voltalia

Technical Appendix 4.2: EIA Scoping Opinion

Department: ERM
Project: Springfield Solar Farm and BESS
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The Scottish Government

Scoping Opinion on behalf of Scottish Ministers under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

ECU00004815:
Springfield Solar Farm and Battery Energy Storage System

Voltalia UK Limited

29 January 2025

CONTENTS

1. Introduction

1.1 This scoping opinion is issued by the Scottish Government to Voltalia UK Limited a company incorporated under the Companies Acts with company number 07489990 and having its registered office at The Wheelhouse, Bond's Mill Estate, Stonehouse, Gloucestershire, England, GL10 3RF ("the Company") in response to a request dated 29 October 2024 for a scoping opinion under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 in relation to the proposed Springfield Solar PV Farm and Battery Energy Storage System ("the proposed development"). The request for a scoping opinion was accompanied by a scoping report. This scoping opinion supersedes the scoping opinion issued on 28 January 2025.

1.2 The proposed development would be located on land approximately 50m north of the village of Oldhamstocks.

1.3 The site will occupy an area of approximately 184 hectares (ha) and is wholly within the East Lothian Council administrative area. The proposed development includes a ground-mounted solar photovoltaic ('PV') development with a generating capacity of up to 165MW, Battery Electric Storage System (BESS) with a generating capacity of up to 150MW, associated infrastructure, access, and landscaping.

1.4 The Company indicates the proposed development would be decommissioned after 40 years and the site restored in accordance with the decommissioning and restoration plan.

2. Consultation

2.1 Following the scoping opinion request a list of consultees was agreed between the Company and the Scottish Government. A consultation on the scoping report was undertaken by the Scottish Ministers and this commenced on 19 November 2024. The consultation closed on 10 December 2024. Extensions to this deadline were granted to some organisations who requested them. The Scottish Ministers also requested responses from their internal advisors Transport Scotland and Scottish Forestry. All consultation responses received are attached in ***ANNEX A Consultation responses.***

2.2 The purpose of the consultation was to obtain scoping advice from each consultee on environmental matters within their remit. Responses from consultees and advisors should be read in full for detailed requirements and for comprehensive guidance, advice and, where appropriate, templates for preparation of the Environmental Impact Assessment (EIA) report.

2.3 Unless stated to the contrary in this scoping opinion, Scottish Ministers expect the EIA report to include all matters raised in responses from the consultees and advisors.

2.4 The following organisations were consulted but did not provide a response: John Muir Trust; RSPB Scotland; Scottish Wildlife Trust; Visit Scotland; The Woodland Trust; Oldhamstocks Community Association; Cockburnspath & Cove Community Council; Grantshouse Community Council; Scottish & Southern Electricity Networks; Scottish Power Energy Networks; and, Scottish Fire and Rescue Service.

2.5 With regard to those consultees who did not respond, it is assumed that they have no comment to make on the scoping report, however each would be consulted again in the event that an application for section 36 consent is submitted subsequent to this EIA scoping opinion.

2.6 The Scottish Ministers are satisfied that the requirements for consultation set out in Regulation 12(4) of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 have been met.

3. The Scoping Opinion

3.1 This scoping opinion has been adopted following consultation with East Lothian Council, within whose area the proposed development would be situated, NatureScot (previously "SNH"), Scottish Environment Protection Agency and Historic Environment Scotland, all as statutory consultation bodies, and with other bodies which Scottish Ministers consider likely to have an interest in the proposed development by reason of their specific environmental responsibilities or local and regional competencies.

3.2 Scottish Ministers adopt this scoping opinion having taken into account the information provided by the applicant in its request dated 29 October 2024 in respect of the specific characteristics of the proposed development and responses received to the consultation undertaken. In providing this scoping opinion, the Scottish Ministers have had regard to current knowledge and methods of assessment; have taken into account the specific characteristics of the proposed development, the specific characteristics of that type of development and the environmental features likely to be affected.

3.3 A copy of this scoping opinion has been sent to East Lothian Council for publication on their website. It has also been published on the Scottish Government energy consents website at www.energyconsents.scot.

3.4 Scottish Ministers expect the EIA report which will accompany the application for the proposed development to consider in full all consultation responses attached in **Annex A and Annex B**.

3.5 Scottish Ministers are satisfied with the scope of the EIA set out at Sections 5 to 12 of the scoping report.

3.6 In addition to the consultation responses, Ministers wish to provide comments with regards to the scope of the EIA report. The Company should note and address each matter.

3.7 The proposed development set out in the scoping report refers to technologies including battery storage and/or solar panels. Any application submitted under the Electricity Act 1989 requires to clearly set out the generation station(s) that consent is being sought for. For each generating station details of the proposal require to include but not limited to: the scale of the development (dimensions of the solar panels, battery storage); components required for each generating station; and, minimum and maximum export capacity of megawatts and megawatt hours of electricity for battery storage.

3.8 Scottish Water provided information on whether there are any drinking water protected areas or Scottish Water assets on which the development could have any significant effect. Scottish Ministers request that the company contacts Scottish Water (via EIA@scottishwater.co.uk) and makes further enquires to confirm whether there any Scottish Water assets which may be affected by the development, and includes details in the EIA report of any relevant mitigation measures to be provided.

3.9 Scottish Ministers request that the Company investigates the presence of any private water supplies which may be impacted by the development. The EIA report should include details of any supplies identified by this investigation, and if any supplies are identified, the Company should provide an assessment of the potential impacts, risks, and any mitigation which would be provided.

3.10 Scottish Ministers consider that where there is a demonstrable requirement for peat landslide hazard and risk assessment (PLHRA), the assessment should be undertaken as part of the EIA process to provide Ministers with a clear understanding of whether the risks are acceptable and capable of being controlled by mitigation measures. The Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments (Second Edition), published at http://www.gov.scot/Publications/2017/04/8868, should be followed in the preparation of the EIA report, which should contain such an assessment and details of mitigation measures. Where a PLHRA is not required clear justification for not carrying out such a risk assessment is required.

3.11 The scoping report identified viewpoints at Table 5.1 to be assessed within the landscape and visual impact assessment. The planning authority has referenced additional viewpoints. The Company should agree viewpoints with the Planning Authority prior to submission of an application.

3.12 The noise assessment should be carried out in line with relevant legislation and standards as detailed in section 11 of the scoping report.

3.13 It is recommended by the Scottish Ministers that decisions on bird surveys – species, methodology, vantage points, viewsheds & duration - site specific & cumulative – should be made following discussion between the Company and NatureScot.

3.14 Where borrow pits are proposed as a source of on-site aggregate they should be considered as part of the EIA process and included in the EIA report detailing information regarding their location, size and nature. Ultimately, it would be necessary to provide details of the proposed depth of the excavation compared to the actual topography and water table, proposed drainage and settlement traps, turf and overburden removal and storage for reinstatement, and details of the proposed restoration profile. The impact of such facilities (including dust, blasting and impact on water) should be appraised as part of the overall impact of the working. Information should cover the requirements set out in ‘PAN 50: Controlling the Environmental Effects of Surface Mineral Workings’.

3.15 The Scottish Ministers request that the company assess the impact of the proposed development on existing and/or planned infrastructure. In particular, the company should carry out the necessary assessments to confirm if any part of the proposed development is within the consultation zone of any of the following:-

- a licenced explosives site;
- gas (or any other) pipeline;
- existing overhead electric lines;

- underground cables;
- water pipes;
- telecommunications links.

3.16 Scottish Ministers request the company to assess if any flammable, toxic or explosive chemicals detailed in The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015 would be stored on site in quantities such that a Hazardous Substances Consent would be required under section 2 of the Planning (Hazardous Substances) (Scotland) Act 1997.

3.17 Ministers are aware that further engagement is required between parties regarding the refinement of the design of the proposed development regarding, among other things, surveys, management plans, peat, radio links, finalisation of viewpoints, cultural heritage, cumulative assessments and request that they are kept informed of relevant discussions.

4. Mitigation Measures

4.1 The Scottish Ministers are required to make a reasoned conclusion on the significant effects of the proposed development on the environment as identified in the environmental impact assessment. The mitigation measures suggested for any significant environmental impacts identified should be presented as a conclusion to each chapter. Applicants are also asked to provide a consolidated schedule of all mitigation measures proposed in the environmental assessment, provided in tabular form, where that mitigation is relied upon in relation to reported conclusions of likelihood or significance of impacts.

5. Conclusion

5.1 This scoping opinion is based on information contained in the applicant's written request for a scoping opinion and information available at the date of this scoping opinion. The adoption of this scoping opinion by the Scottish Ministers does not preclude the Scottish Ministers from requiring of the applicant information in connection with an EIA report submitted in connection with any application for section 36 consent for the proposed development.

5.2 This scoping opinion will not prevent the Scottish Ministers from seeking additional information at application stage, for example to include cumulative impacts of additional developments which enter the planning process after the date of this opinion.

5.3 Without prejudice to that generality, it is recommended that advice regarding the requirement for an additional scoping opinion be sought from Scottish Ministers in the event that no application has been submitted within 12 months of the date of this opinion.

5.4 It is acknowledged that the environmental impact assessment process is iterative and should inform the final layout and design of proposed developments. Scottish Ministers note that further engagement between relevant parties in relation to the refinement of the design of this proposed development will be required, and would request that they are kept informed of on-going discussions in relation to this.

5.5 Applicants are encouraged to engage with officials at the Scottish Government's Energy Consents Unit at the pre-application stage and before proposals reach design freeze.

5.6 When finalising the EIA report, applicants are asked to provide a summary in tabular form of where within the EIA report each of the specific matters raised in this scoping opinion has been addressed.

5.7 It should be noted that to facilitate uploading to the Energy Consents portal, the EIA report and its associated documentation should be divided into appropriately named separate files of sizes no more than 10 megabytes (MB).

James McKenzie

Scottish Government Energy Consents Unit
29 January 2025

ANNEX A

Consultation

List of consultees who provided a response.

- 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.

See Section 2.4 above for a list of organisations that were consulted but did not provide a response.

ANNEX B

Responses

See following pages.

Patron His Majesty The King

Bringing horses and people together

The British Horse Society Scotland
Suite A3
Stirling Agricultural Centre
Stirling FK9 4RN

Email catriona.davies@bhs.org.uk
Website www.bhs.org.uk
Tel 02476 840749
Mob 07757 258712

By email to: EconsentsAdmin@gov.scot

9th December 2024

Dear Sir/Madam,

Re: Request for scoping opinion for proposed Solar Farm & Battery Energy Storage System ECU00004815

Thank you for the opportunity to respond to this request for scoping opinion. The British Horse Society (The BHS) represents the interests of the 3.4 million people in the UK who ride or who drive horse-drawn vehicles and is the largest and most influential equestrian charity in the UK. The BHS is committed to protecting and promoting the interests of all horses and the people who care for them through our work in education, welfare, safety and access.

Outdoor Access
Access to safe off-road riding routes is vital to the health and wellbeing of horses and their riders. Under the terms of the Land Reform (Scotland) Act 2003, equestrians have the same rights of access to the outdoors as other non-motorised users, such as pedestrians and cyclists. Equestrian use should therefore be included when planning and designing solar farm proposals. Considering all access takers, including equestrians, in the early stages helps to avoid problems down the line and ensures that projects like this are an opportunity to preserve and improve access for all, rather than curtail it or restrict it to certain groups.

I am pleased to note the applicant has recognised Core Path 12, which runs through the site from Oldhamstocks to Springfield and on to Bilsdean. The applicant should also note it is likely the public also exercise their access rights on informal routes along field boundaries and through woodlands within the site and the surrounding area. Consideration should therefore be given to how access will be managed both during the construction phase and when the solar farm is operational. The creation of tracks within solar farms can be an opportunity to improve outdoor access and provide the local community with additional amenity, especially if tracks can offer circular routes for walkers, cyclists, horse riders and others. Obstructions to access like cattle or deer grids and locked gates with no side gate should be avoided.

The BHS is here to help and can provide guidance on suitable surfaces and infrastructure to accommodate equestrians and other access takers. We would be very willing to work with the applicant on these aspects.

The Importance of Off-Road Riding
Access to safe off-road riding routes is vital to the health and wellbeing of horses and their riders. Equestrian road users are classed as vulnerable as they are more likely to be involved in a road accident and more likely to suffer the worst consequences.

Most riding accidents happen on minor roads and with increasing numbers of horses and riders seeking to access the countryside, adequate access to off-road riding should be a priority, especially in rural and semi-rural areas, and areas of high horse ownership, like East Lothian. Few riders access busy roads by choice (although the horse has as much right to be on public roads as cars, bikes and pedestrians) - but they often have few other places to ride or no other way to access their safe off-road riding.

The following statement in Section 10.2.2 U220 DUNGLASS ROAD of the applicant's Scoping Report gives me cause for concern:

"...it is advised that due to the lack of physical infrastructure (footpaths/cycle paths) along this route, non-motorised users should assess the safety risks and take extra caution whilst using this route."

The applicant seems to imply that as there is no separated path, it is up to the non-motorised users to exercise additional caution. However, the Highway Code hierarchy of road users (Rule H1) is clear that those in charge of vehicles that can cause the greatest harm in the event of a collision bear the greatest responsibility to take care and reduce the risk they pose to others. Therefore, it is the drivers of vehicles travelling to and from Springfield, who are likely to meet equestrians and other vulnerable road users on the road, who should be advised to take extra care, especially when there is no separated path for non-motorised users.

I hope the applicant's Construction Traffic management Plan will reflect the Highway Code and Rule H1 hierarchy of road users. I have enclosed a copy of our *"Guidance to drivers of large vehicles"* document for their information.

The Horse and the Rural Economy

Scotland's equestrian industry is worth over £300 million to the Scottish economy annually. This figure excludes the value of the horse racing industry, which is worth a further £300 million. East Lothian is an area of high horse ownership, so equestrianism is an important part of the rural economy. Recent joint research between SRUC and The BHS showed current trends in the sector point to a continued increase in horse numbers and riding activity in all geographical areas of Scotland and across a wide cross section of society, leading to growth in the sector.

A national survey of riders who had recently given up their horse found that 27% of them had done so because they had lost access and had nowhere to ride. Failing to accommodate horses on our local path networks may lead to riders being forced to give up their horses, which in turn may damage the local economy.

I trust that the above information is of assistance. If you have any questions or would like to discuss the needs of equestrians further, please do contact me.

Kind regards,

REDACT

Catriona Davies
Scotland Access Officer
The British Horse Society

Our ref: CONS/GOV/2024 Springfield

Your Ref: ECU00004815

Date: 7 January 2024

Monica Patterson
EXECUTIVE DIRECTOR
(SERVICES FOR
COMMUNITIES)

John Muir House
Haddington
East Lothian
EH41 3HA
Tel 01620 827827
Fax 01620 824295

Sent via email to Econsents_Admin@gov.scot
Cc James McKenzie James.McKenzie@gov.scot

Dear Sirs,

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR SPRINGFIELD SOLAR FARM AND BATTERY ENERGY STORAGE SYSTEM

I refer to your request of 18 November 2024 January 2022 for the comments of this Council on items to be included in the Scoping Opinion given in response to a request by Voltalia UK (the Applicant). You asked for our comments by 10 December 2024 and subsequently agree to extend this to 7 January 2025.

