renewable energy will be assessed against the other relevant policies of the plan.

- **Policy NH1 – Protection of Internationally designated sites:** This policy states that development proposals which will have a likely significant effect on a designated or proposed European site, are only permissible where an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site.

- **Policy NH2 – Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites:** As with NH1 sets out that development proposals will have to demonstrate that such locations are not compromised by them or that the benefits are of national importance and outweigh any adverse impacts, there are no alternative solutions and that impacts can be mitigated.

- **Policy NH3 – Protection of Local Sites and Areas:** This policy states that development will only be permitted where it is demonstrated that any damage to the natural heritage interest or public enjoyment of the site is outweighed by the economic, social or environmental benefits of the development and suitable mitigation will be secured.

- **Policy NH4 – European Protected Species:** Proposals that impact on such sites will only be permitted where there are imperative reasons of overriding public interest or for public health and safety, there is no satisfactory alternative, favourable conservation can be maintained and mitigation achieved.

- **Policy NH5 – Biodiversity and Geodiversity Interests, including Nationally Protected Species:** This policy sets out how Developers must satisfy the Council's criteria for demonstrating how species and habitats will be impacted and how mitigation would be achieved.

- **Policy NH7 – Protecting Soils:** This policy states that development will not be permitted on prime quality agricultural land or carbon rich soils unless the Developer can demonstrate that the proposal is part of the LPD, meets an established need, there is no alternative, is appropriate for the countryside and meets design criteria for minimising the use of land. Renewable energy proposals may also be acceptable where provision is made for the restoration of the land to its former status. The impact on CO2 emissions will also need to be demonstrated.

- **Policy NH8 – Trees and Development:** This policy aims to protect woodland resources and sets out the criteria where development will be permitted that impacts on said resources.

- **Policy DC9 – Special Landscape Areas:** This policy states that development in such areas will need to be in accord with the Special Landscape Area's Statement of

Importance or the public benefits clearly outweighs adverse impacts and those are minimsed.

- **Policy DP1 – Landscape Character:** This policy sets out that new development will be well integrated into its surroundings. Proposals should include appropriate landscaping, 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.

- **Policy NH6 – Geodiversity Recording and Alternative Exposures**: This policy aims to preserve geodiversity and states that if they can't be preserved recording must be provided and applicants must also demonstrate that they have sought and, where practicable, will provide alternative exposures.

- **Policy NG9 – Water Environment**: This policy states that new development should protect and enhance where appropriate the water environment in line with the Water Framework Directive 2000 (WFD) and the Water Environment and Water Services (Scotland) Act 2003 (WEWS). Development proposals that would have a detrimental impact on the water environment will not be supported.

- **Policy NH10 – Sustainable Drainage Systems:** This policy sets out the Sustainable Urban Drainage (SuDS) requirements new development must fulfil. This includes long term maintenance, extreme weather events, climate change and enhancing biodiversity.

- **Policy NH11 – Flood Risk**: This policy states that development that would be at unacceptable risk of flooding will not be permitted. New development will be assessed against a range of appropriate parameters and a flood risk assessment will normally be required. Additional detail is found in the supporting Flood Risk SPG.

- **Policy NH12 – Air Quality**: This states that air quality will be taken into account, particularly for development within or in proximity to an AQMA. Development that worsens air quality will not be supported unless mitigation can be provided, including financial measures.

- **Policy NH13 – Noise:** This policy states that noise will be a consideration when assessing development proposals and a noise impact assessment will be required where such proposals may cause or exacerbate existing noise levels or be sensitive to levels of noise in the area, including specifying suitable and appropriate mitigation. Development that would either result or be subject to unacceptable levels of noise will not be supported.

- **Policy CH1 – Listed Buildings**: This policy states that new development that harms the setting of a listed building will not be permitted.

- **Policy CH2 – Development Affecting Conservation Areas**: This policy states that all development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Size, scale, proportions, orientation, density, materials and boundary treatments must all be appropriate.

- **Policy CH4 – Scheduled Monuments and Archaeological Sites**: This policy aims to protect scheduled monuments and archaeological assets. It requires appropriate professional assessment if a proposal affects such assets. Preservation, mitigation and interpretation may be required.

4.6.3.4 The relevant LDP policies are addressed within the following sections of this Planning Statement.

TABLE 4.2 LDP POLICIES ADDRESSED

POLICY	ADDRESSED WITHIN PLANNING STATEMENT SECTION
Policy SEH1 Sustainable Energy and Heat	5.1, 5.10
Policy T1 - Development Location and Accessibility	5.7
Policy T2 - General Transport Impact	5.7
Policy DC1 - Rural Diversification	5.9
Policy NH1- Protection of Internationally designated sites	5.4
Policy NH2 - Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites	5.4
Policy NH3: Protection of Local Sites and Areas	5.4
Policy NH4 - European Protected Species	5.4
Policy NH5 - Biodiversity and Geodiversity Interests, including Nationally Protected Species	5.2, 5.4
Policy NH7 - Protecting Soils	5.6
Policy NH8 - Trees and Development	5.2, 5.4
Policy DC9 - Special Landscape Areas	5.2
Policy DP1 - Landscape Character	5.2
Policy NH6 - Geodiversity Recording and Alternative Exposures	5.5
Policy NG9 - Water Environment	5.5
Policy NH10 - Sustainable Drainage Systems	5.5
Policy NH11 - Flood Risk	5.5
Policy NH12 - Air Quality	5.7
Policy NH13 – Noise	5.8
Policy CH4 - Scheduled Monuments and Archaeological Sites	5.3

4.6.3.5 The East Lammermuir Local Place Plan 2024-2034 (June 2024) has plan elements that will be considered where they apply to the Proposed Development.

