Agenda Item	6.4
Report No	PLS-019-21

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 09 March 2021

Report Title: 20/04565/FUL: Intelligent Land Investments Group Plc

Land 325M SE Of Torrdhuin, Auchterawe, Fort Augustus

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Erection of battery energy storage system

Ward: Ward 12 – Aird and Loch Ness

Development category: Major Development

Reason referred to Committee: Major Development

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **Grant** Planning Permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks planning permission for an energy storage facility capable of storing up to 49.9MW of electricity. The development would comprise:
 - 23 Battery storage containers with integrated air conditioning units with each unit measuring 13m x 2.5m x 2.6m;
 - Meter building of 13m x 6m x 3.2m;
 - SUDS retention/infiltration pond;
 - Area of hardstanding;
 - Parking;
 - Access to Auchterawe road U 1663 inclusive of service layby;
 - Surface water drainage system;
 - timber fencing;
 - Landscaping; and
 - Security cameras.
- 1.2 The battery equipment would lie around 360 metres from the nearest separately owned house (Netherby) to the west, and over 300m from the nearest dwellings being the landowner's house at Torr Dhuin and Woodside. Forestry and Land Scotland woodlands lie south and east of the development, and there is a visitor car park in woodland around 100 metres to the south beyond thick intermediate woodland.
- 1.3 Access will be taken from the U1663 Auchterawe Road with a new track leading to the compound. The site will normally be operated remotely without personnel on site and so will not be a permanent place of work. Only authorised personnel with relevant training will work on the site. The facility will undergo regular maintenance and monitoring as part of its operation, including the access.
- 1.4 The development will be connected to the existing Auchterawe substation, 3.5km to the north east, by buried cables. No new overhead lines are proposed.
- 1.5 The proposed development would be used to store excess electricity from the national grid and then release the energy in periods of high demand. An application was submitted in 2019 (19/05385/FUL) for a similar development, which had a lower energy storage capacity. This was withdrawn in favour of this application and the changes relate to an increased maximum electrical generation output to allow for developing and improving battery technology, and a larger area of new planting in response to feedback, to give greater screening and provide habitat. There has been no change to the location of the main elements of the development with the number and size of containers proposed, the height of the elements or noise emissions remaining the same. A retention-infiltration pond will take surface water from the meter building
- 1.6 Pre Application Consultation: The application undertook an online consultation event with the community through an interactive webinar on 25th August 2020. The applicant did not seek formal pre-application advice with the Planning Authority.
- 1.7 The application was supported by the following information:
 - Pre-Application Consultation Report

- Design and Access Statement
- Supporting Statement
- Landscaping Plan
- Fire Suppression Layout
- Access details
- Drainage Plan (with details of drainage strategy)
- Details of Acoustic Fencing
- Design and Access Statement
- Noise Impact Assessment
- Photo/Visual Information
- Photograph of a similar scheme
- Updated Supporting Statement
- 1.8 Variations: Additional Landscaping Plan showing area within the applicant's control that they are able to provide additional landscaping in line with request from case officers.

2. SITE DESCRIPTION

- 2.1 The proposed development site lies in farmland, which is part of Auchterawe Farm. The site extends to 0.8ha and is bounded to the southeast and southwest by conifer woodland. There are residential properties located to the northwest and northeast. The site lies south west of Fort Augustus national grid substation and several overhead lines cross the site field towards the substation.
- 2.2 Access to the site is via the public road from the Auchterawe Road U1663 that runs from Fort Augustus to the site. There are no core paths in the vicinity of the site.
- 2.3 There are no natural or cultural heritage designations.
- 2.4 The development site is not covered by any international, national, regional or local landscape designations. It lies within the Rugged Massif/Broad Steep Sided Glen Landscape Character Type (LCT) in the Landscape Character Assessment produced by Scottish Natural Heritage.

3. PLANNING HISTORY

3.1 29 June 2020 19/05385/FUL - Battery energy storage system Withdrawn

comprising steel containers, GRP substation,

fencing, new trees

3.2 12 Aug 2020 20/02803/PAN Battery energy storage system Closed

comprising steel containers, GRP substation.

fencing, new trees

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour and Section 34 of the Act

Date Advertised: 04.12.2020

Representation deadline: 18.12.2020

Timeous representations: 2 objections

Late representations: 5 in support

- 4.2 Material considerations raised in objection are as follows:
 - Adverse visual impact as a result of the industrial nature of the development and limitations of landscaping proposals;
 - Noise impact at residential properties;
 - Flood risk and drainage;
 - Consideration should have been given to alternative sites (adjacent to Auchterawe Substation.
- 4.3 Material considerations raised in support are as follows:
 - Appropriateness of location as it is in proximity to the sub-station, and ease of access for installation and maintenance;
 - Benefit to decarbonising energy supplies;
 - Limited landscape and visual impact.
- 4.4 The safety of the development is not a material planning consideration as it is covered by other regulations.
- 4.5 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Fort Augustus Community Council** do not object to the proposed development but raise a number of concerns. These concerns include amenity impacts due to the proposed location, closeness to residential properties, access appearance, style of construction, noise and visual impact.

In addition, it sets out that it is supportive of some form of energy storage facilities.

It considers that the location of the development would be more in keeping on a windfarm site or within the Auchterawe Substation than on open farmland and close to private properties.

The general appearance of several metal storage containers in a field raises the issue of the visual impact on the public within a rural environment.

It seeks conditions on the maximum number of metal storage containers, suitable screening to be in place covering the whole site prior to any construction.

It further considers that an alternative shorter and a less intrusive access track to the site should be explored.

In addition, it sets out that it is supportive of some form of energy storage facilities.

5.2 **Development Plans Team** do not object to the application. It highlights the relevant policy provisions in the Development Plan and Scottish Planning Policy. It notes that subject to mitigation to address matters related to landscape, visual and noise impacts the proposal would conform with the Development Plan.

