APPENDIX 3

CONSULTATION RESPONSES

CONSULTEE

Stornoway Community Council **Date of response – 07 October 2024**

Stornoway Community Council would like to formally object to Point & Sandwick Trust's proposed development at Newton. While we had expressed serious reservations about this project in our representation to the Comhairle in July, we had not then had the opportunity to meet with Point & Sandwick and discuss the project.

Now that we have met with the developer, this has only confirmed our thoughts that Newton is entirely the wrong location for a scheme of this kind. We accept that Lithium-ion Battery Energy Storage Systems (BESS) rarely go on fire, but we also recognize that if they do, the consequences are potentially catastrophic. The proposed site is far too close to the nearby housing – there is simply no margin for error if something goes wrong.

With apologies for stating the obvious, considering the massive industrial developments planned for Arnish Moor – the giant SSEN HVDC Convertor Station, the substantial Spiorad na Mara Grid Substation, and in due course the Grid Substation for the Magnora windfarm, plus perhaps later on a Hydrogen Hub - the industrial sector of Stornoway will soon be near Arnish, not in its traditional setting of Newton. If Point & Sandwick were to situate their BESS near the existing SSE Convertor Station at Arnish Road End, the logic of this would be irrefutable.

In saying all this, we acknowledge the imagination and courage of Point & Sandwick Trust in daring to venture into the complex business of energy arbitrage, for which the BESS was to be used. We are also grateful to them for their courtesy in meeting with us recently.

However, this meeting and the additional explanations provided by Point & Sandwick Trust only highlighted the unsuitability of the Newton site for the BESS. In addition to being the wrong location, it has also become increasingly apparent that the Newton site is simply too small for a development of this kind.

In addition, our own online researches found this guidance from the Department for Energy Security & Net Zero - https://www.gov.uk/government/publications/grid-scale-electrical-energy-storage-systems-health-and-safety/health-and-safety-in-grid-scale-electrical-energy-storage-systems-accessible-webpage

We would make the following specific points –

1. It is not clear that the applicant has engaged with the local Fire & Rescue Service from an early stage as per best practice.

2. The applicant has failed to identify new fire hydrant sites within the site. Their safety statement identifies fire hydrants 140m as the closest and the next closest as 176 metres. If this application were to be approved, we believe it would be advisable that the applicant pay for a fire hydrant to be located much closer to the site, as a planning condition.

3. The applicant has failed to identify the type of battery chemistry that will be used. This means that Stornoway Community Council and the Fire & Rescue Service do not have access to design statements showing how the batteries would react in a catastrophic event. As per draft guidance this is essential.

4. As per draft guidance the applicant has failed to identify sensitive receptors within 1km of the site that may affect emergency planning.

5. The applicant has failed to identify the prevailing wind direction as per draft guidance.

5. The applicant has identified two entry routes for the fire service, but they are both from the north. In Figure 4, “Firefighting Approach Plan” on page 11 of the "Battery Health and Safety Statement". Point & Sandwick Trust claims that an alternative access route (shown in Green in this diagram) could serve as an adequate emergency access alternative to the Primary Road Access (shown in yellow). In reality given that the prevailing wind in Newton is understood to be from the South-East, in the event of a serious fire the wind could easily prevent access by this route. Whereas the National Fire Chiefs Council document “Grid Scale Battery Energy Storage System Planning – Guidance for FRS”, which has already been supplied to the Comhairle as part of our July representation, recommends on page 7 that there should be at least two separate access points to the site to allow for opposite wind conditions/directions. And in any event SSE for very good reasons of site security, has to keep the gate access from Newton Street securely locked.

6. The applicant has failed to identify how long a battery would burn and what impact this would cause.

7. The applicant has failed to identify alternative sites. It is clear that a site near the SSE Convertor Station at Arnish Road End did come into consideration early on, however the applicant has claimed that only the Newton Battery is optimal, Our concern is that Point & Sandwick Trust is asking for Planning Permission somewhat speculatively. Without the necessary information they might be granted Planning Permission and then retrospectively choose an option that is more harmful.

Ultimately, the impression given is that Point & Sandwick Trust is trying to shoehorn a substantial £14 million BESS development into a site for which it is manifestly unsuitable.

We should also mention that those of the Community Council members who stay in Newton continue to receive representations from their neighbours which can be summarized as being extremely averse to this development.

