

Annex 2 ECU Screening Opinion



E: Nicola.Kennedy@gov.scot

Grant Young
Young Planning & Energy Consenting
By email only

By email only to: grantyoung@youngplanning.com

Our ref: ECU00004838

11th December 2023

Dear Grant Young,

ELECTRICITY ACT 1989

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

SCREENING OPINION OF THE SCOTTISH MINISTERS

IN RESPECT OF THE PROPOSED APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE THE PROPOSED PHILLIPS MAINS BATTERY ENERGY STORAGE SYSTEM LOCATED WITHIN PHILLIPS MAINS FARM NEAR MEY, CAITHNESS, HIGHLAND.

Thank you for your request dated 22nd June 2023 requesting a screening opinion in respect of a proposed application under section 36 of the Electricity Act 1989 (“the Electricity Act”) to construct and operate a battery energy storage system, generating approximately 300 megawatts, comprising multiple containerised battery storage units. The proposed development will also comprise ancillary infrastructure including access tracks, underground cables, an on-site substation and ancillary electrical infrastructure, security fencing and on-site car parking.

Background

The proposed development as described briefly above is entirely within the planning authority area of The Highland Council (“the Planning Authority”).

The proposal requires to be screened by the Scottish Ministers in accordance with regulation 7 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the Regulations”). Following a request for a screening opinion made under regulation 8(1), Scottish Ministers are required to adopt an opinion as to whether the proposed development is or is not EIA development.

The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

The Regulations set out at 8(2) the information that must accompany a request to the Scottish Ministers to adopt a screening opinion. Scottish Ministers consider that the information included

in the screening request and documents supporting the request is sufficient to meet the requirements set out in regulation 8(2), and that the submitted information has been compiled taking into account the selection criteria in schedule 3 of the Regulations.

Statutory Consultation

Under regulation 8(5) of the Regulations, Scottish Ministers are required to consult the Planning Authority within whose land the proposed development is situated. The Planning Authority was consulted on 23rd June 2023, and responded on 15th November 2023, indicating their view that the proposed development is not EIA development. The planning authority's response is attached to this letter.

Scottish Ministers' Considerations

EIA development is defined in the Regulations, in respect of an application, as a proposed development, which is either Schedule 1 development, or Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location. The proposed development constitutes Schedule 2 development in terms of the Regulations.

In adopting a screening opinion as to whether Schedule 2 development is EIA development, the Scottish Ministers must in all cases take into account such of the selection criteria in Schedule 3 of the Regulations as are relevant to the proposed development, and the available results of any relevant assessment.

Scottish Ministers have taken the selection criteria in Schedule 3 and all the information submitted in respect of the screening request in account. Scottish Ministers adopt the opinion that **the proposal does not constitute EIA development and that the application submitted for this development does not require to be accompanied by an EIA report.**

In accordance with regulation 7(2), this opinion is accompanied by the following written statement with reference to the relevant selection criteria within Schedule 3 of the Regulations. In accordance with the Regulations, a copy of the screening opinion has been sent to the Planning Authority.

Written Statement

Characteristics of Development

The site covers an area of 10 hectares, and the layout will comprise containerised battery units approximately 2.6 metres high, with the highest infrastructure being a building approximately 6 metres high which will contain a 132 kV transformer. The development would be contained by fencing, include laying out of access track into the compound and would incorporate landscaping and ecological enhancement. The proposed development would be adjacent to the consented SSE Gills Bay switching station to be built to the west of the site. The development will involve minimal use of natural resources such as land, soil, water and biodiversity. Impacts from construction, in relation to waste, pollution and air quality, will be monitored through a Construction Environmental Management Plan. There are few residential properties surrounding the site. Noise impacts on the surrounding area will be temporary in that it is predicted that the construction phase will take no more than 12 months.

Location of Development

The current land use is arable, with rough grazing lands and viable crop producing lands. There is no peat on site. The majority of the land is lower quality agricultural soil. There are a number of designated sites within 5 kilometres of the proposed development, the closest being

Phillips Mains Mire Site of Special Scientific Interest, at approximately 460 metres southeast of the site. The site is not close to riparian areas, river mouths, coastal zones, mountain or forest areas, or densely populated areas. The surrounding area is not densely populated. There is a GDL 1km north of the site and some sensitive historic environment assets in the vicinity.

Characteristics of the Potential Impact

The impacts of the development, given its size, nature and location, are likely to be low in relation to population and human health and no significant effects are expected. Impacts on biodiversity are likely to be low, given the contained geographical extent of the development, its minimal impact and the low sensitivity of the land likely to be affected, and no significant effects are anticipated. Given the characteristics of development and the qualities of the location, there are no likely significant effects in relation to land, soil, water, air, or climate. There are no significant effects considered likely in relation to material assets, cultural heritage or the landscape, given the nature and size of the development and its distance in relation to sensitive receptors.

Features of the proposed development and measures proposed to avoid or prevent significant effects:

No significant adverse effects are predicted; however, a range of assessments have been proposed to assess potential non-significant impacts and inform any mitigation measures required. These assessments include an Environmental Information Report, which will incorporate an Ecological Impact Assessment (and shadow HRA), a Hydrological and Flood Risk Site Survey and Outline Surface Water Drainage Strategy, information relating to Private Water Supplies, a Landscape and Visual Appraisal, a Transport and Access Study, Historic Environment Report and Noise Impact Assessment. Scottish Ministers are broadly satisfied with the proposed approach to assessment of the proposal, without prejudice to the consideration of any future application submitted under section 36 of the Electricity Act 1989.

Yours sincerely

Nicola Kennedy

A member of the staff of the Scottish Government

(Cc: The Highland Council)