

Agenda Item	5.1
Report No	PLS-02-24

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 07 February 2024

Report Title: 23/00497/FUL: Intelligent Land Investments Group Plc
Land 75M SE Of Camas House, Fairways Business Park, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Battery energy storage facility comprising access track, compound of battery and electrical equipment, meter building, stores, fencing, security cameras, and associated landscaping.

Ward: 19 – Inverness South

Development category: Major

Reason referred to Committee: Area Manager's discretion

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 5 of the report.

1. BACKGROUND

- 1.1 This planning application was deferred by the South Planning Applications Committee at its meeting on 22 November 2023 for a site visit designed to assist the Committee in its assessment of the impact of the proposal on the area of open space.
- 1.2 In the intervening period, the applicant has had the opportunity to address the reasons for refusal and has submitted additional information/clarification on noise and in relation to biodiversity. The applicant has also provided further information/clarification in relation to socio-economic benefits.
- 1.3 Members will recall that the Council's Flood Risk Management Team removed its objection to the development on drainage grounds in the period between the finalisation of the agenda and the meeting on 22 November 2023. Accordingly, the recommendation contained within section 11 of the Report was amended at the meeting to remove reason 4 as a reason for refusal.
- 1.4 This Report is supplementary to that presented to the South Planning Applications Committee at its meeting on 22 November 2023, the purpose of which is to provide an update on the matters raised above. The Report is attached at Appendix 3.

2. PUBLIC PARTICIPATION

- 2.1 A further three representations against the proposal have been received, including one from Inshes and Milton of Leys Community Council. These raise no new material considerations.

3. CONSULTATIONS

- 3.1 **Environmental Health** has reviewed and responded to the new noise data and analysis provided by the applicant on 06 and 22 December 2023, including clarification from the manufacturer of the BESS system.

Environmental Health has now removed its objection on the proposal.

- 3.2 **Ecology Team** has reviewed and responded to additional ecological information supplied by the applicant and advises that while there are errors in the applicant's Biodiversity Net Gain (BNG) Metric, the proposals will still result in a sufficient level of BNG. The Ecology Officer has therefore withdrawn their objection subject to conditions to secure a Habitat Management Plan, Pre-construction ecology Surveys, a Badger Species Protection Plan, and surveys for nesting birds.

4. PLANNING APPRAISAL

Noise

- 4.1 Members may recall that the previous noise assessment was based on a 40% cooling load capacity, which led to concerns that noise limits would be breached if the cooling equipment required to be operated above 40% capacity. Information from the manufacturer confirms that the cooling system's operation can be limited to 40% for this development.

- 4.2 Environmental Health's other concern related to identifying background noise levels on which to base operational noise limits due to discrepancies between the two noise surveys provided. Environmental Health has advised that it would be reasonable to assume representative background noise levels of 25dB LA90 at West Heather Gardens and 31dB LA90 at Slackbuie Way (accepting that the most recent noise survey supplied by the applicant predicted 2dB higher for both locations). Parkland View has no external amenity area, so the general noise limit standard is already being met.
- 4.3 The applicant has submitted further information that suggests that the installation of an additional 3 metre barrier to the southwest of the batteries may reduce noise levels by a further 2dB. In addition, Environmental Health understands that further reductions can be achieved by orientating fan units in the direction of noise sensitive locations, as well as by using baffles and other barriers. However, the submission has not provided details of these measures. It is possible that the cooling load capacity could also be restricted further for night-time operations if required.
- 4.4 Environmental Health advise that there will likely be clearly audible external noise that will impact the amenity and enjoyment of the remainder of the designated open space in the vicinity of the development.
- 4.5 Having said that, Environmental Health is satisfied that noise levels can be controlled so they remain within acceptable limits at noise sensitive properties and has therefore withdrawn its objection subject to a condition to secure a detailed noise impact assessment prior to development commencing on site and to limit noise levels at noise sensitive properties should permission be granted.

Ecology

- 4.6 The ecology assessment indicates that the site is currently largely modified grassland with woodland edge. Habitat creation is proposed with the planting of new woodland, installation of bird boxes, habitat piles and seeding wildflower species. The site will be managed and maintained thereafter. This would result in a net biodiversity gain.
- 4.7 While the Ecologist considered there to be some discrepancy within the metric used to calculate the biodiversity gain, they are satisfied that there will be a positive biodiversity enhancement at a level above that recommended by the Council. The advice is that the proposal would accord with NPF Policy 3(b). The details would need to be secured by condition should planning permission be granted.

Socio-economic benefit

- 4.8 While the original Report does acknowledge the potential benefits of the scheme from a socio-economic perspective, there remained a question on whether these benefits could be considered as 'maximising' the socio-economic opportunity of the development as required by NPF4 Policy 11(c), particularly with regard to community benefit. It was also unclear on how such benefits would be secured.
- 4.9 Inverness Caledonian Football Club (ICTFC) has confirmed that it wholly owns ICT Battery Storage Limited and that the profits generated will allow it to continue and

grow its community outreach programme through the ICTFC Community Development Trust. This is an extremely important programme that benefits many in the community, not just within Inverness, and ICTFC should be congratulated on it. Some of the benefits can be seen within the updated supporting statement (Appendix 2).

- 4.10 With the advent of NPF4 and Policy 11(c) community benefit is a material planning consideration. In considering proposals for energy generation, officers are now seeking to achieve an increase in community benefit and are actively considering how this should best be secured and distributed. Battery Energy Systems are considered to be generating systems and while they have so far not provided direct community benefit this is expected to change. Whether the benefit offered here is substantial new benefit, or simply a continuation albeit enhancement of an existing programme, or of significant enough benefit to the wider community remains a question. However, in itself, it would not be a reason to refuse an application that could in many other aspects comply with Policy 11. Should permission be granted, how the community benefit is secured will need to be considered.

5. CONCLUSION

- 5.1 Following the submission of additional information both the Council's Environmental Health Officer and Ecology Officer have removed their respective objection and subsequently reasons for refusal 2 and 3 are no longer relevant.
- 5.2 Nevertheless, it is not considered that the submission has adequately justified the loss of designated open space as a result of industrial development and therefore the proposal's impact on designated open space remains as assessed in the Report considered by the South Planning Applications Committee at its meeting on 22 November 2023. The recommendation is to refuse the application on the grounds of the impact on the open space.

6. IMPLICATIONS

- 6.1 Resource: Not applicable
- 6.2 Legal: Not applicable
- 6.3 Community (Equality, Poverty and Rural): Not applicable
- 6.4 Climate Change/Carbon Clever: Not applicable
- 6.5 Risk: Not applicable
- 6.6 Gaelic: Not applicable

7. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N

Revocation of previous permission N

Subject to the above actions, it is recommended to **REFUSE** the application for the following reason:

1. The proposal is contrary to National Planning Framework 4 (NPF4) Policy 20 a), and Highland-wide Local Development Plan Policy 75 by virtue that it has not been satisfactorily demonstrated that the Open Space is not fit for purpose, nor has substitute provision has been offered to meet the needs of the local area, nor is it considered that the proposal for the development of the Open Space would significantly contribute to the spatial strategy for the area, which aims to:

‘concentrate development on existing settlements, create sustainable new communities, provide the infrastructure and transport network required to support these communities whilst ensuring the area’s most valuable built and natural assets are protected.’

Consequently it is not considered that the threshold of maintaining the overall integrity of the Open Space network is achieved.

Signature: David Mudie

Designation: Area Planning Manager - South

Author: Mark Fitzpatrick

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

- Relevant Plans:
- Plan 1 - J369/040/16122022 Location Plan
 - Plan 2 - J369/077/22092023 Site Layout Plan
 - Plan 3 - J369/069/28072023 Typical Energy Storage Unit Plan and Elevations, 1
 - Plan 4 - J369/070/30072023 Typical Meter Building Plan and Elevations
 - Plan 5 - J369/073/30072023 Typical Equipment Store Plan and Elevations
 - Plan 6 - J369/071/28072023 Typical Fencing and Security

**SUPPLEMENTARY PLANNING STATEMENT
BATTERY STORAGE FACILITY, FAIRWAYS, INVERNESS – 23/00497/FUL
January 2024**

Introduction

This report provides additional information in support of the planning application for the development of a battery storage facility at Fairways, Inverness. The report advises of the economic benefits the proposal will deliver, taking into consideration the terms of NPF4 and Policy 11 in particular.

For the avoidance of doubt, it should be noted that Inverness Caledonian Thistle Football Club (ICT) is the applicant, owns the land and is the sole shareholder of ICT Battery Storage Ltd. ICTFC has been a member of the Scottish Professional Football League for some 29 years. The Club was founded in 1994 with the merger of Thistle FC and Caledonian FC, each over a century old. This demonstrates in part the importance of the club to the City and fan base.

A significant proportion of the financial benefits accrued from the development will be managed through the ICTFC Community Development Trust. This is an established charitable Trust organisation that already provides significant benefits to the local community including funding community related initiatives; incorporating school visits to develop the importance of health and exercise, walking football, facilities to enable participation by disabled persons and school breakfast clubs. The community/charitable work is delivered by a combination of paid ATC staff, volunteers, supporters and members of the local community. The investment of time spent on community and charitable work is some 14,000 hours equivalent to 1,758 days or 352 person weeks. The Trust access funding through multiple sources which is challenging in the current financial climate and the stability of income over several years can help provide a stable platform to flourish and grow.

For 2022-23 the Trust had an income of some £181,718 of which £165,000 was spent on community initiatives. The Trust delivered projects to the local community and in an educational setting equivalent to some 12, 000 hours or 80% of its annual activity. This is a considerable contribution to the area and will continue to expand and progress with the funding the BESS provides.

This proposal will enable the Trust to continue and, more importantly, expand its input to the local community. The proposed Hub to be developed on the 10 acre area of land adjacent to the IRA campus will provide the ability to develop the existing charitable works, to provide access to sports facilities and playing fields, with a particular emphasis on the local schools including Inshes, Milton of Leys, Hilton and Cauldeen Lochardil, Holm, Ness Castle, Drakies, Raigmore, BSGI primaries. An area equivalent to four full size grass pitches will be provided including within it space for an athletics area, running track, shot put etc. New changing rooms, teaching space, and office area will be provided. It is intended in particular to use the site to host clubs from across the country and develop as the venue in the Highlands for the national Gaelic schools football finals.

During the year 2022-23, the Trust delivered 1,930 free meals, with a percentage delivered through its Breakfast Club initiative, visited 47 schools within the Highlands to raise awareness of health and welfare, supported some 112 young leaders, provided 506 hours of free football, provided support for 317 participants at para football and supported over 2000 participants with holiday activity clubs. Other

initiatives include providing Christmas hampers (60), after school and holiday club facilities and free football.