Without wishing to reiterate all the concerns detailed in our previous submissions, we would conclude by respectfully recommending in the clearest possible terms that the Comhairle should refuse planning permission for this project.

CONSULTEE
Stornoway Community Council **Date of response – 05 July 2024**
Stornoway Community Council considered this major planning proposal at its meeting of Thursday 27 June 2024.

Stornoway Community Council became established part-way through the planning process for this project. This resulted in the Community Council only being given two weeks to consider the project, starting on Monday 24 June. It was not thought realistic in this limited timeframe to carry out the thorough community consultation which such a major project deserved. This should naturally include a full opportunity for Point & Sandwick Trust (PST) to present its case to the Community Council. If we had invited PST to our 27 June meeting, they would have had barely three days notice, which would have been unreasonable.

It was agreed that it had been sensible for CNES to treat this complicated £14 million Battery Energy Storage System (BESS) project as a ‘major development’, despite the relatively small area involved.

The Community Council accepted that PST’s proposal for a BESS at Newton could potentially generate significant profits for PST and other community windfarms, if a facility was created to allow the variable energy flows from windfarms to be utilised when the existing diesel-fired Power Station is in operation. It was also accepted that the BESS would allow power to be restored almost instantaneously to the island when the grid suffers an outage, instead of having parts of the island wait up to two hours for the existing diesel-fired generators to come into operation. The offer of community benefit was understood to be modest, only £5,000 a year to the Newton Ward Community Association and the possibility to apply to PST for grants.

It was noted that a number of Newton residents had expressed concerns about the safety of the proposed BESS at a consultation meeting held in the Newton Ward Community Rooms on 15 May 2024. It was understood that none of the approximately fifteen Newton residents present at that meeting expressed support for the project. The concerns raised at that meeting included mention of the fire at a BESS in Liverpool in September 2020. Curiously, no minute seems to have been taken of that meeting.

Online research uncovered the Significant Incident Report by Merseyside Fire & Rescue Service (attached). On 15 September 2020, firefighters had arrived to find that a 'Thermal Runaway' (an internal chemical reaction) had occurred within the electrical batteries, with an explosion so severe that a container door was blown six metres. The fire took over fifty hours to be extinguished. While very large quantities of water were used, fortunately the geography of the site was such that while the firefighting water run-off would inevitably contain acid from the batteries, there was a vast gravel run-off under the BESS, which had a fine coating of cement/lime, with the result that the acid contamination was neutralised. Housing seems to have been at some distance and the firefighters assessed that the plume of smoke with toxic contaminants required advice to residents to close windows and doors.

By comparison, Newton is a heavily built-up area, with residential buildings only a matter of yards from the proposed BESS. If that were to go on fire, there was a strong possibility that toxic smoke would be blown towards nearly houses by the prevailing wind. Also there is a risk of explosions carrying debris. As the proposed BESS is in a small area very close to the harbour, and since the experience of the Liverpool incident shows that significant quantities of water would be required to extinguish any fire, it is very likely as a result that a substantial amount of poisonous liquids would flow from the BESS into the harbour, killing any wildlife in their way. In short, any significant fire at the BESS will probably be a serious risk to human life and an environmental catastrophe.

Also attached is the National Fire Chiefs Council document - "Grid Scale Battery Energy Storage System planning – Guidance for FRS". Amongst much useful guidance, the recommendation is that prevailing wind direction should be taken into account at the project design stage. The prevailing wind direction at the Battery is from the South West, meaning that in the event of a fire, the wind would most likely take the smoke directly across into nearby houses. Also the recommendation is that there should be at least two separate access points for Fire & Rescue Services vehicles to the site to account for opposite wind conditions/direction. It does not immediately seem that the BESS Newton site complies with this recommendation.

It was further noted that on Sunday 23 June 2024 another serious fire broke out at an Electric Battery Recycling facility in Linwood, near Paisley. This resulted in residents being asked to stay inside their houses until the toxic smoke dissipated.

Stornoway Community Council is well aware that Newton, in addition to being heavily built-up, has the Gas Works near Seaforth Road and the Oil Depot near Tescos – both developments that would never be permitted now. Significantly, CNES has a definite plan, once offshore windfarm developments come on stream. that a facility producing green hydrogen shall be established near Arnish, and that Stornoway's small mains gas network will be converted to be run on hydrogen, allowing the closure of the existing gas works. Establishing a new, risky, development at Newton would seem to run counter to the stated CNES intention to move potentially dangerous facilities away from residential areas.

