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Bowshiel Solar Farm and BESS Planning Statement

Department: Planning
Project: Bowshiel Solar Farm and BESS
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1 INTRODUCTION

1.1 Background

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

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

1.2 The Applicant

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

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

1.3 Structure of this Planning Statement

1.3.1.1 The remainder of this Planning Statement is structured as follows:

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

- Section 6 – Conclusion: This Section provides a summary and overall conclusions.

1.4 Pre-Application Consultations

1.4.1.1 Public consultation events were held on 27th August 2024 and 12th March 2025, to allow the local community opportunities to view and provide feedback on the design of the Proposed Development. Details of the events are included under the pre-application consultation report ("PAC Report").

1.5 Environmental Impact Assessment Screening and Scoping

1.5.1.1 The EIA Regulations define EIA development as 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.

1.5.1.2 Schedule 2 of the EIA Regulations would apply as the carrying out of development for a generating station is listed. The Proposed Development would fall under this category, although whether the Proposed Development is EIA development depends on an assessment against the screening selection criteria under Schedule 3, which comprise:

- Characteristics of development;
- Location of development; and
- Characteristics of the potential impact.

1.5.1.3 Based on this selection criteria, it was considered that this development will require an EIA to be undertaken. Therefore, a screening opinion has been requested. A request for a scoping opinion was submitted to the Scottish Ministers (ECU00005085, 18th September 2024) under the EIA Regulations, which outlined the scope of information to be included in an EIAR. Scottish Ministers issued an interim Scoping Opinion on 28th January 2025. An updated Scoping Opinion was issued on 4th April 2025, which includes a response from Scottish Borders Council.

2 SITE AND SURROUNDINGS

2.1 The Site

2.1.1.1 The Site will occupy an area of approximately 190 hectares (ha) of land within a mixture of arable fields and grazing pasture. The Site is located approximately 2.4 kilometres (km) south of Cockburnspath, and 13 km southeast of Dunbar. The Site is wholly located within the Scottish Borders Council administrative area (National Grid Reference ('NGR') NT 78702 67899). The topography of the Site ranges from approximately 125 m Above Ordnance Datum (AOD), to approximately 230 m at its highest point. Bowshiel Farm and several farm buildings and cottages lie within the centre of the Site. The fields are delineated by a mixture of hedgerows (native hedgerow and species-rich native hedgerow) and post and wire fencing. Right of Way BB84 runs through the Site and Southern Upland Way runs within 0.2 km along local roads to the south and within Penmanshiel Wood to the east of the Site.

2.2 Site Selection

2.2.1.1 The Applicant first identified the area surrounding the Proposed Development in 2021, during a wider site selection exercise undertaken by the Applicant, throughout Scotland and the United Kingdom.

2.2.1.2 Due to this area's favourable topography, level of mean sunshine hours, good accessibility via the A1, and an already established and expanding capacity for connection to the National Grid via the nearby Branxton Substation, it was selected as a key target for its development potential.

2.2.1.3 Following discussions with the Landowner, an initial feasibility study was undertaken of the Site which confirmed that the south facing aspect, accessibility and contained nature of the Site underlined its suitability for a solar farm and BESS development.

2.3 Surrounding Land Use

2.3.1.1 The Site is predominantly surrounded by agricultural fields. In the wider area there are various scattered properties, farmsteads and small settlements. Cockburnspath is the closest settlement to the Site, which is located approximately 2 km north. The Site is bordered by the A1 and the East Coast Main Line railway route to the east, and by fields to the north, west and south. There are several areas of woodland immediately north, south and east to the Site, although none of these are ancient woodland.

2.3.1.2 Other settlements in the vicinity of the Site include the following:

- Grantshouse, 2 km southeast of the Site;
- Oldhamstocks, 4 km northwest of the Site;
- Innerwick, 7.5 km northwest of the Site; and
- Dunbar, 13 km northwest of the Site.

2.4 Planning History

2.4.1.1 The relevant planning history of the Site is included below:

- 24/01014/AGN: Erection of general-purpose agricultural building. Approved 13th September 2024.
- 12/01394/FUL: Erection of temporary 80 m high wind monitoring mast. Approved 7th January 2013.
- 01/01368/FUL: Erection of 10 m high lattice telecommunications mast with 2 sector antenna and associated equipment cabinets and compound. Approved 31st October 2001.

2.5 Other Nearby Developments

2.5.1.1 A review of planning applications for other renewable energy developments within 5 km of the Site has identified the following applications:

- 12/00221/FUL (Land SW of Neuk Farm, Cockburnspath): Erection of 2 no. wind turbines 110 m high to tip and installation of ancillary equipment. Located approximately 1.8 km northwest of the Site. Consent granted 21st March 2013 (by Local Review Body).
- 13/00113/FUL (Land NW of Blackburn Rig Farm): Erection of wind turbine 35 m high to tip, associated access track, crane pad and meter house. Located approximately 900 m south of the Site. Consent granted 31st July 2014.
- 14/00169/S36 (Aikengall IIa): Construction of wind farm (Revised Scheme) comprising 19 no. wind turbines, associated access tracks, crane hardstandings, 1 no. meteorological mast, substation, construction compound and 2 no. borrow pits. Located approximately 2.8 km west of the Site. Consent granted 20th October 2016.
- 16/00980/FUL (Land North of Howpark Farmhouse, Grantshouse): Wind farm development comprising of 8 no. turbines 100 m height to tip and associated works, infrastructure, compounds, buildings and meteorological mast. Located approximately 2.5 km east of the Site. Appeal allowed and planning permission granted 23rd April 2018.
- 17/00001/SGC (Crystal Rig): 11 wind turbines, each with a capacity of generating up to 48 MW. Located approximately 8.5 km west of the Site. Consent granted 24th March 2021.
- 23/01761/FUL (Land N of Howpark Farmhouse, Grantshouse): Construction and operation of a solar photo-voltaic generating station and ancillary infrastructure. Located approximately 3.9 km east of the Site. Consent granted 17th July 2024.
- 23/00996/FUL (Land E of Blackburn Mill Farm, Grantshouse): Erection of four wind turbines up to 149.9 m high to tip with associated infrastructure including hardstanding areas, onsite access tracks, electrical sub-station and buried cables, borrow pit search area, temporary laydown areas and temporary construction compound. Located approximately 1.6 km south of the Site. Consent granted 19th April 2024.

2.5.1.2 ECU00004815: Springfield Solar Farm with a generating capacity of up to 165MW , accompanying BESS with a generating capacity of up to 80MW. Located approximately 4.5 km west from the Site. In planning.