5.3 **Environmental Health Officer** does not object to the application.

Their primary concern was that any noise associated with the operation of the proposed development could adversely impact on noise sensitive properties within the vicinity. The Noise Impact Assessment addressed the concerns raised in the previous application 19/05385/FUL and has included more detailed noise modelling and considered the accumulative impact of the Auchterawe Substation.

The external noise levels at the nearest noise sensitive property will be below 30dB(A) and that the noise level will comply with NR 20 curve when the noise is measured within the bedrooms of noise sensitives properties with windows open for ventilation. The NIA concludes "the noise levels from the development will be sufficiently low to cause negligible impact and will not adversely impact on the amenity of nearby noise sensitive properties."

A series of conditions to secure noise mitigation measures and ensure reasonable noise limits are not breached are sought.

- 5.4 **Flood Risk Management Team** do not object to the application. It recommends a condition is attached to secure final details of the drainage system.
- 5.5 **Forestry Officer** does not object to the application. He notes that the proposal is within 2m from the field boundary and close to the existing stand of early mature commercial conifers.
- 5.6 **Transport Planning Team** has no objections.

It requests that the access should include a suitable service layby so that it can also be used as a passing place on this single-track route. With this, it has recommended that visibility splays of 24m by 120m along the U1663 Auchterawe Road should be achieved.

A condition is sought to secure a scheme for the enhancement of passing places along the section of the U1663 between the sub-station access and the access to this development to address inadequacies in the local road network for the use of HGVs.

A Construction Traffic Management Plan (CTMP) with the access route, mirroring that used for the sub-station, avoiding Bunoich Braes and Free Church Road, should be required by condition. It recommends that the existing timber deck bridge that carries the U1663 single-track road over Auchterawe Burn be subject to a survey prior to construction to assess the capability of bridge for abnormal loads, if they are required to facilitate the development.

5.7 **Scottish Environment Protection Agency**: No objection provided their recommended conditions are applied.

It notes that for infrastructure such as this is generally suitable in medium to high risk areas provided that it is designed and constructed to remain operational during floods (Le. 200 year event), and not impede water flow. It explains that the previous flood risk modelling undertaken for the Fort Augustus (Auchterawe) substation has been provided in support of this application and this concluded that no electrical infrastructure be sited below a precautionary level of 41.2m AOD. As the modelling provided does not extend to include the site, SEPA are unable to confirm if the flood

levels quoted are representative of potential flood depths at the site, however based on the ground levels stated in the Supporting Document, 41.2mAOD is elevated by several metres above the banks of the adjacent watercourse and the applicant will need to satisfy themselves the electrical infrastructure is designed and constructed to remain operational during floods.

A condition is requested to ensure the existing ground levels along the track are maintained, with no land raising, in order not to impede the flow of water or increase flood risk elsewhere.

It notes that fencing is proposed on three sides of the proposed development and the lower 20cm above ground level will be left as open mesh to allow flows of surface water in flood events. It notes that this may not be adequate in all flood events and seeks a condition to ensure the fencing is designed in a way that would not impede fluvial flood waters.

It is satisfied that the tracks and hardstanding will be topped with permeable aggregate to allow natural infiltration and that a SUDS pond is proposed to take drainage from the meter building.

It requests a condition to ensure that redundant batteries are removed from the site and recycled at the end of their life and that a condition for decommissioning and restoration of the development should be secured if the site is no longer in operational use. It recommends that this plan is accompanied with a financial guarantee to facilitate implementation.

5.8 **Scottish Water:** do not object to the application.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

- 28 Sustainable Design
- 29 Design Quality & Place-making
- 30 Physical Constraints
- 36 Development in the Wider Countryside
- 51 Trees and Development
- 56 Travel
- 57 Natural, Built & Cultural Heritage
- 58 Protected Species
- 59 Other important Species
- 60 Other Importance Habitats
- 61 Landscape
- 63 Water Environment
- 64 Flood Risk
- 66 Surface Water Drainage
- 67 Renewable Energy Developments
- 69 Electricity Transmission Infrastructure
- 72 Pollution
- 73 Air Quality
- 77 Public Access

6.2 Inner Moray Firth Local Development Plan 2015

No specific policies apply

6.5 Highland Council Supplementary Planning Policy Guidance

Road and Transportation Guidelines for New Development Flood Risk and Drainage Impact Assessment (Jan 2013) Green Networks (Jan 2013)

Highland Historic Environment Strategy (Jan 2013)

Highland's Statutorily Protected Species (March 2013)

Physical Constraints (March 2013)

Standards for Archaeological Work (March 2012)?

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

- 7.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation and National Planning Framework 4.
- 7.2 In addition to the above, The Highland Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects.

Scottish Government Planning Policy and Guidance

7.3 Scottish Planning Policy (SPP) 2014 (revised Dec 2020) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, but not more than the Development Plan, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

Other Relevant National Guidance and Policy

- National Planning Framework for Scotland 3.
 - Scottish Energy Strategy (Dec 2017).
 - PAN 1/2011 Planning and Noise.
 - PAN 60 Planning for Natural Heritage.
 - 2020 Routemap for Renewable Energy.

8. PLANNING APPRAISAL

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 8.3 The key considerations in this case are:
 - a) compliance with the development plan and other planning policy
 - b) energy benefits
 - c) design and visual impact
 - d) traffic and transport impacts
 - e) impact on natural, built and cultural heritage
 - f) noise
 - g) water and drainage
 - h) any other material considerations.

Development plan/other planning policy

- 8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Inner Moray Firth Local Development Plan and all statutorily adopted supplementary guidance. There are no site specific policies affecting this application site within the Inner Moray Firth Local Development Plan. As the development will store and release energy, the principal HwLDP policy on which the application needs to be determined is Policy 67 Renewable Energy.
- 8.5 Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments having regard to 11 specified criteria (as listed in para 6.2). Such an approach is consistent with the concept of Sustainable Design (Policy 28) and aim of Scottish Planning Policy to achieve the right development in the right place; it is not to allow development at any cost.
- 8.6 If the Council is satisfied that the proposal is not significantly detrimental overall then the application will accord with the Development Plan.