It was noted that the 200-year old retaining wall at Newton Street, built on shingle, was in no condition to take heavy traffic. Also that Goat Island itself is a major industrial estate, with hundreds of jobs in a seafood facility and at the shipworks there. And that already vehicles regularly have to queue up to access Goat Island, making the impact of construction works problematic.

One of our members, who had been unable to attend this meeting on 27 June 2024, had asked that two questions be discussed – "Why is it PST making the application not SSE given that the new plant will be directly linked to the SSE power station at the Battery?" and "Why does the battery plant have to be placed here, immediately adjacent to Newton Str and so many houses, given the potential fire risk?" On the first question,

it was noted that SSE itself has considerable expertise in BESS and is building two massive 250 MW BESS facilities in England. It was considered unlikely that we would get an answer from SSE, who may well claim 'commercial confidentiality'. As to the second, it was understood that the current connections from windfarms run to the current small interconnector at Arnish and not to the Battery power station. Therefore it is unclear how the PST BESS facility could moderate the varying power flows from windfarms unless some substantial cabling was run from Arnish to the Battery. In turn, this begs the question as to why the BESS is not to be situated at Arnish. From PST Minutes, it seems this was considered at one point – these refer to abortive discussions with a local landowner there.

One of our members has questioned whether the Community Council had a mandate to recommend that CNES should refuse planning permission. In a straw poll, they had canvassed 28 people, 10 of whom came from Newton. Five were opposed, 8 in favour, 6 undecided and 9 didn't care. That is, opinion in Stornoway about the project is not certain.

Several of our members have expressed reservations regarding PST's public engagement strategy. These include PST's failure to respond to requests for information through their web-based form (the PST website does not immediately seem to have a generic email address through which members of the public could contact them). As regards PST's two public consultations in 2022, it seems PST's agent, Greenspan, did not leaflet the areas of Newton closest to the development (Newton Street, Seaview Terrace, Seaforth Road, Millar Road, Battery Park Road, Builnacraig Street, etc).

Since the Stornoway Community Council Meeting of Thursday 27 June 2024, it has transpired that PST did not organise the meeting held at Newton Ward Community Rooms on 15 May 2024. This meeting was in fact organised by Newton Ward Community Association at the request of a local resident who was concerned about the proposal. Leaflets were distributed in Newton by Community Development Workers. Then PST arrived at the meeting with prepared documentation to present their case. The key point is that for some Newton residents, the leaflet for the 15 May meeting was the first they had ever heard of the project.

From the point of fairness, since the Community Council has not had the opportunity to question PST on the various troubling issues which our discussion had highlighted, on balance it was not thought reasonable at this time to formally recommend outright that CNES should refuse planning permission for the project, despite the obvious valid safety concerns.

Accordingly Stornoway Community Council would respectfully recommend to CNES –

That the planning period should be extended to allow Stornoway Community Council to carry out a full public consultation, and to give PST the opportunity to address the various concerns which have emerged.

That CNES should give serious consideration to asking PST to locate the BESS elsewhere, perhaps at Arnish.

Regardless of the final location, it would be prudent for Planning Permission only to be granted after a comprehensive risk assessment by the Scottish Fire & Rescue Service – this should be by the SFRS Head Office, since it is not realistic to expect that the local branch would have the expert knowledge required. With the requirement that PST should implement any mitigation measures such as blast walls which the risk assessment may recommend.

Finally, if planning permission is given for the Newton site, a comprehensive construction traffic flow plan should be agreed with PST, to avoid damage to the Newton Street road/wall and to minimise disruption to the businesses operating from Goat Island.

CONSULTEE
Scottish Fire and Rescue Service **Date of response –**
No response received.

CONSULTEE
Scottish Water **Date of response – 02 May 2024**
Audit of Proposal
Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Asset Impact Assessment
Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

- 2 x 400mm rising combined sewer
- 300mm combined sewer
- 6" PVC water main
- 900mm combined sewer

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.
Written permission must be obtained before any works are started within the area of our apparatus.

Drinking Water Protected Areas
A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Surface Water
For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.
There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

CONSULTEE
Health and Safety Executive **Date of response – 04 November 2024**
HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

CONSULTEE
SEPA **Date of response – 15 May 2024**
Advice for the planning authority

We have **no objection** to the proposed development on flood risk grounds. Please note our advice provided below.