5 PLANNING ASSESSMENT OF THE DEVELOPMENT

5.1 The Principle of the Development

5.1.1.1 NPF4 sets out the Spatial Strategy for Scotland, which is based on six overarching spatial principles and are supported by eighteen national developments. The aim of the spatial strategy is to support the delivery of:

"sustainable places, where we reduce emissions, restore and better connect biodiversity;
liveable places, where we can all live better, healthier lives; and productive places, where we have a greener, fairer and more inclusive wellbeing economy."

5.1.1.2 NPF4 also states that the global climate emergency forms the foundations for the spatial strategy as a whole. As stated under Section 4.5.1, the Proposed Development falls under the National Development "Strategic Renewable Electricity Generation and Transmission Infrastructure" as it will have a generating capacity of up to 165 MW (plus a generating capacity of up to 80 MW of BESS). The Proposed Development is therefore a significant development of national importance that will help to deliver the national spatial strategy. The Proposed Development will contribute towards the increase in renewable electricity generation that is required for Scotland to meet its net zero emissions targets. It includes energy storage technology and capacity, which will help to provide vital services including flexible response that a zero carbon electricity network will require.

5.1.1.3 As a co-located solar and energy storage project, the Proposed Development is supported by NPF4 Policy 11. The impacts set out in Policy 11(e) have been addressed through the design evolution of the Proposed Development and through the use of appropriate mitigation. This more fully set out in **Sections 5.2 – 5.11** below. In considering these impacts, significant weight should be placed on the Proposed Development's contribution towards renewable energy generation targets and greenhouse gas emissions targets.

5.1.1.4 NPF4 Policy 1 requires the Scottish Ministers to give significant weight to the global climate and nature crisis when considering the application for the Proposed Development. In decarbonising electricity generation, the Proposed Development will contribute towards Scotland's renewable energy and emissions reduction targets. The Applicant's habitat management measures will secure biodiversity enhancement on the Site.

5.1.1.5 The East Lothian LDP also affords policy supportfor the Proposed Development.Policy SEH1 provides that proposals for renewable energy developments will be supported by East Lothian Council, subject to the satisfactory mitigation of impacts outlined in NPF4 Policy 11 and other relevant policies of NPF4.

5.1.1.6 In summary, NPF4 and the Local Development Plan are supportive of the principle of the Proposed Development, subject to the satisfactory mitigation of environmental impacts. These are assessed as part of the EIAR and are summarised in the relevant sections below.

5.2 Landscape and Visual Impact

5.2.1.1 A Landscape and Visual Impact Assessment (LVIA) is provided under **Chapter 6** of the EIAR, which has informed the design of the Proposed Development. The LVIA presents an

assessment of the Proposed Development's landscape and visual impacts, and the proposed mitigation and enhancement measures.

5.2.1.2 The design of the Proposed Development has taken account of development management advice provided within the East Lothian Special Landscape Areas SPG. Solar panels would be set back from field edges that border local roads and paths to reduce visibility from these routes while reinforcement and management of existing hedgerows, along with new hedgerows and woodland planting, would over time increase the degree of screening in closer proximity views. Improvements to existing hedgerows, along new hedge planting within the Application Site would provide a long-term enhancement to some of the locally characteristic features and the landscape fabric of the Site.

5.2.1.3 The Proposed Development is located across the boundary between the Innerwick Coast and Eastern Lammermuir Fringe landscape character areas. Large to Medium scale changes to character would occur within parts of the Application Site hosting the infrastructure of the Proposed Development and extending up to around 300m across undeveloped areas in some directions where open views would be possible. In the context of these extensive character areas, the very Limited extent of these changes would give rise to effects that are Moderate, Adverse and not significant.

5.2.1.4 The most affected receptor group would be users of local roads, paths and residents within around 0.4km of the Proposed Development where frequent, close proximity views of solar panels and other infrastructure would occur. These would be filtered or screened by roadside hedgerows, trees and woodland belts within the area, increasingly so as proposed landscape mitigation grows to provide additional screening. However, more open and elevated views looking down into the Proposed Development from some parts of the group would remain through all stages and give rise to effects that are Major/moderate, Adverse and significant.

5.2.1.5 The Proposed Development falls partly within SLA4: Monynut to Blackcastle. A Localised or Limited extent of Medium to Small scale changes to the landscape pattern and colours, scenic value experienced from local roads, and views towards the sea would give rise to effects that are Moderate, Adverse and not significant. No other designated landscapes would be notably affected by the Proposed Development.