Scottish Planning Policy

- 8.7 SPP sets out continued support for renewable energy. It lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics (Para. 169 of SPP).
- 8.8 Notwithstanding the overarching context of support, SPP recognises that the need for energy and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated or effective planning conditions can be used to overcome potential objections to development.
- 8.9 Criteria outlined within SPP for the assessment of applications for renewable energy developments include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; development with the peat environment, noise and shadow flicker; and cumulative impact.
- 8.10 As an up to date statement of the Government's approach to spatial planning in Scotland, National Planning Framework 3 (NPF3) is a material consideration that should be afforded significant weight in the planning balance. NPF3 considers that renewable energy has a role in meeting the Scottish Government's targets to achieve at least an 80% reduction in greenhouse gas emissions by 2050, and to meet at least 30% overall energy demand from renewables by 2020, including generating the equivalent of at least 100% of gross electricity consumption from renewables.
- 8.11 The Scottish Energy Strategy: The future of energy in Scotland was published in December 2017 by the Scottish Government. The document does not offer a distinct policy change but puts renewable energy at the centre of Scotland's energy mix.
- 8.12 In late 2019 the Scottish Government's targets for reduction in greenhouse gases were amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. This sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.

Energy Benefits

8.13 The development will collect energy from the grid and then discharges that energy, later, to provide electricity or other grid services when needed. Depending on the mix of electricity in the grid at the time of the collection of energy, the battery storage facility may or may not be storing and then releasing renewable energy. However, the benefit of such facilities means that when generators such as wind farms are producing excess electricity beyond the capacity of the grid, the battery storage facility can allow generation from wind farms and other renewable sources to continue for a longer period.

Design and visual impact

- 8.14 The applicant has stated that the location was selected as it is in proximity to the substation, gives good setback to neighbouring properties, has good potential for screening and is not subject to flooding. It has been suggested by the Community Council and objectors that the development should be located within the expanded substation. However, this is not an option as energy storage is not currently viewed as part of the regulated national electricity network and therefore construction of battery storage facilities within substations cannot be taken forward. The area around the existing substation is controlled by SSE and Forestry and Land Scotland and is not available to others.
- 8.15 The proposed development is of a utilitarian design. The battery containers will appear similar to shipping containers and be laid out in a grid in a single storey. There will be no stacking of containers. The hard standing will be finished in a permeable material with an area of soft landscaping around the surface water drainage basin.
- 8.16 The entire site will be bounded by a close boarded wooden fence and this will form the acoustic barrier for the development. However, the southeast boundary adjacent to the woodland will be post and wire mesh.
- 8.17 The meter building, which will contain switch gear and health and safety equipment, will be located outside the fenced compound. This will be a glass reinforced plastic building. While not attractive buildings, the design is considered acceptable given their use and the fact they will largely be screened from wider view by the proposed planting on the north east boundary and the surrounding fence. The finish of both the battery containers and the meter building would be secured by condition.
- 8.18 The development is visible from U1663 so landscaping will be provided on the southwest, northwest and northeast of the compound to soften the appearance of the fencing. Through negotiation the applicant has also agreed to provide further planting to the south west and feathering the planting on the north east edge down toward the existing areas of forestry to help the development and the track integrate better with the landscape and the existing block of forestry. Without such additional mitigation the development would appear incongruous in the wider agricultural holding. The applicant has proposed a mix of willow, hawthorn, blackthorn, hazel, blackberry, crab apple, juniper and yew. While the planting mix is acceptable, further details are required on where each type of plant will be located and further details on the management and maintenance of the landscaping. These details can be secured by condition.
- 8.19 The applicant has set out that motion sensor lighting will be proposed for security and some limited lighting which can be switched on and off by maintenance personnel. This is welcomed as it means the visual impact of the development will not stretch into hours of darkness.
- 8.20 It is not considered that the slender poles on which security cameras will be mounted will lead to a significantly adverse visual impact.

8.21 Subject to securing the landscaping mitigation around the site, it is considered that the visual impact of the proposed development is acceptable.

Traffic and transport impacts

- 8.22 During operation of the development, the applicant has stated that typical traffic to the site will be one van per week. The impact will however be greater during the six month construction period where construction machinery, aggregate and other materials will be delivered to site.
- 8.23 The applicant anticipates that the peak of construction traffic will be in months 2, when aggregate is being delivered to the site, and 4, when the battery containers are being delivered to the site. At these peaks, it is anticipated that 10 HGV loads (20 movements) per day will be accessing the site. It is anticipated a further 40 non-HGV movements per day will occur during this time for construction workers. Transport Planning have advised that a Construction Traffic Management Plan should be in secured by condition as well as a wear and tear agreement under S96 of the Roads (Scotland) Act 1984.
- 8.24 Transport Planning is satisfied with the location of the access to the site which makes use of an existing field access from the U1663 single-track Auchterawe Road and creates a new loose gravel track to the proposed battery store. They seek inclusion of a service layby so that it can also be used as a passing place on this single-track route. Visibility sightlines of 2.4m by 120m splays are necessary along the U1663 Auchterawe Road. Improvements have been made to the U1663 Auchterawe Road to permit construction access for the adjacent electricity sub-station expansion. The existing passing places have not been designed for large goods vehicle use so a condition is necessary to allow their enhancement along the route to the south west past the access to the substation from a point between the sub-station access and the access to this development.
- 8.25 Where damage is incurred to the existing public road as a result of the proposed construction vehicular access for this development, a formal S96 Wear and Tear agreement should be established between the applicant and The Council. There is always a possibility that works for this development will overlap with the existing electricity sub-station upgrades at Auchterawe if the Sub-Station is extended or this development is brought forward. The applicant has agreed to implement a Construction Traffic Management Plan (CTMP) and that the access route will mirror that used for the sub-station, avoiding Bunoich Braes and Free Church Road. To manage any conflicts with other construction access needs along this route, seek a condition requiring a Construction Traffic Management Plan. A condition will be applied to assess the capability of an existing timber deck bridge the bridge carrying the U1663 single-track road over Auchterawe Burn.
- 8.26 It has been suggested by the Community Council that a less intrusive access track to the site be explored. The agent advises that SSE pylon refurbishment works had to reach every pylon on the route (Fort Augustus to Fort William) and so used a great many tracks and built many new ones. At Auchterawe, SSE used a temporary trackway from the extreme western corner of the field to reach the tower within the field, rather than enter from the existing forestry track and pylon tower at the south