1. Flood risk

1.1 The SEPA Future Flood Map indicates that the site is at possible risk of coastal flooding. You can view the SEPA Flood Maps and find out more about them at Flood Maps | SEPA - Flood Maps | SEPA.

1.2 The approximate coastal flood level for the area is 4.37 mAOD including an allowance for climate change. The flood level is derived from the 200 year still water level based on the Coastal Flood Boundary Method (3.44mAOD) which does not account for the effects of wave action, funnelling or local bathymetry. The applied recommended sea level rise for the area by 2100 (0.93m) is based on the latest UK climate change predictions published in 2018 as outlined in SEPA's guidance.

1.3 Therefore, in line with National Planning Framework 4 (NPF4) it is required that all development on the site is limited to land which has a ground level higher than 4.37mAOD. In addition to this, a separate minimum freeboard allowance of 0.6m to account for uncertainties and the possible effects of wave action is required for finished floor levels.

1.4 The submitted "01-Topographical Survey (Rev A, Feb 2022)" shows lower ground levels around the site boundary with levels rising towards the centre. The 5mAOD ground level contour line lies close to the western and southern boundary line of the site i.e. closest to the shore, with the lowest level of approximately 4.505mAOD in the south-west corner. Therefore, it appears all the site lies above the coastal flood level of 4.37mAOD and outwith an area at flood risk.

1.5 We would normally request a separate minimum freeboard of 0.6m for any built development to account for any uncertainties and the possible effects of wave action. Although no finished floor levels (FFL) have been provided, the "Proposed Site Layout (21-001-P-3, 16/04/2024)" shows that any development closest to the shore such as the site office, would be located within the centre of the site on ground above the 5.5mAOD ground level contour line. In addition, the submitted Design and Access Statement (by The Greenspan Agency, 18 April 2024) states that "the equipment on the site will be mounted on concrete plinths and will not be vulnerable to flooding". Therefore, the site office would have at least a 1m freeboard above the coastal flood level for the area of 4.37mAOD.

1.6 Therefore, as the site lies outwith an area at risk of coastal flooding and all built development would appear to be on ground above 5.5mAOD, we have **no objection** to this application on flood risk grounds.

2. Other planning matters

2.1 For all other planning matters, please see our triage framework and standing advice which are available on our website: www.sepa.org.uk/environment/land/planning/

2.2 We are aware that further legislation regarding battery energy storage facilities is currently under consideration and in the future these developments may not fall under SEPA's standing advice and site-specific comments may be provided.

Advice for the applicant

3. Regulatory advice

3.1 Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: ahsh@sepa.org.uk

CONSULTEE

Comhairle Roads Section **Date of response – 16 July 2024**

The access, parking and turning layout to be constructed as per the submitted site layout.
It is the responsibility of the developer to prevent surface water flowing from the site on to the road or vice versa.

The developer could be held responsible for any damage to the road network as a result of the works.

CONSULTEE

Comhairle Environmental Health **Date of response – 20 May 2024**

Noise

We advised the following condition to the applicant prior to the application being submitted and this is was the applicant based their assessment on.

1. *The total noise from any mechanical and electrical plant shall not exceed NR45 during daytime and NR35 during night-time as measured 1 metre from the façade of any adjacent residential property. Furthermore, it shall not exceed NR25 during night-time within any adjacent residential property (the noise measurements shall be taken with the windows open at least 5cm). For the avoidance of doubt NR45 is applicable for the period 07.00 to 23.00 hours and NR35 and NR25 are applicable for the period 23.00 to 07.00 hours.*

Having reviewed our conditions we are now recommending applying the following condition, which should be easier to monitor, (unless the applicant want the one above to be applied)

The total noise from any mechanical and electrical plant shall not exceed NR35 during daytime and NR25 during night-time within any adjacent residential property (the noise measurements shall be taken with the windows open at least 5cm). For the avoidance of doubt NR35 is applicable for the period 07.00 to 23.00 hours and NR25 are applicable for the period 23.00 to 07.00 hours.

The applicant's noise assessment has stated the noise from the application will be the same 24/7 and they are meeting the NR25 at night therefore this should also be met during the day, therefore they should be able to easily meet the condition.

Contaminated Land and lighting

No further comments based on the information provided in the design and access statement.

CONSULTEE

Comhairle Building Standards **Date of response – 29 April 2024**

A building warrant is required for the fence and acoustic barrier as they are both more than 2m in height.

CONSULTEE

SSEN **Date of response –**

No response received.