5.2.1.6 The Proposed Development has been designed to limit impacts on landscape character, and to limit visual impacts through proposed new hedgerow and woodland planting. Existing hedgerows would be reinforced, and new hedgerow and woodland planting would provide additional screening of the Proposed Development.

5.2.1.7 NPF4 Policy 11 recognises that significant landscape and visual impacts are to be expected for some forms of renewable energy developments. Policy 11 also states that where these impacts are localised and/or appropriate mitigation has been applied, they will generally be considered to be acceptable. The LVIA assesses the landscape and visual impacts of the Proposed Development to be localised. The design mitigation has limited the extent to which significant visual effects will be experienced. Taking account of the significance of effects and the mitigation measures proposed, it is considered that the Proposed Development meets the policy test under Policy 11 Part e), ii. The Proposed Development is therefore considered to be in accordance with the development control criteria listed within NPF4 Policy 11 relating to landscape and visual impacts (Part e), ii), and in accordance with East Lothian LDP Policies NH5, NH8, DC9 and DP1.

5.3 Archaeology and Cultural Heritage

5.3.1.1 **Chapter 7** of the EIAR has been prepared to evaluate the effects of the Proposed Development on the cultural heritage assets within and adjacent to the Site. A desk-based assessment was undertaken to describe the known heritage resources within a 1 km study area, and details the archaeological potential within the Site. A walkover survey was undertaken to validate the desk-based assessment and to identify any previously unidentified archaeological remains. In addition, consultation with Historic Environment Scotland, East Lothian Council and with the public was undertaken as this is an important part of understanding the archaeological and cultural heritage environment of the area.

5.3.1.2 The assessment makes the following conclusions:

- Direct, Indirect, Setting and Cumulative Impacts upon Cultural Heritage assets have all been considered. Assuming the implementation of Tertiary Mitigation measures outlined in **Chapter 7**, the Proposed Development is not predicted to generate any significant Direct or Indirect Physical impacts during construction.

- Moderate adverse effects have been identified to the cultural significance of two scheduled monuments; SM5891 and SM5892 resulting from Setting Impacts. These effects are considered to be Not Significant in the context of the EIA regulations. Setting Impacts will persist throughout the lifetime of the Development but will be fully reversible following decommissioning.

- Cumulative Effects relating to Setting Impacts are not predicted to be significant in EIA terms.

5.3.1.3 Overall, all Archaeology and Cultural Heritage effects are considered Not Significant in the context of the EIA regulations.

5.3.1.4 The following mitigation measures to address direct and indirect physical impacts have been proposed:

- Embedded mitigation: a series of primary and tertiary mitigation measures intended to reduce the effect of Direct Physical Impacts generated across the lifetime of the Proposed Development, to a level where the potential for significant adverse effects is removed. These initial works will inform the need and scope of additional archaeological works such as Targeted Open Area Excavation and/or Watching Brief. The Applicant is not proposing any further mitigation at this time.

5.3.1.5 The following mitigation measures to address setting impacts have been proposed:

- Embedded mitigation: Primary mitigation, in relation to these two monuments, has taken the form of mitigation by design. Infrastructure has been removed from Fields 18 and 19 and from the eastern part of Field 5 in order to reduce Setting Impacts to SM5891 and SM5892.

- In relation to other assets, and Setting Impacts, infrastructure has been deliberately avoided within Field 12. Infrastructure has been removed from Fields 10 and 11 and repositioned within Fields 13 and 14 in order to reduce Setting Impacts to Oldhamstocks Conservation Area.

5.3.1.6 It is proposed that direct physical impacts on archaeological assets during construction is avoided via the following measures:

- The use of non-intrusive foundations, such as concrete or ballast bases;
- The use of suspended cabling/above ground cable trays as opposed to buried cabling, to remove the need for cable trenching;
- Re-routing of any access tracks or other infrastructure to avoid these areas; and
- The installation of the infrastructure listed above and its removal in accordance with a sensitive installation and decommissioning strategy.

5.3.1.7 Overall, when the measures proposed here are considered as a whole, the Proposed Development is considered to be in accordance with NPF4 Policy 7 and East Lothian Policy CH4. Core aspects of the scheduled monuments (SM5891 and SM5892) have been maintained through mitigation by design. Infrastructure has been repositioned or removed from fields surrounding or located between these two scheduled monuments in order to maintain the rural character around the scheduled monuments and to maintain views between these sites.

5.4 Ecology and Nature Conservation

5.4.1.1 **Chapter 8** of the EIAR provides an assessment of the Proposed Development on ecological and nature conservation interests, as well as on designated and non-designated sites. A desk-based study was completed to describe the designated nature conservation sites and records of protected and/or priority species and habitats. Site surveys were also completed, and includes the following:

- UK Habitat Classification (UKHab) Surveys; Badger Surveys; Otter Surveys; Water Vole Surveys; Red Squirrel Surveys; Night-Time Walkover Bat Surveys; Day-time Walkover Bat Surveys; Remote (Static) Monitoring Bat Surveys; Breeding Bird Surveys; and, Rare Bird Surveys.

5.4.1.2 The following species were recorded within the Site during the field surveys: Badger; Bats; Breeding birds; Red squirrel and Brown Hare. Standard methodologies were used during the assessment.