west edge of the field, a longer route to avoid damaging the remains of the existing drystane dyke there. During the construction phase, a temporary track is not viewed as suitable nor desirable by the agent. A low-impact rough stone track has been chosen that will revegetate on the margins and follows the existing landform to give the least visual impact. This uses the existing agricultural road entrance serving the barn and some fields, and allows for less impact on the forestry parking and walks and for full screening to be employed on that side where the view is slightly uphill towards the site. This is considered to be acceptable.

Impact on natural, built and cultural heritage

- 8.27 The application site is within a field which is currently used for grazing. It is not considered that there is significant ecological value within the site. The adjacent woodland may however provide habitat for bats. As this is the case no dawn to dusk lighting will be used on the site.
- 8.28 To ensure adequate consideration is given to the environment during the construction of the development, it is considered that a construction environment management document approach should be delivered on the site. This can be secured by condition.

Noise

- 8.29 The battery storage containers will be fitted with air conditioning units and the operation of the facility, as a whole, may create noise. While recognising there are other noise generating uses in the vicinity of the site, there are a small number of properties which may be adversely affected by noise from the development.
- 8.30 With application 19/05385/FUL consultation with Environmental Health resulted in a noise assessment which identified there would be no adverse impact on noise sensitive properties subject to the mitigation which the developer has provided in the form of an acoustic fence. The applicant has confirmed that the equipment installed on this site will not have any tonal or other characteristics that would increase the potential impact.
- 8.31 The results of the noise assessment show that the external noise levels at the nearest noise sensitive property will be below 30dB(A) and that the noise level will comply with NR 20 curve when the noise is measured within the bedrooms of noise sensitives properties with windows open for ventilation. The noise assessment concludes "the noise levels from the development will be sufficiently low to cause negligible impact and will not adversely impact on the amenity of nearby noise sensitive properties." As this is the case, Environmental Health do not have concerns with regard to the proposed development subject to a condition being attached to ensure reasonable noise levels are met.

Water and Drainage

8.32 The surface water from the development will be managed through a surface water drainage system which comprises permeable surfacing and a surface water retention-infiltration basin. Subject to final details of the system being provided neither SEPA nor the Council's Flood Risk Management Team have any concerns.

- 8.33 Solid state lithium batteries with immobilised electrolyte will be used on the site. These batteries do not pose a risk of ground contamination, and so do not require bunding.
- 8.34 The site is not in an area identified to be at risk of flooding. However, the area to the south west is at risk of flooding. None of the infrastructure for the site is within an area at risk of flooding.

Other material considerations

- 8.35 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health.
- 8.36 If the decision is made to decommission the development, all batteries, components, transformers, substation and associated buildings and infrastructure will be require to be removed from the site. Any new site tracks and hardstanding areas constructed during development of the battery storage facility would require to be reinstated to the approximate pre-development condition, unless otherwise agreed with the landowner and/or Highland Council. The material used to construct the tracks would be taken up, removed to areas identified in the site restoration scheme, backfilled with suitable material and covered with topsoil/reseeded. Backfilling of access tracks and hardstanding would have to be carefully planned in advance to avoid having to move plant machinery and equipment on freshly reinstated land.
- 8.37 The applicant will be required to submit a Decommissioning and Restoration Plan (DRP). The DRP would be submitted to and approved in writing by The Highland Council in consultation with SEPA prior to commencement of development with a review being undertaken no later than 6 months prior to the final decommissioning of the development. The detailed DRP would be implemented within 6 months of the final decommissioning of the development unless otherwise agreed in writing with the Planning Authority.
- 8.38 It is important to ensure that any approval of this project secures by condition a requirement to deliver a draft decommissioning and restoration plan for approval prior to the commencement of any development and ensure an appropriate financial bond is put in place to secure these works.
- 8.39 Given the proposed use, a fire suppressant system will be required. A plan has been provided and the applicant has stated that the suppression system will use water. Further gas-based fire suppression may be built into the individual energy storage units depending on the final units selected.

Non-material considerations

8.40 Representations raise the issue of alternative sites with specific mention made of colocation with Auchterawe Substation. While this does make some sense from a landuse perspective, this is not the application that is with us to consider.

Matters to be secured by Section 75 Agreement

8.41 None

9. CONCLUSION

- 9.1 The proposed development has the potential to play an important role in addressing need and demand on the electricity transmission and distribution networks. Following the submission of additional information and securing further landscape mitigation, it is considered that the proposed development is acceptable and will not be significantly detrimental overall.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: The proposed development can help to store renewable energy.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above, it is recommended that planning permission be **GRANTED** subject to the following;

Conditions and Reasons

1. In the event that any battery installed and commissioned fails to store electricity and release it to the public network when required on a commercial basis for a continuous period of 6 months, then unless otherwise agreed in writing with the Planning Authority, such battery will be deemed to have ceased to be required. If deemed to have ceased to be required, the battery, battery storage container and its ancillary equipment will be dismantled and

removed from the site, with the battery being recycled, by the applicant within the following 3 month period, and the ground reinstated to the specification and satisfaction of the Planning Authority.