3 THE PROPOSED DEVELOPMENT

3.1 Overview

3.1.1.1 A S36 application is being submitted under the Electricity Act 1989 to construct and operate a ground-mounted solar PV development and BESS with associated infrastructure, access, and landscaping. The solar PV development will have a generating capacity of up to approximately 165 MW and the BESS will comprise of 40 units with a capacity of up to approximately 80 MW.

3.1.1.2 Access to the Proposed Development will be from the A1 at the junction currently used for Bowshiel Farm.

3.1.1.3 The Proposed Development will incorporate the following components:

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

3.1.2 Solar PV Arrays and Associated Infrastructure

3.1.2.1 The solar panels are composed of PV cells and are designed to maximise the absorbency of the sun's rays and minimise solar glare. Each string (row) of solar panels will be mounted on a rack comprising poles, and between each string, there would be gaps to avoid inter-panel shading. The gaps between rows would be between 2 – 6 m depending on topography. The solar panels would be inclined at an angle of up to 25 degrees from horizontal. The arrays would be oriented in an approximate east-west alignment across the site. This would result in the façade of the panels facing south, maximising the absorption of incident solar radiation throughout the daytime. The solar panels would be mounted at approximately 0.8 m from the ground at the lowest point (the southern edge), rising to a maximum of 3.2 m at the highest point (the northern edge).

3.1.2.2 24 inverters will be installed throughout the Site. The inverters will have maximum dimensions of 2.93 (H) m x 12.55 (L) m x 3 (W) m. These would be mounted on 12 concrete foundations with depths up to 1 m and extending up to 0.2 m above ground level. The inverters would also be underlain by permeable gravel.

3.1.3 Customer Substation

3.1.3.1 Located at approximately NGR 781 682 is the onsite customer substation that contains the specialist equipment to allow the voltage of electricity to be transformed from the Solar PV arrays and BESS facility.. The substation compound will comprise the following infrastructure:

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

3.1.3.2 This compound will also contain an Operations and Maintenance (O&M) building. The O&M building will have dimensions up to 6.4 m (W) x 24 m (L) x 3 m (H). This building will contain the site welfare facilities, and storage.

3.1.4 Grid Connection

3.1.4.1 The Proposed Development will connect to the consented Branxton Substation, which is to be constructed approximately 6.4 km to the north of the Site.

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

3.1.5 Battery Energy Storage System (BESS) and Associated Infrastructure

3.1.5.1 A BESS facility, with an anticipated capacity of up to 80 MW is also proposed. This will be situated in Field 13 (approximate NGR 781 682). The footprint to this compound would measure approximately 80 X 85m. This BESS compound would be co-located with the substation and surrounded by security fencing.

3.1.5.2 Alongside the BESS containers, 20 Power Control System (PCS) boxes, and 10 MV transformers will be installed. The PCS boxes will have dimensions up to 2 m (W) x 2.4 m

(H) x 3.7 m (L), while the MV transformers will have dimensions 2.45 m (W) x 2.55 m (L) x 3 m (H).

3.1.6 On-Site Access Tracks

3.1.6.1 Access to the Proposed Development will be via the A1, at the junction currently used for Bowshiel Farm.

3.1.6.2 Access tracks will be up to 5 m in width, with an additional verge on either side of up to 1 m to 1.5 m, subject to local ground conditions.

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

3.1.7 Temporary Construction Compound

3.1.7.1 A temporary construction compound will be located at approximately NGR 789 679. Following the construction of the remainder of the Proposed Development, the area comprising the temporary construction compound will be back-filled with solar panels. The area of the compound will measure approximately 75 x 120 m, and will include space for:

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

3.1.8 Fencing

3.1.8.1 Both the substation and BESS compound will be secured by wire mesh fences, up to 2 m in height. A secondary, galvanised security fence, up to 2.5 m high, will be placed within the wire mesh fencing surrounding the132 kV Substation, to provide additional security.

3.1.8.2 Wire mesh fences, up to 2 m in height, will be installed around each field containing the solar PV arrays to provide security for the infrastructure in these fields.

3.1.8.3 As part of the embedded mitigation for noise and vibration, acoustic fencing will be incorporated into the design. This acoustic fencing will surround each central inverter at a distance of 2 m, with a height up to 4.5 m. This height is composed of an up to 4 m vertical portion, with a subsequent inward cantilevered section extending another 0.5 m vertically. Similar acoustic fencing will be installed around each of the groupings of BESS containers. However, the acoustic fencing surrounding the BESS containers will have a vertical height of 3.5 m and will not include a cantilever.

3.1.9 Lighting

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

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

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

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

3.1.10 Closed Circuit Television Masts

3.1.10.1 During the operation of the Proposed Development, closed circuit television (CCTV) masts with security cameras on the perimeter of the compound will be installed. These will be approximately 3 m in height.

3.1.10.2 The masts will accommodate infrared night-time cameras, as well as standard cameras, to maintain security surveillance during hours of darkness.

3.2 Development Phases Overview

3.2.1 Construction Phase

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

3.2.2 Operational Phase Overview

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

3.2.3 Decommissioning Phase Overview

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

4 LEGISLATIVE AND POLICY CONTEXT

4.1 Legislative Context

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

4.1.1.2 When determining an application for Section 36 consent, the Scottish Ministers are required (under Schedule 9 to the Electricity Act 1989) to have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest. The Scottish Ministers must also have regard to the extent to which the applicant has done all that they reasonably can to mitigate any effects on these receptors, and avoid so far as possible causing injury to fisheries or to the stock of fish in any waters.

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

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

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

4.2 International Climate Change Policy Context

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

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

4.2.1.2 The Paris Agreement represents a global action plan which requires countries to commit to highly ambitious reductions in greenhouse gas ('GHG') emissions. Countries set out their national climate action plans, known as Nationally Determined Contributions ('NDCs') for reducing GHG emissions. The most recent target published by the UK Government is a reduction of at least 81% by 2035 compared to 1990 levels.

4.2.1.3 While the Paris Agreement does not comprise UK or Scottish Government policy itself, it represents a commitment which renewable energy and GHG reduction targets in the UK and Scotland seek to meet. These targets are established in UK and Scottish legislation as set out in Section 4.3 below.