Please find our comments annexed below. These comments are made purely for the purposes of helping to prepare the Environment Report. They are given without prejudice to any comments or position the Council may take on any application that is made in relation to this proposal.

If you would like to discuss the contents of this response, please contact in the first instance J Squires via email at jsquires@eastlothian.gov.uk .

Yours sincerely,

[REDACTED]

Keith Dingwall
Planning Service Manager
Development
Communities

Springfield Solar Farm and Battery Energy Storage System – Scoping Response East Lothian Council

1. The proposal is located on land approximately 50m north of Oldhamstocks at its closest point, though the closest proposed infrastructure is at a greater distance from the proposal. The site is approximately 184 hectares. The site is entirely located within East Lothian. The proposal is for construction and operation of a ground mounted solar PV development with a generating capacity of up to 165MW, and a Battery Energy Storage System (BESS) with capacity of up to 150MW.

Approach to EIA

2. The Scoping Report in Sections 3.3 Approach to EIA and 3.4 Assessment methodology give an broad overview of the approach to be taken in the EIAR.
3. Table 3.1 sets out how the sensitivity of the receptor will be viewed. This table is not all that clear; a receptor is 'medium' if it has 'some' environmental value. This implies anything above no environmental value. Yet, the category below, 'Low' includes items with 'low' environmental value. It also includes receptors of local importance. It is likely that these would have at least 'some' environmental value, and some may have high environmental value, so it is unclear why this would be included in the 'low' category. This is also the case with receptors of regional importance, which also may be considered highly sensitive, depending on their nature. Table 3.3 on identification of significant effects appears reasonable however.
4. The Scoping Report states (para 2.1.2) that a further substation is planned by the network operators. Further details of this are stated to be included in a separate planning application. It is not clear if this is part of this proposal or not. The grid connection is also not mentioned. This is an essential part of the development as without this the electricity cannot be exported or used. For this and any other components that are an essential part of the proposal, information should be included in the EIAR. Once a proposed solar farm is consented, there is less scope for alternatives for the grid connection. To get the best solution for the enviro nment, it is therefore important that they are considered together, including to allow members of the public full information on which to base any comments they may have.
5. The Council has previously accepted separate Environmental Impact Assessment Report (EIAR) reports for an offshore windfarm and the onshore works. However, if this approach is taken there must be a clear link within this EIAR as to where the information on the grid connection can be found. The information on both must be available to the public to allow them to comment timeously on these works. In addition, it may not be appropriate to treat the impact of any works to create a grid connection as cumulative impacts with these works, as they are all part of the same project. It is our strong preference that one EIA Report covers the whole project.
6. The EIAR will include a Non-Technical Summary (NTS). The average reading age for adults in Scotland is 9-11 years old. The NTS should aim to get as close to this as possible. There is advice on this on the Scottish Government website: https://servicemanual.gov.scot/creating-content/readability#:~:text=The%20average%20reading%20age%20for,11%20years%20old%20to%20understand.

7. The Council is required to to publish the EIAR on its Planning Online website. The limit for uploads to this is 10MB. If a document exceeds this it would be helpful if it could be divided into separate files of this size or below, clearly named with their contents. No personal information that we cannot publish should be included. This includes home addresses, private email addresses, and photographs of recognisable people or car numberplates.

Description of the development

8. Schedule 4.1 of the above regulations notes the EIAR should include a description of the development. This should include the location of the development and its physical characteristics.

9. The applicant gives a location map which shows the location of the proposal itself. This map does not show the location of means of access to the site, nor means of grid connection. Both of these are important parts of the project and must be included in the description. Any alterations to the road network or consequent alterations to the electricity grid should be shown. If the details are not known now, this could be included as a worst case scenario ('Rochdale Envelope') approach, or if the EIA processes are carried out separately, by clear reference as to where this information can be found. Impacts from the different parts should be considered together (as of one project) and not cumulatively with each other.

10. The Scoping Report notes the various components of the development and these should be included in the description of the development. Information should include colour, logos, materials and dimensions of all items. Any proposed lighting for any purpose should be included. Any engineering works required such as platforming should be detailed. Treatment and location of any areas of hard surfacing and landscaping should be included.

11. Any woodland on site should be shown and described. If any woodland removal or replacement planting is proposed the areas of removal and the proposed location and composition of replacement woodland should be shown. National Planning Framework 4 Policy 3 requires that for major and national developments, the proposal should enhance biodiversity so that it is an a demonstrably better state than without the intervention. Significant biodiversity enhancements are expected under this policy, and proposals for this should be included in the description of the project.

12. Residues and emissions that should be considered include noise, dust, and accidental emissions of contaminants. Waste should be considered, in particular the impact of decommissioning and disposal of material at the end of life of the project. This should include the potential for removal of all parts of the proposal including on or under-ground elements. The main impacts of disposing the material in a reasonably foreseeable way should be considered in the EIAR. If soil is to be removed off site this is likely to be considered as waste and this should be reported. The Council does not agree that waste should be scoped out as stated in 12.8.

2. Reasonable Alternatives studied by the developer

13. Schedule 4 (2) of the above regulations requires a description of the reasonable alternatives studied by the developer and the main reasons for selecting the chosen option. Where other

technologies or locations were considered this should be included. If any materially different designs for the proposal at this general site were considered this should be included.

3. Current Environment (Baseline) and 4. Description of factors likely to be significantly affected by the development 5 Forecasting methods or evidence

14. The Scoping Report notes baseline studies and proposed assessment for for EIA topics, and comments on this are included below.

Population and human health

Noise

15. Adverse effects of noise during construction would be limited to a temporary period of time, the duration and extent of which would be typically secured by limited working hours set out in appropriately worded planning conditions, and within a Construction Environmental Management Plan (CEMP). Construction noise will however be assessed as per guidance contained in BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise
16. During the operational phase of the Development, low levels of noise can be generated by the electrical systems such as the coolers for the battery storage modules, inverters and transformers. The closest sensitive receptors are located at Birnieknowes (approximately 100 m to the northwest), Cockburnspath (approximately 2 km to the east), Thorton (approximately 1 km to the north) and Oldhamstocks (approximately 50m to the south).
17. A Noise Assessment will require to be submitted with the application to inform on potential effects. This should involve a background noise survey at Noise Sensitive Receptor locations to determine background noise levels and modelling of noise due to the Development, in order to provide an analysis and assessment to BS 4142:2014 standards. Should significant noise impacts be identified, design input and further mitigation should be provided to ensure the Rating Level, LArTr, of noise associated with the operation of the proposed facility when measured at least 3.5m from the façade of any neighbouring residential property in freefield conditions, shall be no more than 5dB (A) above the background noise level, LA90,T. All measurements to be made in accordance with BS 4142: 2014+A1:2019 “Methods for Rating and Assessing Industrial and Commercial Sound”.
18. The Council requests that details of Noise Sensitive Receptors to be included in the assessment are agreed with our Environmental Health service prior to the assessment being undertaken.

Recreational access

19. Recreational access is important for supporting human health as well as appreciation of landscape and biodiversity. There appears to be only one reference to the core path network, in paragraph 12.6. which refers to the core path going through the site. Impacts on this route during the construction phase are mentioned, with the Scoping Report stating the applicant will mitigate this. There is no mention of the visual impact of the solar farm for people walking the core path, which currently runs through a remote rural landscape. Without knowing the design, height, orientation, &c of the proposed solar panels it is difficult to know if there would be any views remaining from the core path when walking the section through the solar farm. Fencing

either side of the core path would completely change its character, in addition to there being solar panels on either side of it. Assessment of the impact of the project on the experience for users of the core paths in the area should be included in the EIAR.

20. It is proposed that the project will have fences around it. The land is currently a mix of arable and grazed fields. As such access rights under the Land Reform (Scotland) Act 2003 would apply to all field margins, grass fields, farm tracks and stubble, etc.There would also be a fence on either side of the core path. This implies that public access would not be available within the are of the solar farm. This is an enormous area of land where people currently have a right to walk, sledge, horse-ride, cycle, etc. Our Access Officer can see no provision within the access legislation for access rights to be suspended in the area used as a solar farm.
21. Although this may be considered to be a remote site and possibly not a lot of people walk on the land where the solar farm is proposed, the rights still exist and should not be denied. The EIAR should include assessment of the impact of this proposal on public access. This should include a description of provision for access and recreation, as well as any restrictions proposed. This could be covered in a Recreation and Access Management Plan, but should include information on whether the public will allowed access through the fences via pedestrian gates; will field margins remain available for people to walk; will people be allowed to walk under the panels; is a path network included in the design.
22. Figure 1.2 shows the layout of the proposal and it appears that there is no fencing around the panels in fields 1,2,3 and 4. It is not clear why fencing not considered necessary there, yet it is proposed around all of the other areas of the proposal.
23. There is a potential for an enormous amount of disruption to public access in the area which needs careful consideration. The Council does not agree that this topic should be scoped out.

Economic effects

24. The Council's Service Manager – Economic Development advises that potential negative impacts on the local economy and the cumulative impacts of local developments should be fully considered by the applicant. He considers that the construction and presence of the project is likely to be detrimental to local business/tourism in the area, and that it is unlikely that opportunities during construction and operation would outweigh this. There is significant land take, and it is important to consider the impact on availability of productive agricultural land. Cumulative impact should include all other planned or likely development in the area. This topic should therefore not be scoped out.

Biodiversity

25. There are two Local Biodiversity Sites within 2km of the centre point of the site, and these should be considered in relation to connectivity to the applicant site, as well as any sites within the area which would have a likelihood of a cumulative impact.
26. The scoping out of wintering bird surveys for Pink Footed Geese is acceptable. However given desk based records of other qualifying interest species such as curlew wintering bird surveys for these species should be carried out. It is not clear from the information given what habitat is needed by these birds, or what other pressures there may be on them, or how important this area is for these birds. As a precautionary approach wintering surveys for Firth of Forth qualifying species that may use the area should be carried out, as well as for herring gull which is qualifying species of the St Abbs to Fast Castle SPA and could range here.
27. The Scoping Report notes use of only the NBN Gateway to gather evidence of European Protected Species. Records of Badgers within 2km of the centre of the site have been missed during this process and so a more robust desk-based study should be provided to explore the connectivity and impact on local notable species. The Wildlife Information Centre (https://wildlifeinformation.co.uk/) is the local record centre for the area and the Council

would strongly recommend that this is used. No search for European Hedgehog has been conducted in this scoping report and this should be included in the EIAR. This area is almost entirely made up of agricultural land (intersected with other priority habitats such as Ancient Woodlands. Brown hare should therefore be included in record search, and the planned ecological surveys.

28. If a Habitat Management Plan (HMP) is required to mitigate significant effects, this should be included with the EIAR. Where the HMP is draft, it should be specific enough that it is clear what this mitigation involves and to identify any significant impacts of the HMP itself. It should be made clear what measures are mitigation and what are enhancement, either in the HMP or elsewhere.
29. There is mapping on habitat networks available on Scottish Environment Web at https://map.environment.gov.scot/sewebmap/ (Integrated Habitat Network layers) and also the Council's Green Network Strategy which may be useful for assessment.

Alignment with HRA and other matters

30. Section 36 of the Electricity Works regulations requires that where there is also a requirement to carry out Habitat Regulation assessment, these assessments should be coordinated. As a minimum therefore the Council considers the EIA should refer to whether or not Habitat Regulation assessment is required, and if so where this information can be/will be found.

31. The East Lothian Biodiversity Action Plan is at the start of the process of review, and consultation is expected on this shortly. Documents will be placed on the East Lothian Consultation Hub at https://eastlothianconsultations.co.uk/ once this starts. This should be referred to if available.

Land and Soil

32. The Scoping report in Section 9 notes there is no peat shown on the 2016 Carbon and Peatland Map on this site. The Council has data from a Phase 1 habitat survey carried out in the late 1990's, which shows some areas of wet woodland habitat within the site. This habitat can sometimes be peat forming. A map is appended below.
33. The Council is not aware of any specific contaminated land issues. We note that a Contaminated Land Desktop Study is to be included in the EIAR, and this will inform any requirement for an intrusive site investigation and subsequent geo-environmental assessment.
34. The majority of the site is located on land that is class 3.2 agricultural land according to John Hutton Institute mapping, though some to the northwest part is class 3.1 which is considered prime. There are also two small parts which are class 6.1 which the best rough grazing. The EIAR should consider the effect on use of soil for agricultural purposes. This should take into account potential effects of unavoidable climate change, which may have the effect of improving the range of crops that can be grown on some land (e.g. land which is currently class 3.2 may become 3.1 over the life of the proposal). Prime agricultural land should be the focus however the EIA should consider if the land of lesser quality is culturally or locally important for food production.
35. Sites designated for geology (some SSSI's, Geoconservation Review Sites, Local Geodiversity Sites) are not mentioned in the Scoping Report. It is unlikely any of these sites would be affected by the proposal, but a brief note that they have been considered should be included.

Water (including hydrology)

36. Flood risk and effect on water resources have been scoped out for the operational stage as the applicant has committed to all land temporarily disturbed during construction will be restored to pre-construction condition. The Council considers this may be premature. It appears that there could be changes to the speed at which water leaves the site due to the presence of solar panels, tracks and surface treatment for the Battery Energy Storage, and potential changes to topography. East Lammermuir Community Council has noted in a response copied to us that fields within the area flood annually in winter and affect road infrastructure. They also raise concerns about proximity of the BESS to a watercourse with regard to potential accidental pollution, and the Council agrees such matters should be considered.

37. There is anecdotal evidence that peak flow has increased in recent years in watercourses draining the eastern Lammermuirs. The applicant should show, in line with NPF4 policy, that there is no increase in risk of surface water flooding to others, and that all rain and surface water is managed through SUDS. Information on how this will be done should be included in the description of development. If there is potential for the scheme to alter the amount or rate of water leaving the site in the operational stage assessment of this should be included in the EIAR.

38. The locations of private water sources is not public information for health and safety reason, however the Council's Environmental Health Service can supply this separately. The impact on private water sources and supplies should be considered. There are some properties on private water supply in the general area though due to topography these appear to be unlikely to be affected by the proposal. This should be checked with the Council's Environmental Health and Protection Service however, as no response has been received from the officer on this matter.

39. The Council notes that the applicant will consult further with SEPA and Scottish Water for details of any water supplies that could be impacted by the proposed development. The identification of potential groundwater dependent terrestrial ecosystems through NVC survey is also noted.

40. Thorntonloch is a designated Bathing Water. Given there is some connectivity to this via the Ogle Burn and potentially Dunglass Burn, this should be referenced.

Climatic factors

41. Generation of renewable energy generally displaces fossil fuel generation, which averts carbon dioxide emissions. However, there will be emissions from construction of the proposal. As the grid decarbonises, the climate benefits in comparison to grid mix will reduce. The Scoping Report at section 12.1 proposes to scope out climate effects. This is done on the basis that lifecycle greenhouse gas emissions to inform NPF4 found this development type will have an overall positive impact. The Council does not agree with this approach. The climate is a highly sensitive receptor. Although the impact of the particular project on the overall picture is negligible, impact on climate is one of the main reasons for support of renewable energy. It is therefore important to have an assessment of the impact. This should include a lifecycle greenhouse gas assessment for this proposed development in particular, including decommissioning. IEMA guidance on assessing greenhouse gas emissions may be useful: https://www.iema.net/articles/iema-publishes-updated-eia-guidance-on-assessing-ghg-emissions

Material Assets and cultural heritage

Heritage:

42. In terms of the Historic Environment the proposed methodology is generally acceptable. However, there should be stronger emphasis on the potential for unknown archaeological remains.