Reason: To ensure that any redundant battery is removed from site, in the interests of safety, amenity and environmental protection.

2. In the event of the Development, not storing electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more batteries installed and commissioned from time to time, the Company must immediately notify the Planning Authority in writing of that situation and shall, if the Planning Authority direct decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site. In the interests of safety, amenity and environmental protection.

- 3. (1) No development shall commence unless and until full details of the proposed battery storage containers (and ancillary infrastructure) and the metering building hereby permitted, have been submitted to and approved in writing by the Planning Authority. These details shall include:
 - a) the make, model, design, power rating, sound power level and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed, and
 - b) the external colour and/or finish of the battery storage containers (and ancillary infrastructure) and the metering building to be used which shall have a non-reflective, semi-matte finish.
 - (2) No element of the development shall have any text, sign or logo displayed on any external surface of the battery storage container, save those required by law under other legislation.
 - (3) Thereafter, the battery storage containers and metering building shall be installed and operate in accordance with these approved details and, with reference to part (b) above, the battery storage containers (and ancillary infrastructure) and the metering building shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the development is decommissioned.
 - (4) All cables between the battery storage containers, metering building and any point of connection to the public network shall be installed and kept underground.

Reason: To ensure the Planning Authority is aware of the development details and to protect the visual amenity of the area.

4. No development shall commence until details of the final drainage design have been submitted to, and received the approval in writing of, the Planning Authority. For the avoidance of doubt, the design shall include calculations to demonstrate that all storm events up to the 1 in 200 year plus climate change storm event shall be managed from within the development boundary. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity.

Reason: In order to ensure the site is adequately drained.

5. No development shall commence until details of the external lighting have been submitted to and agreed in writing with the Planning Authority. The external lighting shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of residential amenity and to ensure the development does not have an adverse impact on nocturnal animals.

- 6. No development shall commence until details of a scheme of hard and soft landscaping works in the area identified for landscaping on drawing number J342/053/23022021 have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
 - i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
 - iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub (which shall be dominated by native species) and planting densities. For the avoidance of doubt all trees and shrubs shall be no smaller than 1.5m-2m in height when first planted; and
 - v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme.

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species. **Reason:** In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

7. No other development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines SDB2 to the satisfaction of the Planning Authority in consultation with the Roads Authority. The access shall be surfaced with a suitably bound bituminous material for at least the first 6m back from the edge of the carriageway along the public road to avoid the proposed loose gravel from the new track being dragged onto the public road surface. The gate across the access shall be located a minimum of 8m from the edge of the public road, so that a vehicle can clear the public road.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and amenity.

8. No development or work shall commence until a pre- construction survey to assess the ability of the bridge to accommodate the construction, maintenance and operational traffic associated with the development of the timber bridge close to Talamh Carraig is undertaken and agreed in writing with the Planning Authority in consultation with the Roads Authority. Following completion of the works a post construction survey of the timber bridge shall be carried out and any damage to the bridge caused during the construction phase shall be reinstated to the satisfaction of the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road traffic safety.

9. The noise mitigation measures detailed in the approved Noise Impact Assessment Report by Logan PM revised October 2020 shall be implemented prior to the commencement of the development and thereafter maintained in perpetuity.

All plant and equipment associated with the development shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive property with windows open for ventilation purposes.

Noise arising from operations associated with this development shall not exceed 30 dB(A) as measured as a 1 hour Leq at the curtilage of any noise sensitive property.

If the above standard cannot be met, the applicant must undertake an assessment of the noise in terms of BS 4142:2014 Methods for rating and assessing industrial and commercial sound which demonstrates that noise does not have an adverse impact on noise sensitive properties. A report of the assessment must be submitted for the written approval of the Planning Authority.

In the event that equipment installed within the development is altered and generates in a greater noise impact at the receptors than originally predicted,

then a revised noise impact assessment, including any addition mitigation measures, shall be submitted to and approved in writing with the Planning Authority in consultation with Environmental Health. Thereafter the mitigation shall be implemented in accordance with the approved scheme.

For the purposes the above conditions,

"noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

"curtilage" means land which is used for the comfortable enjoyment of a building and which serves the purpose of that building in some necessary or reasonably useful way. It need not be marked off or enclosed in any way. Normally the curtilage would relate to the property boundary of the dwelling house.

Reason: In the interests of amenity.

- 10. (1) The Operator shall, at all times after the first commissioning of the development, record information regarding the details of power stored, inclusive of dates and times of any failures, and retain the information in perpetuity. The information shall be made available to the Planning Authority within one month of any request by them.
 - (2) No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.
 - (3) In the event that the development is no longer operational for a period of 2 years, or the operator, leaseholder and / or landlord advises that the development is no longer going to be operated, whichever is earliest, a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- c) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- d) details of measures for soil storage and management;
- e) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- f) temporary site illumination;
- g) management and timing of the works;
- h) a traffic management plan to address any traffic impact issues during the decommissioning period.
- (4) The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan.

Reason: To ensure that should the development no longer be required an appropriate mechanism is in place for decommissioning of the development.

- 11. No development shall commence until:
 - i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under condition 11 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and
 - ii. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal / recycling, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the planning authority; and
 - iii. Documentary evidence that the guarantee, bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the planning authority.

Thereafter, the Operator, and Leaseholder and/or Landowner, shall:

- i. Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and
- ii. Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the Site restored.

Each review shall be:

- a) conducted by a suitably qualified independent professional; and
- b) published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and
- c) approved in writing by the planning authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (c) above recommends that the amount of the guarantee, bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Operator, and Leaseholder and/or Landowner shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the planning authority, and in accordance with the recommendations contained therein.

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning and restoration conditions.