5.4.1.3 Several measures have been incorporated into the design of the Proposed Development, to avoid impacts to protected and/or priority species and habitats. These measures include:

- Infrastructure will avoid all woodland areas, with a 15 m buffer for any areas of woodland listed on the AWI (Scotland) and a 5 m buffer from hedgerows;
- In addition, there will be a 10 m buffer from watercourses;
- Mammal gates will be added to the periphery fence line to maintain badger passage within the Site;4

5.4.1.4 Any permanent and temporary lighting will be designed with input from the project ecologist to minimise disruption to nocturnal and crepuscular animals that may be present in the locality (e.g., owls, bats, badger, and otter), with any lighting design requiring agreement with the Planning Authority prior to commencement of construction.

5.4.1.5 A suitably qualified and experienced Ecological Clerk of Works (ECoW) will be appointed by the Applicant to provide ecological advice and support to the Applicant during construction,

including monitoring of compliance with the recommendations of this EcIA, and subsequent planning conditions.

5.4.1.6 During construction, an Ecological Clerk of Works (ECoW) will provide ecological advice and support to the contractor during construction, including monitoring of compliance with the mitigation commitments of **Chapter 8** of the EIAR and with any relevant planning conditions. Pre-construction surveys will also be undertaken to identify changes in the distribution of protected species, and updated information will inform the scope of any supporting Species Protection Plans (SPPs) or Precautionary Methods of Works (PMoW). These will form part of a CEMP and/or mitigation licencing. Avoidance and mitigation measures for Important Ecological Features (IEFs) will also be implemented via a CEMP, through good practice measures.

5.4.1.7 The Proposed Development will result in a loss of 61.46 ha of habitats, that are common and widespread, and which support largely common and widespread species. Some protected species, including badger, bats and birds (nesting and foraging) are supported by these habitats; however, no significant residual effects on any IEF is predicted.

5.4.1.8 It is not clear whether pink-footed geese associated with the Firth of Forth SPA / Ramsar and common gull and herring gull associated with The Outer Firth of Forth and St. Andrews Bay Complex SPA and St. Abb's Head to Fast Castle SPA are foraging within the Site. As a precaution it has been assumed that this is the case, but with mitigation measures in place, no significant residual effects to these species, and thus the designated sites, are predicted.

5.4.1.9 Habitats lost will be compensated through the planting being undertaken within the LBMP; therefore, the Proposed Development will provide habitats of higher value than the baseline agricultural scenario, which will provide a significant, permanent, beneficial effect of low magnitude at the Site level for the following IEFs: Badger and Breeding birds.

5.4.1.10 **Chapter 8** concludes that no significant effects have been identified for the construction, operation and decommissioning phases of the Proposed Development. Furthermore, opportunities for biodiversity enhancement are described within the LBMP which will improve biodiversity in the locality of the Proposed Development. Therefore, potential effects of the Proposed Development are not significant in the context of the EIA Regulations.

5.4.1.11 The Proposed Development is therefore considered to be in compliance with NPF4 Policies 3, 4, 6 and 20, and East Lothian LDP Policies NH1, NH2, NH3, NH4, NH5 and NH8. As per NPF4 Policy 3(b) biodiversity enhancements have been incorporated into the design of the landscaping for the Proposed Development. In line with NPF4 policies 4 and 6, there will be no significant effects on designated sites for nature conservation and no loss of woodland, respectively. The Proposed Development is aligned with NPF4 Policy 20 in relation to protection and enhancement of blue and green infrastructure.

5.5 Water Resources

5.5.1.1 The assessment relating to the potential effects of the Proposed Development on water resources and flood risk can be found in **Chapter 9: Water Resources** of the EIAR. The assessment considers effects on watercourses and surface water features, groundwater protected areas (hydrogeology), flood risk, private water supplies, public water assets,

protected bathing water areas, and designated sites. The assessment has been based on both desk-top studies and site survey.

5.5.1.2 The main potential effects associated with the Proposed Development relate to the construction phase, which would involve the installation of the solar panels, construction of the substation foundations, and placement of the BESS units. Such activities could result in changes to the quantity of surface water and groundwater; pollution of surface water, groundwater, and bathing waters; changes to flooding within and downstream of the Site; and water quality and quantity changes to private and public water supplies.

5.5.1.3 The design of the Proposed Development has sought to avoid impacts to water resources and flood risk (embedded mitigation). This includes locating infrastructure at set distances from watercourses, locating infrastructure out of flood risk areas, and maintenance of on-site vegetation. **Chapter 9** sets out mitigation which will be needed during construction and operation such as further private water supply surveys and adherence to specific environmental protection measures which will be in line with the appropriate industry guidance.

5.5.1.4 When accounting for this embedded mitigation, the water resources and flood risk assessments concluded there would be No Significant impacts during the construction and operational phases of the Proposed Development.

5.5.1.5 There are two other developments within the same catchment area as the watercourses on-site. However, the timing of construction for this Proposed Development and the other developments do not overlap, therefore no cumulative impacts to water resources and flood risk are anticipated.