43. This area has a high level of known remains either in or immediately adjacent to it and has seen little in the way of disturbance from modern development which gives it a high potential for unknown remains of significant scale and importance to be potentially impacted upon. Additionally, the proposal area is located on an ancient raised beach/ dune system (this does not seem referenced in either the geology or the Historic Environment section) and the impact upon this should be assessed. From other areas of raised beach around East Lothian there is significant prehistoric activity including multiple burial sites (cist burials) which are not readily apparent. The raised beach should also be assessed as part of the setting impact the general area is known to have been exploited during the Mesolithic period and nationally important settlement for artefact scatterers have a high potential for this area.

44. Setting impacts should include assessment to, through and from assets and for the Garden and Designed Landscape and Conservation Areas this should therefore include multiple viewpoints.

45. Although the results of assessment of unknown archaeology are not known it is likely that there will be a significant programme of archaeological works required to offset direct impacts and there may well need to be redesigns of the scheme to avoid significant setting impacts once the full assessments have been undertaken.
46. In terms of the Historic Environment this proposal has the potential to have significant adverse impacts as it is located in a highly visible area which does not contain any modern industrial infrastructure and its introduction will change the historic feel of the area. It also lies in an area of considerable archaeological interest as evidenced by the known remains and the potential for unknown remains.

Local Road network

47. The Scoping Report covers traffic and transport in Section 10.
48. The Council would expect there to be significant effects on the local road network as a result of the construction traffic associated with this proposed development. There would also likely to be significant effects in relation to the decommissioning of the project, albeit to a lesser extent than the construction phase. The Council accepts that the operational phase would generally result in relatively low traffic impact levels. On this basis, we accept that the most significant effects of this development in relation to traffic and transport would generally be short term and temporary in nature.
49. It is noted that the applicant intends to undertake a Transport Statement to assess the impacts of the scheme – this is welcomed as an addition to the Traffic and Transport EIA chapter and the Council would request early dialogue with regards to the potential mitigation measures that could be employed during the construction phase.
50. The assessment methodology covered in the Scoping Report to be based on first principles for the trip generation, which is acceptable.
51. The reference to NPF4 and the East Lothian Local Development Plan (2018) is welcomed. The EIAR should also refer to and consider The Council's *'Transport Infrastructure in New*

Developments guidance' (see link: Transport infrastructure in new developments | East Lothian Council).

52. Given the constraints of the local road network whereby it is not possible to accommodate two-way movements of construction traffic for the full route to the various likely access points into the site, mitigation measures will be required and these are likely to be in the form of passing places, localised road widening, temporary traffic control at specific locations, the use of sections of haul roads and traffic management measures. These measures should be set out in a Construction Traffic Management Plan - a draft of this should be submitted with the planning application and a final version to be secured through a relevant planning condition. Any necessary changes to the road network should also be included in the description of development.
53. Consideration should be given to the effects of the proposals on all road users including pedestrians, cyclists and equestrian given the rural nature of the site.
54. We would expect all approved developments within at least a 5km radius, or beyond this whereby significant traffic routes past the vicinity of the site, to be included in the cumulative assessment.
55. Swept path assessments for the typical construction vehicles expected will be required for all construction routes and consideration given where appropriate to passing places, junction visibility and forward visibility to facilitate the swept path movements.
56. Dilapidation surveys and a commitment to repair damage to the road network as a result of the construction traffic associated with the development will be required.
57. Road Safety Audits will be required where there are significant changes to the layout and operation of the road network proposed to mitigate the impacts of the development.

Landscape

58. The proposal is for a Solar Farm covering 184 ha of agricultural land over 20 fields to the north of Oldhamstocks for a period of 40 years. It will constitute rows of above ground mounted solar panels with maximum heights of approximately 3.2m set at an angle of between 10 and 25 degrees facing south. It includes substations covering an area 80m x 120m total to the north of the development area. An area 245m x 68m for Battery Energy Storage (BESS) adjacent to the proposed substation is also proposed.

59. As described in chapter 5 of the Scoping Report the site lies within a transitional landscape of undulating small hills between the north-eastern end of the Lammermuir Hills and the sea. The majority of the area lies within the Innerwick Coast – Coastal Margins Landscape Character Area (LCA) with the southern and western sections within the Eastern Lammermuir Fringe – Upland Fringe LCA. The western section is also located within the Monynut to Blackcastle Special Landscape Area. Field 12 to the south is located within the Oldhamstocks Conservation Area, although no solar arrays have been indicated in this field at present. The wider site also lies adjacent to the Oldhamstocks Conservation Area and the Dunglass Garden and Designed Landscape.

60. Given the large area of the proposals and extension within and adjacent to a number of designated landscape sites the proposed development has the potential for creating significant landscape and visual effects. It has the potential to create a solar farm landscape in this area.

61. In addition to the visual information proposed, it would be useful to have individual bare ground and woodland and building screening ZTVs produced for development within each individual field. This would enable a fuller understanding of the specific areas of visibility of different proposed areas of development.

62. A 2km study area would be acceptable within East Lothian, however Scottish Borders Council may wish a wider study area given the potential for significant visibility of the proposals to the south up to 3km.

63. The scoping report at 5.4.1 states that "The primary reference is Guidelines for Landscape and Visual Impact Assessment, 2013 (GLVIA3) as clarified by Landscape Institute Technical Guidance Note (TGN) 05/23 (draft)". The TGN 05/23 (draft) was replaced by LITGN-2024-01 in August 2024.

64. In 5.4.4 the Scoping Report notes that "The viewpoints have been selected to represent views from a range of distances, directions and receptor types (landscape character, visual receptors, specific viewpoints known for their valued views, visitor destination and designated landscapes) in the proposed 2km study area". We agree with this selection but would like the inclusion of the following additional viewpoints.

Additional viewpoints:

- Rail crossing at junction opposite Thorntonloch access (coastal Special Landscape Area, A1 and rail users) (grid ref 374168.774, 674327.049). Open views over agricultural land to hills beyond. The hills form the backdrop to views inland from the coast.
- Northwest corner of site within Special Landscape Area (grid ref 373757.203, 671829.549). Different direction of view to VP7.
- Edge of Special Landscape Area at road junction and field entrance on main egress from Oldhamstocks (grid ref 374304.074, 671093.057). Raised elevation with views opening out over agricultural land to the coast to northeast and woodland of design landscape to east. Looking from the Eastern Lammermuir Fringe LCA into the Innerwick Coastal Margin LCA.
- Entrance to Oldhamstocks at field entrance (grid ref 374247.960, 670766.849). Impact on setting of village, special feature of Special Landscape Area.
- Setting of Conservation Village of Oldhamstocks, special feature of Special Landscape Area (grid ref 373652.234, 670561.895).

65. The cumulative study area should be wider than 2km. There are a number of wind farms that the development could have a cumulative impact with including those at Hoprigshiels just beyond 2km and Aikengall beyond 3km. Cumulative assessment should also include any developments at planning and scoping stage.

66. Insufficient information has been provided at 5.4.7 to define 'sufficient offsets' for the properties surrounded by the development to show that these properties will not experience a high magnitude of visual change such as to not require a Residential Visual Amenity Assessment (RVAA). In addition it states that it is atypical for properties at 100m from the proposed development area to reach the RVAA with no evidence to support this. The technical guidance note referred to states at 3.1 that "RVAA requires assessors to draw a conclusion whether the effect of the development on visual amenity and / or views from the property reaches the Residential Visual Amenity Threshold and should provide a transparent, objective assessment, grounded in GLVIA3 principles and processes, evaluating and assessing the likely change to the visual amenity of a dwelling resulting from a development". We require that this form part of the Landscape and Visual Impact Assessment with a RVAA for at least the properties surrounded by the development (those at Oldhamstocks Mains and Oldhamstocks Mains Cottages).

67. Visual assessment should not place reliance on existing trees unless they are within the applicant's control or are under a Tree Preservation Order.

68. If lighting (other than during the construction phase) is included night-time visual amenity should be considered.

69. The Council's Landscape Officer supports the approach to mitigation outlined in 5.5.

70. Several questions have been posed at the end of the chapter. These are covered in the details above.

7. Measures to avoid, reduce or offset significant adverse effects, and monitoring

71. The Environmental Report should consider what appropriate mitigation measures are required to compensate for any loss of existing habitats, impacts on quality or physical means of public access experience, the water environment, landscape, and others. A Schedule of Mitigation should be included detailing all mitigation proposed in support of the application. Specific mitigation plans and associated documents as relevant should be included. Sometimes mitigation can result in significant environmental impacts on other receptors, and this must be considered where relevant. For example, if planting is proposed for biodiversity mitigation or enhancement, it may be that impact on archaeology needs to be considered.

Construction Environmental Management Plan

72. The Scoping Report states that a Construction Environmental Management Plan (CEMP) would be produced prior to the construction phase. This is welcomed. However, where the CEMP is relied upon to avoid an effect which may be significant either on its own or cumulatively, the methods to be used should be included in the EIAR so they can be fully considered. For example if silt traps are needed to avoid risk to the water environment, proposals for them should be included in the EIAR.

8. Effects on the environment from vulnerability of the development to risk of disaster or major accidents

73. The Regulations require that effects arising from the vulnerability of the development to risk of disaster or major accidents should be considered. This requirement was brought in following the accident at Fukishima, where the existence of a project made the impact of a bad event worse. The Scoping Report states that given the location, the risk posed by many extreme natural hazards are highly unlikely. However the purpose of this measure was in part to consider events that may be unlikely, but where the consequences could be severe were they to occur.

74. This assessment should therefore include brief consideration of events that are not likely but if they were to occur, effects on the environment would be made worse by the proposal. For example, if an aircraft were to crash into the site, would the existence of the project make the consequences significantly worse? If there was a major incident at Torness Nuclear Power Station, could the presence of the proposal make the effects worse? Another area where it is conceivable there may be effects from disaster or accident is in the interaction of the proposal with the national grid, either from failure of the grid affecting the proposal or vice versa. This

assessment should also consider whether there is anything in the vicinity that could be particularly affected by an accident at the proposal, for example if the BESS caught fire is there anything in the potentially affected area that would be particularly sensitive to this?

75. Section 9.2.4 on unexploded ordnance notes that there is some potential for this to be present. The Scoping Report states that as no groundbreaking will take place at this point of the project further assessment is not deemed necessary. The council does not have expertise on this so is not sure what the worst case could be. However, the reason for not including it, namely that it there will be no effect just now as construction has not started, is not logical. EIA assessment is intended to assess the potential for significant effects of the project as it is constructed and operated. The potential for significant effects from unexploded ordnance should therefore be considered in the EIAR.

76. It may be that there are no such risks, and in that case a brief note to show which potential accidents and hazards have been considered should be included.

Planning Policy Context

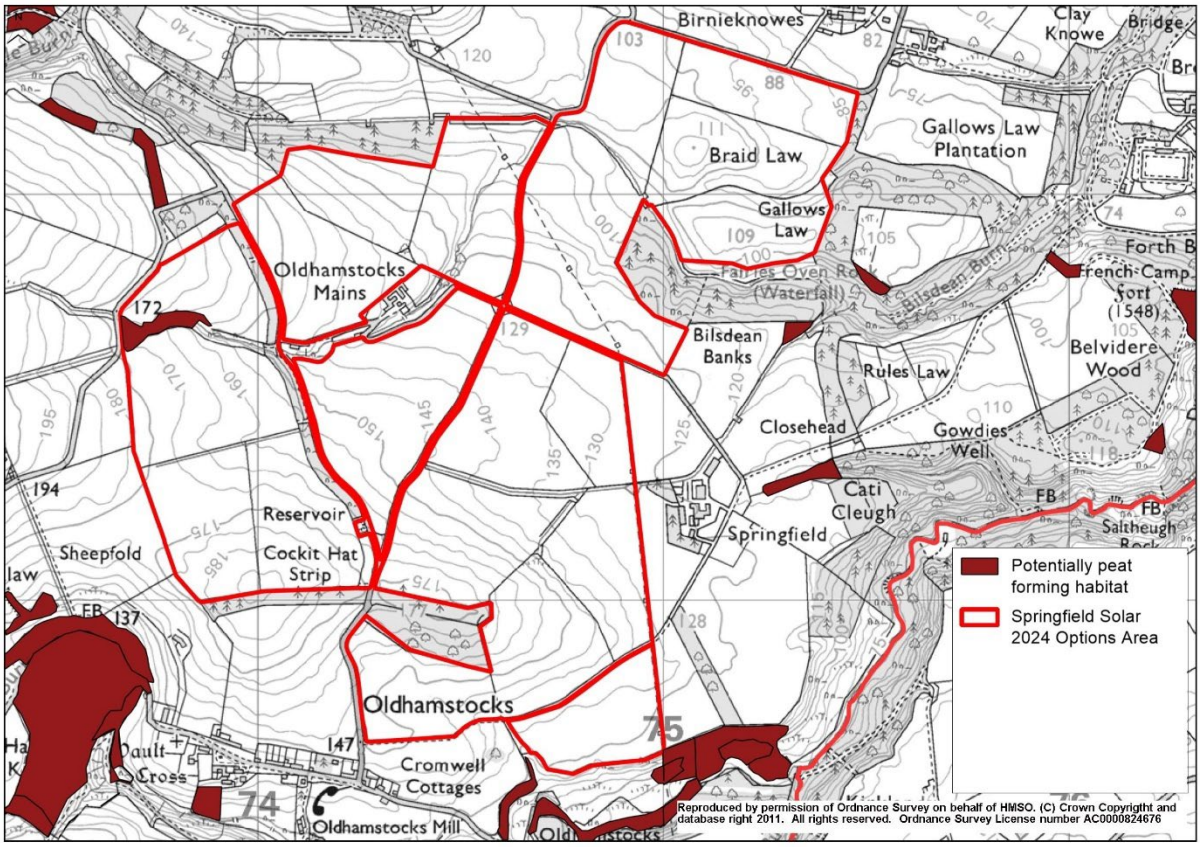
77. The Scoping Report notes that a Planning Statement will accompany the application for consent. The Council welcomes that this is intended to be a separate document from the EIAR.
78. The Council welcomes the reference to the East Lothian Local Development Plan (LDP), though recognising some of its policy may have been superceded by National Planning Framework 4. The Council also welcomes the consideration of the East Lammermuir Local Place Plan.
79. In addition to the LDP, some supporting technical documents are available on our website, here: https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12242/local_development_plan . These contain some environmental information which may be useful. East Lothian Council has produced the following Supplementary Planning Guidance which may also be relevant:
    - Countryside and Coast
    - Cultural Heritage and the Built Environment
    - Green Network Strategy
    - Special Landscape Areas
    - Sustainable Urban Drainage

    These documents may be downloaded from this link: https://www.eastlothian.gov.uk/downloads/download/13103/supplementary_planning_guidance_spg . The Council has also recently adopted its Tree and Woodland Strategy, which should be referred to. This is currently available with cabinet papers at https://www.eastlothian.gov.uk/meetings/meeting/17106/cabinet

Community benefits

80. Community benefits should generally be treated separately from the planning process. Unless community benefit are likely to give rise to significant environmental effects covered by the regulations, it would be our preference that information on this is not included in the EIA.