The proposed new Hub at the IRA will enable these initiatives to be expanded and developed and increases the community benefits to the local area.

The new Hub will only be capable of delivery with the funding this proposal will deliver.

NPF4

NPF4 lends support for all forms of renewable, low carbon and zero emissions technologies, and identifies in paragraph a)iii that this support will include battery storage.

The principle of the proposal is therefore supported by Policy 11.

In addition to the support for the principle of battery storage projects, Policy 11 advises that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities etc.

The proposal should be considered in the context of not only an energy storage solution but as an enabling development that will deliver tangible socio-economic benefits to the wider community through the charitable associated ICT Development Trust. The Trust employs 5FT and 6PT staff and this will increase with the development of the proposed Hub. In addition, the Hub will provide opportunities for work experience to young volunteers and to create apprenticeships relating to ground staff, sports welfare, coaching etc. There is an opportunity to link these to the courses on offer at UHI in addition to providing practical experience. The scope to develop apprenticeships is one that the Trust particularly seeks to develop and encourage.

The proposed Hub is based at the IRA and will deliver a range of facilities, maximising the opportunity for use by the local community. For the avoidance of doubt, this facility will not be used for team training purposes. Rather it will be operated and managed by the Trust, a registered charity in Scotland. The Hub will include facilities for a dedicated women and girls home team, facilities for athletics, para football, walking football, Alzheimer's friendly classes, purpose-built classrooms and new changing rooms and coaching facilities. This will be unique to Inverness and will be funded by the Club through the Trust. It will not rely on funding from other sources. This will be a first class facility, not otherwise available within Inverness and wider area. It requires funding in the region of £700,000 and, as the Chairman states, will deliver a thriving community sporting activity asset for generations to come.

The Hub will also be used to develop a Breakfast Club for local pupils and will draw on the existing and successful facility provided at Merkinch.

The facility will be built and managed by local people bringing employment opportunities and supply chain requirements. The wider impact is therefore extended to existing service providers and suppliers.

In addition, the successful future of ICT football club is important and will be aided by the funding the BSS delivers. The Club delivers additional socio-economic benefits to the city - ICTFC regularly attracts a large number of visitors to the city for home games and brings additional spend with many fans spending a minimum of one night in the city. The additional income derived from visiting teams and their supporters,

with many seeking overnight accommodation, further enhances the economic benefits the club delivers to the area and city in particular.

The club has 83 employees, 91% of which are full-time and the main source of income for the respective families of the full-time employees. Wages paid by ICTFC amount to an average of just over £1.4m pa with every employee living either in Inverness or within easy commuting distance.

The development will also provide scope to donate £25,000 to the Kart Raceway at Fairways to enable the introduction of electric karts in place of the existing karts. The Kart Raceway is operated as a charitable organisation owned by local youth mentorship charity. All profits go to support the young people of the Highlands and Islands. The change to electric karts will provide the opportunity for disabled persons to enjoy the facility.

The benefits that will be accrued to the local economy from approval of the BESS scheme are described in detail. NPF4 Policy 11(c) advises that support can be given to energy facilities where it brings economic benefits such as employment, associated business and supply chain opportunities. This proposal will provide the certainty of delivering the new Hub, for its long-term management and upkeep and to deliver sports benefits not currently on offer within the city. The Hub is dedicated to providing first-class facilities for the community, with an emphasis on young persons but providing an opportunity to deliver wider community benefits including walking football, disability participation, senior participation, and promoting physical and mental health wellbeing. The age span for opportunities extends from 3-80. The importance of health and mental wellbeing is recognised by the Trust who already provide support for these initiatives. The Hub and funding provided by the BESS will ensure the delivery of these benefits.

The development of the BESS facility will also create employment opportunities, both during construction and operation. Local companies will be used where possible for the infrastructure and site preparation while the ongoing site maintenance will be undertaken by locally sourced employees.

This further information provides the evidence to demonstrate that without the benefits of the BESS income, the Hub cannot progress to completion and secure the socio-economic benefits as described. Its delivery is directly correlated to the successful outcome of the planning application. In addition, for ICTFC to survive in its present form with not only a full-time professional playing squad but also a large youth academy and all the other associated offshoots, including the ICT Trust, takes a great deal of income which simply is not being provided from sporting income. Therefore for ICTFC to survive, it must provide income from other sources. The Fairways BESS Scheme provides this and is critical not only to the survival of the club but also to giving it a sound financial foundation with which it can flourish and carry on the work it does at present.

NPF4 Policy 11 is also concerned to ensure that there will be no adverse impacts on community and individual amenity and that it will not impact on landscape, public access, traffic matters, historic environment and biodiversity.

The location of the facility has been selected as it is not only well placed to connect to the grid source (a key consideration) but is screened from public view by existing buildings and surrounding vegetation. Scope exists to enhance the boundary planting as set out in the landscaping plan. The additional information submitted to address noise-related issues demonstrates that none of the nearby houses will be affected by noise. The necessary mitigation can be provided on-site (acoustic barriers) and the revised design of the fans and cooling systems ensures that noise levels are kept to an acceptable minimum.

The Site Management Plan submitted with the application sets out in detail the measures that will be in place to ensure the safety of the storage facility. This deals with the majority of issues raised by the community council and demonstrates that the facility will be designed to comply with international standards that regulate the industry. The batteries are installed in separate cabinets with open space separation to provide containment between each and to prevent the spread of fire. The batteries are each tested to ensure they comply with established international standards and operational codes.

Once installed, the components are constantly monitored to track electrical current, voltage and temperature through installed Battery Management Systems. Any anomaly can be detected and isolated preventing fire or damage. Regular maintenance of the units, safety and operational systems is undertaken. The system is designed with appropriate ventilation and cooling systems that ensure the batteries are maintained at appropriate temperatures.

The facility will employ smoke, heat and gas detection systems to ensure that any fire would be detected rapidly. The facility will employ automatic fire suppression systems including water-based fire suppression. To provide an additional layer of protection, and in line with standards, the battery storage units are each housed in separate units with physical fire separation provided between units. This serves to reduce the risk of any problem in one unit spreading to another unit. Fire separation is achieved by the level of internal fire-rated barriers installed within units in addition to the design of the housing units and the separation distance between each unit.

If the Trust is to deliver the Hub and its evident benefits to the local community, the funding this proposal will deliver is crucial. The site has locational advantages for connection to the grid. Battery storage is recognised as necessary for the support framework for low-carbon energy options.

In supporting this proposal, the opportunity to deliver socio-economic benefits to the local community and the development of sports facilities not otherwise available, will each be secured. The Trust will be a direct beneficiary of the funding this will deliver and in doing so will maintain and expand the community benefits it delivers. In addition, ICTFC will maintain its presence within the city with a financially secure future

Ness Planning Consultants
January 2024

Appendix 3

Agenda Item	
Report No	PLS-68-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 22 November 2023

Report Title: 23/00497/FUL: Intelligent Land Investments Group Plc
Land 75M SE Of Camas House, Fairways Business Park, Inverness

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Battery energy storage facility comprising access track, compound of battery and electrical equipment, meter building, stores, fencing, security cameras, and associated landscaping.

Ward: 19 – Inverness South

Development category: Major

Reason referred to Committee: Area Manager’s discretion.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Recommendation

Members are asked to agree the recommendation to **REFUSE** the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application is for a Battery Energy Storage System (BESS) capable of storing up to 50MW of electricity, comprising of:
- Circa 52 battery storage containers with indicative plans showing raised units measuring 18.5m x 3.8m, with a maximum height of 3m from the ground. The containers will be arranged in sets of 4 with each set sharing a small transformer. The overall length of this arrangement is 23m;
 - Meter building housing switching and electrical gear (i.e., the onsite substation), prefabricated construction and measuring 13m x 6m x 3.2m. The building will sit on a 0.2m high concrete plinth;
 - Equipment Storage Container of 12.2m x 2.6m x 2.8m;
 - 3m high weldmesh security perimeter fencing topped with barbwire;
 - Part perimeter acoustic barrier / screening fencing, either wooden acoustic or solid masonry, variable 3 - 4m height;
 - 9no security cameras mounted on 4m high poles;
 - Sections of landscaping including a 2m high seeded bund;
 - Area of hardstanding;
 - 3no parking spaces for visiting maintenance personnel;
 - A new access track with access junction from roundabout within the business park; and,
 - Surface water drainage system with SUDS pond (bounded by 1.2m high post and wire fencing).
- 1.2 The proposed development would be used to store excess electricity from the national grid and then release this energy in periods of high demand. Therefore, the development must be connected to the grid and in this instance, it is understood that the development's grid connection would be via the existing substation off Dores Road at Holm approximately 2km west of the application site. It is anticipated that connection will be by buried cables within roadside verges, potentially along the Dores and Southern Distributor Roads, rather than via overhead lines. Such a route would make the likely connection distance over 3km from source, however the exact cable routing would follow a detailed cable survey and is therefore yet to be determined.
- 1.3 Cable undergrounding may be deemed permitted development under the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 if installed by a statutory undertaker. The applicant's submission indicates that there is already an agreement with SSEN for this. If overhead lines are required this would be subject to a separate application, under Section 37 of the Electricity Act 1989, to Scottish Ministers on which the Council would be consulted. While this has been submitted under the Town and Country Planning Act, where the installed capacity were to reach the 50MW or above, an application for consent under Section 36 of the Electricity Act would be required.

- 1.4 The applicant did not use the Council's Pre-application Consultation Service for Major Developments prior to the submission of the current application.
- 1.5 The application is supported by the following information:
- Design and Access Report;
 - Ecology Report;
 - Landscape and Visual Impact information including:
 - Zone of Theoretical Visibility Map; and
 - Visualisations;
 - Noise Assessment;
 - PAC Report;
 - Site Selection Statement; and,
 - Supporting Statement incorporating various chapters, appendices, and figures with information on:
 - Project Description;
 - Location Justification;
 - Visual Impact;
 - Historic Environment and Archaeology;
 - Noise;
 - Transport, Road Safety And Access; and,
 - Drainage Assessment And Design.
- 1.6 Since the application was made valid, the applicant has not amended the proposal but has provided additional information on landscape and visual matters, biodiversity enhancement, connection to the grid, noise impacts, and the drainage strategy.