4.3 UK Legislative and Policy Context

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

4.3.2 UK Parliament Climate Emergency Declaration (May 2019)

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

4.3.3 Climate Change Act 2008

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

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

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

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

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

will commit to enabling the greater deployment of solar in Scotland. In addition, it notes that the current legislative framework for electricity infrastructure consenting in Scotland is not fit for purpose. It states the UK and Scottish Governments have worked closely together on reforms to the consenting regime, with consultation ongoing to gather evidence on proposals to streamline the existing consenting system, to encourage acceleration towards 2030.

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

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

4.3.6 British Energy Security Strategy (April 2022)

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

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

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

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

4.3.8 UK Battery Strategy (November 2023)

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

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

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

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

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

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

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

> *"Onshore wind and solar will be key building blocks of the future generation mix, along with offshore wind. We will need sustained growth in the capacity of these sectors in the next decade to ensure that we are on a pathway that allows us to meet net zero emissions in all demand scenarios."*

4.4 Scottish Legislative and Policy Context

4.4.1 Scottish Government Climate Emergency Declaration (April 2019)

4.4.1.1 The Scottish Government declared a climate emergency in April 2019. Then First Minister Nicola Sturgeon declared a climate emergency, stating:

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

4.4.2 Climate Change (Scotland) Act 2009

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

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

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

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

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

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

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

4.4.6 Draft Energy Strategy and Just Transition Plan (2023)

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

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

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

4.5 National Planning Framework 4

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

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

4.5.2 National Developments

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

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

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

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

4.5.3 National Planning Policy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

  ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable;

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

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

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

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

vii. impacts on historic environment;

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

ix. biodiversity including impacts on birds;

x. impacts on trees, woods and forests;

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

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

xiii. cumulative impacts.

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

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

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

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

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

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

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

TABLE 4.1 NPF4 POLICIES ADDRESSED

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

4.5.4 National Planning Guidance

4.5.4.1 Planning Advice Notes (PANs) provide advice and information on specific planning matters. The following PANs have been considered during the preparation of the EIAR:

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

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

4.6 Local Policy Context

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

- Scottish Borders Local Development Plan 2 (LDP2) (2024).

4.6.2 Scottish Borders Council Climate Emergency Declaration (September 2020)

4.6.2.1 On 25th September 2020, Scottish Borders Council declared a climate emergency, seeking to ensure that the Council can help to achieve the national net zero target date of 2045.

4.6.3 Scottish Borders Local Development Plan 2 (LDP2)

4.6.3.1 The Scottish Borders Local Development Plan (LDP2) was adopted on 22nd August 2024. LDP2 replaces the previous Local Development Plan that was adopted on 12th May 2016. LDP2 comprises the policies that will guide future development under Volume One, and the settlement profiles under Volume Two. LDP2 states that the plan promotes net zero GHG emissions by 2045.

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

- **Policy PMD1 – Sustainability:** This policy includes a list of sustainability principles which the Council will expect to be incorporated into new developments.
- **Policy PMD2 – Quality Standards:** This policy states that new development proposals will be expected to be of high quality in accordance with sustainability principles.
- **Policy ED9 – Renewable Energy Development:** This policy states that Scottish Borders Council will support development proposals for all forms of renewable energy developments, including solar arrays. Proposals will be assessed in accordance with NPF4 Policy 11 paragraphs b) to f) and other relevant policies of NPF4.
- **Policy EP1 – International Nature Conservation Sites and Protected Species:** This policy states that development proposals which will have a likely significant effect on a designated or proposed European site, are only permissible where an appropriate assessment has demonstrated that it will not adversely affect the integrity of the site.
- **Policy EP2 – National Nature Conservation Sites and Protected Species:** Development proposals which are likely to have a significant adverse effect on a Site of Special Scientific Interest (SSSI), a National Nature Reserve (NNR), or nationally protected habitats or species will normally not be permitted.

- **Policy EP3 – Local Biodiversity and Geodiversity:** This policy indicates that proposals which negatively impact on biodiversity through impacts on habitats and species will not be permitted, unless the benefits outweigh the adverse impacts. The biodiversity value of the site should be enhanced and a net gain ensured as appropriate. Development proposals that would adversely impact a local geodiversity site will only be permitted where the environmental benefits outweigh the damage, and suitable mitigation is secured.

- **Policy EP4 – National Scenic Areas:** This policy aims to protect the scenic qualities of the two National Scenic Areas (NSAs) at Eildon and Leaderfoot and Upper Tweeddale. Proposals will only be permitted where adverse effects on the qualities of the NSAs are outweighed by environmental, social or economic benefits of national importance.

- **Policy EP5 – Special Landscape Areas:** This policy seeks to protect Special Landscape Areas (SLAs) and safeguard their landscape quality.

- **Policy EP7 – Listed Buildings:** Development proposals with a potentially significant impact on historic assets should be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset. The assessment should identify the likely visual or physical impacts, including cumulative effects.

- **Policy EP8 – Historic Environment Assets and Scheduled Monuments:** This policy aims to protect heritage assets including Scheduled Monuments, Battlefields and archaeological assets of regional or local significance. Proposals that affect heritage assets may require detailed investigations, and those that adversely affect an asset will need to include a mitigation strategy.

- **Policy EP9 – Conservation Areas:** This policy seeks to preserve the historic character and appearance of Conservation Areas.

- **Policy EP13 – Trees, Woodlands and Hedgerows:** This policy aims to protect woodland resources from adverse impacts. Replacement planting within the Scottish Borders area will be required where there is an unavoidable loss of trees.

- **Policy HD3 – Protection of Residential Amenity:** This policy seeks to protect residential areas from adverse impacts from new developments, including visual, traffic and noise impacts.

- **Policy IS8 – Flooding:** Development proposals will be assessed against NPF4 Policy 22: Flood Risk and Water Management. A Flood Risk Assessment and a report of the measures proposed to mitigate flood risk will be required for all applications.

- **Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage:** All development proposals will be required to incorporate Sustainable Urban Drainage Systems (SUDS) measures. A drainage strategy should be submitted to include treatment and flood attenuation measures, and details for the long-term maintenance of any necessary features.

