

# **PE2157/B: Update planning advice for energy storage issues and ensure that it includes clear guidance for the location of battery energy storage systems near residences and communities**

## **Petitioner written submission, 26 August 2025**

This petition will be heard in the context of:

- an oversubscribed queue for consent,<sup>i</sup>
- up to 10% of UK national BESS need being consented within Scotland during late July 2025,<sup>ii</sup>
- a “gold rush” of applications,<sup>iii</sup>
- a lack of:
  - engagement with communities on commissioned Scottish Government guidance,<sup>iv</sup>
  - updated guidance from National Fire Chiefs Council,<sup>v</sup>
  - adherence within consenting processes to existing NFCC guidance,<sup>vi</sup>
  - requirement for BESS applications to provide an Emergency Response Plan during the consent process,<sup>vii</sup>
  - mention of residences or wider community within the existing Health and Safety Executive guidance,<sup>viii</sup>
  - requirement for a BESS site, even in proximity to a community, to conduct an Environmental Impact Assessment,<sup>ix</sup>
  - consistent industry practice on acceptable proximity to residences,<sup>x</sup>
  - requirement for Scottish Fire and Rescue Service to be statutory consultees,
- communities which have seen consent given to BESS left with no recourse except potentially costly, complex, and incredibly tight-timescale Judicial Reviews, where failings in the process have occurred, potentially due to lack of guidance.

This petition was lodged due to our community’s experience of a large Battery Energy Storage Systems (BESS) planning application; it is but one example of the detrimental impact that the lack of current guidance on the siting of BESS is having on local communities across Scotland. We use our local example as a case study as we know it best, but we are aware of similar issues with applications across seven local authorities in Scotland.

## **Benefit of guidelines**

The introduction of rigorous guidelines on suitability of BESS sites would immediately provide clarity to the consenting and planning process, reducing the burden on:

- the civil servants of the Energy Consents Unit (ECU),
- local authority planning teams and committees,
- local communities asked to respond to multiple consultations,
- developers who can focus their resources on the truly viable sites with far more certainty on what is and isn't suitable development

Such guidance would ensure that BESS development only takes place where appropriate in keeping with the aims of a just transition, while providing reassurance and certainty to key stakeholders.

## **Detrimental impact on communities**

The impact on our community over the last two years of this application has been major, with the whole episode seeing worsening trust in the local authority (as both landowner and planning authority), burnout of long-standing members of the community and, at times, a fight to try and establish even basic information about the application. The central question asked by the community has still not been answered by government or the developers of our proposed local BESS: how close is too close to a community? There are three main issues of concern raised:

### ***1. Lack of safety and emergency procedures***

See above, under context, fourth bullet point.

### ***2. Noise***

On a day-to-day basis, many BESS developments would be expected to discharge and charge for four hours, which will cause a great deal of noise: the charging cycles in particular may be expected to be overnight, while the discharging cycles will be more variable. When in close proximity to communities, it can therefore be expected that this will have an impact upon residents' sleep; reports for some BESS, based on British Standards, note that more than 5dB is likely to be an indication of an adverse impact.<sup>xi</sup> In some cases this has led to other nearby developers, including offshore windfarms, objecting to a BESS near their onshore facilities, due to the impact of cumulative development.

### ***3. Loss of amenity / Loss of agricultural land***

When in close proximity to a community, the loss of amenity for not only residents but also the wider community must be taken into account and the closer a site is to a community the greater the daily impact. If brownfield land is available, especially further from a community, it must be prioritised over prime greenfield agricultural land, surely? Furthermore, within our community we have been made aware of

house sales potentially falling through over fears of a BESS within 100m of a house being uninsurable.

## **Lack of consistency**

The process for applications is disjointed, due to BESS developments being classed as energy generating stations - anything below 50MW is handled by local planning authorities, those above going to the ECU.<sup>xii</sup> Not only is this arbitrary level outdated, as many projects above 50MW are not deemed of national strategic importance, but also raises questions about what place BESS as infrastructure should have.<sup>xiii</sup> This patchwork approach can lead to wildly different outcomes for similar applications and a single decision can be portrayed as setting a precedent, despite each case being independent.<sup>xiv</sup> For ECU applications, local authorities are statutory consultees. An objection triggers public enquiry, for which some feel unable to justify 'wasting public money'.<sup>xv</sup>

RES Group, a major BESS developer, have stated that they would not site a BESS within 200-250m of residences. This is up to three times further away from residences and up to six times further from a children's playpark than the now-consented BESS in our community.

