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Beth Thomas  
Mabbett & Associates Ltd.  
By email only

By email only to: [thomas@mabbett.eu](mailto:thomas@mabbett.eu)

Our ref: **ECU00006039**

18<sup>th</sup> February 2025

Dear Beth Thomas,

## **ELECTRICITY ACT 1989**

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

#### **SCREENING OPINION OF THE SCOTTISH MINISTERS**

#### **IN RESPECT OF THE PROPOSED APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE THE PROPOSED WESTPORT BATTERY ENERGY STORAGE SYSTEM ON LAND AT KILLOCH, EAST AYRSHIRE, KA18 2QH.**

Thank you for your request dated 2<sup>nd</sup> December 2024 requesting a screening opinion in respect of a proposed application under section 36 of the Electricity Act 1989 (“the Electricity Act”) to construct and operate a battery energy storage system with a generating capacity of approximately 150 megawatts (MW), comprising of battery storage enclosures and ancillary development including power conversion systems, distribution network operator substation building, BESS substation buildings, auxiliary transformers, low voltage distribution equipment, aggregation panels with LV pillars, pre-insertion resistors, capacitor banks, harmonic filters and resistors, spares containers, temporary construction compound, lighting/CCTV columns, security fencing and acoustic fencing.

#### **Background**

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

The proposal requires to be screened by the Scottish Ministers in accordance with regulation 7 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the Regulations”). Following a request for a screening opinion made under regulation 8(1), Scottish Ministers are required to adopt an opinion as to whether the proposed development

is or is not EIA development.

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

The Regulations set out at 8(2) the information that must accompany a request to the Scottish Ministers to adopt a screening opinion. Scottish Ministers consider that the information included in the screening request and documents supporting the request is sufficient to meet the requirements set out in regulation 8(2), and that the submitted information has been compiled taking into account the selection criteria in schedule 3 of the Regulations.

### **Statutory Consultation**

Under regulation 8(5) of the Regulations, Scottish Ministers are required to consult the Planning Authority within whose land the proposed development is situated. The Planning Authority was consulted on 22<sup>nd</sup> January 2025 and responded on 12<sup>th</sup> February 2025 advising that, in their view, the proposed development does not constitute EIA development and therefore any application for construction and operation of the development described in the screening request does not need to be accompanied by an EIA report. A copy of the Planning Authority's response is annexed to this screening opinion (**Annex A**).

### **Scottish Ministers' Considerations**

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

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

Scottish Ministers have taken the selection criteria in Schedule 3 and all the information submitted in respect of the screening request in account and taken account of the views of the Planning Authority. The scale of the proposed development is noted but Scottish Ministers disagree with the Planning Authority that the scale of the development weighs heavily towards making it EIA Development. When all other factors are considered, Scottish Ministers adopt the opinion that **the proposal does not constitute EIA development and that the application submitted for this development will not require to be accompanied by an EIA report.**

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

### **Written Statement**

#### **Characteristics of Development**

The Application Site covers approximately 18.3 hectares of agricultural land. The proposed development will provide approximately 150 megawatts in capacity. The main element of the

battery energy storage system would be multiple battery enclosures. This equipment would be sited on a levelled gravel or asphalt finish platform to suit detailed earthing design, with appropriate surface water drainage, with the compound enclosed by suitable deer and acoustic fencing. An overhead line would connect the battery storage facility to the nearby Coylton Substation. With consideration to nearby existing and approved developments, the development is not expected to be viewed in cumulation. The development would not involve use of significant levels of natural resources, with excavated material being re-used on the site. There will be a measure of construction waste consistent with a development of this type, but this is not considered likely to be significant. No operational waste is anticipated. There is no significant pollution or nuisance anticipated either at construction or operation stages, and no anticipated risk of accidents or disasters or to human health.

## **Location of Development**

The land is currently used for pastoral farming. The site is bound by field boundary hedgerows and consist mostly of soil class 4.1 which is not considered prime agricultural land. The developer has proposed to carry out an Ecological Impact Assessment to help identify all habitats within the application site, with the aim to reduce and mitigate any potential effects on biodiversity and existing habitats. There are a number of Sites of Special Scientific Interest (SSSI) within a 5-kilometre radius of the proposed development including Barlosh Moss SSSI, Stairhill SSSI, River Ayr Gorge SSSI and Howford Bridge SSSI. However, impacts on these sites from the proposed development are unlikely as the proposed development is located at distance. The proposed development is not in close proximity to a World Heritage Site or Scheduled Monuments, and the nearest Listed Buildings are located more than 1km from the site. Give the distance from the proposed development, it is not anticipated to give rise to any significant visual impacts.