APPENDIX



Map of potentially peat forming habitat at and adjacent to site, from Phase 1 habitat survey carried out in late 1990s.

(ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR SPRINGFIELD SOLAR FARM AND BATTERY ENERGY STORAGE SYSTEM

On 29 October 2024, Voltalia UK (the Applicant) submitted a request for a scoping opinion from the Scottish Ministers for the proposed section 36 application for the Springfield Solar Farm & Battery Energy Storage System (BESS). The proposed development is for solar photovoltaic panels and battery energy storage located in the planning authority area of East Lothian Council, in line with regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

Under regulation 12, Scottish Ministers are required to provide a scoping opinion outlining the information they consider should be included in the EIA report.

Ministers are also required to consult the relevant consultation bodies and this document is the response to that consultation from East Lammermuir Community Council.

East Lammermuir Community Council wishes to make the following ten requests for inclusion in the Environmental Impact Assessment for any planning application in relation to the Springfield Solar Farm & BESS

1. Alternative sites

“Paragraph 5(2)(d) of **The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017** requires that the Environmental Impact Assessment Report (EIAR) includes a description of reasonable alternatives studied by the Applicant. The alternatives considered were those which are relevant to the development and its specific characteristics. Further considerations included an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.”

There is no evidence of research into any alternative site selection being carried out. This must be included in any final EIA.

2. Cultural significance

NPF4 Policy 7 requires an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change. This appears to be absent from the current EIA proposals and must be included, requiring detailed engagement with the local resident population to properly understand the cultural significance of the place.

3. Cumulative effects

The EIA must take full account, in all of its parts, of the cumulative impact with the following planned and or consented developments

- Eastern Green Link 1
- Branxton Substation
- Closure and restoration of Valencia Landfill at Oxwellmains
- Quarrying at Dryburn (Tarmac Cement)
- Defuel and decommission of Torness Nuclear Power Station
- Branxton BESS
- Lawfield BESS
- Braxbess BESS
- Island Green UK Solar & BESS
- Aikengal BESS (called Redstone)
- 132 kw connection contracted at Branxton Substation for Rabbit Marketing Ltd
- Onshore works for Berwick Bank Offshore Wind Farm
- Repower of Crystal Rig 1 Windfarm
- Crystal Rig Solar
- Newlands Hill Windfarm and Energy Hub

This cumulative impact assessment must explicitly include traffic on the A1, which will be increased by each and every one of the above listed developments.

4. Residential Visual Impact

In addition to the properties within or at the very edge of the development at Oldhamstocks Mains, there is a clear risk of visual impact on residents at Ferneylea, Cocklaw, Hoprig, Woollands and other high settings. In addition to these dwellings the visual impact on residents of Oldhamstocks as a whole must be considered, as the access routes for exercise, leisure, employment or tasks of daily living will generally require those residents to pass through the proposed solar farm. Visual Impact on all of these residents must be assessed within the EIA.

5. Archeology

NPF4 Policy 7 states:

“a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

There is little evidence within the current scoping report that the developer understands the historic assets of this place. There must be a full archeological assessment prior to any work being permitted.

6. Ecology & Ornithology

In addition to the erroneous statement that there are no Badger setts within the proposed site, the EIA must address the very significant scale of the proposed development. There is nothing comparable in Scotland. Efforts must be made to better understand the potential impacts of sealing off and covering over such a large area of land on the resident and migratory populations of flora and fauna in the round, as well as the impact on local wildlife networks which are poorly understood by the proposers.

7. Hydrology

Installing waterproof sloping panels constituting a total surface area of more than 100 hectares will significantly reduce the ability of the land to absorb precipitation, by concentrating the water at the base of each large panel array. Add to this the effect of earthworks conducted to ‘even out’ the gradient of the area, this will concentrate and add to surface water runoff. The proposed development area already floods, and projections of winter precipitation indicate that it will continue to increase year on year. The EIA must clearly assess the potential impacts of flooding on the fields where the panels and BESS are to be installed, the lower ground where water would run to, the Bilsdean Burn, and Bilsdean itself (residential settlement) – along with the mainline railway and the A1 national trunk road. The Dunglass Burn has a water classification of Excellent. The Thorntonloch bathing water site has a classification of ‘Excellent’. These must be protected.

ELCC suggests that local experience is in contrast to the SEPA Flood Map which shows that the Proposed Development is not at risk of river flooding now or in the future. Therefore, a standalone Flood Risk Assessment (FRA) should be scoped in to the EIA Report.

8. Traffic

Voltalia UK were provided with a copy of the East Lammermuir Local Place Plan in June 2024. It is also publicly available, and included on the East Lothian Council's verified list of LPPs. It places a strong emphasis on residents' desire to be able to move safely through the local area; be that on foot, horseback, by bicycle, pushing a buggy, as well as of course in motorised transport.

Within the Scoping Report, the developers seem to have given minimal attention to the minor roads and none to junctions; and are dismissive of non-motorised users.

The cumulative impacts (see point 3 above) and the clear priorities of the Local Place Plan suggest that the proposal should complete a full EIA for traffic rather than simply a Transport Statement (TS) as proposed.

9. Improving community resilience and reducing inequalities

Given the ownership structure and absence of any meaningful discussion about community ownership or benefits to be associated with the proposed development, the socio-economic impact of the development should certainly be scoped into the EIA.

10. Carbon emissions

Carbon emissions during manufacture of solar panels and Battery Storage units, construction and or the maintenance and or demolition or removal have not been adequately considered either in the Developer's EIA report. These are required to be considered within the determining authority's decision to give consent so must be incorporated into the EIA. The calculation of any offset should be based on a realistic assessment of the likely output associated with the proposed solar farm.

We append a detailed set of analyses to underpin these ten key asks.

1.1 Overview

A. **The UK Government guidance on renewable and low-carbon energy** states, “The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines.”

B. **Scotland’s National Planning Framework 4 - Policy 29 b)** states, “Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area.”

2 The Proposed Development

2.1 The Site

Site Selection

NPF4 Policy 5 states:

“b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:

i. Essential infrastructure and there is a specific locational need and no other suitable site.

ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite.

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable.

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.”

A. UK Government Research Briefing **“Planning for Solar Farms”** 20th May 2024 states, “The updated national policy statement for renewable energy infrastructure advises that solar farms should be sited on previously developed and non-agricultural land.”

Under the National scale land capability for agriculture - Springfield Farm is primarily classed as 3.1 with a section classed as 2. Both these categories are regarded as prime agricultural land.

East Lothian Council Spatial Framework Update 2023-24 - “One of East Lothian’s assets are large areas of prime agricultural land including a good proportion of the very best soils in Scotland. With the need to improve food security and encourage more local production there needs to be greater protection of this resource through the direction of future development across the region to brownfield land.”

On 15th May 2024, the **UK Government** stated, “the government is taking steps to strengthen food security as part of the UK’s national resilience. That includes protecting ‘Best and Most Versatile’ (BMV) land, ensuring large solar projects avoid this higher quality land where possible. Instead, they should be developed on brownfield land, contaminated land, industrial land, and lower quality agricultural land so as not to compromise the UK’s food security.”

A previous Springfield farmer is quoted as saying, “We grew the highest quality malting barley for beer and whisky, wheat for feed and biscuits as well as brussels sprouts, turnips and potatoes grown by local producers in a full rotation with grass for cattle and sheep as well as silage for feeding cattle in the winter. We used cow manure from cattle wintering on the land to help with the fertility of the soil and used our straw for our cattle wintering and as a result we’re able to use less fertilisers and chemicals in the crop rotation which was good for the soil…. I was always interested in wildlife and conservation and the farm still has most of its hedgerows and the diverse wildlife every mixed farm has.”

Site Assessment Methodology East Lothian Council LDP2 states, “East Lothian Council acknowledges the very often close and immediate proximity of prime agricultural land to East Lothian settlements. While professional judgement will need to be applied to this matter, the increased loss of prime agricultural land is a significant concern to East Lothian Council and it is also reflected by the inclusion of Policy 5 (Soils) in NPF4.”

B. The proposed site overlaps one of East Lothian Council’s designated Special Landscape Areas.

Local Development Plan – Appendix 2 Special Landscape Areas 4: Monynut to Blackcastle - “Guidelines for Development:

a. Any proposed development must not harm the characteristic features reflecting transition from open upland to enclosed lowland landscape.

d. Any proposed development must not harm views of Oldhamstocks from Cocklaw and core path route 16, and core path route 13 to Woollands

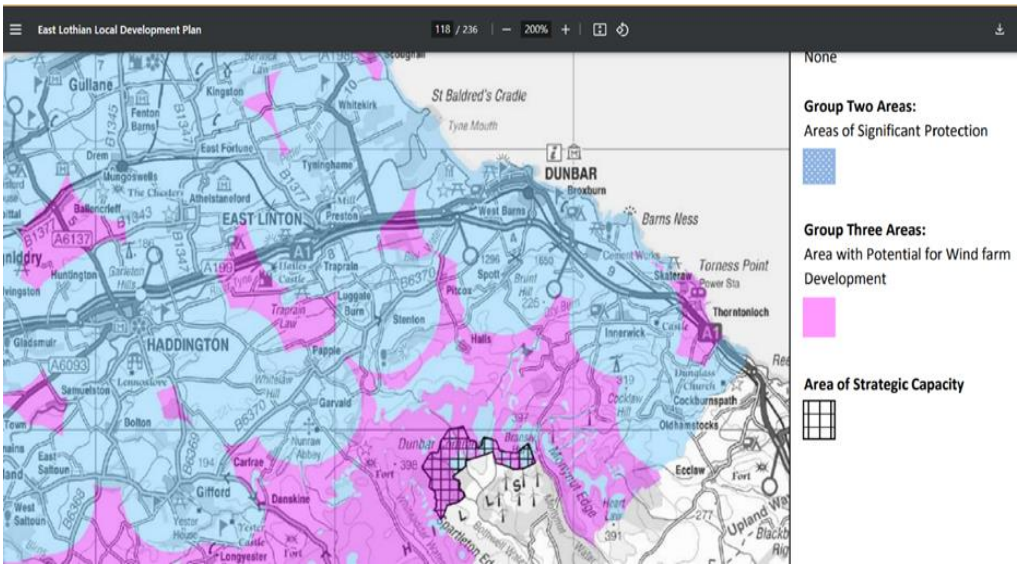
e. Any proposed development must not harm the agricultural character of the area.

g. Preservation against wind farm and wind turbine development spreading off the hill tops and plateau thereby diminishing the individual identity of the landscape character areas and disrupting the sense of contrast between the plateau tops and the fringe landscape.

l. Any proposed development must not harm the existing character of the village of Oldhamstocks and the surrounding countryside. Large, modern development, out of scale with the existing buildings and landscape character would adversely impact the landscape character of the area.

n. Any proposed development must not harm the small-scale rural character of the roads, including characteristic features such as hedges and stone walls, passing places, cattle grids, fords and stone bridges."

C. In the **East Lothian Local Development Plan 2018** analysis of potential Wind Farm Development, it shows the proposed project area as an "area of significant protection."



D. **Generating capacity** - The proposal claims to have a potential peak generation of 164MWp while a comparable proposal gives a more realistic prediction of up to 33MW and a more accurate plan for 27.5MWac. The general rule for solar power generation is approximately 6 acres per MW.

	Springfield Solar	Crystal Rig Solar
Area (h)	184 hectares	131 hectares
Area(acre)	456 acres	323 acres
Estimate of generation	456/6 =76MW	323/6=54MW
No. of panels	50, 000	55, 000
Stated generating	**164MWp?**	27.5MWac

3 EIA Process

A. “Paragraph 5(2)(d) of **The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017** requires that the Environmental Impact Assessment Report (EIAR) includes a description of reasonable alternatives studied by the Applicant. The alternatives considered were those which are relevant to the development and its specific characteristics. Further considerations included an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment.”

It has been ascertained that the applicant had not been in contact with East Lothian Council, Scottish Land Commission or East Lothian’s MP or MSP and had one Microsoft Teams meeting with the Chair of East Lammermuir Community Council to announce the proposal (but with no discussion of alternative sites considered) prior to the consultation event or this Scoping Report being submitted. There is no evidence of research into any alternative site selection being carried out.

4 Policy and Legislative Context

NPF4 Policy 7 states:

“a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

NPF4 Policy 11 states:

“e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:

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.

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."

NPF4 Policy 14 states:

"b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

c) Development proposals that are poorly designed, **detrimental to the amenity of the surrounding area** or inconsistent with the six qualities of successful places, will not be supported.

A. The village of Oldhamstocks is designated as a heritage asset of "medieval agricultural origin" and is designated a conservation area. The proposed area overlaps part of the conservation area.

UK Government Guidance on renewable and low carbon energy states, "great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on

views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large-scale solar farms on such assets. Depending on their scale, design and prominence, a large-scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset."

Scottish Government Advice for planning authorities on large photovoltaic arrays states, "A cautious approach is necessary in relation to particular landscapes which are rare or valued, such as National Scenic Areas and National Parks, together with designed landscapes and the settings of the historic environment."

Oldhamstocks Conservation Area Character Statement, "…the village is set in a broad valley, and the landscape setting of the village is wider than this, extending to the hilltops which surround the village. This wider landscape setting, from which the village derives its form, is important to the character and appearance of the Conservation Area."

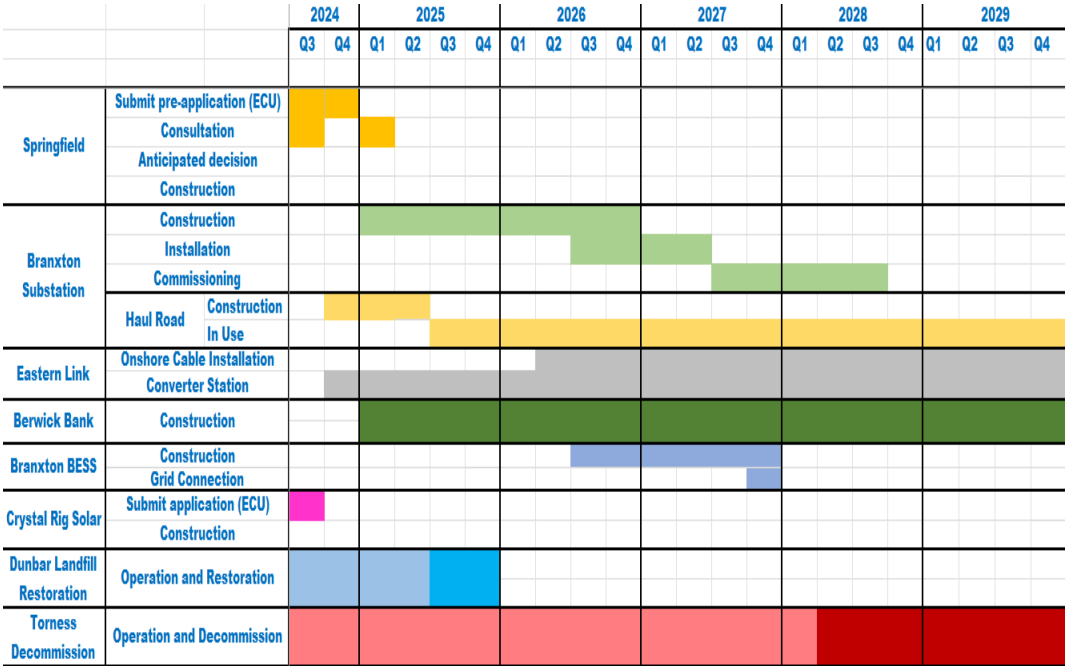
5 Landscape and Visual

NPF Policy 7 states:

"a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change."