4.6.3.3 The relevant LDP2 policies are addressed within the following sections of this Planning Statement:

TABLE 4.2 LDP2 POLICIES ADDRESSED

POLICY	RELEVANT SECTION
Policy PMD1 – Sustainability	5.1, 5.10
Policy PMD2 – Quality Standards	5.1
Policy ED9 – Renewable Energy Development	5.1
Policy EP1 – International Nature Conservation Sites and Protected Species	5.4
Policy EP2 – National Nature Conservation Sites and Protected Species	5.4
Policy EP3 – Local Biodiversity and Geodiversity	5.4
Policy EP4 – National Scenic Areas	5.2
Policy EP5 – Special Landscape Areas	5.2
Policy EP7 – Listed Buildings	5.3
Policy EP8 – Historic Environment Assets and Scheduled Monuments	5.3
Policy EP9 – Conservation Areas	5.3
Policy EP13 – Trees, Woodlands and Hedgerows	5.4
Policy HD3 – Protection of Residential Amenity	5.2, 5.7, 5.8
Policy IS8 – Flooding	5.5
Policy IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage	5.5

4.6.4 Relevant Supplementary Planning Guidance

4.6.4.1 In addition to LDP2, the Council has issued the following guidance documents which provide additional detail on specific policy topic areas:

- Supplementary Planning Guidance for Biodiversity (2006);
- Landscape and Development (2008);
- Local Biodiversity Action Plan (2018);

- Local Landscape Designations (2012);
- Renewable Energy Supplementary Planning Guidance (2018);
- Sustainable Urban Drainage Systems (2020); and
- Trees and Development (2020).

5 ASSESSMENT OF THE DEVELOPMENT

5.1 The Principle of the Development

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

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

5.1.1.2 NPF4 also states that the global climate emergency forms the foundations for the spatial strategy as a whole.As stated under Section 4.5, the Proposed Development falls under the National Development "Strategic Renewable Electricity Generation and Transmission Infrastructure" as it will have a generating capacity of up to 165 MW (AC) (plus a storage capacity of up to 80 MW of BESS). The Proposed Development is therefore a significant development of national importance that will help to deliver the national spatial strategy. The Proposed Development will contribute towards the increase in renewable electricity generation that is required for Scotland to meet its net zero emissions targets. It includes energy storage technology and capacity, which will help to provide vital services including flexible response that a zero carbon electricity network will require.

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

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

5.1.1.5 Policy ED9 of LDP2 states that proposals for renewable energy developments will be supported by Scottish Borders Council, subject to the satisfactory mitigation of impacts outlined in NPF4 Policy 11 and other relevant policies of NPF4.

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

5.2 Landscape and Visual Impact

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

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

5.2.1.2 The design of the Proposed Development has taken into consideration local sensitivities, and measures to minimise or avoid adverse effects, which include the following:

- Avoiding development on the more prominent steeper east and south slopes, as this would increase visual effects and appear incongruous in terms of landscape character;
- Minimising visibility from the A1 located east of the Site; and
- Minimising effects for users of the Public Right of Way (PRoW) which passes through the Site.

5.2.1.3 The Site comprises an area of farmland directly west of the A1, sloping up from the A1 to a gently domed hilltop. Rolling farmland with scrubby woodland border the Site to the north, west and south. Steep forested slopes rise on the east side of the A1. The Site itself mostly falls within Landscape Character Type (LCT) 117 Upland Fringe Valley, with the western edge of the Site falling within LCT 100 Plateau Farmland – Borders. The Proposed Development is not located within a designated landscape.

5.2.1.4 The Site is transitional between the rolling farmland of the upper valley sides of LCT 117 Pastoral Upland Fringe Valley and the flatter open farmland of the adjacent LCT 110 Plateau Farmland – Borders. The Proposed Development would further differentiate the flatter, open farmland of the Site from the valley and valley sides which form the core of this LCT, giving rise to Large scale changes to landscape character to the west of the A1 and south of Glenfin Quarry. Medium/Small to Small scale changes to character would also arise from close views of the Proposed Development looking across the valley between a distance of 0.5 – 1 km. Changes in the remainder of LCT 117 Pastoral Upland Fringe Valley were found to be at a Negligible scale, with the very limited visibility of the Proposed Development due to landform and the existing woodland in the area. The LVIA concludes that there would be a Large/Medium magnitude impact on the character of this LCT and effects would be Moderate, Adverse and Not Significant.

5.2.1.5 LCT 100 Plateau Farmland – Borders covers the western portions of the Site. The Proposed Development would give rise to Large and Large/Medium scale changes to character within the Site and upper slopes of Ewieside Hill. A Localised extent of Medium to Small scale changes to character would arise within up to 1 km to the south and southwest where there would be close views of the Proposed Development from the valley sides facing the Site. Beyond 1 km, changes would reduce to Negligible as the Proposed Development becomes a more distant feature. The LVIA concludes that there would be a Medium magnitude impact on the character of LCT 100 Plateau Farmland – Borders.

5.2.1.6 A Zone of Theoretical Visibility (ZTV) computer model has informed the potential visibility of the Proposed Development. The ZTV assessing the visibility of the solar PV arrays shows that the prominent areas of visibility would arise across the upper south and east facing slopes of Ewieside Hill, and the slopes looking across the valleys to the east and south. Small areas of the eastern edge of the Proposed Development would be visible from the valleys including the A1 and East Coast Main Line corridor to the east of the Site. The ZTV assessing the visibility of the substation and the BESS shows a similar pattern of visibility.

5.2.1.7 The Proposed Development will deliver a programme of landscape and biodiversity enhancements. Hedgerows within and around the Site will be retained and enhanced, including planting up gaps where existing hedgerows are sparse, in order to limit views of the Proposed Development. Additional woodland planting is proposed along areas of the existing woodland adjacent to the Site.

5.2.1.8 Viewpoint analysis has been undertaken from 7 viewpoints, to assess the scale and nature of the changes to views because of the Proposed Development. The changes to views from the viewpoints are as follows:

- Large and Large/Medium scale visual changes would arise from the right of way (BB84) passing through the Site. Similarly, Large and Large/Medium scale changes would arise in locations at a similar or greater elevation to the Site within a distance of up to 0.7 – 1 km;
- Medium scale visual changes would arise within elevated areas up to 1.2 km from the Site, with these effects reducing to Small scale changes beyond 1.8 km; and
- Small scale visual changes from lower lying viewpoints within the valley. This is reduced to Negligible beyond 1 km in lower lying areas and beyond 2 km in elevated areas.

5.2.1.9 The most affected receptor groups will be users of the right of way (BB84) and users of the Southern Upland Way, as Major/Moderate, Adverse and significant effects would arise for both. There will be close views of the solar panels from the right of way BB84, and open views into some panel areas would remain throughout the operational period even with screening with existing and proposed hedgerows.

5.2.1.10 From most of the Southern Upland Way, views towards the Proposed Development would be screened by trees or terrain from the valley. The Proposed Development would be seen looking across the valley at distances of 0.5 – 1.2 km from viewpoint 6, therefore Major/Moderate, Adverse and significant effects would arise from near this viewpoint.