## **Characteristics of the Potential Impact**

Visibility of the development is not predicted to extend widely and will be limited by existing topography and woodland. There are likely to be few visual receptors. The developer has proposed to submit an EclA and Biodiversity Net Gain (BNG) Report to help identify mitigation and enhancement opportunities for the ecological and biodiversity performance within the site. There are no likely significant effects on biodiversity, landscape, cultural heritage, or material assets, taking into account the size and scale of the development and its location relative to potential receptors. There are no significant effects considered to be likely on land, soil, water, air, or climate; effects on land and soil are considered to be minimal with good potential for reversibility. The land would then be reinstated as close as practicable to its original condition after 40 years of operation. It is considered given the low level of impacts expected, that cumulative effects with other existing or approved development are unlikely.

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

A Noise Impact Assessment will be carried out and mitigation put in place if required to ensure there is no impact on residential amenities close to the site. Appropriate siting, design and screening will avoid non-significant landscape and visual effects. A range of assessments and plans are proposed, including the aforementioned assessments, Planning Statement, Design and Access Statement, Pre-Application Consultation (PAC) Report, Landscape and Visual Impact Assessment (LVIA), LVIA Graphics & Visualisations, Landscape Masterplan, Flood Risk Assessment & Drainage Strategy, Transport Statement and Construction Traffic

Management Plan (CTMP), Historic Environment Assessment, Preliminary Contamination Risk Assessment (Phase I) Report, Construction Environmental Management Plan (CEMP), Land Capability for Agriculture Report, Tree Survey Report & Arboriculture Impact Assessment, and a Fire Risk Assessment.

This screening opinion does not constitute pre-application advice and is provided without prejudice to the assessment of any future application under section 36 of the Electricity Act 1989.

Yours sincerely

Graeme Cox

A member of the staff of the Scottish Government

(Cc: East Ayrshire Council)

Governance

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Renewable Energy Systems Ltd  
Per The Scottish Government  
Scottish Government  
Energy Consents Unit

Direct Line: Graham Westwater

Our Ref: 25/0001/S36SCR

Date: 12 February 2025

Dear Sir/Madam

APPLICATION NO.: 25/0001/S36SCR  
PROPOSAL: Screening Request for proposed 150MW battery energy storage system (BESS).  
ADDRESS: Land at Killoch, East Ayrshire, KA18 2QH

I write in connection with the recent consultation sent by the Scottish Government to East Ayrshire Council, as Planning Authority, in respect of the above which seeks the Council's views on whether the proposed development is EIA development, as required by Regulation 8 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017.

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

With due regard to the selection criteria of Schedule 3 for screening Schedule 2

development set out within the above Regulations, the Council is of the view that this development is EIA development. A brief overview of the reasons for this is set out below.

The following statement gives the full reasons for this conclusion:

### **Characteristics of development**

The proposal involves the construction of a battery energy storage system. The indicative proposal is stated to exceed a capacity of 150MW (indicated within the screening request) and the resultant application would be submitted under Section 36 of the Electricity Act.

The Proposed Development is expected to include the following key components:

- Battery storage enclosures - BESS developments use batteries to store and distribute electrical energy. The energy that is stored in these enclosures can be drawn upon when needed to meet the demand for power;
- Power conversion systems (PCS);
- Distribution Network Operator (DNO) substation building;
- BESS substation buildings;

- Auxiliary transformers;
- Low Voltage (LV) distribution equipment;
- Aggregation panels with LV pillars;
- Pre-insertion resistors;
- Capacitor banks;
- Harmonic filters and resistors;
- Spares containers;
- Temporary construction compound;
- Lighting/CCTV columns;
- Security fencing - Security fencing will be constructed around the Proposed Development for health and safety and security reasons, anticipated to measure no more than 2.4m in height. However, this will be confirmed prior to the submission of the planning application; and
- Acoustic fencing – Acoustic Fencing will also be present around the development to a maximum height of 4.0m along with CCTV cameras situated facing inwards across the Application Site.

## **Location of the development**

The application site comprises an area of agricultural land, covering approximately 18.3 ha. It is accessed from the A70 (Ayr Road) to the south of the site. There is an aggregate processing facility (which appears to be largely disused) and large areas of brownfield land, directly across the access road to the south of the site boundary.

## **Characteristics of potential impacts**

The Proposed Development is required to be screened for Environmental Impact Assessment (EIA) as it is considered a Schedule 2 development in the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (the 'EIA Regulations').