The Scoping Report states, "5.4.6 CUMULATIVE ASSESSMENT METHODOLOGY Cumulative assessment will be undertaken to identify impacts arising from the Proposed Development when considered together with other relevant developments in the area. The proposed study area for cumulative effects is 2km."

A. In the next few years, the Oldhamstocks area will experience the completion of the East Green Link 1, rebuild and upgrade to 400kV Branxton Substation, decommission of Torness Nuclear Power Station, the installation of four BESS, further work involving Berwick Bank Offshore Wind Farm, NnG Offshore Wind Farm, the extension of an onshore windfarm and the possible construction of Crystal Rig Solar. Much of this work will be completed concurrently between 2025-2027.



B. On 07/09/2024 speaking about the Council's objection to a windfarm proposal, East Lothian Council Planning spokesperson stated "The county is contributing hugely to the climate change situation already and the capacity of the landscape is limited. It feels to people in East Lothian that we are being asked to take much more than other areas across Scotland. There is a limit to how much our landscape can take, or it will be destroyed completely."

The Scoping Report states, "5.4.7 RESIDENTIAL VISUAL AMENITY Oldhamstocks Mains Farm lies within the centre of the Site and the Proposed Development has been designed with sufficient offsets around the property, taking into account existing screening. Beyond the Site boundary the nearest properties to the Site lie approximately 100m from the proposed development areas. It is atypical for properties at this distance to reach the Residential Visual Amenity Assessment (RVAA) threshold for solar developments, and it is proposed that RVAA is not required."

A. **Visual Impact -** The proposal would introduce long rows of solar panels and associated infrastructure which would have a starkly more utilitarian appearance when compared to the currently unspoilt and open rural qualities of the site. The proposal would detract from the currently pleasant rural scene and erode the qualities of the lower rolling farmed and settled undulating slopes.

   Moreover, with the solar panels extending to 3.2 metres high, it would not be possible to completely mitigate the effects of the development. The regimented arrays of dark-coloured panels would contrast sharply with the

harmonious organic pattern of open fields and appear odd amongst the typical patchwork of green and yellow-coloured fields found in the location generally. This drastic change would become especially acute for users of the Public Rights of Way bordering the site, and also users of nearby public roads on two out of three of the approaches to Oldhamstocks. With the existing topography it will be impossible to screen large areas of the panels from any vantage point.

6 Archaeology and Cultural Heritage

NPF4 Policy 7 states:

“a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

A. Locally, it is known that pre-historic burial kists have been unearthed in fields adjacent to the proposed site by agricultural ploughing. Earthworks may uncover more such historical assets and driving piles to secure the arrays may damage them.

7 Ecology and Ornithology

NPF4 Policy 3 states:

“a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention.”

NPF4 Policy 4 states:

“a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.”

NPF 4 Policy 6 states:

“b) Development proposals will not be supported where they will result in:

i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition.

ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy"

NPF4 Policy 20 states:

"a) Development proposals that result in fragmentation or net loss of existing blue and green infrastructure will only be supported where it can be demonstrated that the proposal would not result in or exacerbate a deficit in blue or green infrastructure provision, and the overall integrity of the network will be maintained."

The Scoping Report states,

"7.2.2.2 BADGER

There are no badger (Meles meles) records within 2 km of the Proposed Development within the last ten years. Both badgers and their setts are protected under the Protection of Badgers Act 1992. Badgers are found throughout most of mainland Scotland, and badger setts are often located in woodland, hedgerows or in dense patches of scrub on steep banks close to fields. However, setts can also be found in open fields, as well as railway embankments, old quarries, rock cavities and landfill sites. The habitat within the Site is suitable for badgers; with hedgerows, woodland and patches of scrub within an arable landscape providing ample habitat for sett building and foraging. Therefore, badger surveys will be required."

A. This assessment is wrong, the charity 'Scottish Badgers' has records of two setts:

NT 74388 70944 - Cockit Hat strip 2015 (within the proposed site)
NT 73963 72237 - between Oldhamstocks Mains and Black Castle Cottage 2020 (near to site)

8 Water Resources and Flood Risk

"8 .3 POTENTIAL ENVIRONMENTAL EFFECTS Given the nature of the Proposed Development and based on the commitment by the Applicant that all land that may be temporarily disturbed during construction will be restored to its preconstruction condition, it is considered appropriate to conclude that there will be no long-term change in the baseline that would constitute a significant adverse operational effect on the water resources and flood risk."

A. Fields within the proposed area flood annually in winter and affect the road infrastructure. Recently one section of a lower field was underwater for months and this is still evident from the marsh plants growing there. Earthworks conducted to ‘even out’ the gradient of the area will add to surface water runoff and projections of winter precipitation indicate that it will increase year on year.

   The BESS is to be sited just above a watercourse that during the winter regularly has difficulty draining the area efficiently. If thermal runaway was to occur, the resulting chemical spillage would be borne by the watercourse.

B. Dunglass Burn is designated a River Valley Network. East Lothian Council stated in 2016 “River valleys are potentially excellent sites, having the combination of aquatic and associated terrestrial habitat, both of which are included in the designation. They can also link habitats that would otherwise be isolated in the countryside.”

C. East Lothian Council’s Climate Change Strategy 2020-2025 states that it will “Work with farmers and landowners to create wildlife corridors and wildflower areas, and to encourage them to undertake habitat restoration.”

   The proposed plan will create huge sterile areas bounded by security fencing with the only transit corridors being the roads.

12 Other Issues

NPF4 Policy 25 states:

“a) Development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities will be supported. This could include for example improving community resilience and reducing inequalities; increasing spending within communities; ensuring the use of local supply chains and services; local job creation; supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets.”

The Scoping Report states, “12 .2 SOCIO-ECONOMICS NPF4 acknowledges the potential for national development of this type to “support jobs and business investment, with wider economic benefits”. In addition, NPF4 states, in relation to national development that: “Their designation means that the principle of the development does not need to be agreed in later consenting processes, providing more certainty for communities, business and investors”. Given the anticipated positive impact of the Proposed Development on socio economic receptors it is proposed that this topic is scoped out of the EIA. Potential visual effects in relation to tourism, recreational routes and receptors will be considered in the Landscape and Visual Impact (LVIA).”

A. There has been no information on any meaningful socio-economic benefits except to the landowner.

Community Engagement

Given that the Standard Security between the developer and landowner, TEC Registration and pre-application discussions were carried out prior to any information being made available to the local community, Voltalia seem to be engaged in active non-community engagement.

As mentioned already the applicant had not been in contact with East Lothian Council, Scottish Land Commission or East Lothian's MP or MSP and had one Microsoft Teams meeting with the Chair of East Lammermuir Community Council prior to the consultation event or this Scoping Report being submitted.

The "consultation event" on 28th August 2024, was not well conducted and several attendees felt that it paid "lip-service" to the term 'consultation.' The population of Oldhamstocks is experienced in asking real questions of proposal developers due to the large and varied number of developments that have occurred over the last few years. This type of drop-in event was basically designed to inform attendees that the solar farm was coming to the indicated area and there would be an application procedure. In short, meeting the requirements of the mandatory "good practice for applications for onshore generating stations" instead of actually meeting the requirements of the community.

There were too many generalised claims, a lack of objective, independently verified answers, misleading visuals and a complete lack of experts to answer technical questions.

When the Community Association approached ERM in advance to organise a more formal public meeting they were refused. We can provide copies of email exchanges to demonstrate this. When 102 residents attended, they were frustrated by the lack of information and vague answers provided.

Paul McLennan MSP and Lyn Jardine, East Lothian Councillor have met with representatives of Voltalia where they impressed on them the importance of working with the community and engaging beyond the statutory 'consultation events'. To date, no further approach has been made by Voltalia to any community representatives.

By email: Econsents_Admin@gov.scot

James McKenzie
Onshore Electricity Policy, Strategic Co-ordination & Consents Division
Energy Consents Unit
Directorate for Energy and Climate Change
Scottish Government

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

Enquiry Line: 0131-668-8716
HMConsultations@hes.scot

Our case ID: 300074923
Your ref: ECU00004815
16 January 2025

Dear James McKenzie

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017
Springfield Solar Farm and Battery Energy Storage System (BESS)

Scoping Report

Thank you for consulting us on this Environmental Impact Assessment (EIA) scoping report, which we received on 19 November 2024. We have reviewed the details in terms of our historic environment interests. This covers World Heritage Sites, scheduled monuments and their settings, category A-listed buildings and their settings, inventory gardens and designed landscapes, inventory battlefields and Historic Marine Protected Areas.

The relevant local authority archaeological and cultural heritage advisors will also be able to offer advice on the scope of the cultural heritage assessment. This may include topics covered by our advice-giving role, and also other topics such as unscheduled archaeology, category B and C listed buildings, and conservation areas.

Proposed development

We understand that the proposed Springfield Solar Farm and Battery Energy Storage System (BESS) project is to be located just to the north of Oldhamstocks, and 7.8km southeast of Dunbar, East Lothian. The project has a potential solar capacity of up to 165MWp, combined with a battery storage capacity of up to 150MW. We note that the proposed development comprises:

- Solar PV modules and mounting structures (with a potential generating capacity of 165MW). Solar panels are to be mounted at a typical height of 0.8m, raising to approximately 3.2m.
- Battery Energy Storage System (with a capacity of up to 150MW)
- Associated infrastructure, access, and landscaping

Scope of assessment

We recommend that the applicant refers to the EIA Handbook for best practice advice on assessing cultural heritage impacts.

We have identified likely significant effects on our historic environment interests. We note that a scheduled monument known as **Oldhamstocks Mains, enclosure 300m NNW of (SM5891)** lies within the development boundary, while many other nationally important heritage assets are located in its close proximity.

Our advice on the likely nature of impacts on heritage assets within our remit, and any potential mitigation measures, are included in an annex to this covering letter. This also includes our requirements for information to be included in the EIA Report.

Further information

Decisions that affect the historic environment should take the Historic Environment Policy for Scotland (HEPS) into account as a material consideration. HEPS is supported by our Managing Change guidance series. In this case we recommend that you consider the advice in the Setting guidance note.

We hope this is helpful. If you would like to submit more information about this or any other proposed development to us for comment, please send it to our consultations mailbox, hmconsultations@hes.scot. If you have questions about this response, please contact Urszula Szupszynska at Urszula.Szupszynska@hes.scot.

Yours sincerely

Historic Environment Scotland

ANNEX

Scoping Report

We are broadly content with the scope and outline methodology of the cultural heritage assessment as set out in Chapter 6 of the supplied Scoping Report. The assessment should be supported by specific visualisations which we provide advice on below.

Scheduled Monuments

Whilst other scheduled monuments have settings that would be impacted by the proposed development, we consider that the greatest impact would affect the following monuments, which comprise four enclosures dating to the prehistoric period.

1. Oldhamstocks Mains, enclosure 300m NNW of (SM5891)

The Asset - This scheduled monument is the remains of an enclosed settlement of prehistoric date whose outer bank was visible as surface undulations in 1966. Cropmarks indicate that the site survives as buried archaeological remains. A single ditch 6m wide encloses a sub-circular area approximately 70m in diameter and is broken by an entrance in the south-east from which a further ditch runs for around 10-15m. This exterior ditch is likely to be part of a stock control or field boundary system contemporary with the occupation of the enclosure. The monument is of national importance because of its potential to add to our understanding of prehistoric domestic organisation and economy.

Setting - Oldhamstocks Mains enclosure is one of several enclosed settlements which are known as cropmark sites in the undulating landscape between Cocksburnpath and Innerwick. The monument sits on a gentle slope looking over the Bilsdean Burn to the north and has a setting that includes the surrounding farmland and views to other broadly contemporary settlement sites. There appears to be intervisibility between the site of the enclosure and Springfield, enclosure 300m NNE Of (SM5892) to the east and this spatial relationship is a component of the monument's setting.

2. Springfield, enclosure 300m NNE of (SM5892)

The Asset – This scheduled monument is an enclosed settlement of later prehistoric date known from a series of cropmarks. A rectangular ditch around 4m wide encloses an area approximately 40m by a minimum of 20m with a possible entrance in the centre of the southern side. Rectilinear enclosures of this type are generally interpreted as representing native settlements of the Later Iron Age or Roman period. The monument is of national importance because of its potential to add to our understanding of native domestic organisation and economic practice in the period of Roman influence in southern Scotland.

Setting - The enclosure is one of three in the immediate environs of Springfield Farm which are all plough-truncated, but together represent a cluster of later prehistoric domestic sites in close proximity. The monument has a local setting and important factors include the spatial relationship of the monument to the other Springfield enclosures. There also appears to be a spatial relationship with Oldhamstocks Mains, enclosure 300m NNW of (SM5891).

3. Springfield, palisaded enclosure and ring ditch 200m E of (SM5893)

The Asset - This scheduled monument is a palisaded enclosure and ring ditch of likely prehistoric date which is known from cropmarks and survives as buried archaeological remains. The enclosure was defined by a palisade which encloses a circular area around 60m in diameter, and while there is no evidence for an entrance, numerous dark cropmarks in the interior may represent the remains of internal and associated occupation deposits. The monument is of national importance because of its potential to add to our understanding of prehistoric domestic organisation and economy.

Setting - The enclosure and ring ditch sit high above the Dunglass Burn and command extensive views over the surrounding landscape to the east and south. The monument is likely associated with two other enclosed settlements in the immediate environs of Springfield Farm which are all plough-truncated, but together represent a cluster of prehistoric domestic sites in close proximity. Key characteristics of the setting of the monument include spatial relationships with the other Springfield enclosures to the north and south and views to the east over the Dunglass Burn.

4. Springfield, enclosure 400m SSE of (SM5894)

The Asset - This scheduled monument is an enclosed settlement of prehistoric date represented by cropmarks and surviving as buried archaeological remains. An oval enclosure is defined by a narrow ditch or palisade some 1-2m wide measuring approximately 60m north-south by 50m east-west. Some slight cropmarks in the enclosure may represent the remains of internal structures and deposits. The monument is of national importance because of its potential to add to our understanding of prehistoric domestic organisation and economy. The particular importance of the monument is enhanced greatly by its association with a series of potentially contemporary enclosed settlements in the vicinity.

Setting - The monument is located on a slight promontory which sits over the Dunglass Burn and has clear views across the burn to the south, south-east and east and a spatial connection with the aforementioned enclosed settlements around Springfield Farm. Key characteristics of the monument's setting include the spatial relationships to the other Springfield enclosures to the north and views over the Dunglass Burn and local landscape beyond.

Our Advice

The proposed development may have a significant impact upon the setting of assets within our remit. Further assessment of this impact will be needed.

We have restricted our comments to impacts upon four enclosed settlements (above) as these would be likely to experience the most significant impacts.