2. SITE DESCRIPTION

- 2.1 The application site is formed of 1.7ha of open space associated with the Fairways Golf Course located within south Inverness. The site is to the south of Sir Walter Scott Drive (the Southern Distributor Road – A8082) and west of the Slackbuie Roundabout from which it is accessed via the Fairways Business Park. The business park itself comprises offices, leisure facilities and a hotel. To the north of the business park and A8082 is the Hilton neighbourhood, to the west the large ASDA retail site, with Slackbuie residential area to the south where the nearest residential property is 90 metres south of the site boundary and 150 metres from the nearest battery. To the immediate east is the aforementioned golf course, although golfing activities are largely confined to a driving range and a nine-hole course to the north of the open space immediately south of the A8082. Beyond the old golf course are the residential areas of Druid Temple and Milton of Leys.

- 2.2 The site is not located within or close to any natural or built heritage designation but is covered by a Tree Preservation Order that extends across the golf course, while the Lower Slackbuie, unenclosed settlement scheduled monument (SM5218) lies to the west of the Slackbuie Roundabout some 190m from the application site. Woodland on raised ground adjacent to the east of the site is also included in the ancient woodland inventory and appears to have been reduced in extent in recent years. There are several core paths throughout the wider area. The site's fringes are known areas of fluvial and pluvial flood risk, while further to the south is the Leys Castle Designed Landscape (GDL00264), which is associated with the Category A listed Leys Castle and Garden Terraces (LB8053).
- 2.3 The former Fairways Golf Course, including the application site, is the subject of a proposal for a mixed-use development comprising up to 800 residential units, primary school, and commercial and retail units by Kirkwood Homes. A Proposal of Application Notice (PAN) has been submitted to the Council for this proposal, and it is currently at the Public Consultation stage.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|----------------|
| 3.1 | 09.10.2022 | 22/03649/PAN: Battery Storage Facility up to 50MW comprising access track, compound of energy storage equipment, meter building, security cameras, fencing and landscaping | CASE
CLOSED |
| 3.2 | 04.05.2021 | 21/01347/PAN: Mixed use development comprising: up to 800 houses; primary school / community campus, office and retail / commercial development; 9 hole golf course; woodland planting, amenity open space and associated infrastructure. | CASE
CLOSED |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 development

Date Advertised: 03.03.2023

Representation deadline: 21.03.2023

Timeous representations: 5 objections, including an objection from Milton of Leys Community Council (not the host Community Council)

1 General Comment

Late representations: 0

- 4.2 Material considerations raised are summarised as follows:

- Concerns that the industrial facility will be incompatible with surrounding open space, residential, leisure, and business / office land uses;
- Connection to the grid, including the distance of the facility from the

nearest substation;

- Visual impacts;
- Environmental impacts including potential for pollution as well as to contribute to climate change targets;
- Amenity impacts including from noise;
- Health and safety risks including from fire;
- Vehicle access concerns, including for service vehicles such as fire engines;
- Public access impacts;
- Flood risk concerns;
- Pollution risks;
- Drainage concerns.

4.3 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 **Slackbuie Community Council** did not respond to the consultation request.

5.2 **Access Officer** does not object to the proposal subject to a landscaping plan incorporating 2 metre wide 'tree-free' corridors through any new planting areas to accommodate public access near to the facility. Additionally, the Access Officer requests two conditions to secure public access to core paths during the construction and operational phases of the development, and, to ensure any damage to the path caused by construction works is repaired timeously (within 14 days).

5.3 **Archaeology Officer** does not object to the application subject to a condition to secure a programme of works for the survey, evaluation, preservation, and recording of any archaeological and historic features affected by the proposed development, which should include a timetable for investigation, and be agreed to prior to development commencing on site and adhered to throughout the construction phase of the development.

5.4 **Development Plans** have considered the proposal against the provisions of the Development Plan including NPF4, and advises that the principle of energy storage is supported within the Development Plan subject to proposals being acceptable in all other aspects including noise, light, visual, tree, flood risk, public access, biodiversity impacts. and restoration (including soils). In that context, the response questions the suitability of the selected site. Additionally, the response sets out Developer Contribution requirements.

5.5 **Ecology Team** maintains its objection to the application on the grounds that the proposals for biodiversity enhancement are insufficient to reach the threshold of significant enhancement, as required by NPF4 Policy 3 b). The Council's

Ecologist has advised that the applicant's amended Biodiversity Enhancement Management Plan contains significant errors in the calculation of Biodiversity Net Gain, and therefore the information contained with the submission does not align with the NPF4 policy.

- 5.6 **Environmental Health** has maintained its objection following the submission of additional noise survey information as it has not been sufficiently demonstrated that the development will operate within acceptable noise level limits when experienced at nearby noise sensitive locations and premises, including residential properties, a hotel, offices, and leisure facilities. Conditions are also requested to secure details of reducing the impact of construction noise and for the suppression of dust during the construction phase of development.
- 5.7 **Flood Risk Management Team** has objected to the application on the grounds of insufficient drainage information. Updated drainage information in the form of an Addendum to the DIA has now been submitted (on 01 November 2023), but unfortunately it is too late for the FRM Team to review and approve the details in time for this report to be issued. It is expected that FRM's response can be communicated to the Committee Meeting, but in the meantime, drainage matters should be considered to be unresolved and included as a reason to refuse the application, which can be amended by Committee following the update from FRM.
- 5.8 **Forestry Officer** does not object to the application subject to conditions to secure: 1) a Tree Protection Plan to be approved prior to construction works commencing on site and implemented during construction works; 2) the employ of a suitably qualified Arboricultural Consultant to produce an Arboricultural Method Statement to be implemented during construction works, and, 3) a Tree Planting Plan to be implemented during the first planting season following commencement of development.
- 5.9 **Transport Planning Team** does not object, subject to conditions to secure a Construction Traffic Management Plan (an outline plan is submitted), and final details of access road and junction arrangements.
- 5.10 **Historic Environment Scotland (HES)** does not object to the application. HES has considered the proposal's likely effects on integrity and setting of the Lower Slackbuie, unenclosed settlement 90m E of 1 West Heather Road, Scheduled Monument (ref. SM5218), but has no specific comments to make.
- 5.11 **Scottish Environmental Protection Agency (SEPA)** does not object to the application and has no specific comments.
- 5.12 **Scottish Water** does not object to the application and advises that there is sufficient capacity in the Inverness Water Treatment Works for fresh water supply, that the proposal would connect to the Allanfearn Waste Water Treatment works for foul drainage, and that surface water drainage should be dealt with via a suitably designed SUDS system. Additionally, there is SW infrastructure that may be impacted by the development.
- 5.13 **Scottish Fire and Rescue Service:** No response.

6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the Highland-wide Local Development Plan and Inner Moray Firth Local Development Plan and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.

6.2 The following policies are relevant to the assessment of the application

National Planning Framework 4 (NPF4)

6.3 NPF4 comprises three parts:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future and includes six spatial principles (just transition / conserving and recycling assets / local living / compact urban growth / rebalanced development / rural revitalisation. Part 1 sets out that there are eighteen national developments to support the spatial strategy and regional spatial priorities, which includes single large scale projects and networks of smaller proposals that are collectively nationally significant.
- Part 2 – sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. This part of the document should be taken as a whole in that all relevant policies should be applied to each application.
- Part 3 – provides a series of annexes that provide the rationale for the strategies and policies of NPF4. The annexes outline how the document should be used and set out how the Scottish Government will implement the strategies and policies contained in the document.

6.4 NPF4 policies pertinent to the assessment of the application:

- 1 - Tackling Climate Change
- 2 - Climate Mitigation and Adaptation
- 3 - Biodiversity
- 4 - Natural Places
- 5 - Soils
- 7 - Historic assets and places
- 11 - Energy
- 20 - Blue and Green Infrastructure
- 21 - Play, recreation and sport
- 22 - Flood risk and water management
- 23 - Health and safety
- 25 - Community wealth building
- 31 - Culture and creativity
- 33 - Minerals

Highland Wide Local Development Plan 2012

- 6.5
- 28 - Sustainable Design
 - 29 - Design Quality and Place-making
 - 30 - Physical Constraints
 - 34 - Settlement Development Areas
 - 51 - Trees and Development
 - 56 - Travel
 - 57 - Natural, Built and Cultural Heritage
 - 58 - Protected Species
 - 61 - Landscape
 - 64 - Flood Risk
 - 66 - Surface Water Drainage
 - 67 - Renewable Energy Developments:
 - Natural, Built and Cultural Heritage
 - Other Species and Habitat Interests
 - Landscape and Visual Impact
 - Amenity at Sensitive Locations
 - Safety and Amenity of Individuals and Individual Properties
 - The Water Environment
 - Safety of Airport, Defence and Emergency Service Operations
 - The Operational Efficiency of Other Communications
 - The Quantity and Quality of Public Access
 - Other Tourism and Recreation Interests
 - Traffic and Transport Interests
 - 69 - Electricity Transmission Infrastructure
 - 70 - Waste Management Facilities
 - 72 - Pollution
 - 73 - Air Quality
 - 74 - Green Networks

Inner Moray Firth Local Development Plan 2015 (IMFLDP)

- 6.6 The site is protected as Open Space in the current adopted Area Local Development Plan.

Inner Moray Firth Proposed Local Development Plan 2 (IMFpLDP2)

- 6.7 The emerging Area Local Development Plan is under review and was submitted to Scottish Ministers for Examination in March 2023. The outcome of that Examination is not expected until early 2024. Its contents are a material consideration in assessing planning applications but it does not form part of the approved development plan for the purposes of section 25 of the 1997 Act as amended. The plan retains the application's Open Space designation and contains several subject policies with the following considered the most relevant:
- 1 - Low Carbon Development
 - 2 - Nature Protection
 - 3 - Preservation and Enhancement

4 - Greenspace

Highland Council Supplementary Planning Policy Guidance

- 6.8 Construction Environmental Management Process for Large Scale Projects (August 2010)
- Developer Contributions (March 2018)
- 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)
- Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
- Managing Waste in New Developments (March 2013)
- Physical Constraints (March 2013)
- Public Art Strategy (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 Scottish Government Planning Policy and Guidance

- Creating Places
- Onshore Wind Policy Statement (Dec 2022)
- Scottish Energy Strategy (2017)
- Draft Energy Strategy and Just Transition Plan (2023)
- 2020 Routemap for Renewable Energy (Jun 2011)
- Energy Efficient Scotland Route Map (May 2018)
- PAN 1/2013 – Environmental Impact Assessment (Aug 2013)
- PAN 1/2021 – Planning and Noise (Mar 2011)
- PAN 68 – Design Statements (Aug 2003)
- Historic Environment Policy for Scotland (Apr 2019)

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) ompliance with the Development Plan and other Planning Policy;
 - b) Energy, Carbon Saving, and Socio-Economic Benefits;
 - c) Siting;

- d) Design;
- e) Visual Impacts;
- f) Natural Heritage Impacts;
- g) Impact on Built and Cultural Heritage;
- h) Amenity Impacts, Including from Construction and Noise;
- i) Health and Safety;
- j) Traffic and Transport Impacts;
- k) Flood Risk and Drainage;
- l) Decommissioning and Reinstatement; and,
- m) Any Other Material Considerations.

