

# **PE2157/E: 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**

**Andy Hayton written submission, 27 November 2025**

## **1. Introduction**

This submission draws on extensive evidence regarding:

- Procedural failures by the Energy Consents Unit (ECU) in assessing BESS projects;
- Risks posed to public safety and the surrounding environment;
- Lack of adequate guidance on cumulative impacts of clustered energy developments;
- Conflicts of interest in decision-making processes.

## **2. Procedural Failures by the Energy Consents Unit (ECU)**

FOI evidence shows the ECU did not consider scoping-stage representations from local communities<sup>1</sup>. This contravenes Regulation 25 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

Multiple FOIs reveal that the Scottish Government and ECU have no record of internal briefings, risk assessments, or ministerial submissions regarding cumulative impact, shared land access, or developer representations for Mey BESS, Rigifa BESS, and related projects<sup>2</sup>.

The ECU has been making legally challengeable decisions on BESS applications without robust safety evidence or transparent consideration of local community interests.

## **3. Public Safety Concerns**

BESS sites store energy equivalent to tons of TNT: the proposed Mey BESS could store energy equivalent to 1,200 tons of TNT, comparable to the Beirut ammonium nitrate explosion<sup>3</sup>.

Published fire safety plans and Health & Safety Executive (HSE) consultation responses exist<sup>4</sup>, but no public robust risk assessment demonstrates that a site-wide fire cannot escalate, especially given proximity to residential areas and heritage sites such as the Castle of Mey.

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<sup>1</sup> ECU FOI — 6 Nov 2025 | Highland Council / ECU Portal

<sup>2</sup> ECU FOI — Internal correspondence / briefings request | 2025 and ECU FOI — Safety, Fire, Hazardous Materials | ECU Portal

<sup>3</sup> John O’Groat Journal — “Explosive potential stored in Caithness” | Sep–Oct 2025

<sup>4</sup> HSE Consultation Responses & BESS Safety Plans | ECU Portal

Letters in the John O’Groat Journal raise concerns that fire suppression plans may be insufficient given the scale of stored energy<sup>5</sup>.

#### **4. Inadequate Consideration of Cumulative Impact**

The Highland Council Planning Statement for Gills Bay 132kV Switching Station confirms “major adverse” visual impact at nearby locations and notes the cumulative effect of multiple energy infrastructure projects<sup>6</sup>.

FOI evidence shows the ECU did not hold or consider information on developer claims of grid connection dates, pre-2030 readiness, or cumulative infrastructure risks<sup>7</sup>.

National Grid ESO / NESO responses confirm that no Gate 2 offers had been issued to these projects at the time, highlighting uncoordinated planning and risk of speculative approvals<sup>8</sup>.

#### **5. Conflicts of Interest and Lack of Independent Oversight**

Publicly available evidence shows Highland Council leadership promoting renewable energy investment while serving on planning committees (e.g. Councillor Raymond Bremner)<sup>9</sup>.

Engagement between Ampeak Energy and MSPs (e.g. Gillian Martin visit to Nigg Energy Park) demonstrates close ties between developers and government, which raises questions about impartiality in decision-making.

#### **6. Recommendations for Action**

1. Update national BESS planning guidance to include:
  - Minimum baseline separation distances from homes, schools, public buildings, and community amenities;
  - Explicit consideration of cumulative impacts from multiple developments;
  - Clear, publicly available safety assessment standards for fire and hazardous materials;
  - Mandatory consultation with local communities at the scoping stage.
2. Encourage the Scottish Government to review and audit ECU decisions on BESS to ensure compliance with EIA regulations, particularly Regulation 25 and requirements for cumulative impact assessments.
3. Consider establishing independent oversight for BESS applications to prevent conflicts of interest and ensure impartial, evidence-based decision-making.

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<sup>5</sup> John O’Groat Journal — “Explosive potential stored in Caithness” | Sep–Oct 2025

<sup>6</sup> Gills Bay 132kV Switching Station Planning Statement | Highland Council Portal

<sup>7</sup> ECU FOI — Safety, Fire, Hazardous Materials | ECU Portal

<sup>8</sup> NESO FOI — Gate 2 / TEC Register | Aug 2025

<sup>9</sup> Highland Council / Public Records — Renewable Investment Engagement | Scottish Government, media reports