Physical Impacts

Oldhamstocks Mains, enclosure 300m NNW of (SM5891) sits in the northwest of the proposed development area within Cmpt. 19 of the supplied Site Layout and would be c.100m from the closest solar panels in Cmpt. 19 and c.10m from the closest solar panels in Cmpt. 18. No development is proposed within the scheduled area, but we are concerned that no detail has been provided regarding the management of the monument. We would encourage the submission of a management plan for this area to ensure that there is no inadvertent damage, such as from scrub regeneration, to the monument. In addition, it will be essential to provide a site protection plan setting out how the monument would be protected from accidental damage during construction and decommissioning works.

Any works within the scheduled area, including many management activities, may require scheduled monument consent (SMC) from ourselves and any works undertaken without SMC may be in breach of the Ancient Monuments and Archaeological Areas Act 1979.

There are no other scheduled monuments within the proposed development area.

Setting Impacts

Springfield, enclosure 300m NNE of (SM5892) would sit 100m from the closest solar panel (Cmpt. 5). Important characteristics of this monument's setting include its spatial relationship to the two enclosures to the south and to the Oldhamstocks Mains enclosure to the west. The relationship with the enclosures to the south would not be impacted, but due to the gently undulating terrain between the monument and Oldhamstocks Mains enclosure and the height of the solar panels (3.8m) it is likely that the spatial relationship between the monument and Oldhamstocks Mains enclosure could be disrupted. This would be due to the blocking impact of the solar panels restricting views from the monument out to the west towards Oldhamstocks Mains enclosure.

We request a visualisation in the form of a photomontage to support assessment of the severity of this impact. This should show the current view from the monument looking the west with the location of the Oldhamstocks Mains enclosure marked; and the same view but with the proposed development in place.

Oldhamstocks Mains, enclosure 300m NNW of (SM5891) would sit c.10m from the closest solar panel (Cmpt. 18). Important characteristics of the monument's setting include its relationship with surrounding land that may have been farmed by its occupants

and a spatial relationship with Springfield, enclosure 300m NNE of (SM5892) to the east. The proposed development would ring the monument to the south and east which, combined with the existing plantation forestry to the north and west, would risk cutting the monument off from its surroundings. It is likely that the spatial relationship between the monument and Springfield, enclosure 300m NNE of (SM5892) enclosure would be disrupted due to the blocking impact of the solar panels restricting views from the monument to the east. It is also likely that the monument would be crowded by the proximity of solar panels in Cmpt. 18 and that the arable/pastoral character of the land around the monument would be altered.

We request a visualisation in the form of a photomontage to allow assessment of the severity of this impact. The photomontage should show the current view from the monument looking southeast with the location of Springfield, enclosure 300m NNE of (SM5892) marked; the same view but with the proposed development in place; and the same view but with the edge of proposed solar panels in Cmpt. 18 pushed back 100m from the edge of the scheduled area.

Based on the information already available, it is likely that some design change will be needed to mitigate and reduce the crowding and ringing of the monument resulting from the proposed development and to retain some agricultural land in the immediate surrounding of the monument. As a minimum, we recommend the applicant considers a redesign of Cmpt. 18 to establish a minimum 100m buffer from Oldhamstocks Mains, enclosure 300m NNW of (SM5891). However, additional mitigation may be needed depending on the results of further assessment using visualisations.

Springfield, palisaded enclosure and ring ditch 200m E of (SM5893) and Springfield, enclosure 400m SSE of (SM5894) would sit 0.4km and 0.2km from the closest solar panel respectively, but intervening shelterbelts, Springfield Farm and the farm road currently separate these monuments from the slope on which the proposed development would sit, and the most important factors of these monuments' settings are their spatial relationship to each other and their views out over the Dunglass Burn to the east. As these would not be interrupted, the potential impacts on these monuments' settings may be less significant.

Further Assessment

We have requested visualisations for two monuments (Springfield, enclosure 300m NNE of (SM5892) and Oldhamstocks Mains, enclosure 300m NNW of (SM5891)) above. In addition to this, we would welcome the submission of a list of assets to be scoped in for full assessment at EIAR stage with justification set out in writing for all assets which fall within the study parameters that are scoped out.

Mitigation

At this stage, we have identified that mitigation by design is likely to be appropriate in the form of a redesign of Cmpt. 18 to establish a 100m buffer from Oldhamstocks Mains, enclosure 300m NNW of (SM5891). As the results of further assessment become

available, additional mitigation may be required to reduce setting impacts on scheduled monuments.

We also recommend a site protection plan should be drawn up to prevent direct physical impacts on SM5891 during construction and decommissioning. We will likely recommend this should be a condition to any planning consent that may be granted for the development.

Inventory Gardens and Designed Landscapes

Dunglass GDL

We note that Dunglass Inventory Garden and Designed Landscape (GDL00154), while located in close proximity to the development boundary, mostly falls outwith the proposal's Zone of Theoretical Visibility (ZTV). However, Figures 5.1, 5.2 and 5.3 indicate that Dunglass GDL would have some potential visibility of the proposal from the areas around VP3 and VP5. We are therefore content that visualisations are to be prepared from these viewpoints and that the proposal's potential impacts on the setting of this GDL will be considered in the EIA Report.

Historic Environment Scotland
16 January 2025

NatureScot
NàdarAlba
Scotland's Nature Agency
Buidheann Nàdair na h-Alba

James McKenzie
Energy Consents Unit
The Scottish Government
By email: Econsents_Admin@gov.scot

9th December 2024

Our ref: CDM178017
Your ref: ECU00004815

FAO James McKenzie

Dear Sir

The Electricity Works (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) Regulations 2017

Electricity Act 1989, Section 36 Request for a scoping opinion for proposed application to construct and operate a solar farm and battery Energy Storage System (BESS), in the planning authority area of East Lothian Council.

Thank you for consulting us on the scope of the environmental impact assessment (EIA) in relation to our interests for the Springfield Solar Farm and Battery Energy Storage System (BESS) in East Lothian.

Our advice is based on the Springfield Solar Farm and Battery Energy Storage System (BESS) EIA Scoping Report prepared by ERM for Voltalia, dated September 2024.

The Proposal

This development of ground-mounted solar photovoltaic (PV) panels with a BESS would be located on around 184 hectares of land north of Oldhamstocks. The solar PV's would have a generating capacity up to 165MW and the BESS up to 150MW. The number of panels proposed is not specified, and the development would be operational for 40 years.

NatureScot Advice

The Scoping Report appears comprehensive in its approach to EIA.

Reference should be made to our on-line 'General pre-application and scoping advice for solar farms', available here. Where the guidance is not followed in the EIA process, we would expect explanations to be given in the EIA Report accompanying the application.

Ecology and Ornithology

We are broadly content with the proposed approach to the surveys and the assessment of impacts. We agree that impacts on notified features of nearby SSSI designated sites can be scoped out of assessment, for the reasons given in the Report. However, we disagree that the Firth of Forth SPA can be scoped out at this stage. A wintering bird survey will need to be completed in relation to the potential for Pink Footed Geese to forage on or close to the proposed site, we don't feel we can conclude no Likely Significant Effects (LSE) at this stage without that information. We understand that the proposal is at distance from the roost site near Aberlady however we don't have enough data on foraging in this area, and the presence of the Geese has been highlighted to us by the local community. Should the wintering bird survey show the absence of Pink Footed Geese foraging at this location we will be able to conclude no LSE and that HRA will not be required.

Protected Species

We are only providing detailed advice on protected species in exceptional circumstances. Please refer to our standing advice for full information and requirements regarding protected species surveying, mitigation and licensing: https://www.nature.scot/professional-advice/planning-and-development/planning-and-development-advice/planning-and-development-protected-species.

Landscape and Biodiversity Masterplan

We support the proposal for the EIA Report to include an outline Landscape and Biodiversity Masterplan (LBMP) that would be worked up and implemented should the proposal be granted permission. This should include measures to improve the overall condition of habitats of conservation interest within the site.

NatureScot have produced 'Developing with Nature' guidance to support local and non-EIA developments to deliver positive effects for biodiversity which may be of use for this development: https://www.nature.scot/doc/developing-nature-guidance. The existing elements on site, for example hedgerow, woodland and shelterbelt planting should be considered as key elements to help deliver positive effects, as per the LBMP above.

In terms of cumulative interactions, Bowshiel Solar Farm and BESS scoping (ECU000005085) should be considered throughout the assessment where relevant.

Construction Environmental Management Plan

We support the proposal for the EIA Report to include an outline Construction Environmental Management Plan (CEMP).

Please note, these comments are given without prejudice to any comments we may wish to make in future regarding this development proposal.

This advice is provided by NatureScot, the operating name of Scottish Natural Heritage.

Please contact me should you wish to discuss our response.

Yours sincerely

By e-mail

Fiona O'Mahony

Operations Officer - South

The Scottish Government
Energy Consents Unit
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

Network Rail
Town Planning
151 St Vincent Street
Glasgow
G2 5NW

Selina Gourlay
Town Planning Technician

Planning reference: ECU00004815
Case Officer: James McKenzie

E-Mail:
TownPlanningScotland@networkrail.co.uk

Network Rail ref: 367 2024
21/11/2024

Dear Mr McKenzie,

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR SPRINGFIELD SOLAR FARM AND BATTERY ENERGY STORAGE SYSTEM

Thank you for consulting Network Rail regarding the above development.

We would strongly suggest that reference to the issues below are included in the Scoping Opinion to ensure that potential impacts of both the construction and completed development on the current and future safe and efficient operation of the railway are assessed:

- A Traffic Assessment should be included to assess the effects of construction traffic on existing traffic flows and the public road network. Preferred construction traffic routes should be indicated. This will enable Network Rail to assess the possible impacts where/if the traffic crosses over/under our infrastructure and the suitability of these crossings.

Yours sincerely

REDACT

Selina Gourlay

Town Planning Technician

From: ONR Land Use Planning
To: Econsents Admin
Subject: ONR Land Use Planning - Application Springfield Solar Farm & Battery Energy Storage System -ECU00004815
Date: 06 December 2024 11:39:53

Dear Sir/Madam,
The proposed development does not present a significant external hazard to the safety of the nuclear site.

Therefore, ONR does not advise against this development.
Kind regards,

Land Use Planning
Office for Nuclear Regulation
ONR-Land.Use-planning@onr.gov.uk

----Original Message----
From: James.McKenzie@gov.scot <james.mckenzie@gov.scot >
To: policy&projects@eastlothian.gov.uk;HMConsultations@hes.scot;South@Nature.scot;planning.south@sepa.org.uk;
Cc:
Sent: 19/11/2024 12:44
Subject: Request for Scoping Opinion for Springfield Solar Farm & Battery Energy Storage System (BESS)

Dear consultee,

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR SPRINGFIELD SOLAR FARM AND BATTERY ENERGY STORAGE SYSTEM

On 29 October 2024, Voltalia UK (the Applicant) submitted a request for a scoping opinion from the Scottish Ministers for the proposed section 36 application for the Springfield Solar Farm & Battery Energy Storage System (BESS). The proposed development is for solar photovoltaic panels and battery energy storage located in the planning authority area of East Lothian Council, in line with regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.
Under regulation 12, Scottish Ministers are required to provide a scoping opinion outlining the information they consider should be included in the EIA report. Ministers are also required to consult the relevant consultation bodies and any other interested party which is likely to have an interest in the proposed development by reason of its specific environmental responsibilities or local and regional competencies.

The scoping report and supporting information can be viewed at the Scottish Government's Energy Consents Unit website at https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00004815 or by going to https://www.energyconsents.scot and:

- clicking on Search tab; then,
- clicking on Simple Search tab; then,
- typing "Springfield Solar Farm & Battery Energy Storage System (BESS)" into Search by Project Name box then clicking on Go;
- then clicking on ECU00004815 and then click on Documents tab.

The proposed development is described in the Scoping Report.

To allow Scottish Ministers to provide a comprehensive scoping opinion, we ask that you review the scoping report and advise on the scope of the environmental impact assessment for this proposal. Please advise if there are any further matters you would like Ministers to highlight for consideration and inclusion in the assessment, particularly site-specific information.

I would be grateful for your comments by 10 December 2024. Please note that reminders will not be

issued, therefore if we have not received any comments from you, nor a request for an extension to this date, we may assume that you have no comments to make.

Please send your response (in PDF format if possible) to EconsentsAdmin@gov.scot

Regards

James

James McKenzie (he/him) **| Other Generation Team | Energy Consents Unit**
Directorate for Energy and Climate Change | Scottish Government | 5 Atlantic Quay, 150 Broomielaw, Glasgow G2 8LU
I work as one of the case officers in the Energy Consents Unit of the Scottish Government and my job is to process applications for electricity generating stations which are not dealt with by our teams of dedicated wind farm, battery energy storage or electricity grid specialists.
To view our current casework please visit https://www.energyconsents.scot
To read the Energy Consents Unit's privacy notice on how personal information is used, please visit https://www.energyconsents.scot/Documentation.aspx
If you are dissatisfied with our service, please tell us. We will work with you to resolve it. Please see https://www.gov.scot/about/contact-information/make-a-complaint/

Katie Butchart

From: Stewart Snape
Sent: 04 December 2024 15:52
To: James McKenzie; Scottish Forestry Conservancy, Central Scotland
Cc: Keith Wishart; Tom Hobbs
Subject: RE: Request for Scoping Opinion for Springfield Solar Farm & Battery Energy Storage System (BESS)

Dear Mr. McKenzie,

Request for Scoping Opinion for Springfield Solar Farm & Battery Energy Storage System (BESS)

Having reviewed the site description, maps and development proposals, it is clear that although the site contains and is bordered by woodland described in the scoping report as ancient woodland, the development proposals do not offer any commentary on whether the development will have any impact on these woodland interests. For example, the proposals talk about:

Effects during construction on landscape fabric would be expected to arise from:
- Groundworks for the access tracks, substation, BESS and associated hard standing areas;
- The installation of solar panels;
- The removal of small sections of vegetation for access tracks; and,
- The creation of new habitat areas.

All of these construction related activities have the potential to directly affect trees and their root systems, particularly along the internal and external boundaries between woodland and the construction areas, but is not considered within the document.

I recommend that the scoping report explicitly include reference to the Scottish Government's policy on woodland removal and the guidance provided in National Planning Framework 4; Forestry, Woodland and Trees, Policy 6. More specifically, where construction activities are likely to impact trees or their root systems, an explanation of the potential impact and how this will be mitigated should be provided. Alternatively, if the developers do not intend to undertake any activities that may impact on trees then the proposals should state clearly, how any potential damage to valuable ancient woodland within or adjacent to the site will be avoided.

Regards
Stewart

My working days are Wednesday, Thursday and Friday

Stewart Snape MICFor, MRSB
Regulations and Development Manager
Scottish Forestry
Central Scotland Conservancy | Bothwell House | Hamilton Business Park| Caird Park | Hamilton | ML3 0QA
stewart.snape@forestry.gov.scot

Website: forestry.gov.scot

BRAVE values are the roots that underpin Scottish Forestry, to create a workplace where our staff, and the people we work with, feel valued, supported and respected.

Be professional, **R**espect others, **A**ct with honesty and integrity, **V**alue teamwork and collaboration and **E**ncourage innovation and creativity.