Development plan/other planning policy

- 8.4 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan (IMFLDP), and all statutorily adopted supplementary guidance.
- 8.5 At the high level, NPF4 considers that Strategic Renewable Electricity Generation and Transmission Infrastructure will assist in the delivery of the Spatial Strategy and Spatial Priorities for the north of Scotland, and that Highland can continue to make a strong contribution toward meeting Scotland's ambition for net zero. Alongside these ambitions, the strategy for Highland aims to protect environmental assets as well as to stimulate investment in natural and engineered solutions to address climate change (page 26).
- 8.6 Since its adoption, NPF4 Policies 1, 2, and 3 now apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. To that end, development proposals must be sited and designed to minimise lifecycle greenhouse gas emissions as far as is practicably possible in accordance with NPF4 Policy 2, while proposals for major developments must conserve, restore, and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention, as required by NPF4 Policy 3 b). Complimenting these policies is NPF4 Policy 4, which sets out the developer and officer requirements for ensuring that protected species are given adequate consideration prior to an application's determination.
- 8.7 Given that the application site relates to designated open space in the LDP, NPF4 Policies 5, for Soils, 20, for Blue and Green Infrastructure, and 21, for Play, Recreation and Sport are also relevant to the assessment. These policies set out the criteria by which proposals that will result in the loss of land of lesser quality that is culturally or locally identified for primary use, that result in fragmentation or net loss of existing green infrastructure, and outdoor sports facilities, may be supported. Additionally, Policy 23 for Health and safety seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards, and encourage, promote, and facilitate development that improves health and wellbeing. The policies are reinforced by NPF4 Policy 25 for Community wealth building, which sets out at Part a) that development proposals should contribute to local or regional community wealth building strategies and be consistent with local

economic priorities.

- 8.8 Specific for energy developments such as the current application, Policy 11 of NPF4 states that the principle of all forms of renewable, low-carbon, and zero emission technologies including for energy storage facilities is supported. The document, at Policy 11 c), qualifies this position by stating that energy proposals should only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business, and supply chain opportunities. The policy goes on to state at 11 e) that while significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on reduction of greenhouse gas emissions targets, the development's impacts, including cumulative impacts, must be suitably addressed and mitigated against. These considerations are not a policy test and relate to matters of: impacts on communities and individual dwellings in relation to amenity; landscape and visual impacts; public access; aviation and defence interests; telecommunications; traffic; historic environment; biodiversity (including birds); impacts on trees; decommissioning and site restoration; and cumulative effects.
- 8.9 The principal policy for assessing Renewable Energy developments within the LDP is HwLDP Policy 67 (Renewable Energy). Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for its operation. However, for battery energy storage technology, the source is considered to be the grid rather than wind or running watercourses given that the energy is already generated; with the purpose of a battery energy storage facility being to provide support for a balanced grid. The policy requires an assessment of the proposal's contribution in meeting renewable energy targets as well as its positive and negative effects on the local and national economy and as required by all other relevant policies of the Development Plan and associated guidance. In that context the policy provides support for proposals that 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 6.3). Such an approach is consistent with the concept of Sustainable Design (Policy 28) and the concept of achieving the right development in the right place, pursuant to the Onshore Wind Policy Statement, and not to allow development at any cost.
- 8.10 Additionally, as an application involving a site identified as Open Space, HwLDP Policy 75 for Open Space also applies. The policy sets out the Council's long term ambition for the creation of sustainable networks of high quality open space with accessible and fit for purpose greenspaces and sports facilities with enhanced biodiversity to improve the quality of life for residents and visitors. To that end, the policy seeks to ensure that existing areas of high quality, accessible, and fit for purpose open spaces are safeguarded from inappropriate development unless it can be suitably demonstrated that the open space is not fit for purpose, or, substitute provision is provided to meet the needs of the local area, or, development of the open space would significantly contribute to the spatial strategy for the area.
- 8.11 The Inner Moray Firth Local Development Plan (IMFLDP) is the Area Local Development Plan covering the application site. Area LDPs, including the IMFLDP

itself, do not contain any specific land allocations related to the proposed type of development. However, the IMFLDP does set out that the whole of the application site as protected open space, which Paragraph 2.18 links to Policy 75 of the HwLDP. This policy carries a presumption in favour of protecting Open Space from development and supports the stated place making priority of the IMFLDP for Inverness to safeguard green spaces for people and wildlife and improve their accessibility.

- 8.12 The emerging Area Local Development Plan is the Inner Moray Firth proposed Local Development Plan (IMFpLDP2) is undergoing Examination by Scottish Ministers, with the outcome of the Examination process anticipated in early 2024. As representing the Council's settled view, the contents of the plan are material to the assessment of the application, although it does not form part of the approved development plan for the purposes of section 25 of the 1997 Act as amended. The whole of the application site retains its protected greenspace notation, which means that General Policy 4 for Greenspace applies to the application. This policy presumes against the loss of designated Greenspaces to development.
- 8.13 While not directly relevant to the proposal, the Onshore Wind Energy Policy Statement (OWEPS) recognises that balance is required and that no one technology can allow Scotland to reach its net zero targets. As such, the document sets out the Scottish Government's support for co-locating battery energy storage facilities with onshore wind to help balance electricity demand and supply and add resilience to the energy system while acknowledging that on-site battery storage not only reduces pressures from the grid, but enables more locally focussed energy provision, and reduces costs to consumers.
- 8.14 In a similar vein, the Draft Energy Strategy and Just Transition Plan acknowledges that BESS can increase flexibility in our electricity system and provide wider benefits for consumers and society, including proposals for grid scale battery storage. The draft strategy sets out that, by September 2021, Scotland had approximately 864 MW of installed electricity storage capacity with 2.2 GW of battery storage approved through the planning system, but that Scotland requires to increase its BESS capacity significantly.
- 8.15 The draft Energy Strategy, along with OWEPS, and the policies set out within NPF4 confirms the Scottish Government's position that renewable energy and its enabling transmission infrastructure are crucial to address the climate crisis.
- 8.16 The Development Plan, which now includes NPF4, must be considered in the round. While there is clear support for renewable energy proposals that contribute to reaching net zero, of which this technology is one, this is not unqualified. It needs to be demonstrated that the impacts on factors such as community amenity, landscape, heritage and infrastructure, to name but a few, are addressed and/or appropriately mitigated. In addition, other policy considerations will apply, in particular in this case, Policies 3, 20 and 21 of NPF4 and their counterparts in Policies 28, 57 and 75 of the Highland wide Local Development Plan. The extent to which the loss of identified and protected Open Space, its biodiversity value and the impact on community residential amenity is outweighed by climate considerations and the potential economic and other benefits of the technology must be considered. Where it is considered that this is the case, then the proposal

would comply with the Development Plan.

Energy, Carbon Saving, and Socio-Economic Benefits

- 8.17 The proposal would be interconnected to the grid's transmission / distribution network and not co-located with an electrical generating station and therefore is not considered as a proposal for the generation of energy from renewable sources for the purposes of Policy 5 for Soils Part b) subsection iv. The development will, however, collect energy from the grid when the supply outstrips demand. It will store that energy and then discharge it back to the grid when there is demand. Such facilities make a profit by buying electricity from the grid when rates are cheaper and selling it back to the grid when rates are more expensive. However, the development will provide electricity or other grid services when needed. Depending on the mix of electricity in the grid at the time of collection, the battery storage facility may or may not be storing and then releasing renewable energy. However, the benefit of such facilities means that when renewable generators such as wind farms are producing excess electricity beyond the capacity of the grid, much of which is otherwise lost, the battery storage facility can allow generation from those sources to continue for a longer period. As a result, the technology is considered to support government policy that seeks to end a reliance on backup electricity generation from fossil fuel reliant generators and allow the full benefits of renewables, which is where the development's intrinsic carbon saving benefits are to be realised. Energy storage facilities are an emergent technology and are expected to be a significant component of national energy infrastructure in the coming years and are therefore expected to support jobs and economic development.
- 8.18 In terms of wider socio-economic benefits, the submission advises of an anticipated capital spend of £40m on the single facility, which it states equates to sustaining 40 jobs during the construction phase of development and 15 jobs, 4 of which would be local, while operational. The site will be operated remotely, although it is unknown from where, and accessed for maintenance purposes only. In addition, the applicant's Site Selection Statement advises that the key rights and agreements for the proposal are held in the name of ICT Battery Storage Limited, which is wholly owned by Inverness Caledonian Thistle Football Club. As such, all of the land rights, the grid connection agreements, and the planning permission (if granted), which are all held in the name of ICT Battery Storage Limited, are wholly owned by the football club. The statement goes on to advise that profits from the facility will support the Football Club and the community football outreach programmes of The Inverness Caledonian Thistle Community Development Trust, which promotes physical and mental wellbeing in the community. While there is a lack of detail on the extent of this benefit, the proposal could be said to contribute to improving community resilience and increasing spending within communities in compliance with NPF4 Policy 11 and Policy 25 in relation to Community Wealth Building. Should planning permission be granted it would be possible, given Policy 11's stance of maximising socio-economic benefit, for the detail of that benefit to be secured by planning condition.

Siting

- 8.19 The proposal site is on protected Open Space within a suburban city expansion area, at a location 2km west as the crow flies from the connecting Grid Supply Point (GSP) substation at Holm, which means that any underground cabling, although potentially permitted development (if carried out by a statutory undertaker), will require the digging up of routes within the city. Additionally, the application site is close to noise sensitive properties including commercial businesses, a hotel, and the existing residential properties in the wider neighbourhood. The Council considers BESS facilities to fall under Use Class 5, General Industry, in the Use Class Order whereas the applicant suggests the proposal should be considered as Use Class 4, Business. As the applicant suggests, part c. of Class 4 would apply, which considers industrial processes that can be carried out within residential areas without detriment to their amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. As such, not only is the suitability of the site selection key to the assessment of the application, but also the development's compatibility with surrounding land uses.
- 8.20 To that end the applicant has provided a Site Selection Statement to supplement part 3: Location Justification of the Supporting Document. The Site Selection Statement sets out how alternative sites have been considered and explored by the applicant for the proposal and that land ownership and surrounding approved land use constraints have been barriers to developing a site closer to the connecting GSP substation at Holm. For example, a vacant plot adjacent to the substation is owned by the Church of Scotland and is earmarked for the future development of a church. Similarly, an alternative site within the nearby Ness-side housing development was also considered however the area that would have been suitable has been approved for community allotment use and would bring the BESS facility to within close proximity of housing and would necessitate the use of a cul-de-sac for access.
- 8.21 Nevertheless, while the issues with the two sites that the applicant has explored are understood, they are not material to the assessment of whether the chosen site is suitable for a BESS facility. On that account, the applicant's statement provides no information that any further alternative sites have been explored including sites at designated industrial locations or sites outwith Inverness' Settlement Development Area boundary. The statement does however relate the application site's suitability to the current reduced commercial offerings of Fairways Golf Course and the total land take from Open Space that the development would result in; 2% of Fairways and 0.001% of the total designated Open Space in Inverness, which the statement describes as 'nominal'. However, land take, nominal or otherwise, is a consequence of every development and, as stated above, is not considered a reason for site selection.
- 8.22 Indeed, the retention of the application site and wider Fairways area as open space in the IMFpLDP2 has attracted opposition from the Fairways landowners and developers as indicated by a separate proposal for a largescale 800 house mixed-use development (21/01347/PAN). This proposal is proceeding through the pre-application stage and has been presented to the Reporter as part of the emerging IMFpLDP2's Examination. While it is acknowledged that this separate

proposal is not material to the assessment of the current application, it does highlight the premature submission of the current application while the outcome of the examination process for the mixed use development is awaited.