5.2.1.11 The Proposed Development has been designed to limit impacts on landscape character, and to limit visual impacts through proposed new hedgerow and woodland planting. The steeper east and south slopes have been avoided from development, in order to reduce visibility and avoid the Proposed Development appearing incongruous in landscape character. Existing hedgerows would be reinforced, and new hedgerow and woodland planting would provide additional screening of the Proposed Development.

5.2.1.12 NPF4 Policy 11 recognises that significant landscape and visual impacts are to be expected for some forms of renewable energy developments. Policy 11 also states that where these impacts are localised and/or appropriate mitigation has been applied, they will generally be considered to be acceptable. The LVIA assesses the landscape and visual impacts of the Proposed Development to be localised. The design mitigation has limited the extent to which significant visual effects will be experienced by users of the right of way BB84 which intersects the Site. Taking account of the significance of effects and the mitigation measures proposed, it is considered that the Proposed Development meets the policy test under Policy 11 Part e), ii. The Proposed Development is therefore considered to be in accordance with the development control criteria listed within NPF4 Policy 11 relating to landscape and visual impacts (Part e), ii), and in accordance with Scottish Borders LDP2 Policies EP5 and EP13.

5.3 Archaeology and Cultural Heritage

5.3.1.1 **Chapter 7** of the EIAR has been prepared to evaluate the effects of the Proposed Development on the cultural heritage assets within and adjacent to the Site. A desk-based assessment was undertaken to describe the known heritage resources within a 1 km study area and details the archaeological potential within the Site. A walkover survey was also undertaken to validate the desk-based assessment and to identify any previously unidentified archaeological remains. No additional, previously unknown heritage assets were identified. A setting site visit was also undertaken to visit the heritage assets identified within the ZTV and inform the magnitude of setting impacts.

5.3.1.2 Chapter 7 notes that there are 45 known designated and non-designated assets within the 1 km study area which includes the Site of the Proposed Development. One of these (SM369 Ewieside Hill, fort) is designated, which is located 300 m north-west of the Site. 16 of the non-designated assets are located within the Site boundary.

5.3.1.3 Setting impacts are predicted to generate moderate adverse effects, which are not significant in the context of the EIA Regulations, to the designated asset SM369 Ewieside Hill, fort. To offset some of the adverse effects, panels in field 12 have been relocated below the 230 m AOD contour line. In addition, the BESS has been relocated to the southwest corner of Parcel 13. These impacts would be fully reversed following decommissioning. In addition, the fort will be recorded using either laser scanning or photogrammetry, to provide a condition baseline against which any damage to the earthworks can be measured, as well as to allow for the dissemination of information digitally.

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

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

5.3.1.5 Following implementation of these measures, there are two known non-designated assets considered to be at risk of direct physical impacts during construction, located within fields 8 and 16. Piling from the solar PV arrays and the cutting of cable trenches is predicted to impact sections of these assets. These construction activities are predicted to generate slight to moderate impacts, resulting in a minor adverse effect. This would be Not Significant in the context of EIA Regulations.

5.3.1.6 Tertiary mitigation is proposed in the form of a further program of archaeological work, which can be controlled through a suitably worded planning condition. The scope of the archaeological works will be detailed within a Written Scheme of Investigation (WSI), which will be submitted to the Council for approval prior to any construction works or ground disturbance activities being undertaken.

5.3.1.7 Assuming the implementation of these mitigation measures, the Proposed Development is not predicted to generate any significant direct or indirect physical impacts during construction. Following the implementation of mitigation measures, residual effects would be limited to the setting impacts which are not significant in the context of the EIA Regulations to SM369 Ewieside Hill, fort. Cumulative effects relating to setting impacts on SM369 are also not considered to be significant in the context of EIA Regulations. The Proposed Development has considered potential impacts on the historic environment as per NPF4 Policy 11 e) vii. The Proposed Development is also considered to be in accordance with NPF4 Policy 7 and Scottish Borders LDP2 Policies EP7, EP8 and EP9.

5.4 Ecology and Nature Conservation

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

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

5.4.1.2 The following species were recorded within the Site during the field surveys:

- Badger;
- Bats;
- Breeding birds; and,
- Brown hare.

5.4.1.3 Badger, breeding birds and quail were considered Important Ecological Features (IEFs) and scoped into the assessment of effects. Several measures have been incorporated into the design of the Proposed Development, to avoid impacts to protected and/or priority species and habitats. These measures include:

- The Proposed Development's infrastructure will avoid all woodland areas. A Root Protection Zone (RPZ) will be applied to trees within and surrounding the Site;

- A 5 m buffer from hedgerows, and a 10 m buffer from watercourses has been applied where no development is proposed; and,

- Mammal gates have been added to the perimeter fence line to allow badger passage through the Site.

5.4.1.4 The Proposed Development will result in a loss of 80.68 ha of habitats, that are common and widespread. Some protected species including badger, bats, nesting and foraging birds, and potentially otter, are supported by these habitats. This habitat loss will be compensated through the planting proposed under the Outline Landscape Biodiversity Mitigation Plan (oLBMP); therefore, the Proposed Development will provide habitats of higher value than the baseline agricultural scenario. This will provide a significant beneficial effect of low magnitude at the Site for badger and breeding birds.

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

5.4.1.6 **Chapter 8** concludes that no significant effects on ecological and ornithological interests have been identified during the Proposed Development's lifetime. The Shadow Habitat Regulations Appraisal has also determined that likely significant effects from the Proposed Development on protected species and habitats can be ruled out. The Proposed Development will include biodiversity enhancements which will improve biodiversity in the locality. Potential effects are considered to be not significant in the context of the EIA Regulations. The Proposed Development is therefore considered to be in compliance with NPF4 Policies 11 Part d), Part e) ix, 3, 4, 6 and 20, and Scottish Borders LDP Policies EP1, EP2 and EP3.

5.5 Water Resources and Flood Risk

5.5.1.1 **Chapter 9** of the EIAR includes an assessment of the potential impacts to water resources from construction, operation and decommissioning of the Proposed Development. A Flood Risk Assessment has been scoped out and is not provided as part of this application, which was agreed with the Scottish Environment Protection Agency (SEPA).

5.5.1.2 A site walkover survey was completed in March 2025, to ground truth the desktop data, to check the condition and geomorphology of watercourses on the Site, to identify any additional hydrological features to the desktop data and to characterise watercourses at the proposed crossing locations.