5.5.1.6 Effects on hydrology, the water environment and flood risk have been fully addressed as required by NPF4 Policy 11 e) viii. NPF4 Policy 22 Flood Risk and Water Management and LDP 2018 policies NG9 Water Environment, NH10 Sustainable Drainage Systems and NH11 Food Risk will also all be satisfied by the measures set out for the Proposed Development.

5.6 Geology and Soils

5.6.1.1 **Chapter 10** of the EIAR presents an assessment of the potential significant impacts to the geology and soils environment associated with the construction, operation and decommissioning of the Proposed Development. Where likely significant effects are predicted, appropriate mitigation measures have been proposed, and the significance of predicted residual effects assessed. This was achieved through a desk-based study and an impact assessment across the Proposed Development through its construction, operation and decommissioning phases.

5.6.1.2 Overall, the residual effects on the geology and soils environment are considered to be of negligible significance. It can therefore be stated that given that only effects of moderate significance or greater are considered in terms of the EIA regulations, the potential effects on geology and soils are therefore classified as 'Not Significant'. As the Proposed Development avoids carbon-rich soils and peatland, and minimises disturbance to soils and prime agricultural land, it is considered that the Proposed Development meets the requirements of NPF4 Policy 5. In addition, it is in accord with East Lothian LDP policy NH7 - Protecting Soils.

5.7 Traffic and Transport

5.7.1.1 **Chapter 11** of the EIAR includes a Transport Statement (TS). The Transport Statement includes an assessment of the traffic and transport impacts associated with the Proposed Development, as well as the impacts of an increase in Heavy Goods Vehicles (HGVs) during the construction period.

5.7.1.2 Access to the Development will be taken from the C120 which connects to the U220 and A1(T) to the north of the Site. A swept path analysis was undertaken that determined that the largest anticipated vehicle to access the Site for both phases of the Proposed Development can be done successfully in forward gear. The analysis further demonstrated that subject to a minor improvement at one location, a 16.5 m articulated lorry can navigate the proposed route to Site in forward gear. A visibility splay assessment was undertaken at the proposed access junction locations using the minimum setback distance of 2.4 m for a simple priority junction. The minor roads in the vicinity of the access locations are subject to the national speed limit and therefore, the visibility splay of 215 m for a 60-mph design speed should be demonstrated. As what is achievable falls short of that the TS proposes a number of measures to mitigate the limited visibility, including during the construction phase when the short-term increase in traffic is greatest, the C120 will be closed off to general traffic except for local access with appropriate traffic management in place.

5.7.1.3 Overall, the traffic management procedures proposed in the Transport Statement will ensure the safe operation of the approach route to the Site during construction. Determination of the final details of these traffic management measures will occur once a contractor has been appointed and can be secured via an appropriately worded condition of consent.

5.7.1.4 Construction is expected to take place over an 18-month period. Construction traffic will mainly consist of delivery of materials including solar panels, support structures, electrical equipment, and other construction materials. Many of these will be transported by HGVs or HGV low-loaders, and an abnormal load vehicle for the delivery of the transformer. During the peak month of construction, an estimated maximum of 76 two-way vehicle movements per day are expected, which would consist of 48 car/van movements and 28 HGV movements on average.

5.7.1.5 The predicted increase in traffic on the A1(T) during the peak phase of construction is estimated to be 0.7% for all vehicles, and 1.8% for HGVs. This temporary increase is negligible and is likely to be within the existing daily variation in traffic flow on this route.

5.7.1.6 As the Site will not be staffed, operational traffic is expected to be minimal and would be conducted by smaller vehicles. The impact of this on the wider roadnetwork is therefore expected to be negligible.

5.7.1.7 Given the minor impact of the Proposed Development on the surrounding roadnetwork and the traffic management measures to be implemented, the Proposed Development has addressed the impacts on road traffic as well as on adjacent trunk roads as required by NPF4 Policy 11 e) vi. In addition, it is in accord with East Lothian Council's LDP Policy T2 which highlights that a new development must not have a negative impact on road safety and amenity.

5.8 Noise and Vibration

5.8.1.1 EIAR **Chapter 12** has considered potential temporary and permanent noise and vibration impacts arising as a result of the Proposed Development during construction and operation.

5.8.1.2 An assessment of the potential construction noise impacts has been undertaken in accordance with BS 5228. In general construction noise effects are negligible with the exception of NSR4, NSR7, NSR8, and NSR9 where the modelling results show minor adverse effects (i.e. not in exceedance of the criterion) during the foundations and civils phase of construction. Therefore, no residual significant effects are predicted for construction noise.

5.8.1.3 Minor adverse effects due to construction vibration are predicted at NSR8 and NSR9 only, therefore there are no residual significant effects are predicted for construction vibration.

5.8.1.4 The modelled effects of construction traffic noise are negligible for all affected roads, therefore no residual significant effects are predicted for construction traffic noise.

5.8.1.5 An assessment of the potential operational noise impacts has been undertaken in accordance with BS 4142. In general, operational noise effects are predicted to be negligible with the exception of NSR1, NSR2, NSR7, NSR8, and NSR9 where minor adverse effects are predicted. Therefore, no residual significant effects are predicted for operational noise.