The Applicant has provided an assessment of the proposals against the relevant EIA regulations. They have concluded that the impact would not trigger an EIA under Part 2 (a) of regulations. Brief preliminary assessments of the main issues which would determine the requirement for an EIA have been carried out, with the intention of developing these further as the design and scope of the project develops. The initial assessments do not anticipate any significant impacts in regards to these matters and given the nature of the development, the Council would largely agree with this view, as an assessment of the development on a standalone basis, however in relation to cumulative impact the Council considers that there would reasonably be significant environmental effects, as explained below at the cumulative impact section.

## **Landscape & Visual Impact**

The area around the application site retains a strong rural character with farming being the main land use, (it is noted that there is an aggregate processing site directly to the south, which appears to be largely disused, with associated brownfield land appearance). Given the rural character of the site and the general area, the scale and form of the proposed development would introduce a contrasting, industrial type of development into the area which would impact on the character of the surrounding farmland/open countryside. However, the existing aggregate processing site has introduced an element of industrialisation to the locale and the positioning of this facility (between the A70 and the site), would lessen the potential visual impact further.

There are no settlements in close proximity, with the exception of scattered single dwellings and farmhouses, the village of Ochiltree is situated approximately 3km to the east of the site. This would limit and minimise the likelihood of any visual impacts in terms of residential amenity.

The positioning of the site is such that it would not be visible from the main road (A70). The topography also lends itself to minimising the visual impact, as the site slopes downwards to the north, away from Creoch Road and the A70. It is noted that there would be views from a distance further along Creoch Road, as it progresses northwards. However, this is minor road, not generally heavily used by traffic. There would be local visual receptors along this

road in the form of remote farm properties which could be subject to impacts due to their closer proximity to the development. Landscape screening would be incorporated into the design of the site, minimising any potential impacts further.

## **Ecological Impacts & Biodiversity**

There are a limited number of statutory environmental designations within 5km of the site, the closest being Barlosh Moss SSSI, approximately 2km to the south of the site. Given this separation distance, it is not considered that the proposal would impact any existing environmentally sensitive sites.

There is a belt of designated ancient woodland which travels along the southern boundary of the site. The applicant has stated that none of this woodland requires to be felled to facilitate the proposed development and if required, strategies such as root protection plans will be put in place to preserve the integrity of this area. The woodland also acts a visual barrier between the site and Creoch Road.

In terms of habitats and protected species, any potential impacts during the works, would be managed by a Construction Environmental Management Plan (CEMP). The applicant will also prepare and submit a Biodiversity Net Gain Report to ensure net gain is achieved. As such, it is not considered that there are any significant impacts in terms of ecology or biodiversity, which would warrant the submission of an EIA.

## **Water Environment and Drainage/Flood Risk**

There is a burn which runs along the northern boundary of the site. The proximity of this watercourse is such that the formation of hardstandings around the battery storage installations and other equipment may contribute to a surface water impact, with increased runoff and particularly potential for pollutants to enter nearby drains and watercourses. Such hydrological impacts also have potential knock-on impacts for ecology, including aquatic ecology. The applicant has stated that they will undertake a full Ecological Impact Assessment, which would identify any issues in this regard and are preparing Drainage and Flood Risk Assessments to accompany the application.

Given the rural nature of the site and wider area, the presence of private water supplies (PWS) should also be considered. This will be a matter that will require proper assessment in any forthcoming application. Early contact with the Council's Environmental Health Service is recommended to help identify such PWS and their routes from source to user should be mapped to ensure there is no overlap with any proposed site works.

## **Cultural Heritage & Archaeology**

The applicant has identified any listed buildings and/or Conservation Areas within a 2km radius of the site. Given the distances between the site and the closest receptor, the proposed development would not impact the Ochiltree Conservation Area, nor any listed buildings therein, or in the wider area.

The applicant will produce a Historic Environment Assessment, which identifies any impacts in greater detail and how these would be mitigated. Advice has been given to the Council, and, we understand, to the applicant, by the Council's archaeological consultants which advises there is a reasonable probability of sub surface heritage assets in this area. Given the proximity of any potential above ground heritage receptors, it is not considered there would be any impact in this regard, which requires further assessment through an EIA. Whilst there may be sub surface impacts, this does not appear to be a potentially significant impact in terms of EIA, and mitigation by way of intrusive trenching and further fieldwork could further reduce impacts.