5.5.1.3 The Site is drained by two unnamed tributaries of the Pease Burn. The main stem of the Pease Burn flows north along the eastern boundary of the Site, which discharges into the Firth of Forth approximately 2.5 km downstream of the Site. An additional unnamed burn

flows north from the Site, which discharges into another unnamed burn before linking with the main stem of the Pease Burn.

5.5.1.4 The Pease Burn to the south and east are modelled to have a High likelihood of flooding (10% annual probability) but the indicative flood extents are outwith the Proposed Development, and no infrastructure is proposed in these areas. A small area of surface water flooding is indicated where the pond next to Bowshiel Farm is located, however no infrastructure is proposed in this area. According to SEPA Flood Maps, the Site is not at risk of fluvial (river) flooding, although the SEPA Flood Maps only model watercourses with catchment areas over 3 km^2.

5.5.1.5 Three Private Water Supplies (PWSs) were identified within 250 m of the study area. However, these PWSs are not hydrologically connected to the Site, and therefore are not considered at risk of impacts from the Proposed Development. There is the potential for unidentified PWSs to be within the study area, therefore pre-construction mitigation is recommended. A further PWS screening assessment should be completed prior to construction, which can be secured through a suitably worded planning condition.

5.5.1.6 If any risks to PWSs are identified from the screening assessment, mitigation measures will be incorporated into a site specific PWS Protection Plan (or similar).

5.5.1.7 As there are public water assets adjacent to the Site, the Applicant will be responsible for engaging with Scottish Water prior to construction to determine any mitigation measures required to protect Scottish Water assets.

5.5.1.8 The solar PV panels will have regular rainwater gaps to prevent rainwater from concentrating along a single drip line. The panels will be constructed by piling the poles into the ground without the need for significant earthworks. This avoids soil compaction and vegetation removal and allows the continued movement and infiltration of surface water. At detailed design stage, the hardstanding areas of the Proposed Development (the BESS, substation area and construction compound areas) will incorporate Sustainable Drainage Systems (SuDS) to control surface water runoff rates.

5.5.1.9 One existing watercourse will be used as part of the Proposed Development. A circular culvert may need to be installed at this location, details of which can be provided as part of the Construction Method Statement and secured through the final CEMP.

5.5.1.10 The final CEMP will also include construction methods, environmental protection measures, and other supporting environmental management plans (a Pollution Prevention Plan and Drainage Management Plan), to ensure construction activities will not cause adverse effects to hydrological receptors. The final CEMP will also include measures to minimise the risk to groundwater, surface water, PWSs, and public water assets.

5.5.1.11 An Outline Surface Water Drainage Strategy is appended to the EIAR, which includes surface water management measures to control runoff. Site drainage will be further detailed in a Drainage Management Plan (DMP) or similar, which will be developed by the Applicant and can be provided as part of an appropriately worded planning condition. The DMP will be based on SuDS design principles set out within the Outline Surface Water Drainage Strategy.

5.5.1.12 No significant impacts on the water environment would arise as a result of the Proposed Development. Effects on hydrology, the water environment and flood risk have been fully

addressed as required by NPF4 Policy 11 e) viii. The Proposed Development is also considered to be in accordance with NPF4 Policy 22 and Scottish Borders LDP2 Policy IS8.

5.6 Geology and Soils

5.6.1.1 **Chapter 10** of the EIAR has been prepared to evaluate the effects of the Proposed Development on the geology and soils environment. Desk-based assessments indicate that peat is absent across the Site. No areas of Class 1 or 2 land with peat soil and priority peatland habitats are mapped on the Carbon and Peatland 2016 Mapping. UKHab surveys found no habitats associated with National Vegetation Classification (NVC) communities indicative of potential peatland. Therefore, the assessment of peat, as well as peat probing surveys have not been undertaken.

5.6.1.2 An agricultural landfill was identified from the desk-based review, located in the northwestern area of the Proposed Development. The desk-based review has also identified a sheep wash in the central area of the Site, which may have been used for the chemical dipping of livestock. Glenfin Quarry borders the northwestern portion of the Site. There is therefore a risk of contaminated land within these areas. A Phase 1 Contaminated Land Assessment has been prepared and is appended to the EIAR, which includes mitigation measures. The outline Construction Environmental Management Plan (oCEMP) sets out environmental protection measures to be followed during construction and will inform the production of a full Construction Environmental Management Plan (CEMP). The oCEMP will include construction management best practice measures should any evidence of potential contamination be encountered.

5.6.1.3 Detailed embedded mitigation measures relevant to geology and soils are set out within the oCEMP. The Applicant will implement a CEMP, which will include measures to minimise the risk to geology and soils, as well as other measures to aid in avoiding, minimising and controlling adverse environmental impacts. Following adherence to these measures, no potential residual effects are anticipated in relation to loss and compaction of soils, soils as a waste material and impact on geology., this is reversible, and the resumption of agricultural cultivation will be possible upon decommissioning, and through sensitive remedial works.

5.6.1.4 Following implementation of the mitigation measures outlined in relation to contaminated land, there will be a residual effect of Minor significance. Effects on geology and soils were classed as Negligible. **Chapter 10** of the EIAR concludes that as only effects of moderate significance or greater are considered in the context of EIA Regulations, the potential effects on geology and soils are Not Significant. As the Proposed Development avoids carbon-rich soils and peatland, and minimises disturbance to soils, it is considered that the Proposed Development meets the requirements of NPF4 Policy 5.

5.7 Traffic and Transport

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

5.7.1.2 Access to the Site will be taken from the existing A1(T)/Bowshiel Farm Road junction. Transport Scotland raised concerns regarding the suitability of this junction for HGVs. Therefore, a swept path analysis has been undertaken, which shows that subject to improvement of the junction, the Site can be safely accessed in forward gear. A widening to ensure that two 16.5 m articulated HGV turning into/egressing the junction and passing each other is proposed. A visibility splay assessment has also been undertaken, using a setback distance of 9 m for a simple priority junction. This assessment shows that a visibility splay of 215 m in either direction can be achieved, subject to the minor trimming of existing vegetation.

5.7.1.3 Two new access junctions will also be constructed off Bowshiel Farm Road, to provide access to the different fields. During operation, these new access junctions will be used for infrequent general Site maintenance and inspection, which will be via Light Goods Vehicles (LGVs) or 4x4 vehicles.