- 12. No development shall commence until a Construction Environment Management Document (CEMD) has been submitted to and approved in writing by the Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CEMD, subject to any variations approved in writing by the Planning Authority. The CEMD shall include:
 - a) details of the phasing of construction works;
 - b) details of the formation of temporary construction compounds, access tracks and any areas of hardstanding;
 - c) details of any temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development:
 - d) details of the maintenance of visibility splays on the entrance to the site;

- e) details of the method of construction and erection of the structures;
- f) details of dust management;
- g) details of pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
- h) details of temporary site illumination during the construction period;
- i) details of timing of works;
- j) details of surface treatments and the construction of all hard surfaces and access tracks between each element of the proposed development This shall include details of the tracks in a dark, non-reflective finish with details of the chemical properties of any and all imported stone provided;
- k) details of routeing of onsite cabling;
- I) details of emergency procedures and pollution response plans;
- m)siting and details of wheel washing facilities;
- n) cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
- o) details and implementation and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
- p) details of working practices for protecting nearby residential dwellings, including general measures to control noise and vibration arising from onsite activities, to be adopted as set out in British Standard 5228 Part 1: 2009:
- q) details of the location of tree protection fencing to be erected between the development site and the trees to the north east;
- r) a Species Protection Plan;
- s) details of areas on the site designated for the storage, loading, offloading, parking and manoeuvring of heavy duty plant, equipment and vehicles.

Reason: To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process.

13. No development shall commence unless and until a Traffic Management Plan ("TMP") has been submitted to and approved in writing by the Planning Authority. The approved TMP shall be carried out as approved in accordance with the timetable specified within the approved TMP. The TMP shall include proposals for:

- a) the routeing of construction traffic and traffic management including details of the capacity of existing bridges and structures along the abnormal load delivery route and a risk assessment;
- b) scheduling and timing of movements;
- c) the management of junctions to and crossings of the public highway and other public rights of way;
- d) any identified works to accommodate abnormal loads (including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site) along the delivery route including any temporary warning signs;
- e) temporary removal and replacement of highway infrastructure/street furniture;
- f) details of all signage and lining arrangements to be put in place and the reinstatement of any signs, verges or other items displaced by construction traffic:
- g) banksman/escort details;
- h) a procedure for monitoring road conditions and applying remedial measures where required as well as reinstatement measures;
- i) a timetable for implementation of the measures detailed in the TMP;
- j) the provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984;
- k) provisions for emergency vehicle access; and
- I) identification of a nominated person to whom any road safety issues can be referred.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
- 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a

connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: http://www.highland.gov.uk/yourenvironment/roadsandtransport

Application forms and guidance notes for access-related consents can be downloaded from:

http://www.highland.gov.uk/info/20005/roads and pavements/101/permits for wor king on public roads/2

Mud & Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

Utility checking on site

The https://www.linesearchbeforeudig.co.uk/ website is a self-service website to allow you to check your proposal and site for utility assets before the commencement of any development on site.

Designation: Area Planning Manager – South

Author: Keith Gibson

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - J342-038-28092020 Location Plan

Plan 2 - J342-039-28092020 Site Layout Plan

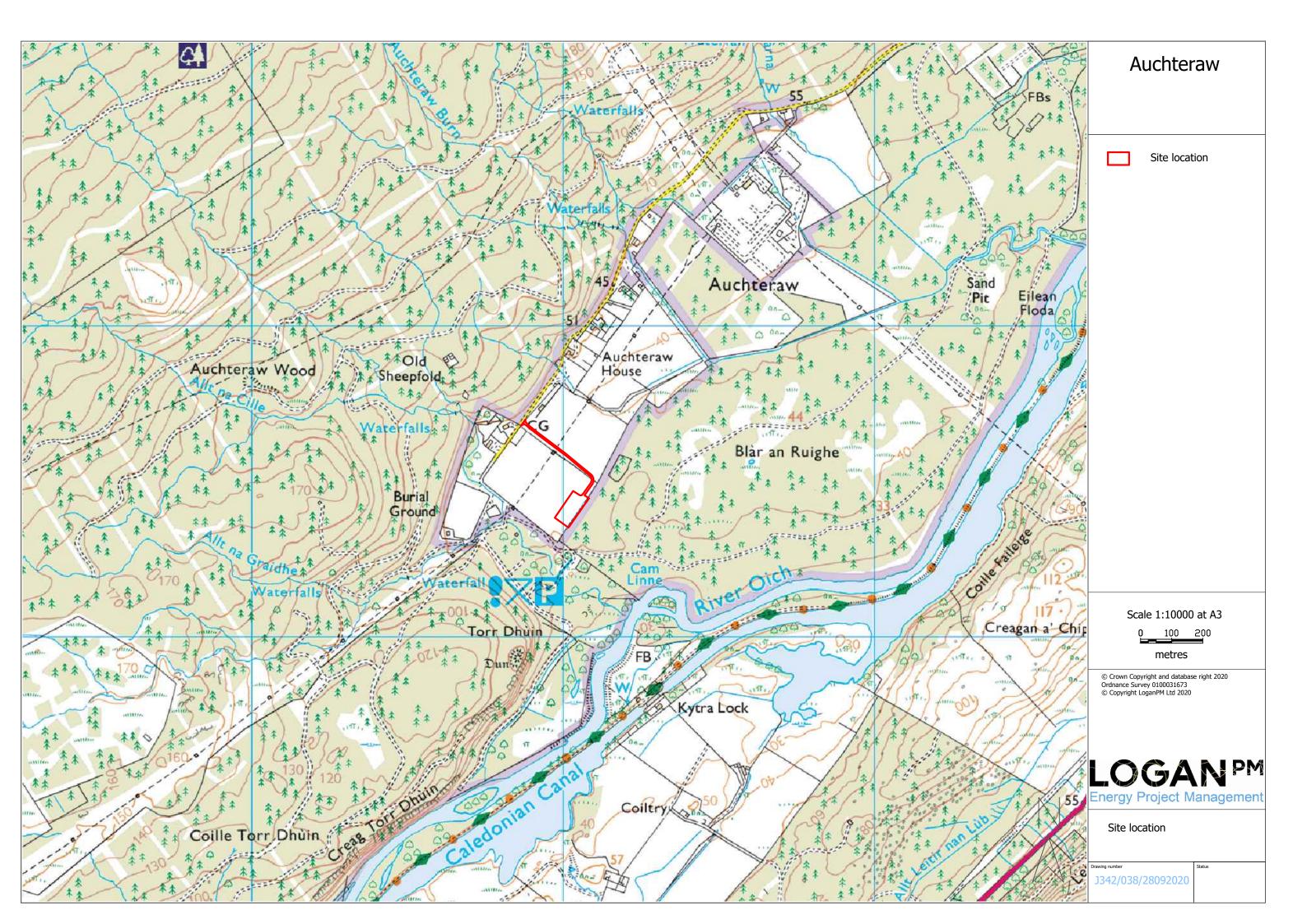
Plan 3 - J342-047-28092020 Landscaping Plan