## **Residential Amenity Impacts**

On the issue of residential impacts, the nearest residential property is located to the north west of the site boundary, with a number of further dwellinghouses and farms throughout this rural area. Residents may experience amenity impacts such as through noise, dust, light pollution and traffic impacts during the construction

period, and in some cases, throughout the lifetime of the development, though these are likely to be primarily due to noise, lighting and visual amenity impacts. These impacts would require to be fully assessed as part of any application, including cumulatively where appropriate, although mitigation has the potential to address many of these. From the information available, it is considered unlikely that there would be significant effects that require EIA, subject to sufficient assessment material and relevant mitigation measures coming forward.

## **Traffic & Transportation**

The site is well connected in terms of the road network, given the proximity of the A70, which is a trunk road directly to the south of the application site. The applicant anticipates a construction period of 21-24 months, over which traffic relating to the development works would access the site from the A70 junction with Creoch Road. However, no specific detail of the anticipated vehicle movements have been given and as such drawing conclusions on likely significant effects is difficult. The applicant will require to prepare a Construction Traffic Management Plan (CTMP) (which they have stated they intend to do), which would assess any impacts from traffic generation. It is considered that the level of traffic generation likely to be associated with a development of this nature would not require to be assessed via EIA particularly as it is mainly A class roads and a short section of local road being utilised, albeit as noted, the lack of information regarding vehicle movements makes this conclusion more finely balanced.

## **Cumulative Impact (unless otherwise addressed above)**

The applicant's cumulative assessment has focused on BESS development specifically, noting a number of such developments locally, and in particular the consented BESS immediately south of the development.

It is also noted that a separate EIA Screening Opinion request for a 200MW BESS development on the site directly adjacent to the west of that which is the subject of this application (Creoch Farm BESS), has recently been submitted to the ECU (and latterly EAC as a consultee). EAC are currently also considering this request in its own right as a standalone development in terms of the requirement for EIA. However it is also pertinent to factor in any cumulative impact which may result from the projects, should they ultimately gain consent and seek to commence development simultaneously and also once works are complete and the sites are operational.

The main issues in terms of EIA requirement which could result from this scenario, would be visual/landscape impact, traffic generation during the construction process and potential noise impact once both sites were operational.

In terms of landscape and visual impact, it is considered that the combined impact, excluding the recent Creoch Farm BESS screening proposal, do not differ significantly from the above assessment relating to this site alone. However when the adjacent Creoch Farm EIA screening proposal is also added, whilst screening and careful design can be used to lessen impacts including cumulative impacts, the effect of three BESS sites in close proximity increases the likelihood of potential significant effects, given that the sites together will read as one larger BESS site.

Cumulative traffic generation, is also difficult to predict, given that very limited information has been provided by this developer and the adjacent Creoch Farm BESS. Whilst impacts on the A class road are less likely to be significant, there is nonetheless a large amount of traffic on that route to which this development in combination with the others will add and the three BESS sites off Creoch Road will result in very large impacts on a short stretch of that road, that may also be significant.

Noise impact including cumulative impact can be fully assessed by undertaking an NIA, which factors in the scope of cumulative noise from all developments at the closest sensitive receptors. Again, the combination of three BESS developments and other local noise sources may have a higher likelihood of significant effects at the nearest noise sensitive receptors and it is unclear if appropriate mitigation measures can be advanced to reduce impacts.



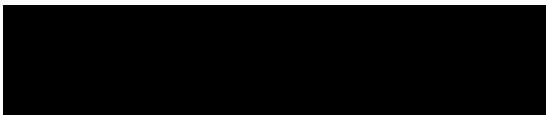
## Conclusions

In relation to the development as a standalone project, a full schedule of mitigation measures which would cover all the above subjects, is likely to further reduce potential significant impacts and subject to that additional mitigation and appropriate refinement of the development upon further information being gathered, the development is unlikely to result in significant effects on that basis. However, this is less clear in respect to cumulative development, with up to three BESS developments in very close proximity. On the basis of the information available, the Council considers that potential cumulative effects may be significant in nature, having regard to the characteristics of the development and the location.

The Council, having considered the selection criteria of Schedule 3, the information submitted by the Applicant in respect of their screening request, details of other schemes that have potential cumulative interest and together with the above assessment, considers that the proposed development does constitute EIA development. Therefore, it is the view of the Council that any subsequent application submitted for this proposal is required to be accompanied by an EIA Report. If the Scottish Government is otherwise minded, the various impacts will be expected to be assessed in full and details of any necessary mitigation measures to address impacts would be expected to be set out in the detailed supporting information submitted with the application.

I trust the above is helpful. If you would like to discuss anything or require any further information, please do not hesitate to contact me.

Yours faithfully

A solid black rectangular box used to redact the signature of David Wilson.

David Wilson  
Interim Development Management Manager