Scottish Forestry / Coilltearachd na h-Alba

Scottish Forestry is the Scottish Government agency responsible for forestry policy, support and regulation.

From: James McKenzie <James.McKenzie@gov.scot>
Sent: 19 November 2024 12:45
To: planning.south@sepa.org.uk; South@Nature.scot; HMConsultations@hes.scot; policy&projects@eastlothian.gov.uk
Subject: Request for Scoping Opinion for Springfield Solar Farm & Battery Energy Storage System (BESS)

Dear consultee,

ELECTRICITY ACT 1989
THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR SPRINGFIELD SOLAR FARM AND BATTERY ENERGY STORAGE SYSTEM

On 29 October 2024, Voltalia UK (the Applicant) submitted a request for a scoping opinion from the Scottish Ministers for the proposed section 36 application for the Springfield Solar Farm & Battery Energy Storage System (BESS). The proposed development is for solar photovoltaic panels and battery energy storage located in the planning authority area of East Lothian Council, in line with regulation 12 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.
Under regulation 12, Scottish Ministers are required to provide a scoping opinion outlining the information they consider should be included in the EIA report. Ministers are also required to consult the relevant consultation bodies and any other interested party which is likely to have an interest in the proposed development by reason of its specific environmental responsibilities or local and regional competencies.

The scoping report and supporting information can be viewed at the Scottish Government's Energy Consents Unit website at https://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00004815 or by going to https://www.energyconsents.scot and:

- clicking on Search tab; then,
- clicking on Simple Search tab; then,
- typing "Springfield Solar Farm & Battery Energy Storage System (BESS)" into Search by Project Name box then clicking on Go;

Monday, 25 November 2024

Local Planner
Energy Consents Unit
5 Atlantic Quay
Glasgow
G2 8LU

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk
Follow Us

Dear Customer,

Springfield Solar Farm & Battery Energy Storage System
Planning Ref: ECU00004815
Our Ref: DSCAS-0122207-LSP
Proposal: EIA scoping request for construction of a Solar Farm with a generating capacity of up to 165MW, accompanying Battery Electric Storage System (BESS) with a generating capacity of up to 150MW, associated infrastructure, access, and landscaping. The Development is proposed on land located approximately 7.8km southeast of Dunbar.

Please quote our reference in all future correspondence

Scottish Water has no objection to this proposal. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

All developments that propose a connection to the public water or waste water infrastructure are required to submit a Pre-Development Enquiry (PDE) Form via our Customer Portal prior to any formal technical application being submitted, allowing us to fully appraise the proposals

I trust the above is acceptable however if you require any further information regarding this matter, please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Angela Allison
Development Services Analyst
PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:

    - Site Investigation Services (UK) Ltd
    - Tel: 0333 123 1223
    - Email: sw@sisplan.co.uk
    - www.sisplan.co.uk

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Development Operations department at the above address.

- If a connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.

- Please find information on how to submit application to Scottish Water at our Customer Portal.

Econsents_Admin@gov.scot

James McKenzie
Other Generation Team
Energy Consents Unit
Directorate for Energy and Climate Change
The Scottish Government

Our Ref: 11233
10/12/2024

Dear Mr McKenzie,

ECU ref: ECU00004815
ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR SPRINGFIELD SOLAR FARM AND BATTERY ENERGY STORAGE SYSTEM

Thank you for your email of 19 November 2024 seeking comments on the scoping report for the above proposal.

ScotWays records

The enclosed map shows other path LE235 as recorded in the National Catalogue of Rights of Way (CROW) crosses or is close to the application site as shown on Figure 1.1 *Site Location Plan*.

In searching our records at this scoping stage, we have focussed solely on the immediate area of the proposed application. If required by the applicant to inform their Environmental Impact Assessment (EIA), maps of a wider search area are available from ScotWays, alongside a more detailed response.

Other Access to Land

You should be aware that other forms of public access to land may affect the planning application site. More detail about these other types of access is set out in the enclosed Catalogue of Rights of Way Guidance Notes.

Recreational Amenity

As well as direct impacts of development upon public access, ScotWays has an interest in impacts on recreational amenity, so this includes the impact of developments on the wider landscape. We

anticipate that the applicant will take into account both recreational amenity and landscape impacts in developing their proposals for this site. We will consider these issues further should this scoping stage lead to a planning application.

Comment

The above noted LE235 is a route that is signposted by ScotWays and sits within the application site. We are aware of local concerns with regard to the effect this proposal will have on the continued use of the route so would draw that to the attention of the applicant.

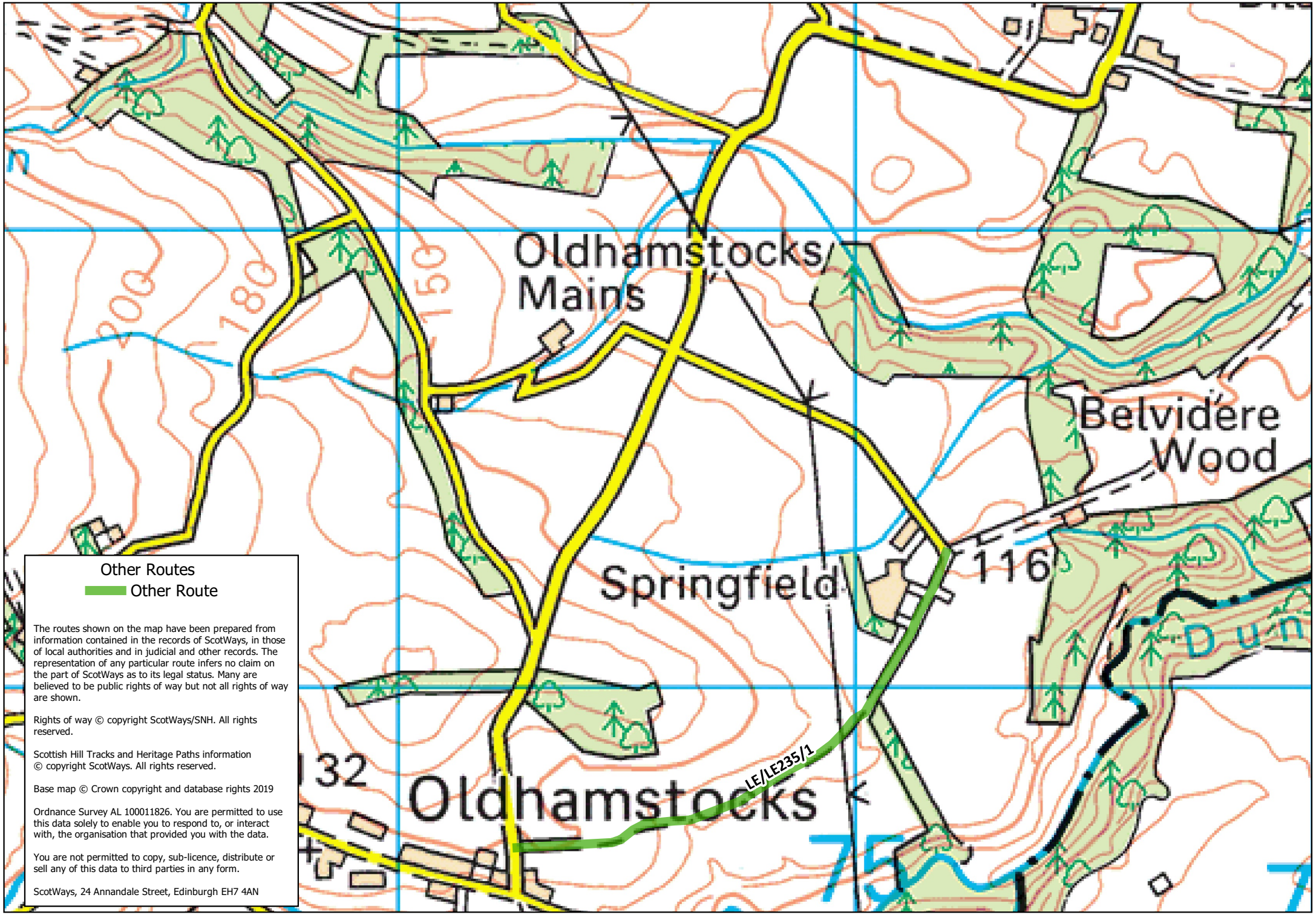
Under section 3 of the Land Reform (Scotland) Act 2003, there is a duty upon landowners to use and manage land responsibly in a way which respects public access rights. Under section 14 of the same Act, access authorities have a duty to uphold access rights. Accordingly, we suggest that the applicant may wish to approach the relevant authority's access team for their input when drawing up their Access Management Plan for their proposed development.

I hope the information provided is useful to you. Please do not hesitate to contact us if you have any further queries.

Yours sincerely,

Lynda L Grant

Lynda Grant
Access Officer



Other Routes

Other Route

The routes shown on the map have been prepared from information contained in the records of ScotWays, in those of local authorities and in judicial and other records. The representation of any particular route infers no claim on the part of ScotWays as to its legal status. Many are believed to be public rights of way but not all rights of way are shown.

ScotWays, 24 Annandale Street, Edinburgh EH7 4AN

Catalogue of Rights of Way Planning Comment Guidance Notes

These notes explain what is shown on the maps provided with planning application comments and provide information about the public right of access to land in Scotland. All maps are provided on a 1:50,000 scale base.

What is the Catalogue of Rights of Way (CROW)?

CROW was created by ScotWays in the early 1990s with the help of Scottish Natural Heritage (now NatureScot) and local authorities and is an amalgamation of rights of way information from a number of different sources. Mapped at 1:50,000 scale, the catalogue does not include all rights of way – many of these are known only to local people and come to ScotWays' notice only when a problem arises.

CROW is continually updated to take account of new information as it comes to ScotWays' attention.

What is a Recorded Right of Way?

Any right of way that we record in the Catalogue of Rights of Way.

Where any Recorded Rights of Way pass through or close to the application site a map will be provided showing them.

What is an Other Route?

Any path that we record in the Catalogue of Rights of Way that does not appear to meet the criteria to be a right of way.

Where any Other Routes pass through or close to the application site a map will be provided showing them.

What is a Heritage Path?

These are historic routes that form part of the transport heritage of Scotland. They reflect our cultural and social development and include drove roads, military roads, Roman roads, pilgrim routes and trade routes.

These routes may or may not be rights of way, core paths or carry some other type of designation.

Find out more about the Heritage Paths project at http://www.heritagepaths.co.uk

Where any Heritage Paths pass through or close to the application site a map will be provided showing them.

What is a Scottish Hill Track?

First published in 1924, our book *Scottish Hill Tracks* is a record of the network of paths, old roads and rights of way which criss-cross Scotland's hill country, from the Borders to Caithness.

These publicised routes may or may not be rights of way, core paths or carry some other type of designation.

Copies of our book *Scottish Hill Tracks* can be purchased from the ScotWays webshop: https://www.scotways.com/shop

Where any *Scottish Hill Tracks* routes pass through or close to the application site a map will be provided showing these.

Disclaimer

*The routes shown on the **CROW** maps provided have been prepared from information contained in the records of ScotWays, local authorities, judicial and other records. The inclusion of a route in CROW is not in itself definitive of its legal status.*

Other Public Access Information

You should be aware that other forms of public access to land may affect your site of interest.

Unrecorded Rights of Way

Our records only show the rights of way that we are aware of. Scots law does not require a right of way to be recorded in a specific document. Any route that meets the following criteria will be a right of way. This could include any paths, tracks or desire lines within your area of interest. A right of way:

1. Connects public places.
2. Has been used for at least 20 years.
3. Follows a more or less defined route.
4. Has been used by the public without judicial interruption or the landowner's permission.

Core Paths

The Land Reform (Scotland) Act 2003 requires all access authorities to create a system of routes within their area. These are known as core paths and are recorded in the authority's core paths plan. It is anticipated that planners will have consulted their access authority's core paths plan to check whether any core paths cross or are close to the application site, and will also have consulted the authority's access team.

The General Right of Access

Irrespective of the presence or absence of rights of way and core paths, the land in question may be subject to the access rights created by Section 1 of the Land Reform (Scotland) Act 2003. Unless the land falls into one of the excluded categories in Section 6 of this Act, the public has a right of access to the land, and land owners/managers have a duty under the Act's Section 3 to consider this in any decisions made about the use/management of the land.

Other Promoted Routes

There may be a promoted route running through or close to any planning application site. Such routes will usually be clearly marked with signposts or waymarking and may feature in guidebooks, leaflets, on local information boards and on websites. The two main types of nationally promoted routes are:

Scotland's Great Trails: https://www.scotlandsgreattrails.com
National Cycle Network: https://www.sustrans.org.uk/map-ncn

Public and Private Roads

The Roads (Scotland) Act 1984 created the terms 'public road' and 'private road'. Public roads are those roads which are on the List of Public Roads and which, importantly, the roads authority is required to manage and maintain. Private roads are those roads which are not on the List of Public Roads and thus there is no duty on the roads authority to manage or maintain them. There is a public right of passage over these roads and the owner(s) of a private road may not restrict or prevent the public's right of passage over the road.

If required, the local roads authority should be contacted for more information on public and private roads that may cross or pass close to the application site.

More Information on Outdoor Access Law

If you would like to know more about outdoor access law, why not visit our website (https://scotways.com/outdoor-access/) or get a copy of our book "*The ScotWays Guide to the Law of Access to Land in Scotland"* by Malcolm Combe (https://www.scotways.com/shop)?

Development and Planning Applications

When proposing to develop a site, it is advisable that the applicant reviews the current amount and type of public access across it and presents this as an access management plan as part of their planning application. This should include rights of way, core paths, other paths and tracks, and take account of how the statutory right of access currently affects the site.

The plan should then consider the effect that the proposed works, during construction and upon completion, would have on any patterns of public access identified. Any good practice guidance associated with the proposed type of development should be considered, e.g. for windfarms the NatureScot "*Good Practice during Wind Farm Construction, Part 8 Recreation and Access"* and *"Siting and Designing Wind Farms in the Landscape"*, and the policies contained within any local statutory plans.

Depending upon the proposals there may be specific legal processes that must be followed to divert any paths or tracks either temporarily or permanently. These will be in addition to getting planning permission for the proposal. We recommend that applicants contact the access team at the relevant access authority for advice in this regard.

Scottish Environment Protection Agency
Buidheann Dìon Àrainneachd na h-Alba

James Mckenzie
Other Generation Team
Energy Consents Unit

By email only to: Econsents_Admin@gov.scot

Our Ref: PCS-20003725
Your Ref: ECU00004815

SEPA Email Contact:
planning.south@sepa.org.uk

10 December 2024

Dear James Mckenzie

Electricity Act 1989 - Section 36
ECU00004815
REQUEST FOR SCOPING OPINION FOR PROPOSED SECTION 36 APPLICATION FOR SPRINGFIELD SOLAR FARM AND BATTERY ENERGY STORAGE SYSTEM

Thank you for consulting SEPA for an Environmental Impact Assessment (EIA) scoping opinion in relation to the above development. We welcome engagement with the applicant at an early stage to discuss any of the issues raised in this letter and would especially welcome further pre-application engagement once initial peat probing, peat condition assessment and habitat survey work has been completed and the layout developed further as a result.