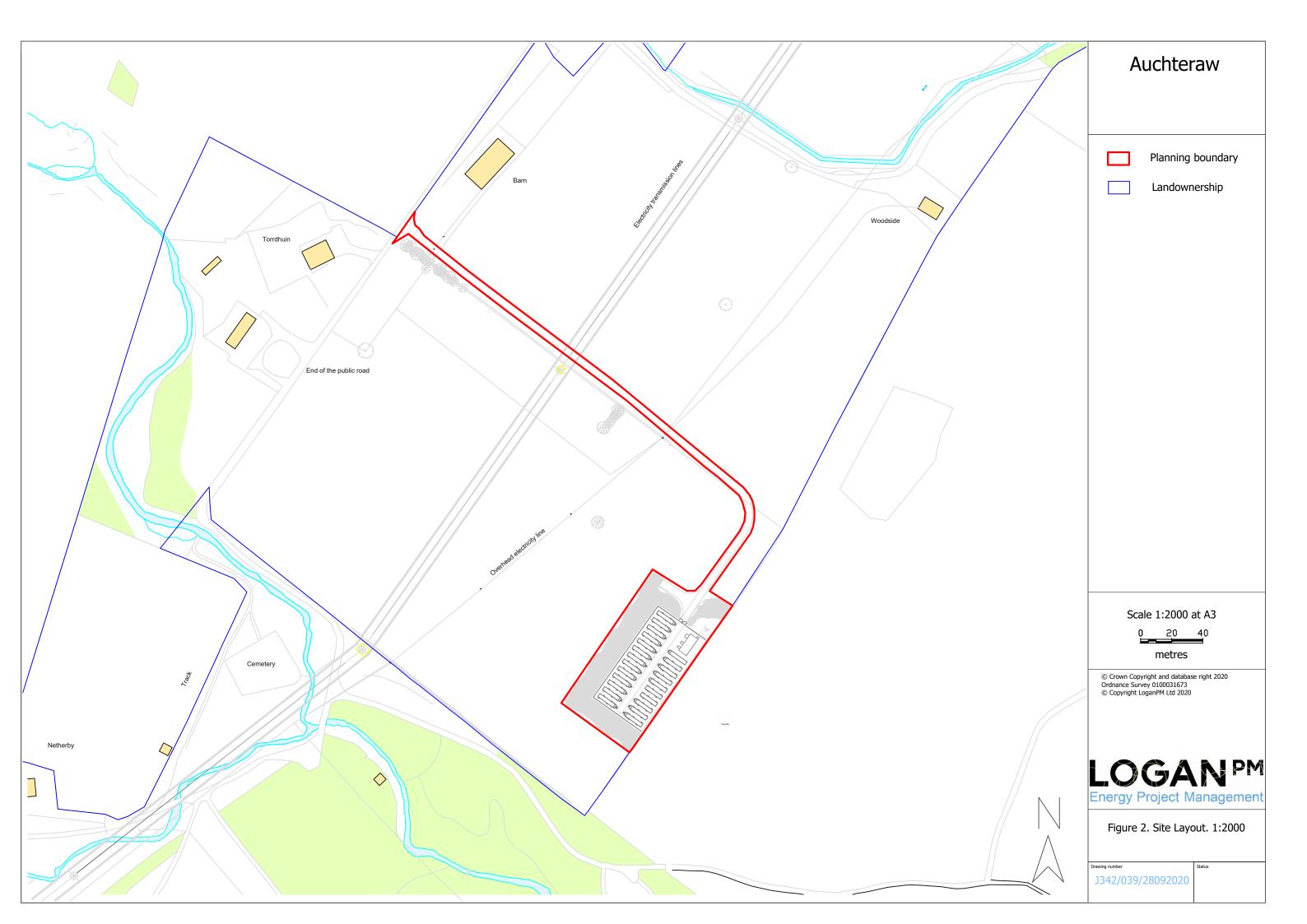
Plan 4 - J342-053-23022021 Landscaping Plan