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<sup>i</sup> Since the start of July 2025, 14 applications for or involving BESS have been lodged with ECU, adding to the lengthy queue for consent: <https://www.energyconsents.scot/ApplicationSearch.aspx>. Oversubscription demonstrated by UK Government's CP30 noting national need for 23-27GW of BESS: <https://www.gov.uk/government/publications/clean-power-2030-action-plan/clean-power-2030-action-plan-a-new-era-of-clean-electricity-main-report#electricity-networks-and-connections>: The Path to 2030, second paragraph.

Research from Brodies LLP indicates that twelve Section 36 consents were granted for BESS projects in Scotland in July and August 2025: <https://brodies.com/insights/planning-environment-and-climate/battery-energy-storage-in-scotland-consenting-trends/>

<sup>ii</sup> An Energy Consenting Lawyer made this claim on LinkedIn, summarising information from Energy Consents Unit: <https://www.energyconsents.scot/ApplicationSearch.aspx>

<sup>iii</sup> <https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-05-12-2024?meeting=16144&iob=137895#137895>

<sup>iv</sup> The Scottish Government response to our petition does not mention communities as stakeholders. We have contacted Ironside Farrar and Scottish Government civil servants to request being included as stakeholders and have received no response.

<sup>v</sup> <https://nfcc.org.uk/consultation/draft-grid-scale-energy-storage-system-planning-guidance/>

<sup>vi</sup> <https://nfcc.org.uk/wp-content/uploads/2023/10/Grid-Scale-Battery-Energy-Storage-System-planning-Guidance-for-FRS.pdf> - Page 7: "Where possible buildings should be located upwind", not the case at Cockenzie; Page 3: Battery Chemistry is required information: not provided definitively at Cockenzie.

<sup>vii</sup> Absent in the Cockenzie application.

<sup>viii</sup> <https://assets.publishing.service.gov.uk/media/661feca73771f5b3ee757fac/grid-scale-storage-health-safety-guidance.pdf>

<sup>ix</sup> <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2022/02/good-practice-guidance-applications-under-sections-36-37-electricity-act-1989/documents/energy-consents-unit-good-practice-guidance-applications-under-section-36-37-electricity-act-1989-february-2022/energy-consents-unit-good-practice-guidance-applications-under-section-36-37-electricity-act-1989-february-2022/govscot%3Adocument/energy-consents-unit-good-practice-guidance-applications-under-section-36-37-electricity-act-1989-february-2022.pdf>

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<sup>x</sup> [https://www.eastlothian.gov.uk/download/meetings/id/25697/planning\\_committee\\_minutes\\_04\\_02\\_2025](https://www.eastlothian.gov.uk/download/meetings/id/25697/planning_committee_minutes_04_02_2025) (Page 7).

<sup>xi</sup> As an example:

[https://www.cockenziebatterystorage.co.uk/files/ugd/7ffde8\\_a8b094054c7f4d77a53ab4099e3a4f7a.pdf](https://www.cockenziebatterystorage.co.uk/files/ugd/7ffde8_a8b094054c7f4d77a53ab4099e3a4f7a.pdf) (Page 13)

<sup>xii</sup> <https://www.energyconsents.scot/Default.aspx>

<sup>xiii</sup> Paper to East Lothian Council meeting 26 August 2025

[https://www.eastlothian.gov.uk/download/meetings/id/26034/14\\_motion\\_impacts\\_and\\_consenting\\_of\\_renewable\\_infrastructure\\_in\\_east\\_lothians\\_communities](https://www.eastlothian.gov.uk/download/meetings/id/26034/14_motion_impacts_and_consenting_of_renewable_infrastructure_in_east_lothians_communities)

<sup>xiv</sup> Same post as Ref 1 made multiple observations about precedent being set.

<sup>xv</sup> As an example:

[https://www.eastlothian.gov.uk/download/meetings/id/25697/planning\\_committee\\_minutes\\_04\\_02\\_2025](https://www.eastlothian.gov.uk/download/meetings/id/25697/planning_committee_minutes_04_02_2025) (Page 7)