- 8.23 In terms of current Open Space considerations, the area on which the application site is located is not formally laid out for specific recreation activities. Rather, the site functions as a popular, well used and maintained green link and buffer between Fairways Business Park and the former Fairways Golf Course, with a well-established intervening TPO woodland grove that sits on raised ground to the east of the application site. Consequently, the proposal would not result in a loss of specific sports facility but would result in a net loss of a community asset and disrupt its current community function if not strictly fragmenting it. It would therefore be reasonable to expect the application to be accompanied with a proposal to compensate for this net loss. No such proposal is included. Consequently, it is not considered that the threshold maintaining the overall integrity of the Open Space network, as required in NPF4 Policy 20 a), is achieved. Nor is it considered that the policy tests of HwLDP Policy 75 are satisfied, in that it has not been suitably demonstrated that the open space is not fit for purpose, or, substitute provision has been provided to meet the needs of the local area, or, that the development of the open space would significantly contribute to the spatial strategy for the area.
- 8.24 One positive of the site selection cited by the applicant is the presence of the adjacent woodland, which would provide some structure for the development to settle into the receiving landscape in combination with additional landscaping, including the use of two metre bunds planted with a mix of tree species. Such a consideration is an appropriate criterium of site selection.

Design

- 8.25 In terms of design, the proposed development is of an expectedly utilitarian design. The battery containers, as well as equipment store, will appear similar to shipping containers and be laid out in a modified grid formation, and, along with the meter building that contains switch and electrical gear, will be located within the compound. The proposal is to fence the compound in a mix of 3m high weldmesh security perimeter fencing topped with barbwire, and, perimeter acoustic barrier / screening fencing, which will either be constructed of acoustic timber or solid masonry, and will have a variable height of 3m to - 4m. Nine security cameras will be mounted on 4m high poles and sited in various locations within the compound, which will be formed of hardstanding, while a SUDS pond is proposed to the northwest of the facility, although outwith the compound proper, and bounded with post and wire fencing. As described, the proposed BESS will be an unattractive facility with electrical infrastructure and basic buildings of little to no architectural or visual merit. If granted, the finish of the containers should be darker, neutral, and semi-matt, details of which, along with the materials and finishes of the control building including a requirement for a Sedum roof, could be secured by condition.

Visual Impacts

- 8.26 The bare earth Zone of Theoretical Visibility included with the submission shows that visibility of the development would be largely limited to within 400m of the facility to the southeast, east and northeast, encompassing some Slackbuie housing and Open Space, as well as from within Fairways Business Park. There are additional pockets of visibility from housing north and east of Castle Heather Park, while visibility to the site's west and southwest is very limited.
- 8.27 As proposed, the compound's internal area will also likely be exposed to the publicly accessible areas immediately outwith the facility by weldmesh fencing, and there is potential visibility into the compound from elevated areas around the compound including the raised wooded area to the east of the site, which in parts would be several metres above the finished ground levels.
- 8.28 Generally, however, it is considered that surrounding topography, existing buildings, and woodland will, in reality, provide visual containment of the proposal and restrict its visual influence into the surrounding area, as demonstrated in the visualisations submitted with the application. Indeed, the applicant's Supporting Document includes assessments of the proposal's visual impacts from several receptors including nearby houses, Slackbuie Way and, Parkfield View, and other local roads, the nearby Travelodge hotel and Business Park, and recreational users of the Fairways Trails (Core Path IN19.61) and the wider Fairways Golf Course. For each of the assessments, the supporting statement considers the visual impacts to be minor.
- 8.29 Overall, this assessment does not consider the proposal likely to result in significant visual impacts, which will be reduced through additional landscaping, which as proposed in outline, would introduce some bunding and structure planting surrounding the facility. However, the landscaping proposals would require greater refinement to provide amenity to the surrounding area outwith the compound. Should the proposal be granted, a condition to secure a finalised landscaping plan inclusive of planting mix and location of each plant type, as well as details of public access through the site, and the management and maintenance of the landscaping, should be included with any permission.

Natural Heritage Impacts

- 8.30 The Supporting Information included with the application includes an Ecological Report with results from a Preliminary Ecological Appraisal that included a National Vegetation Classification (NVC) and Phase 1 Habitats Survey, as well as Protected Species Surveys. All surveys were undertaken in October 2022. The development is not within any sites designated for ecological interests and is not anticipated to impact on the qualifying interests of such sites whether international or national.
- 8.31 No plants classified under the NVC were surveyed within the site, with the Phase 1 Habitat Survey showing that the vast majority of the site is covered by amenity grassland associated with the old Fairways Golf Course, which it finds to be not maintained and species poor. The site also contains trees along the western boundary with the business park, and woodland along its eastern edge. The

report highlights that woodland appears to have been planted within the last 20 years and lacks a mature field layer. The Council's Forestry Officer welcomes that there is no intention to remove trees and there does not appear to be any conflict between the development proposals and existing trees. However, the Forestry Officer also notes that there is no Tree Protection Plan included with the submission, which should be secured by condition if the application is granted to ensure there is no damage to trees or woodland during construction. Additionally, the Forestry Officer requests a condition to secure an Arboricultural Method Statement (AMS) to be submitted prior to works commencing, to be undertaken by a qualified Arboricultural Consultant, as well as a Tree Planting Plan to include a maintenance programme and which should replace species such as leylandii with rowan and cherry.

- 8.32 As set out in the policy review above, all applications for major developments are now required, under NPF4 Policy 3 b), to demonstrate that the proposal will conserve, restore, and enhance biodiversity, including nature networks, so that they are demonstrably in a better state than without intervention. To that end the submission also includes a Biodiversity Enhancement Management Plan however the Council's Ecologist has advised that there are insufficient enhancement measures as well as significant errors in the applicant's calculation of Biodiversity Net Gain. As such, the submission fails to meet the threshold of demonstrating compliance with the Policy test set out in criterion i.v. of Policy 3 b), which requires significant biodiversity enhancements in addition to any proposed mitigation, and is grounds for refusal.
- 8.33 With regard protected species, the report finds that the trees and grassland habitat provides limited scope for protected species but that there was evidence of badgers moving through the area with latrines found on the edge of the woodland. No other evidence of protected species was found, although it should be noted that October is outside the season for conducting emergence surveys for bats. The woodland and grassland are also considered to offer the potential to support nesting birds during the breeding season (April-August inclusive). The report includes mitigation measures to protect badger and birds such as measures to avoid entrapment of badgers within excavations and avoid works during the breeding bird season, which could be secured by conditions in the event that planning permission is granted.

Impact on Built and Cultural Heritage

- 8.34 The application site is not covered by any historic or built heritage designation. Historic Scotland has assessed the proposal for impacts on the integrity and setting of the Lower Slackbuie, unenclosed settlement 90m E of West Heather Road Scheduled Monument and has no specific comments or objections. This is because the site is separated and screened from the Scheduled Monument by both the Slackbuie Roundabout and the Fairways Business Park and therefore will have negligible influence on the interpretation of the historic resource. Given the presence of Scheduled monuments in the wider area however, the site is considered to contain archaeological potential and as such, the Council's Archaeologist has requested that a condition is applied to any permission, if granted, to ensure works are carried out under a programme of archaeological work for the survey, evaluation, preservation, and recording of any archaeological

and historic features that may be affected by construction.

Amenity Impacts, Including from Construction and Noise

- 8.35 There are likely to be some adverse impacts caused by construction traffic and disruption, particularly during the anticipated nine month construction phase when construction materials are being delivered to site and during works to connect the site to the GSP substation at Dores Road, particularly where works relate to the public road. These impacts are generally of short duration.
- 8.36 Developers and contractors must comply with reasonable operational practices with regard to construction noise so as not to cause nuisance as required by Section 60 of the Control of Pollution Act 1974, which is regulated by Environmental Health. Working hours on site would usually be restricted to be 07.00 – 19.00 Monday to Friday, 08.00 – 13.00 on Saturday with no Sunday or Bank Holiday working. Construction activities that do not generate impacts beyond the site boundary are permissible outwith these hours.
- 8.37 The battery storage containers will be fitted with air conditioning units and the operation of the facility, as a whole, will create some noise and there are noise sensitive properties that may be adversely affected by the development. These properties include a hotel, businesses, and leisure facilities at the adjacent Fairways Business Park, as well as housing in surrounding residential areas, with the most sensitive locations identified as Parkfield View, Slackbuie Way, West Heather Gardens and the Travelodge Hotel at the Business Park.
- 8.38 Following a request by Environmental Health, the applicant has provided a revised Noise Impact Assessment (NIA) with more complete information relating to current pre-development background noise levels and the acoustic environment including the location of noise sources and survey measurement locations. The revised NIA provides additional data recorded over an extended monitoring period to provide a more reliable and representative picture of the noise environment for periods of interest. Included with the NIA is data regarding the specific sounds likely to be created by the development along with supporting information to demonstrate that the proposed mitigation measures, including the use of acoustic barriers, will reduce noise impacts to within acceptable levels at sensitive properties. However, Environmental Health has advised that the revised assessment now has some significantly different figures to that of the initial assessment.
- 8.39 The main noise source from the development are the cooling fans required to keep the equipment at optimal temperature whereby all predicted noise levels in the assessment have been based on an assumed maximum cooling load of 40% rather than the worst case scenario of 100% which Environmental Health would normally require.
- 8.40 Consequently, the Environmental Health Officer has advised that even at the 40% assumed operational level, the revised predicted noise levels emitting from the development show that the proposal would exceed the lower of the measured background levels at these locations by 4.5dB at Slackbuie Way and by 6.5dB at West Heather Gardens. These figures include attenuation from an acoustic

barrier, the exact height of which is yet to be finalised. There are no external predicted noise levels provided for the hotel however the original assessment gave a predicted internal level of NR 30, which would equate to an external level of around 50dB although the revised assessment does indicate that a limit of NR 25 could be achieved with a higher acoustic barrier. External levels at the office pavilions in the business Park have also not been provided however, extrapolation of the internal predicted level would suggest levels around 55dB(A). While it is noted that the offices are only likely to be occupied in daytime hours when background levels are high but 55dB is still considered an elevated level of noise.