5.8.1.6 The potential for cumulative noise effects has been considered. The cumulative effect from the Proposed Development and Branxton Substation on adjacent NSRs (NSR1, NSR2 and NSR3) is Minor significance, which is not significant. The cumulative effect from the Proposed Development and Branxton BESS on adjacent NSRs (NSR10) is negligible significance, which is not significant.

5.8.1.7 This assessment therefore demonstrates that the Proposed Development has been found to be acceptable in terms of potential noise and vibration impacts. Through project design, the Proposed Development protects residential amenity and has addressed the requirements of NPF4 Policy 11 e) i) and Policy 23 Health and Safety. In addition it is in accord with East Lothian LDP policy NH13 Noise.

5.9 Socioeconomics, Land Use, Tourism and Recreation

5.9.1.1 **Chapter 13** of the EIAR presents the socio-economic, land use, tourism and recreation impact assessment. It considers the potential impact of the Proposed Development during the construction, operation and maintenance and decommissioning phases.

5.9.1.2 The construction, operation and decommissioning of the Proposed Development will create employment and Gross Value Added (GVA), both directly and within the supply chain, which would benefit the local economy within East Lothian. While operational employment would be small, the jobs created would be for the duration of the operational phase, i.e. 40 years, and would therefore be a long-term benefit to the local economy.

5.9.1.3 **Chapter 13** demonstrates that the construction of the Proposed Development would create a total of 764 direct FTE person years of employment over the 18-month construction period, with a further 353 indirect and 429 induced person years in the supply chain. Of these, 267 direct person years, 124 indirect person years, and 183 induced person years would be within the local study area. Indirect employment refers to jobs created as a result of linked

purchases within the supply chain, and induced employment refers to those created by local spend by construction workers.

5.9.1.4 There would be temporary loss of agricultural land within the site boundary for a period of 40 years, however this would be reversible on decommissioning and it is not expected that there would be any significant adverse effect on food production or the wider agricultural sector. There may be opportunities for some grazing to continue around the solar array during the lifespan of the project.

5.9.1.5 There would be effects on amenity for users of core paths in the immediate area surrounding the site during construction. Amenity effects would not be significant and it is not anticipated that there would be any significant effects for the tourism sector more widely, including as a result of additional demand from construction workers for tourist accommodation.

5.9.1.6 As much of the land is currently used for growing crops, it is assumed that this existing recreational use of the land is limited to East Lothian Core Path 12, field boundaries, and areas of woodland within the site. Where it applies, the right of responsible access would be maintained as far as is practicable during the operational period. However, during construction, public access to some parts of the site may be restricted temporarily for safety and security purposes.

5.9.1.7 There is the potential for socio-cultural effects associated with temporary changes in demographics and additional demand for services during construction, and changes in local identity and sense of place associated with changes in land use, impacts on traditional local industries, and environmental effects during construction and operation. However, the assessment has concluded that these effects would not be significant.

5.9.1.8 The analysis above shows the Proposed Development supports national policy objects of rural revitalisation and diversification as exemplified by Policy 29, Rural Development and East Lothian LDP policy DC1, Rural Diversification. It is also in compliance with NPF4 Policy 11, Part c), as socio-economic benefits including employment, associated business and supply chain opportunities have been maximised.

5.9.1.9 The Proposed Development complies with NPF4 Policy 5(b) in terms of minimising impacts on prime agricultural land. The Site at Springfield Farm was selected because it produces fewer and lower grade crops compared to other areas of the Dunglass Estate, thereby reducing impact on prime agricultural land. There are also anticipated to be benefits for soil quality which could arise from an extended fallow period from intensive agricultural use over the lifetime of the Proposed Development.

5.10 Greenhouse Gas Assessment

5.10.1.1 **Chapter 14** of the EIAR assesses the impact with respect to Greenhouse Gas Emissions from the construction, operation and decommissioning of the Proposed Development. It was undertaken in response to the scoping report produced as part of the EIA Regulations, key stakeholders requested that a GHG assessment be completed and included in the EIAR for the Proposed Development. **Chapter 14** summarised the methods and approach of the GHG assessment and presented the findings of that assessment.

5.10.1.2 The Proposed Development will provide renewable energy which when operational will support the decarbonisation of the UK electricity generation and the UK Government's net zero ambitions.

5.10.1.3 The Proposed Development will emit GHGs during its construction, operation and decommissioning. To understand the impact of the GHG emissions associated with the Proposed Development a GHG assessment was completed. This GHG assessment was based on the data available at the design stage of the Proposed Development and using the methods, assumptions and limitations as detailed in **Chapter 14**.

5.10.1.4 The GHG emissions from the Proposed Development's construction, operation and decommissioning (scopes 1, 2 and 3) were estimated at around 399,000 tCO_2e for the project lifetime. When compared with the relevant UK Carbon Budgets the assessment concluded that it these emissions would not impact the UK climate targets and Carbon Budgets. It was concluded that the likely impact of the Proposed Development's construction, operation and decommissioning on the climate is consistent with the IEMA definition 'negligible' and 'not significant'**.**

5.10.1.5 Mitigations to reduce GHG emissions associated with the Proposed Development have been designed in and have been highlighted in Chapter 14 for inclusion during the Proposed Development's construction, operation and decommissioning phases through the implementation of the CEMP.

