Agenda Item	**6.3**
Report No	**PLN/013/25**

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: Wednesday 12 March 2025

Report Title: 23/05424/FUL: Potencia Energy Limited

Land 170m southeast of Mybster Croft, Spittal

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Erection and operation of a 47MW capacity battery energy storage facility, comprising containerized battery storage units, inverters, transformers, switch room, site access, landscaping, fencing and ancillary infrastructure.

Ward: 03 - Wick And East Caithness

Development category: Major

Reason referred to Committee: Major Development

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

Recommendation

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

1. PROPOSED DEVELOPMENT

1.1 The application is for installing a Battery Energy Storage System (BESS) capable of storing up to 47 megawatts (MW) of electricity, consisting of an array of 12 battery terraces, feeding inverters located in an acoustically treated building. The inverters are linked to transformers which lead to a switch-room, in turn linked to the Mybster Grid Supply Point (GSP) via a new 33KV cable, routed down the existing access track to the substation which runs adjacent to the application site to the rear. The battery storage equipment will be sited on a compacted hardcore compound, enclosed on three sides by a dark green 4m high acoustic fence.

1.2 The proposed BESS will collect and store energy from the electricity network and release energy to the network during times of peak demand. It is proposed to connect the BESS to the nearby Scottish & Southern Electricity Networks (SSEN) Mybster Substation. The proposed battery technology for the development is anticipated to be lithium iron phosphate (LFP).

1.3 Pre-application advice was previously given by the Planning Authority under application ref. 22/04164/PREAPP. The response concluded that the Planning Authority may be in a position to support the proposed development if further substantive details are brought forward which addresses the sensitivity of this site and the advice given in the pre-application advice pack.

1.4 Supporting Information:

- Pre-Application Consultation Report
- Zone of Theoretical Visibility to Maximum Height (4m) of development Bareground
- Preliminary Ecological Appraisal
- Visualisations
- Viewpoint Locations
- Transport Statement
- Planning Statement
- Peat Survey Report
- Noise Impact Assessment Report
- Landscape and Visual Appraisal
- Flood Risk Assessment
- Design and Access Statement
- Archaeological Desk Based Assessment and Assessment of Impact on the Historical Environment
- Appendix A: Policy and Guidance
- Appendix B: Appraisal Methodology
- Response to Environmental Health
- Habitat Management Plan and Biodiversity Net Gain Report
- BNG Metric
- Decommissioning and Restoration Statement
- Forestry Chapter
- NFFC Planning Guidance – Compliance Report
- Note on Community Wealth Building

- Note on Firefighting Runoff
- Note on Permeable/Impermeable
- Section 75 Statement
- Site Selection Report
- Fire Assessment Report

1.5 There have been numerous variations to the submitted plans since submission regarding forestry, biodiversity, drainage, noise, in addition to compliance with evolving fire risk guidance.

2. SITE DESCRIPTION

2.1 The application boundary comprises approximately 2.39ha (approx. 6 acres) of land immediately to the east of the A9. The site is bounded to the north by an existing residential dwelling (approx. 126m from the proposed battery storage infrastructure), to the east by an access track and to the south by an additional residential property which is located further in the distance (approx. 150m from the proposed battery storage infrastructure).The site will be accessed from the A9 as the road directly borders the site boundary to the west. A further residential property, Wingfield, is also located approximately 189m to the west of the proposed BESS infrastructure.

2.2 The site itself consists mostly of grassland and conifer plantation containing Sitka spruce. There is some neighbouring bogland and semi-improved grassland as part of a housing property and neighbouring arboricultural forest across the road, on the west-side of the A9. Within the grassland there are multiple lines of drainage ditches which supply water to a small pond in the southwest of the site. An overhead power line crosses the site in a north-south direction at the eastern extents. In terms of landform, the field in which the application site lies is relatively flat, lies wholly within the Sweeping Moorland and Flows Landscape Character Type (LCT), with the only other LCT present within the 5km study area being Farmed Lowland Plain.

2.3 The site is not located within any Special Landscape Area, Special Area of Conservation, Special Protection Area, or Site of Special Scientific Interest. The site is also situated at an approximate distance of 3km to the north of The Flow Country World Heritage Site, protected due to its quality and extent of the blanket bog habitat. It should be noted that numerous windfarms are located within close proximity to the proposed development site, such as Bad a Cheo Wind Farm approximately 1.4km to the south; Achlachan Wind Farm approximately 1.5km west; and Halsary Wind Farm approximately 1.5km southeast.