- 8.41 The applicant's assessment suggests that additional mitigation may be available in the form of "*attenuating baffles on the air outlets, noise barriers within the site on the receptor side of specific items of equipment, taller noise barrier or employing and angled barrier top section and absorptive materials*". However, no details have been provided confirming whether these measures are viable in this case or to what extent they may further reduce noise levels.
- 8.42 Environmental Health maintains its objection to the application on noise impact grounds, not only because the variance in background noise figures between the two NIAs submitted have not been properly explained, but also because the revised assessment does not demonstrate that noise levels emitting from the facility can meet the required targets (set out in the response). Environmental Health has also highlighted concerns that noise levels in the external areas of the business park as well as surrounding Open Space would likely be very noticeable at times.

Health and Safety

- 8.43 Given the proposed use and general concerns regarding fire risks associated with lithium battery facilities, the applicant has been requested to provide information regarding the management of fire risk on site and procedures to control fire in case of a fire event. To address those effects the applicant has submitted both a Health and Safety Statement along with an Outline Site Management Plan. The Health and Safety Statement advises that each battery unit is designed according to international standards to avoid the circumstances that lead to fire; i.e., overcharge, overheating (by use of ventilation equipment), and/or mechanical damage. The BESS will be installed with anomaly/fire detection and suppression equipment so that in the event of any anomalies, individual equipment can be shut down and isolated pending maintenance checks, while several suppression systems are available including water based suppression and/or inert non-toxic gas based suppression along with a venting system to prevent flammable gasses building up. The Scottish Fire and Rescue Service may have an interest in the site's layout however a corresponding Emergency Response Plan would be required to be in place prior to the facility becoming operational, while security measures such as fencing and CCTV will be in place to reduce the risk of fire sabotage and vandalism.

Traffic and Transport Impacts

- 8.44 The Supporting Statement advises that no staff will be based on the site and that traffic to the site will be limited to maintenance personnel only. While the number of maintenance trips is not stated, it would likely equate to less than 5 per calendar month.
- 8.45 Traffic impacts will therefore be greater during the anticipated nine month construction period where construction machinery, aggregate, and other materials will be delivered to site. Transport Planning has advised that a finalised Construction Traffic Management Plan will be required prior to the commencement of works on site, which could be secure by condition. The Plan would be required to confirm predicted impacts of construction traffic on the local road network during the construction phase of development, propose mitigation to demonstrate that the condition, integrity, and safety of the network will be favourably maintained, along with proposing adequate measures to ensure safe means of access for pupils of local schools and users of nearby businesses. A Wear and Tear Agreement under S96 of the Roads (Scotland) Act 1984 may also be required.
- 8.46 Access to the site will be from the Slackbuie roundabout through the business park via its internal road (U5137) and then from another small roundabout through an existing private access gate. There is currently a roadside footway adjacent to the roundabout that will require adjusting to provide the construction and ongoing access needs for the development however no design details have been provided showing how that access will be formed. Details of the amended access should therefore be secured by condition, which should show a minimum 6m stretch of bound bituminous surface into the site from the roundabout's carriageway, along with details of a linear footway crossing across the access.

Flood Risk and Drainage

- 8.47 The application site does not show as being at risk of flooding on SEPA Flood Risk Mapping and based on the location and the local topography of the receiving landscape, the Council's FRM Team is content that the development will be at low risk of flooding.
- 8.48 There is, however, potential for overland surface water from higher ground to flow over the site. Consequently, the applicant was requested to provide an updated Drainage Impact Assessment (DIA) to identify any existing surface water drainage infrastructure in place within or adjacent to the site, and if so, demonstrate that it would intercept and manage runoff to reduce the risk of flooding to the adjacent properties to the north. The DIA was also required to describe the proposed drainage strategy for the site and demonstrate that the development will not increase flood risk to others. Therefore, details of proposed discharge rates of surface water to any watercourse were required. It is understood that surface water across the site will ultimately drain to the Ault na Skiah, which flows NNW and is to the east of the site, and which has a history of flooding downstream. As such, discharge rates to this watercourse would be required to be limited to the equivalent 1 in 2 year pre-development greenfield rate for all storms up to and

including a 1 in 200 year plus climate change event.

- 8.49 To that end the applicant has worked directly with the FRM Team to provide an Addendum to the DIA, which proposes permeable paving across the site to allow surface water to absorb into the ground and eventually discharge to the Ault na Skiah following natural drainage cycles. Overland flows from higher ground outwith the site would be intercepted and diverted to the watercourse by a swale feature. Unfortunately, at the time of writing, the Addendum to the DIA has been submitted too late (01 November 2023) for the FRM Team to review the information and respond. While it may be the case that it can, in the meantime, drainage matters should be considered to be unresolved and included as a reason to refuse the application.

Decommissioning and Reinstatement

- 8.50 BESS facilities have limited operational lifetimes, generally in the region of 50 years, and as such the facility's removal and ground rehabilitation should therefore be secured in the event the application is approved. NPF4 Part e) at subsections xi. and xii. is clear that outline proposals for the decommissioning and site restoration of energy developments should be included with submissions, following which, measures to safeguard or guarantee finances to effectively implement restoration plans should also be in place. However, the applicant has not provided outline proposals for the decommissioning, restoration and aftercare of the site as is required in NPF4 as well as HwLDP Policy 67, which is a failing of the submission. In the event that Committee is minded to grant permission proposal, an outline Decommissioning, Restoration, and Aftercare Plan should be reviewed and approved prior to a decision being issued. The plan would also require to be reviewed 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. In the meantime, the outline plan should be used to inform a financial bond, which should be in place prior to works commencing on site to secure restoration works, which could be secured by condition.

Other material considerations

- 8.51 The proposal is not considered to reach the threshold of Environmental Impact Assessment (EIA) development. There are no other material considerations.

Non-material considerations

- 8.52 The issue of environmental impacts of lithium mining is not material to the assessment of this planning application.

Matters to be secured by Section 75 Agreement

- 8.53 In order to mitigate the impact of the development on infrastructure and services the following matters require to be secured prior to planning permission being issued:
- a) None.

9. CONCLUSION

- 9.1 The proposed development has the potential to play a role in addressing supply and demand peaks and troughs within the electricity transmission network by virtue of storing excess energy produced by generating stations, including from renewable sources. In that way, the proposal is considered to contribute to national climate change and carbon net-zero targets. It is a technology that has strong support within National Planning Framework 4 Policy 11. There will be socio-economic benefits including support Inverness Caledonian Thistle Community Development Trust's football outreach programme., The development would be relatively contained within its landscape setting and would not lead to adverse visual impacts or impacts on built and cultural heritage or on the local road network.
- 9.2 However, the proposal would remove an area of designated Open Space that is protected in both the extant and emergent Local Development Plans. As such, the development would result in the net loss of a community asset removing a green link and buffer between Fairways Business Park and the former Fairways Golf Course. The submission fails to demonstrate that the open space is firstly not fit for purpose nor does it offer compensation for its loss, or indeed any meaningful landscaping improvements that could otherwise improve the amenity of the space and go some way to reduce the proposal's impact on the integrity of the Green Network as it currently is. It is therefore not considered that the threshold maintaining the overall integrity of the Open Space network, as required in NPF4 Policy 20 a), is achieved.
- 9.3 Similarly, the report sets out that the submission has failed to meet the threshold of demonstrating compliance with the Policy test set out in criterion i.v. of Policy 3 b), which requires significant biodiversity enhancements in addition to any proposed mitigation as measures for biodiversity enhancement are insufficient while there are significant errors in the applicant's calculations of biodiversity net gain.
- 9.4 Contrary to the applicant's stated position, the Council considers BESS facilities to fall under Use Class 5, General Industry, in the Use Class Order as it includes processes that would be detrimental to the amenity of residential areas, in this instance by virtue of noise emissions. To that end, the applicant has provided information to support its position that the proposal may be considered as Use Class 4, Business, which does not carry an assumption of being incompatible with residential land uses. Despite this submission, the Council's Environmental Health Team maintains its objection to the application on noise impact grounds because the revised assessment does not adequately demonstrate that noise levels emitting from the facility will be within acceptable limits at nearby noise sensitive properties.
- 9.5 As also set out in the assessment, while the developer's cooperation and work with the Council's Flood Risk Management Team is acknowledged and appreciated, it is unfortunate that the revised drainage information has been submitted too late for the team to review the document in time for this report to be issued. In the meantime, drainage matters should be considered to be unresolved

and included as a reason to refuse the application.

9.6 In summary, while there is strong support for this type of technology both in terms of Policy 11 and to fulfil the overarching aims of Policy 1 of National Planning Framework 4, that support is not wholly unqualified. A proposal must still be able to demonstrate that the impacts on a range of factors are addressed. In this case, there is potential for the amenity of individuals and the community to be adversely affected by noise. The development will result in a loss of an area of identified open space that has benefits for recreation and access that will not be adequately compensated for and will not conserve, restore and/or significantly enhance the biodiversity of the site. It is considered that in this case, that these latter considerations outweigh the presumption in favour of the development outlined within Policy 11. The proposal is not considered to comply with the development plan.

9.7 All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of 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: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

Subject to the above actions, it is recommended to **REFUSE** the application for the following reasons

1. The proposal is contrary to National Planning Framework 4 (NPF4) Policy 20 a), and Highland-wide Local Development Plan Policy 75 by virtue that it has not been satisfactorily demonstrated that the Open Space is not fit for purpose, nor has substitute provision has been offered to meet the needs of the local area, nor is it considered that the

proposal for the development of the Open Space would significantly contribute to the spatial strategy for the area, which aims to:

concentrate development on existing settlements, create sustainable new communities, provide the infrastructure and transport network required to support these communities whilst ensuring the area's most valuable built and natural assets are protected.

Consequently it is not considered that the threshold of maintaining the overall integrity of the Open Space network is achieved.