5.10.1.6 The GHG assessment also identified that over the Proposed Development's 40-year lifetime it would avoid around 2,200,000 tCO2e by displacing or reducing GHG emissions from the equivalent UK grid generation. The GHG assessment concluded that the Proposed Development would provide a net climate benefit, by offsetting around 1,801,000 tCO2e, consistent with the IEMA definition 'beneficial' and 'significant'.

5.10.1.7 The Proposed Development is therefore wholly in accord with NPF4 and its climate and energy objectives and especially Policies 1 (Tackling the climate and nature crises) and 11, (Energy); the latter setting out explicitly to support solar projects such as the Proposed Development. In addition, it is supported by local policy SEH1: Sustainable Energy and Heat.

5.11 Other Issues

5.11.1.1 **Chapter 15** of the EIAR examines the impact of the Proposed Development on glint and glare; human health and implications for major accidents and disasters.

5.11.2 Glint and Glare

5.11.2.1 An assessment of potential glint and glare effects resulting from the Proposed Development has been undertaken. The potential for glint and glare effects were assessed on ground-based receptors within 3 km of the Site, which included the following:

- Rail Receptors: There is one railway line to the north of the Proposed Development within the Study Area;
- Road Receptors: There are numerous roads and small country lanes within the Study Area. The glint and glare assessment has focused on the main road (Great North Road - A1) that is north of, and in close proximity to, the Proposed Development and two

country lanes (Route 1 and Route 2) that run through and adjacent to the Proposed Development; and

- Fixed Receptors: There are a number of dwellings and commercial premises within the study area. In some cases, the identified location is considered to be representative of several discrete receptors in close proximity.
- Buildings to the south, east and north of the Proposed Development, adjacent to the farm. There is a total of 40 ground-based observation points (OP) which represent the buildings. These are all offsite residential and commercial dwellings of single or two storeys.

5.11.2.2 For the rail receptors, the impact is assessed as negligible and unlikely to pose a safety risk due to low intensity and short duration of glare, the transient nature of vehicle movement, existing mitigation measures such as hedgerows/ trees and the large distance of the impact point from the Proposed Development's photovoltaic (PV) array.

5.11.2.3 For road receptors, a negligible impact has been identified for the A1 (Great North Road) due to the short exposure duration of green glare, transient nature of vehicle movement and existing mitigation measures.

5.11.2.4 In the case of Routes 1 & 2, the impact from the Proposed Development's PV arrays has been assessed to be significant without mitigation due to the proximity of the receptors to the Proposed Development's PV arrays and occurrence of extended periods of yellow glare, calculated to be up to 520 minutes per day for road users of Route 1 and 120 minutes per day for Route 2.

5.11.2.5 Among the fixed ground receptors, five (5) observation points are primarily affected by yellow glare between March and September. The overall impact on these receptors has been assessed as negligible due to the short duration of yellow glare and presence of existing screening (trees/ hedgerows) in between PV arrays that will restrict the reflections. The remaining fixed ground receptors experience only green glare, with limited exposure durations, resulting in minimal overall impact.

5.11.2.6 With the mitigation measures proposed for the Proposed Development, such as additional and enhanced hedgerows, there will be minimal overall glint and glare impact.

5.11.3 Human Health

5.11.3.1 An assessment of potential electromagnetic field (EMF) effects of the Proposed Development has also been undertaken.

5.11.3.2 There are no human health receptors within a 15 m setback distance from the EMF-emitting components of the Proposed Development. There are also no overhead high voltage lines present at the Site. Therefore, it is considered that EMF effects resulting in adverse impacts on human health will not occur.

5.11.4 Major Accidents and Disasters

5.11.4.1 An assessment of potential major industrial accidents, battery fire, accidental Unexploded Ordnance (UXO) detonation, and the potential for damage to existing utilities has been completed.

5.11.4.2 With the implementation of mitigation measures detailed within the oCEMP, the likelihood of significant impacts from a major accident will be reduced. The Proposed Development is unlikely to exacerbate the effects of such an incident, and the residual risks are managed to an acceptable level.

5.11.4.3 Embedded mitigation measures in the design of the Proposed Development (including adequate separation distances and buffer zones around the BESS), as well as safety procedures included within the oCEMP mitigate the likelihood of a fire and/or explosion to occur as a result of the Proposed Development. A Battery Safety Management Plan (BSMP) can be secured through a planning condition, which will include measures to ensure the safe operation of the BESS.

5.11.4.4 Prior to construction works commencing, geophysical surveys will be undertaken which will identify any UXO presence on Site. During pre-construction surveys, protocol will be followed if UXO is discovered. The CEMP will expand upon the oCEMP and include measures and guidance for potential UXO.

5.11.4.5 The Applicant will review the locations and alignments of utilities prior to construction and decommissioning works, to ensure all known utilities are avoided. Signage and height-restricted gates will be placed around high voltage power lines to adhere to adequate cable clearances.