5.7.1.4 Construction is expected to take place over an 18-month period. Construction traffic will mainly consist of delivery of materials including solar panels, support structures, electrical equipment, and other construction materials. Many of these will be transported by HGVs or HGV low-loaders, and an abnormal load vehicle for the delivery of the transformer. During the peak month of construction, an estimated maximum of 75 two-way vehicle movements per day are expected, which would consist of 47 car/van movements and 28 HGV movements on average.

5.7.1.5 The predicted increase in traffic on the A1(T) during the peak phase of construction is estimated to be 0.7% for all vehicles, and 2.4% for HGVs on the A1(T). This temporary increase is likely to be minor in terms of existing traffic flow, and the effects are expected to be negligible. For Bowshiel Farm Road, the increase in monthly construction traffic is expected to be negligible, as the road only provides access to Bowshiel Farmhouse and cottages.

5.7.1.6 Vehicle movements to the Site during the operation of the Proposed Development will comprise activities associated with inspection, monitoring and general Site up-keep. It is anticipated that such visits will occur once per week on average and be via LGVs or similarly sized vehicles. Due to the low numbers of vehicle movements anticipated, it is unlikely that the operation of the Proposed Development will have any significant impact on the road network.

5.7.1.7 Traffic during decommissioning will be similar to or less than that experienced during construction. Appropriate traffic management procedures can be agreed with the Council and Transport Scotland at the time of decommissioning.

5.7.1.8 The Transport Statement incorporates traffic management measures to mitigate the constraints identified and to ensure safe operation of the approach route to Site. Determination of the finalised details of these measures can be secured via an appropriately worded condition.

5.7.1.9 Given the minor impact of the Proposed Development on the surrounding road network and the traffic management measures to be implemented, the Proposed Development has addressed the impacts on road traffic as well as on adjacent trunk roads as required by NPF4 Policy 11 e) vi. The Proposed Development also complies with LDP2 Policy HD3, which seeks to protect the amenity of residential areas against the generation of traffic.

5.8 Noise and Vibration

5.8.1.1 A Noise and Vibration Impact Assessment has been prepared to assess the potential for significant noise and vibration from the Proposed Development. The potential for significant noise and vibration effects during construction have been assessed in accordance with BS 5228.

5.8.1.2 The following construction activities have the potential to produce noise:

- Site preparation (earthworks and construction of site compounds);
- Foundations and civils (general civils, trenching, operation of site compounds, transformer bases, road construction, and mechanical installations); and
- Electrical installations (delivery of electrical systems, operation of site compounds, PV module installation, and installation of inverters and transformers).

5.8.1.3 Modelling undertaken has shown that construction noise effects are expected to be Negligible (and not significant), except at two noise sensitive receptors (NSRs) (NSR 5 Bowshiel Farm Cottages and NSR 6 Bowshiel Farmhouse). At these properties, results show minor adverse effects, which are not considered significant, and which remain below the construction noise assessment criterion.

5.8.1.4 Noise emitted during operation will primarily be attributable to the BESS containers, PCS boxes, the MV transformers, and central inverters. An assessment of operational noise effects was undertaken in accordance with BS 4142. Modelling undertaken has shown that operational noise effects are expected to be Negligible (not significant), except at NSR 4 (Blackburn Farm Cottages), NSR 5 (Bowshiel Farm Cottages), and NSR 6 (Bowshiel Farmhouse), where minor adverse effects are predicted. Results from the modelling are minor (not significant) adverse effects during night-time. Mitigation measures, in the form of a 4.5 m acoustic barrier with cantilever surrounding each central inverter and 3.5 m acoustic barriers surrounding groups of the BESS containers, PCS boxes and MV transformers, have been included in the design.

5.8.1.5 The potential for cumulative noise effects has also been considered for other developments within 1 km of the Site. The potential for significant cumulative noise effects is not expected as there are no other developments within this 1 km buffer.

5.8.1.6 Construction will involve the use of plant and machinery that has the potential to produce vibration, including piling and compaction. An assessment of receptors within 100 m of plant has been undertaken, which includes NSR5 (Bowshiel Farm Cottages) and NSR 6 (Bowshiel Farmhouse). The assessment concluded that both receptors are predicted to experience minor (not significant) adverse effects due to vibration during construction.

5.8.1.7 The Proposed Development has been found to be acceptable in terms of potential noise and vibration impacts. Through project design, the Proposed Development protects residential amenity and has addressed the requirements of NPF4 Policy 11 e) i). The Proposed Development is also in accordance with the requirements of NPF4 Policy 23 and LDP2 Policy HD3.

5.9 Socioeconomics, Land Use, Tourism and Recreation

5.9.1.1 **Chapter 13** of the EIAR includes an assessment of the likely significant effects from the Proposed Development on the socio-economic, land use, tourism and recreation baseline.

5.9.1.2 Construction of the Proposed Development will result in some agricultural land being removed from food production. However, following decommissioning the infrastructure will be removed and the land reinstated. The assessment therefore concludes that there would be no adverse effect on land use or on the wider agriculture and food production sectors. There may be opportunities for some grazing to continue around the solar array during the lifespan of the project.

5.9.1.3 There would be adverse visual impacts for a Core Path BB84 and for part of the Southern Upland Way long distance route, which could reduce amenity for tourists and recreational users. However, impacts on the Southern Upland Way affect a relatively small section of the entire route. There are also no adverse visual impacts for nearby residential properties. It is therefore not expected that there would be any significant adverse effect on the tourism sector.

5.9.1.4 The Proposed Development would create employment and Gross Value Added (GVA) and would benefit the local economy within Scottish Borders:

- Construction of the Proposed Development would create a total of 880 direct FTE person years of employment over the 18-month construction period;
- Construction of the Proposed Development would generate a total of £40.6 m in direct GVA over the 18-month construction period; and
- Once in operation, the Proposed Development would create a total of 12 direct FTE jobs, of which 10 would be taken up by workers living in the Scottish Borders and 2 by workers living elsewhere in Scotland.

5.9.1.5 The assessment has demonstrated that local and community socio-economic effects have been maximised by the Applicant. The construction, operation and decommissioning activities of the Proposed Development would create employment and GVA, both directly and within the supply chain. The Proposed Development is therefore in compliance with NPF4 Policy 11, Part c), as socio-economic benefits including employment, associated business and supply chain opportunities have been maximised.

5.10 Greenhouse Gas Assessment

5.10.1.1 **Chapter 14** of the EIAR includes a Greenhouse Gas (GHG) Assessment and summarises the methods and findings. **Chapter 14** discusses the potential impacts from the release of GHG emissions during the construction, operation and decommissioning periods of the Proposed Development.