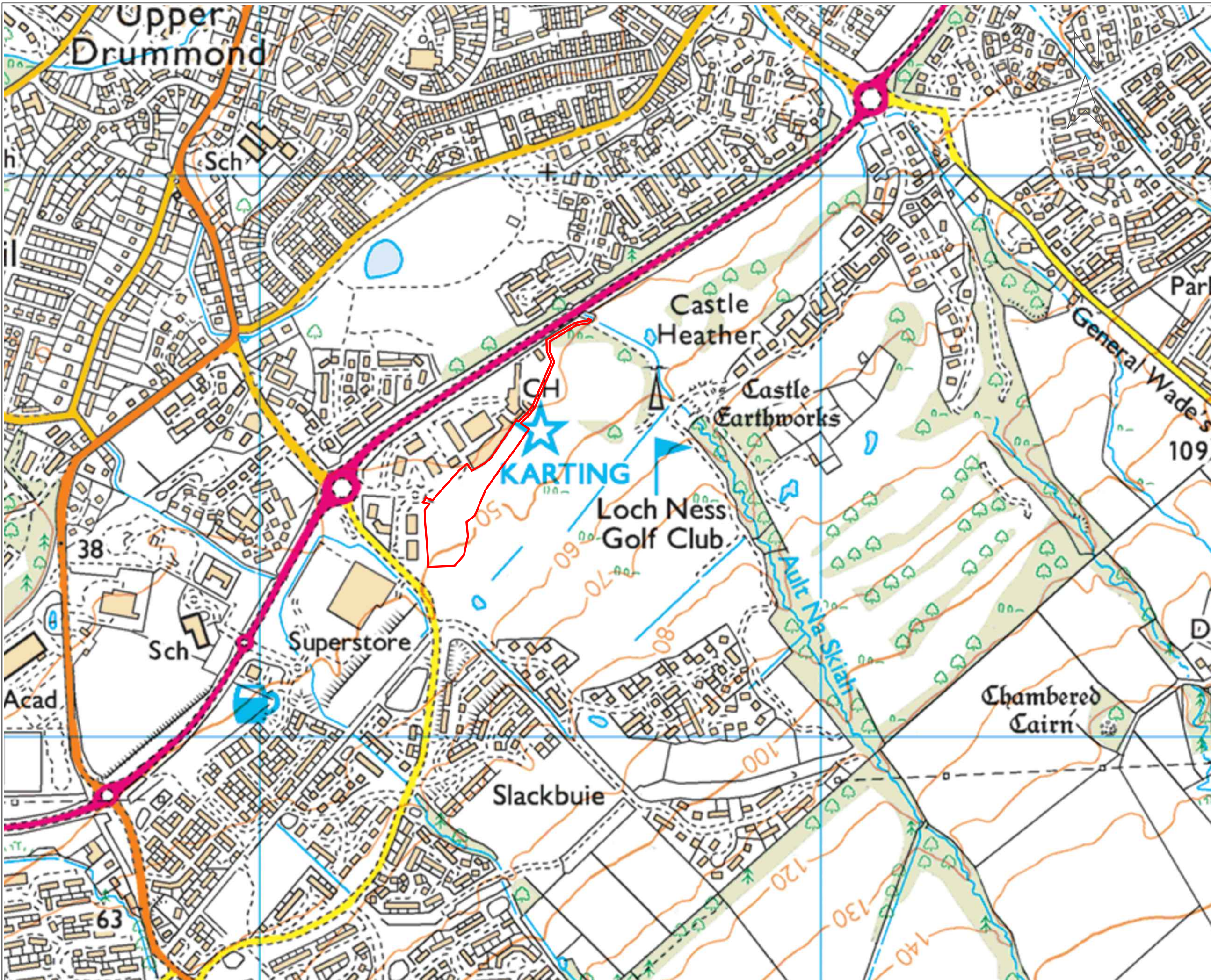
2. The proposal is contrary to National Planning Framework 4 (NPF4) Policy 3 b) as the submission fails to demonstrate that the development will conserve, restore and significantly enhance biodiversity at the site, including nature networks so they are in a demonstrably better state than without intervention.
3. The proposal is contrary to National Planning Framework 4 (NPF4) Policy 11 e) Part i., Policy 23 e), and Highland-wide Local Development Plan Policies 28 and 34 because the proposal is not considered compatible with existing and approved surrounding land uses by virtue of introducing an industrial process to a nearby residential area and by virtue that noise impacts on nearby sensitive receptors have not been satisfactorily demonstrated to be within acceptable limits.
4. The proposal is contrary to National Planning Framework 4 (NPF4) Policy 22 c), and Highland-wide Local Development Plan as it has not been satisfactorily demonstrated that the site will be suitably drained following the principles of Sustainable Urban Drainage such that the proposal will not increase flood risk to others.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Mark Fitzpatrick
Background Papers: Documents referred to in report and in case file.
Relevant Plans:

Document Type	Document No.	Version No.	Date Received
Plan 1 - Location Plan	J369/040/16122022		01 February 2023
Plan 2 - Site Layout Plan	J369/077/22092023		24 September 2023
Plan 3 - Typical Energy Storage Unit Plan and Elevations, 1	J369/069/28072023		06 August 2023
Plan 4 - Typical Meter Building Plan and Elevations	J369/070/30072023		06 August 2023
Plan 5 - Typical Equipment Store Plan and Elevations	J369/073/30072023		06 August 2023
Plan 6 - Typical Fencing and Security	J369/071/28072023		06 August 2023



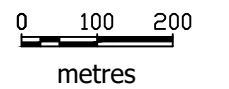
Fairways

Project site

Land at Fairways Golf Centre,
Castle Heather, Inverness
IV2 6AA

Ordnance Survey grid
reference 267708, 842503

Scale 1:10,000 at A3



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Ordnance Survey 0100031673
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

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Energy Project Management

Location

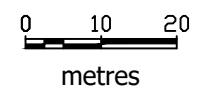
Drawing number	Status
J369/040/16122022	Draft



Fairways

-  Energy storage units
-  Transformer
-  Equipment store
-  Meter building
-  Security cameras
-  Track, existing
-  Track, proposed
-  Solid barrier
-  Security fence, mesh
-  Post & wire fence
-  Landscaping bund
-  Area of new planting of trees

Scale 1:1000 at A3



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 Ordnance Survey 0100031673
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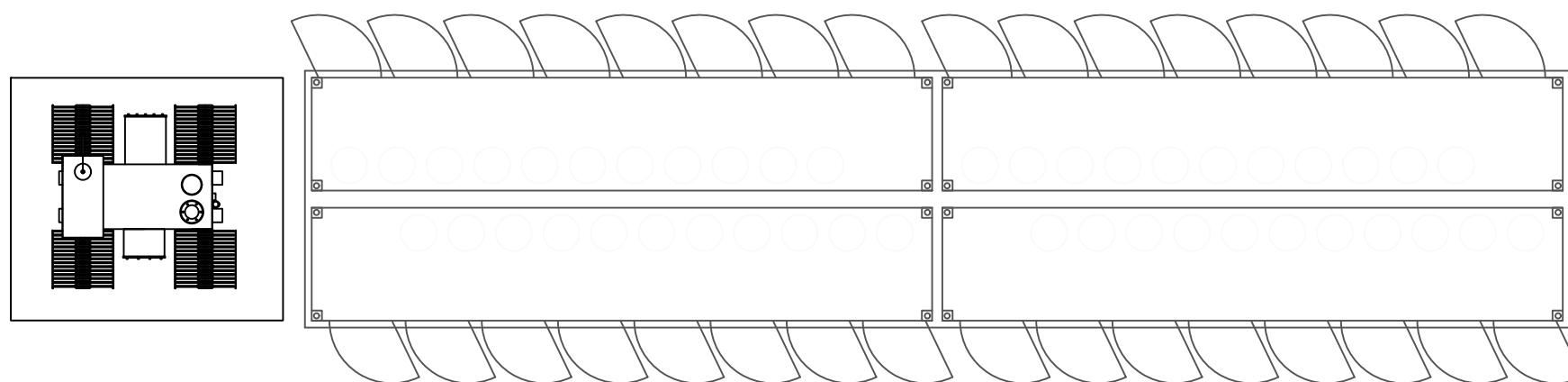
Layout

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 J369/077/22092023

Status
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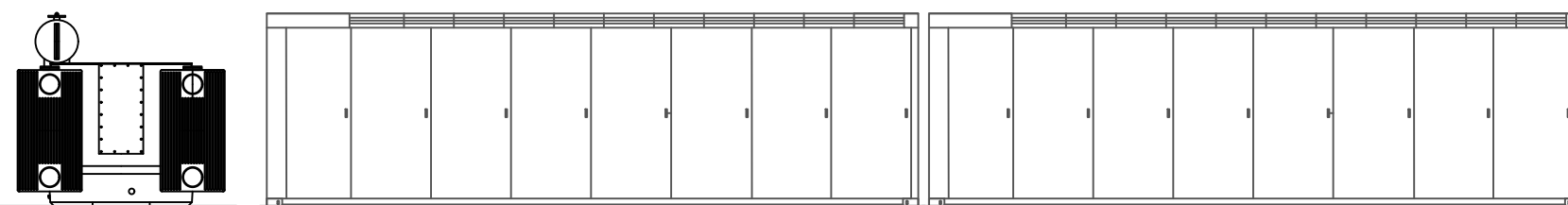
Fairways Energy Storage



Plan view

Transformer
dark admiralty grey metal
RAL7032

Energy storage units white
metal RAL 9016



Side elevation

Transformer

Energy storage units

Scale 1:100 at A3



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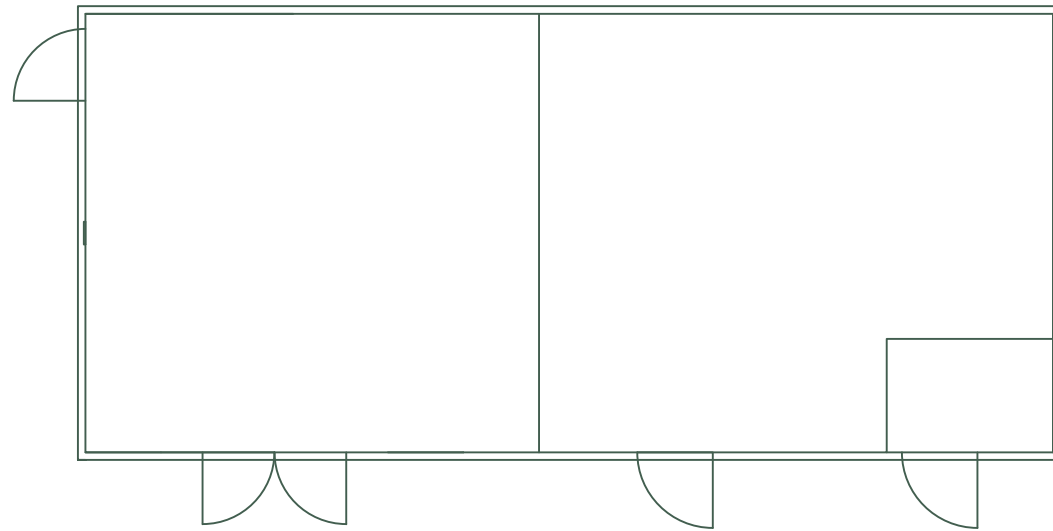
Typical energy storage unit plan
and elevations, 1