5.11.4.6 No significant effects of the Proposed Development on glint and glare, human health, and major accidents and disasters are anticipated.

6 CONCLUSION

6.1.1.1 There is strong policy support for the generation of renewable energy at a local, national and international level. The Proposed Development would help to meet national and international climate change goals and targets. Section 4 of this Planning Statement demonstrates a critical need for renewable energy generation to address the global climate emergency. The GHG assessment concluded that the Proposed Development would provide a net climate benefit, by offsetting around 1,801,000 tCO2e, which is consistent with the IEMA definition of 'beneficial' and 'significant'.

6.1.1.2 The Proposed Development will make a significant contribution towards an increase in renewable energy generating capacity (up to 165 MW plus a capacity of Solar and up to 80 MW of BESS) and will help to meet Scotland's target date of 2045 for achieving net zero emissions. The principle of development is therefore strongly supported in both national and local planning policy.

6.1.1.3 The Applicant has considered the requirements of Schedule 9, Paragraph 3 of the Electricity Act throughout the EIAR and the design of the Proposed Development.

6.1.1.4 The close proximity of a suitable grid connection at Branxton is an important consideration in favour of S36 consent and deemed planning permission being granted for the Proposed Development. The benefits include reduced cable length, transmission losses and potential environmental impacts.

6.1.1.5 The Proposed Development affords a high level of certainty regarding its implementation for decision makers when considering the merits of the proposal. The whole of the Proposed Development is located within the Dunglass Estate under the ownership of one organisation, who are strongly supportive of the project. As stated in Section 2 the implementation of the Proposed Development would mean energy production taking place alongside agriculture. This multi-use site approach on the Estate diversifies its economy and thus contributes to its long-term viability. This is in line with the 'Whole Farm Plan' approach to the operations of farms and estates, like Dunglass, to improve productivity, profitability and to meeting Scotland's nature and climate goals.

6.1.1.6 Significant weight should be given in particular to Scotland's commitment[14] to deploying at least 4GW, but up to 6GW of solar power, by 2030. It's with that latter ambition in mind that the rapidity of solar deployment comes strongly into play as a key advantage.

6.1.1.7 NPF4 Policy 11 seeks to promote all forms of renewable energy developments. NPF4 Policy 1 provides significant weight to the global climate emergency and nature crises when considering all development proposals. As a renewable energy development, the Proposed Development will make a significant contribution towards an increase in renewable energy capacity as supported by both NPF4 Policies 1 and 11. Through the iterative design process and assessments set out under Section 5 informing the design of the Proposed Development, the impacts listed in NPF4 Policy 11 have been addressed and mitigated

[14] Scottish Governments Commitment to Solar Energy by 2030: EIR Response. Available at: https://www.gov.scot/publications/foi-202400392034/ (Accessed May 2025)

against. The Proposed Development is also considered to be in accordance with the relevant NPF4 policies.

6.1.1.8 Policy SEH1 of the Council's LDP states that proposals for renewable energy developments will be supported by East Lothian Council. There are significant benefits which arise from the Proposed Development which outweigh the minimal adverse impacts, and it is considered that the development proposal is not contrary to the Development Plan when read as a whole.

6.1.1.9 NPF4 Policy 11 also requires that development proposals maximise local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The Proposed Development provides socio-economic benefits through all its phases of development, including enabling the diversification of the economy of the Dunglass Estate and thus directly benefiting the local community. For example, a total of 764 direct FTE person years of employment would be created over the 18-month construction period, with a further 353 indirect and 429 induced person years in the supply chain. Of these, 267 direct person years, 124 indirect person years, and 183 induced person years would be within the local study area. Those benefits are gained through the temporary use of just 0.05% of the prime agricultural land available in East Lothian.

6.1.1.10 The Proposed Development has been through a thorough and detailed design process to limit impacts on landscape character, and to limit visual impacts through proposed new hedgerow and woodland planting and improvements to existing screening. The Proposed Development is therefore considered to be in accordance with the development control criteria listed within NPF4 Policy 11 relating to landscape and visual impacts, as well as with East Lothian LDP Policies NH5, NH8, DC9 and DP1.

6.1.1.11 The environmental surveys and assessments, as set out in Section 5, have informed the design evolution of the Proposed Development and comprehensively demonstrate that it achieves the policy objectives of bringing much needed renewable energy to East Lothian and in doing so will make a nationally significant contribution to meeting climate change obligations. It will do this whilst employing design and mitigation measures to greatly reduce any negative impacts to minimal levels. In doing that the Proposed Development has been designed in both the spirit and the letter of the principles and policies set out in NPF4, especially with respect to Policy 11.

6.1.1.12 This Planning Statement has outlined the benefits of the Proposed Development, including its significant contribution to renewable energy generation and GHG reduction targets, biodiversity net gain and socio-economic benefits.

6.1.1.13 Taking into account all policies and material considerations relevant to the Proposed Development, it is considered that the Proposed Development complies with the relevant policies and other material considerations, and that there are no material considerations of sufficient weight to indicate that this S36 application should be refused. It is therefore respectfully requested that S36 consent and deemed planning permission is granted.