3. PLANNING HISTORY

3.1	19 March 2008	08/00018/OUTCA Erection of house, installation of septic tank and soakaway and formation of vehicular access	PERMISSION GRANTED
3.2	23 November 2011	11/03861/FUL Locating shipping container on prepared base and erection of timber shelter to north and west sides	PERMISSION GRANTED

3.3	19 April 2023	23/00933/PAN	47mwh capacity battery energy storage facility consisting of containerized battery storage units and related inverters, transformers and switch room, along with proposed site access from the A9, landscaping, fencing and other required infrastructure	CASE CLOSED

4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Development (14 days) & Unknown Neighbour (14 Days)

Date Advertised: 08.12.2023

Representation deadline: 22.12.2023

Timeous representations: 1

Late representations: 2

4.2 Material considerations raised are summarised as follows:

a) Cumulative impact of the proposed and surrounding development on local community and environment.
b) Fire risk concerns and the impact of this on the surrounding area.
c) Wildlife and nature impact caused by cumulative number of similar developments.
d) Security concerns.
e) Lack of benefit to local community or environment, not guaranteed to provide jobs in Caithness area and no long-term employment opportunities.
f) Environmental impact from construction activities.
g) Lack of compliance with the 2017 Environmental Impact Assessment Regulations due to not including the grid connection as part of the application, although it is part of the overall scheme.
h) Lack of appropriate guidance and input from appropriate regulators such as SFRS, and need for a more comprehensive fire risk assessment to be submitted.
i) No details of biodiversity enhancement as required by Policy 3 of NPF4.
j) Visual impact of the proposal, very close to the A9 and plantation woodland can be felled at any time. Very flat landscape of Caithness means that required woodland clearance, further woodland clearance, and the erection of a 4m high boundary fence might result in visual effects.
k) No evidence of benefits on the global climate and adverse effect on nature.
l) The proposal fails to fully comply with NPF4 policies 3, 4, 11, 14, 18, 25, and 29.

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 **Watten Community Council:** did not respond to the consultation.

5.2 **Transport Planning:** No objection in principle to the development proposed. Advised that the site will be accessed directly from the A9 trunk road, with

construction anticipated to take approximately 9 months with expected vehicle trip numbers detailed within the submitted Transport Statement. Also stated that no abnormal load movements will be required to facilitate development construction, and once operational, Transport Planning note that transport impacts are expected to be minimal. Transport Planning also advised that the impact of construction traffic on the local road network will require to be mitigated in accordance with the Framework CTMP included in the submitted Transport Statement. Following appointment of a Principal Contractor, the Framework CTMP will require to be developed into a finalised CTMP for implementation. Transport Planning also recommend that no works relating to the development shall commence until the full details of the Construction Traffic Management Plan (CTMP) have been agreed in consultation with the respective road's authorities.

5.3 **Historic Environment Team – Archaeology:** Advised that a desk-based assessment has been submitted to support the application. The archaeology officer is satisfied that the results of the provided assessment portray that the risk of direct impacts caused by the proposal are considered to be low, and as such advised that no further mitigation is considered necessary.

5.4 **Historic Environment Team – Conservation:** Advised that there are no listed buildings or conservation areas within close or general proximity to the application site.

5.5 **Development Plans:** does not object to the application. Advised on the policy context and conformity with the Development Plan, as well as on community benefits and community wealth building.

5.6 **Ecology:** Requested further information. Advised that the extent of planted individual trees (mainly on the created grassland) is such that it means that the created habitat could be classed as a woodland under UK Habs rather than a grassland (when land has more than 25% cover of trees), with the proposed tree planting resulting in a combined land cover of 27%. Therefore, Ecology have advised the applicant to adjust the extent of individual trees planted, to conform to the habitat classification of intended created habitats and provide a revised and updated metric assessment. In addition, as the areas of created grassland and planted trees will overlap, Ecology have also sought the applicant to clarify one aspect of the Habitat Management Plan (HMP) on how the management of the grassland (namely the cuttings) will consider the presence of the planted trees.

5.7 **Forestry Officer:** Advised that the proposed site is located within a woodland plantation, funded under the Woodland Grant Scheme in 2003. The area has been ploughed and there are patches of scattered trees, but generally establishment appears to be poor across the site. Objected to the proposals due to not complying with Policy 6 of the NPF4 or Policy 52 of the HwLDP.

5.8 **Environmental Health:** No objection subject to conditions. Initially requested further information regarding noise data for the operation of the plant at expected levels rather than at 100% capacity. Following further information provided by the applicant, Environmental Health, advised that they were satisfied with the information provided.

5.9 **Flood Risk Management Team:** Initially objected due to concerns with the proposed surface water drainage strategy. Following the submission of additional information they removed their objection subject to conditions.

5.10 **Scottish Forestry:** Advised that the area of plantation affected by the proposed development forms part of a larger woodland established under the Woodland Grant Scheme, with the application lacking sufficient evidence to demonstrate compliance with Policy 51. Therefore, Scottish Forestry advised that the applicant should quantify exactly how much woodland will be removed to facilitate the development and provide details of compensatory planting before the developer can proceed with the development and the felling of trees. Any submitted Compensatory Planting Plan is advised to include all details of the proposed planting, including its maintenance over the entire life-span of the development.

5.11 **SEPA:** No objection to the proposed development. Advised that the Peat Survey Report indicates that there is very little peat on site and that the peat and carbon rich soils that are on site have been heavily modified as a result of previous forestry. Therefore, SEPA raised no objection to the development in this location. However, SEPA did highlight that there would seem to be an opportunity to deliver habitat restoration in the west section of the site. Furthermore, SEPA stated that rather than being further drained, the existing ploughed trenches could be blocked and measures put in place to restore the area to its previous habitat condition. Recommended that a condition is considered to ensure such enhancement is achieved.