Our position and advice, given below, is based on the determining authority ultimately determining that the proposal is classed as development that could be supported for the purposes of assessment under Policies 5 and 22**,** as defined in National Planning Framework 4. If this is not the case, please advise so we can re-consider our position and advice.

SEPA
Unit 6
4 Parklands Avenue
Holytown
Motherwell
ML1 4WQ

Tel: 03000 99 66 99
www.sepa.org.uk

Advice for the planning authority / determining authority

To **avoid delay and potential objection** the EIA submission must contain a series of scale drawings of sensitivities, for example peat depth, peat condition, Groundwater Dependent Terrestrial Ecosystems (GWDTE), proximity to watercourses, overlain with proposed development. This is necessary to ensure the EIA process has informed the layout of the development to firstly avoid, then reduce and then mitigate significant impacts on the environment. We request that the issues covered in Appendix 1 below, be addressed to our satisfaction in the EIA process. This provides details on our information requirements and the form in which they must be submitted.

We have also provided site specific comments in the following section which provides pre-application advice and can help the developer focus the scope of the assessment.

1. Site specific comments

1.1 Peat and Carbon-Rich Soils (CRS) - We note in Chapter 9 that impacts on peat and soils are proposed to be scoped out of further assessment. The justification for this relies on the Carbon and Peatland Map (2016) showing no Class 1 or Class 2 peatland within 500m of the site. These maps are indicative only, and no site-specific assessment appears to have been carried out. **We are of the view that currently, insufficient information has been provided to support this topic being scoped out of EIAR.** In order to address this, in the first instance, high resolution (phase 1) peat probing must be carried out in order to determine whether peat or other carbon-rich soils (as defined in NPF4) are present on site. Further information is provided in Section 4 of the Appendix. We would be happy to engage further with the applicant when this information is available

1.2 Groundwater Dependent Terrestrial Ecosystems - We note that a Phase 1 habitat survey will be carried out. We have no specific view on the conversion to UkHab, however please note that If the Phase 1 habitat survey results indicate that there may

be relevant habitats present, a National Vegetation Classification (NVC) survey should be provided as part of the EIAR. Due to discrepancies in habitat definition and ambiguity in correspondence with NVC types we do not accept the use of The UK Habitat Classification System (UKHab) as an alternative to NVC. For further information please refer to Appendix Section 5.

1.3 Private Water Supplies (PWS) - We agree that impacts on PWS should be assessed further. Please refer to Appendix Section 5 for further information on our requirements.

1.4 Flood Risk - In relation to the specific questions for consultees we are able to respond as follows:

- We agree there is no obvious need for a standalone FRA. The site layout (Figure 1.2) shows that the Bilsdean Burn and a couple of small watercourses flow through the site. The small watercourses are named the Dunglass Burn/Old Hamstocks Burn and Ogle Burn in the Scoping Report. The land area around all watercourses appears to be free from development and is generally marked as land parcels on the site layout. There is no evidence of land raising near the burn and we hold no records of flooding at the site.
- We would recommend that any new watercourse crossing is designed in accordance with the principles of National Planning Framework 4, will have a better or neutral effect on flood risk and should be properly maintained to reduce the potential risk from structure blockage.
- The crossing should therefore be designed so that it can convey the 0.5% annual probability flood plus an appropriate allowance for climate change and freeboard, should have a minimal afflux (backwater effect) and a clear span structure where possible.
- We would strongly advise that any water course crossings follow good practice guidelines without causing constriction of flow or exacerbation to flood risk elsewhere. A Good Practice Guide for River Crossings and guidance on Culverting of Watercourses can be found on the SEPA website.

- We also recommend adoption of appropriate buffer strip distances between proposed development and the open channel in order to allow for access and maintenance. Recommended widths can be found in SEPA's Recommended riparian corridor note.
- Assuming that this development would be classed as Essential Infrastructure for the purposes of assessment against NPF4 policy 22, and that no land raising will take place within the flood risk area, we would refer to Category 1 of our Flood Risk Standing Advice.

2. Regulatory advice for the applicant

2.1 Details of regulatory requirements and good practice advice, for example in relation to engineering works in the water environment and waste management, can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: elb@sepa.org.uk

If you have queries relating to this letter, please contact us at planning.south@sepa.org.uk including our reference number in the email subject.

Yours sincerely
Jessica Taylor
Senior Planning Officer
Planning Service

Ecopy to: james.mckenzie@gov.scot

Disclaimer: This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at this time. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning or similar application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application or similar application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in

such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. For planning applications, if you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found on our website planning pages - www.sepa.org.uk/environment/land/planning/

Appendix 1: Detailed scoping requirements

Please note that some of the planning guidance referenced in this response is being reviewed and updated to reflect the National Planning Framework 4 (NPF4) policies. For example the Flood Risk Standing Advice and Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems. It still provides useful and relevant information, but some parts may be updated further in the future.

This appendix sets out our minimum information requirements and we would welcome discussion around these prior to formal submission to avoid delays. There may be opportunities to scope out some of the issues below depending on the site. Evidence must be provided in the submission to support why an issue is not relevant for this site. If there is a significant length of time between scoping and application submission, the developer should check whether our advice has changed.

1. Site layout

1.1 Each of the drawings requested below must detail all proposed upgraded, temporary and permanent infrastructure. This includes all tracks, excavations, buildings, borrow pits, pipelines, cabling, site compounds, laydown areas, storage areas and any other built elements. All drawings must be based on an adequate scale with which to assess the information.

1.2 The layout should be designed to minimise the extent of new works on previously undisturbed ground. For example, a layout which makes use of lots of spurs or loops is unlikely to be acceptable, cabling must be laid in ground already disturbed such as verges, and existing built infrastructure must be re-used or upgraded where possible.

1.3 A comparison of the environmental effects of alternative locations of infrastructure elements may be required.

2. Water environment

2.1 The proposals should demonstrate how impacts on local hydrology have been minimised and the site layout designed to minimise watercourse crossings and avoid

other direct impacts on water features. Measures should be put in place to protect any downstream sensitive receptors.

2.2 Further advice and our best practice guidance are available within the water engineering section of our website. Guidance on the design of water crossings can be found in our Construction of River Crossings Good Practice Guide.

3. Flood risk

3.1 Advice on flood risk is available at Flood Risk Standing Advice and reference should also be made to Controlled Activities Regulations (CAR) Flood Risk Standing Advice for Engineering, Discharge and Impoundment Activities.

4. Peat and peatland

4.1 Where proposals are on peatland or carbon rich soils (CRS), the following should be submitted to address SEPA's requirements in relation to NPF4 Policy 5 to protect CRS and the ecosystem services they provide (including water and carbon storage). Peatland in near natural condition generally experiences low greenhouse gas emissions, is accumulating and may be sequestering carbon, has high value for supporting biodiversity, helps to protect water quality and contributes to natural flood management, irrespective of whether that peatland is designated for nature conservation purposes or not.

4.2 It should be clearly demonstrated that the assessment has informed careful project design and ensured, in accordance with relevant guidance and the mitigation hierarchy in NPF4, that adverse impacts are first avoided and then minimised through best practice.

4.3 The submission should include a series of layout drawings at a usable scale showing all permanent and temporary infrastructure, with extent of excavation required. These plans should be overlaid on the following:

a) Peat depth survey showing peat probe locations, colour coded using distinct colours for each depth category. This must include adequate peat probing information to inform the site layout in accordance with the mitigation hierarchy

in NPF4, which may be more than that outlined in the Peatland Survey – Guidance on Developments on Peatland (2017);

b) Peat depth survey showing interpolated peat depths;

c) Peatland condition mapping – the Peatland Condition Assessment photographic guide lists the criteria for each condition category and illustrates how to identify each condition category.

4.4 The detailed series of layout drawings above should clearly demonstrate that development proposals avoid any near natural peatland and that all proposed excavation is on peat less than 1m deep.

4.5 The layout drawings should also demonstrate that peat excavation has been avoided on sites where this is possible. On other sites where complete avoidance of peat and carbon rich soils is not possible then it should be clearly demonstrated that the deepest areas of peat have been avoided and the volumes of peat excavated have been reduced as much as possible, first through layout and then by design making use of techniques such as floating tracks.

4.6 The Outline Peat Management Plan (PMP) must include:

a) A table setting out the volumes of acrotelmic, catotelmic and amorphous peat to be excavated. These should include a contingency factor to consider variables such as bulking and uncertainties in the estimation of peat volumes;

b) A table clearly setting out the volumes of acrotelmic, catotelmic and amorphous excavated peat: (1) used in making good site specific areas disturbed by development, including borrow pits (quantities used in making good areas disturbed by development must be the minimum required to achieve the intended environmental benefit and materials must be suitable for the proposed use), (2) used in on and off site peatland restoration, and (3) disposed of, and the proposed means of disposal (if deemed unavoidable after all other uses of excavated peat have been explored and reviewed);

c) Details of proposals for temporary storage and handling of peat - Good Practice during Wind Farm Construction outlines the approach to good practice when addressing issues of peat management on site and minimising carbon loss;

d) Suitable evidence that the use of peat in making good areas disturbed by development, including borrow pits, is genuine and not a waste disposal operation, including evidence on the suitability of the peat and evidence that the quantity used matches and does not exceed the requirement of the proposed use. If peat is to be used in borrow pits on site, SEPA will require sections and plans including the phasing, profiles, depths and types of material to be used;

e) Use of excavated peat in areas not disturbed by the development itself is now not a matter SEPA provides planning advice on. Please refer to Advising on peatland, carbon-rich soils and priority peatland habitats in development management | NatureScot 2023, and the Peatland ACTION – Technical Compendium which provides more detailed advice on peatland restoration techniques. Unless the excavated peat is certain to be used for construction purposes in its natural state on the site from where it is excavated, it will be subject to regulatory control. The use of excavated peat off-site, including for peatland restoration, will require the appropriate level of environmental authorisation. Excavated peat will be waste if it is discarded, or the holder intends to or is required to discard it. These proposals should be clearly outlined so that SEPA can identify any regulatory implications of the proposed activities. This will allow the developer and their contractors to tailor their planning and designs to accommodate any regulatory requirements. Further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

5. GWDTE and existing groundwater abstractions

5.1 Groundwater Dependent Terrestrial Ecosystems (GWDTE) are protected under the Water Framework Directive. Excavations and other construction works can disrupt groundwater flow and impact on GWDTE and existing groundwater abstractions. The layout and design of the development must avoid impacts on such areas.

5.2 A National Vegetation Classification (NVC) survey should be submitted which includes the following information:

a) A set of drawings demonstrating all GWDTE and existing groundwater abstractions are outwith a 100m radius of all excavations shallower than 1m and outwith 250m of all excavations deeper than 1m and proposed groundwater abstractions. The survey needs to extend beyond the site boundary where the distances require it.

b) If the minimum buffers cannot be achieved, a detailed site specific qualitative and/or quantitative risk assessment will be required. Please refer to Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystems for further advice and the minimum information we require to be submitted.

5.3 Please note that due to discrepancies in habitat definition and ambiguity in correspondence with NVC types we do not accept the use of The UK Habitat Classification System (UKHab) as an alternative to NVC.

6. Pollution prevention and environmental management

6.1 The submission must include a schedule of mitigation, which includes reference to best practice pollution prevention and construction techniques (for example, limiting the maximum area to be stripped of soils and peat at any one time) and regulatory requirements. Please refer to the Guidance for Pollution Prevention (GPPs) and our water run-off from construction sites webpage for more information.

7. Life extension, repowering and decommissioning

7.1 Proposals for life extension, repowering and/or decommissioning must demonstrate accordance with SEPA guidance on the life extension and decommissioning of onshore wind farms. Table 1 of the guidance provides a hierarchical framework of environmental impact based upon the principles of sustainable resource use, effective mitigation of environmental risk (including climate change) and optimisation of long term ecological restoration. The submission must demonstrate how the hierarchy of environmental impact has been applied, within the context of latest knowledge and

best practice, including justification for not selecting lower impact options when life extension is not proposed.

7.2 The discarding of materials as waste should be avoided. However, if there is an intention to discard materials then further guidance on this may be found in the document Is it waste - Understanding the definition of waste.

Good afternoon,

SGN do not have any High Pressure assets within the vicinity of the above scoping opinion and as such would have no comment/objection.

Kind regards

Bryan Young
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Find us on Facebook and follow us on Twitter: @SGNgas

Smell gas? Call 0800 111 999
Find out how to protect your home from carbon monoxide

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Development Management and Strategic Road Safety
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Your ref:
ECU00004815

Our ref:
GB01T19K05

Date:
09/12/2024

Dear Sirs,

ELECTRICITY ACT 1989

THE ELECTRICITY (APPLICATIONS FOR CONSENT) REGULATIONS 2017

REQUEST FOR SCOPING OPINION FOR PROPOSED SPRINGFIELD SOLAR FARM AND BATTERY ENERGY STORAGE SYSTEM (BESS)

With reference to your recent correspondence on the above development, we acknowledge receipt of the EIA Scoping Report (SR) prepared by ERM in support of the above development.

This information has been passed to SYSTRA Limited for review in their capacity as Term Consultants to Transport Scotland – Roads Directorate. Based on the review undertaken, Transport Scotland would provide the following comments.

Proposed Development

The proposed development comprises a ground-mounted solar photovoltaic (PV) development with a generating capacity of up to 165MW and a Battery Energy Storage System (BESS) with a generating capacity of up to 150MW, located approximately 50m north of Oldhamstocks and 7.8km southeast of Dunbar. The nearest trunk road to the site is the A1(T) which lies approximately 1.3km to the north.

Site Access

Access to the development is proposed via the A1(T) at the Oldhamstocks Junction, then following the U219 Lawfield Road. Transport Scotland will require the potential impact at this junction to be assessed. This assessment should look at the standard of the junction, the existing traffic flows at the junction and consider the impact of the additional development traffic. We would also ask for swept path analysis to be undertaken for the largest expected construction HGV to be undertaken and confirmation what turning movements will be undertaken at the junction.

Assessment of Environmental Impacts

Chapter 10 of the SR presents the proposed methodology for the assessment of Traffic and Transport. This states that the assessment will be carried out in accordance with the Environmental Assessment of Traffic and Movement (July 2023). These specify that road links should be taken forward for further assessment where the following two rules are breached:

Rule 1: Include road links where traffic flows will increase by more than 30% (or the number of heavy goods vehicles will increase by more than 30%)

Rule 2: Include road links of high sensitivity where traffic flows have increased by 10% or more.

The SR states that base traffic data has been obtained from the Department for Transport (DfT). This is considered acceptable, but we would ask that "estimated" data from the DfT site is not used. We would add that an alternative source of traffic data is Traffic Scotland's National Traffic Data System. We note that the study area will include the A1(T), which is considered appropriate.

It is noted that any impacts associated with the operational and decommissioning phases of the development are to be scoped out of the EIA. We would consider this to be acceptable in this instance.

Abnormal Loads Assessment

The SR states that no abnormal load vehicles are anticipated during delivery. It is, therefore, accepted that no abnormal loads assessment is required.

I trust that the above is satisfactory but should you wish to discuss any issues raised in greater detail, please do not hesitate to contact me or alternatively, Alan DeVenny at SYSTRA's Glasgow Office can assist on 0141 343 9636.

Yours faithfully

George Smith

George Smith

Transport Scotland
Roads Directorate

cc Alan DeVenny – SYSTRA Ltd.