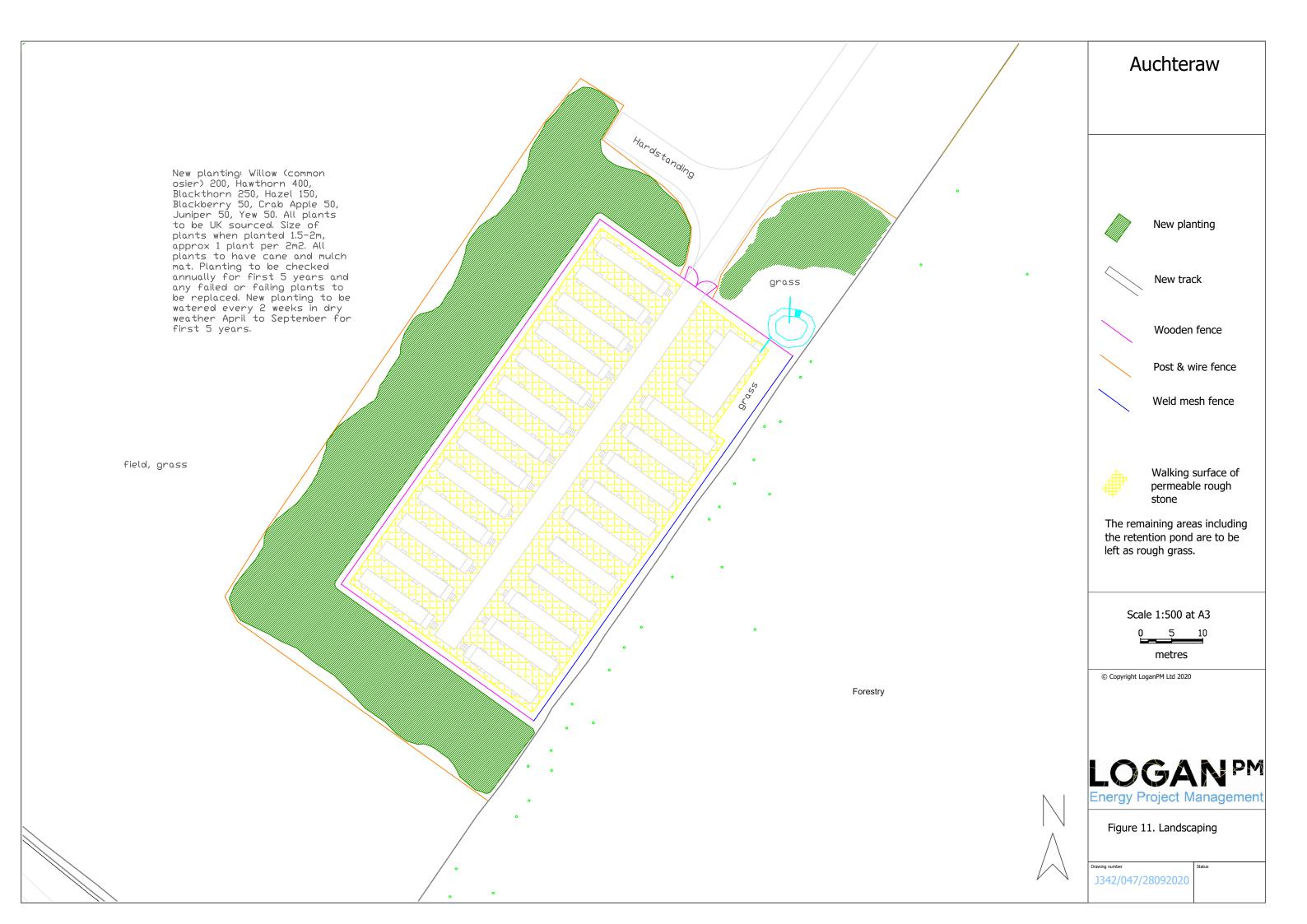
Plan 5 - J342-042-28092020 Elevation

Plan 6 - J342-044-28092020 Elevations

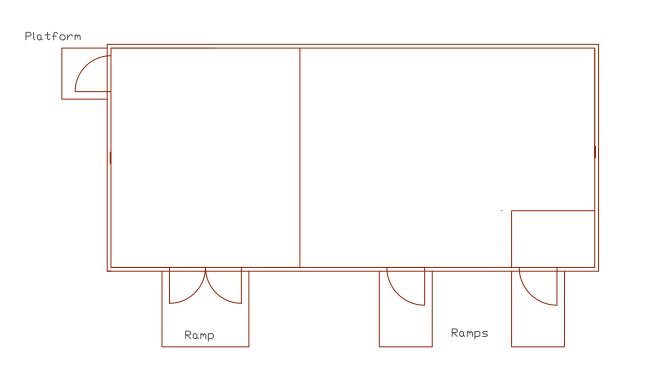
Plan 7 - J342-045-28092020 Site Section Plan



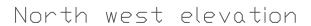


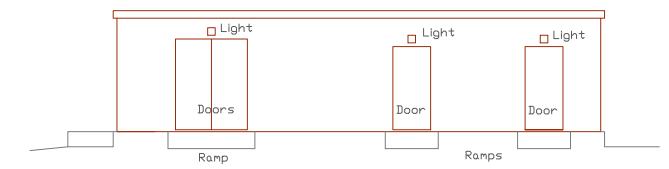




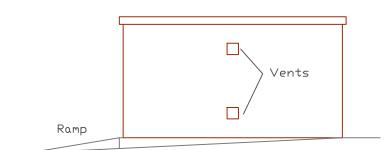


Plan view





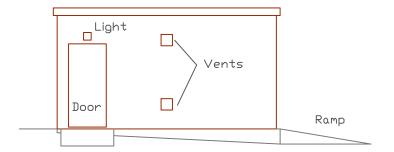
South west elevation



South east elevation



North east elevation



Auchteraw

Meter building to contain electricity metering, electrical switchgear, control and health and safety equipment.

Meter building construction GRP with 18mm exterior grade plywood on 50mm framework fully encapsulated with Class 2 fire retardant resin.

Building RAL6005 moss green textured finish.

Foundation, ramps and platform in reinforced concrete. Exposed plinthe arises chamfered.

Scale 1:100 at A3



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Energy Project Management

Figure 5. Typical meter building plan & elevations

Drawing number J342/042/28092020

Auchteraw Entrance elevation (north east) existing wooden fence, level top, 3.2m high at south end, 4.5m high at north end trees Levels, mAOD 44.0 42.0 40.0 new planting will be in front of fence here, not shown for Scale 1:200 at A3 new planting will be in front of clarity fence here, not shown for clarity metres gate © Copyright LoganPM Ltd 2020 planting **Energy Project Management** Figure 7. Typical compound elevation J342/044/28092020