Drawing number
J369/069/28072023

Status
Draft

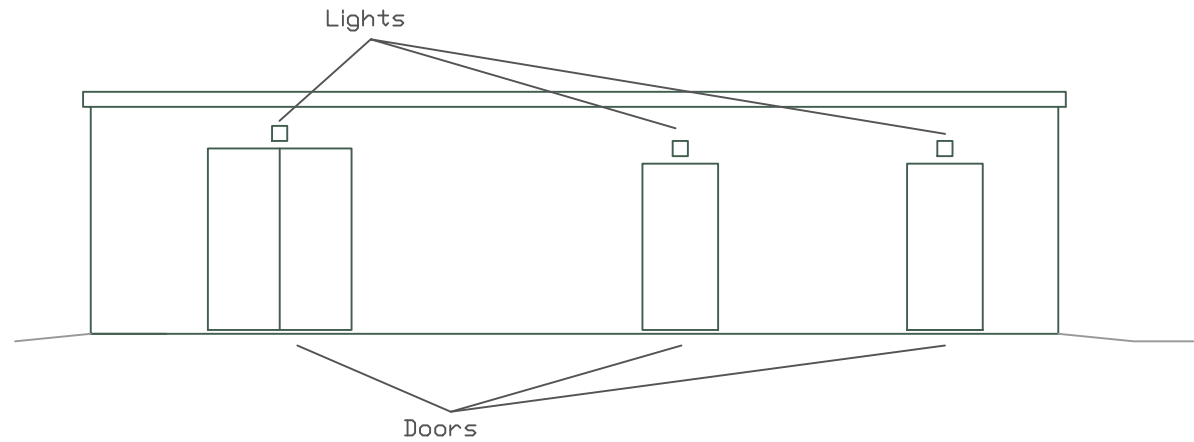
Fairways Energy Storage

Meter building GRP hollybush
green BS 14-C-39, light
textured finish

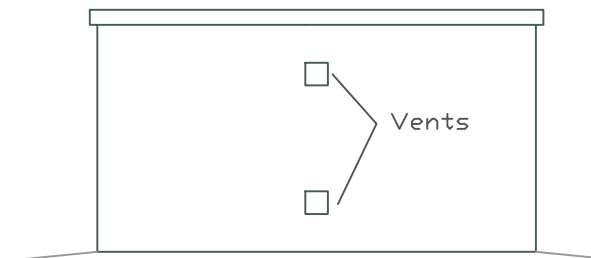


Plan view

SE elevation



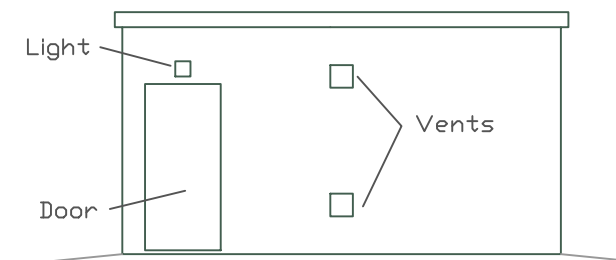
NE elevation



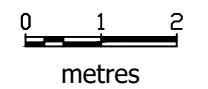
NW elevation



SW elevation



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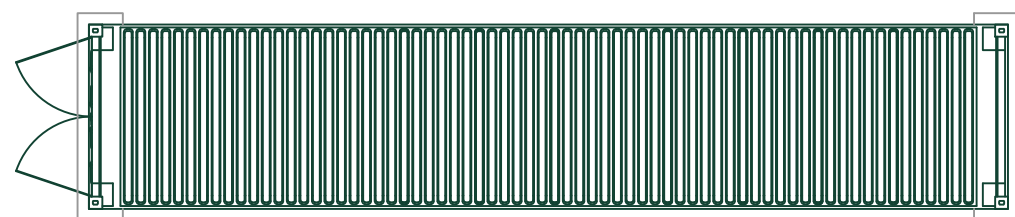
Typical meter building

Drawing number
J369/070/30072023

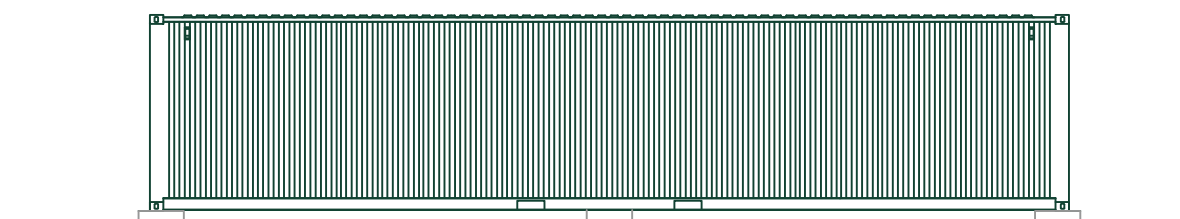
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Fairways Energy Storage

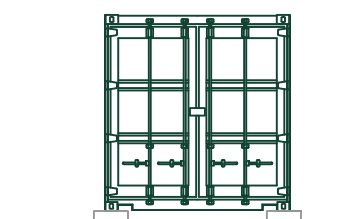
Metal container, green, RAL
6005



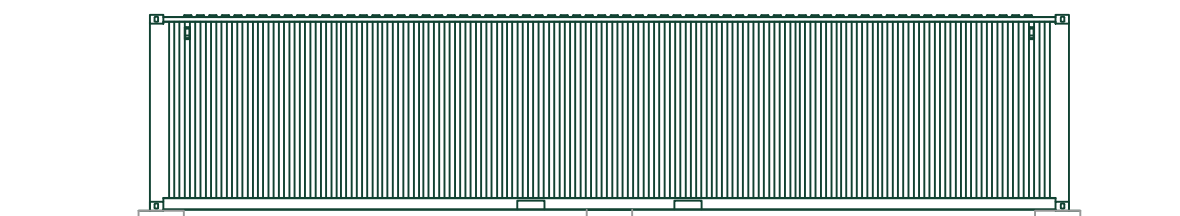
Plan view



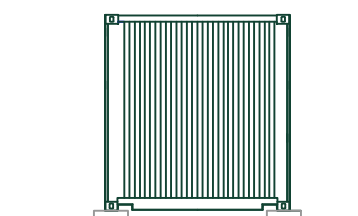
Elevation, side



Elevation, door end



Elevation, opposite side



Elevation, opposite end

Scale 1:100 at A3



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Typical equipment store

Drawing number	Status
J369/073/30072023	Draft

Fairways Energy Storage

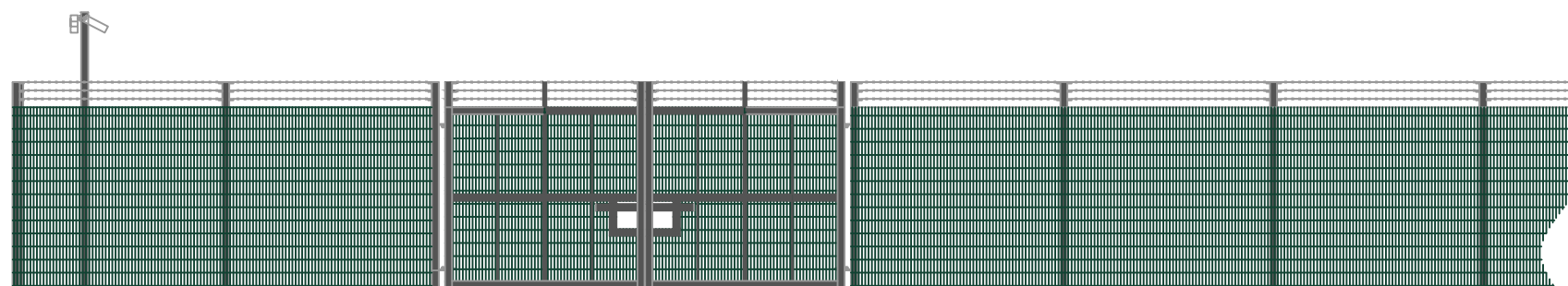


Example cameras on pole (not to scale)

Security cameras

Gates

Steel weld mesh fence 3m high including barbed wire top

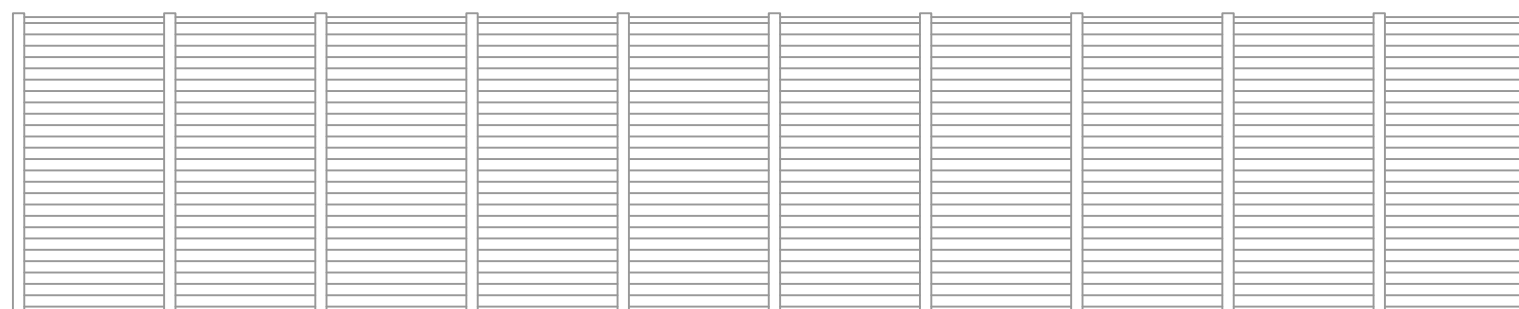


Corner post

Post and wire stock fence 1.2m high



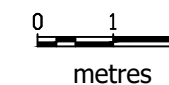
Barrier fence 4m high



Metal fence moss green RAL 6005

Barrier fence steel uprights grey RAL 7031, heavy wooden panels natural brown wood

Scale 1:100 at A3



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Energy Project Management

Typical fencing & security

Drawing number
J369/071/28072023

Status
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