5.10.1.2 The Proposed Development is a renewable energy scheme providing clean energy and will have zero GHG emissions from the generation of electricity. However, there are certain activities during the construction, operation and decommissioning periods which will release GHG emissions, which are outlined below:

- Construction: the extraction, manufacturing and transporting of materials to the Site, and the emissions from various construction activities (these include fuel consumed by vehicles and construction equipment, and fuel used by hybrid generators for electricity supply during construction).

- Operation: fuel consumed by vehicles and equipment used for maintenance during operation, and electricity used by installed equipment on site.

- Decommissioning: fuel consumed by vehicles and machinery during decommissioning, and disposal and/or recycling of materials.

5.10.1.3 The GHG emissions assessment therefore aims to present the net impact of the Proposed Development on the climate, by calculating the GHG emissions displaced by generating renewable electricity to the grid, and the emissions that arise from the activities listed above during construction, operation and decommissioning.

5.10.1.4 Emissions from the construction, operation and decommissioning of the Proposed Development were estimated at around 542,000 tonnes of carbon dioxide equivalent (tCO2e). When compared with the relevant UK Carbon Budgets these emissions would not impact the UK climate targets and Carbon Budgets. Therefore, it was concluded that the likely impact of the Proposed Development's construction, operation and decommissioning on the climate is consistent with the IEMA definition 'negligible' and 'not significant'.

5.10.1.5 The Proposed Development is estimated to displace around 2,500,000 tCO_2e through the generation of renewable energy. Therefore, the net impact has been calculated to be 1,958,000 tCO_2e over the lifetime of the Proposed Development. Overall, the GHG assessment concludes that the Proposed Development would provide a net climate benefit, by offsetting around 1,958,000 tCO2e, consistent with the IEMA definition 'beneficial' and 'significant'..

5.10.1.6 The Proposed Development is fully consistent with applicable existing and emerging policy requirements and good practice design standards for projects of this type and is fully in line with measures necessary to achieve the UK's trajectory towards net zero. It is therefore considered that the Proposed Development is in compliance with NPF4 Policies 1 (Tackling the climate and nature crises) and 11 (Energy), and Scottish Borders LDP2 Policy PMD1 (Sustainability) and ED9 (Renewable Energy Development).

5.11 Other Issues

5.11.1.1 Chapter 15 of the EIAR assesses the potential effects of the Proposed Development on the following:

- Glint and glare;

- Human health (involving electro-magnetic fields); and

- Major accidents and disasters.

5.11.2 Glint and Glare

5.11.2.1 An assessment of potential glint and glare effects resulting from the Proposed Development has been undertaken. The potential for glint and glare effects were assessed on ground-based receptors within 5 km of the Site, which included the following:

- Rail Receptors: The railway line on the east of the Proposed Development;
- Road Receptors: Great North Road - A1 east of the Proposed Development;
- Fixed Ground Receptors: The locations of interest include:
  - Buildings dispersed to the south, east and north of the Proposed Development; and
  - Other small structures scattered throughout the surrounding fields.

5.11.2.2 For rail receptors, the impact is assessed as negligible, due to low intensity and the short duration of glare, the transient nature of vehicle movement, existing screening, and the distance from the railway line.

5.11.2.3 For road receptors, the impact is assessed as negligible, due to the transient nature of vehicle movement and existing screening.

5.11.2.4 Out of the 38 Observation Points (OPs), five were impacted. OP5 is predominately affected by yellow glare during May and mid-July to mid-August in the evening hours. This is due to the sun's angle moving from the west and causing reflections eastward. The overall impact on this receptor is considered negligible however, due to the short duration of yellow glare, existing screening, and the distance from the PV arrays to the receptor.

5.11.2.5 The other four OPs impacted experienced green glare. The green magnitude observed at these receptors indicates a low potential for after-image formation and poses no significant risk to health or safety. Among the fixed ground receptors, glint and glare effects were determined to be negligible due to the short duration and low intensity of the glare.

5.11.2.6 The glint and glare assessment concludes that as existing screening will mitigate effects to negligible, no further mitigation measures would be required.

5.11.3 Human Health

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

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

5.11.4 Major Accidents and Disasters

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

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

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

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

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

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

6 CONCLUSION

6.1.1.1 There is strong policy support for the generation of renewable energy at a local, national and international level. The Proposed Development would help to meet national and international climate change goals and targets. Section 4 of this Planning Statement demonstrates a critical need for renewable energy generation to address the global climate emergency. The Proposed Development will make a significant contribution towards an increase in renewable energy generating capacity (up to 165 MW plus a capacity of up to 80 MW of BESS) and will help to meet Scotland's target date of 2045 for achieving net zero emissions.

6.1.1.2 The GHG assessment concluded that the Proposed Development would provide a net climate benefit, by offsetting around 1,958,000 tCO2e, which is consistent with the IEMA definition of 'beneficial' and 'significant'.

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

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

6.1.1.5 Policy ED9 of the Council's LDP2 states that proposals for renewable energy developments will be supported by Scottish Borders Council. There are significant benefits which arise from the Proposed Development which outweigh the minimal adverse impacts, and it is considered that the development proposal is not contrary to the Development Plan when read as a whole.

6.1.1.6 NPF4 Policy 11 also requires that development proposals maximise local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The Proposed Development is estimated to create a total of 880 direct FTE person years of employment over the 18-month construction period and approximately £40.6 m in direct GVA over the construction period.

6.1.1.7 Significant weight should be given to Scotland's commitment[1] to deploying at least 4GW, but up to 6GW of solar power, by 2030. It's with that latter ambition in mind that the rapidity of solar deployment comes strongly into play as a key advantage .

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

6.1.1.8 Solar farms are one of the cheapest forms of electricity generation, and can be built quickly[2]. The British Energy Security Strategy states that the Government is supportive of solar farms co-located with other functions, such as agriculture, to maximise the efficiency of land use. The Proposed Development aligns with climate change policy ambitions and will help to meet Scotland's renewable energy generation targets.

6.1.1.9 Once operational, sheep grazing is proposed on Site, therefore an agricultural use will be retained on the Site. NPF4 Policy 29 supports rural diversification and the support of rural communities and local rural economies. The Proposed Development will help to sustain the landowner's agricultural operations by diversifying their agricultural holding and ensuring a secure income.

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

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

[2] Department for Energy Security and Net Zero (2023) *National Policy Statement for Renewable Energy Infrastructure (EN-3)* [Online] Available at: https://www.gov.uk/government/publications/national-policy-statement-for-renewable-energy-infrastructure-en-3