Following the submission of amended and additional details by the applicant, within the second consultation response received, SEPA advised that the newly submitted Habitat Management Plan indicates that there are no areas of contiguous peat on the site and proposals are to improve the neutral grassland, plant native tree species and improve waterbodies. Therefore, SEPA recommended that a condition is applied requiring the proposals within the plan to be implemented.

5.12 **NatureScot:** Do not intend to offer formal comment on the proposal as it does not meet NatureScot criteria for consultation.

5.13 **Historic Environment Scotland:** No objection. Advised that approximately 950m to the northeast of the proposed development sits the Knockglass monument, consisting of a grass-covered mound containing the ruins of a broch, a defensive or monumentalised house, of Iron-Age date. Historic Environment Scotland advised that the historical asset would be screened from the development by the 19th century farmstead at Knockglass and an intervening forestry plantation, however, forestry plantation is subject to felling and environmental change and therefore cannot be relied upon to mitigate visual impacts. Nevertheless, it is advised within the response received that given the focus of the monument's setting, the intervening housing and other modern development along the A9, it seems unlikely that the proposals would result in a significant impact on the monument's setting. The site is also noted to be 750m northwest of the monument Ballone, a grass covered mound containing the ruins of a broch. Much like the previous monument, the response details that the intervening ground between the proposed development and the monument is currently occupied by commercial forestry plantation which cannot be utilised as

appropriate screening. Nevertheless, given the focus of the monument's setting, the intervening housing and other modern development along the A9, Historic Environment Scotland state that it seems unlikely that the proposals would result in a significant impact on the monument's setting.

5.14 **Transport Scotland:** Advised the attachment of conditions. Advised that there have been no personal injury collisions at or near the site, with any modifications to the trunk road required to comply with appropriate standards. Also advised, it is likely that a timber telecommunications post, which is situated near the proposed junction, will need to be relocated to ensure that visibility splays are not hindered. Transport Scotland have also advised that the Transport Statement confirms no abnormal loads will be required to facilitate the construction of the proposal, and as only 6 two-way vehicle trips per day are estimated to be generated during the peak month, Transport Scotland do not consider the impact on the trunk road network to be significant, with traffic impacts on the local road network a matter to be considered by the Council.

5.15 **Scottish Water:** No objection, stated that the proposed development will be served by the public fresh water supply however, with no public foul drainage infrastructure in the vicinity of the site, private treatment options are required.

5.16 **Scottish Fire and Rescue Service:** has not responded to the consultation request at this time.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 National Planning Framework 4 (2023) (NPF4)

Policy 1 - Tackling the Climate and Nature Crises
Policy 2 - Climate Mitigation and Adaptation
Policy 3 - Biodiversity
Policy 4 - Natural Places
Policy 5 - Soils
Policy 6 - Forestry, Woodland and Trees
Policy 7 - Historic Assets and Places
Policy 11 - Energy
Policy 14 - Design Quality and Place
Policy 20 - Blue and Green Infrastructure
Policy 22 - Flood Risk and Water Management
Policy 23 - Health and Safety
Policy 24 - Digital Infrastructure
Policy 25 - Community Wealth Building

6.2 Highland Wide Local Development Plan 2012 (HwLDP)

28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints
31 - Developer Contributions
36 - Development in the Wider Countryside

51 - Trees and Development
56 - Travel
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
64 - Flood Risk
65 - Waste Water Treatment
66 - Surface Water Drainage
67 - Renewable Energy Developments
69 - Electricity Transmission Infrastructure
72 - Pollution

6.3 Caithness and Sutherland Local Development Plan (2018) (CaSPlan)

No specific policies apply.

6.4 Highland Council Supplementary Planning Policy Guidance

Access to Single Houses and Small Housing Developments (May 2011)
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)
Houses in Multiple Occupation (March 2013)
Housing in the Countryside and Siting and Design (March 2013)
Managing Waste in New Developments (March 2013)
Onshore Wind Energy: Interim Supplementary Guidance (March 2012)
Open Space in New Residential Developments (Jan 2013)
Physical Constraints (March 2013)
Public Art Strategy (March 2013)
Small-Scale Wind Turbine Proposals: Interim Supplementary Guidance (Nov 2012)
Special Landscape Area Citations (June 2011)
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 and UK Government Planning Policy and Other Guidance

Control of Woodland Removal (2009)
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 1/2021 – Planning and Noise (Mar 2011)
PAN 68 – Design Statements (Aug 2003)
Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems' (UK Government, Mar 2024) Grid Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Service (2023)

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

8.3 The key considerations in this case are:

a) Compliance with the Development Plan and Other Planning Policy;
b) Energy and Carbon Saving;
c) Socio-Economic Impacts;
d) Siting, Design, Landscape and Visual Impacts;
e) Natural Heritage;
f) Habitats;
g) Trees, Protected Species and Biodiversity;
h) Built and Cultural Heritage;
i) Amenity;
j) Health and Safety;
k) Traffic and Transport;
l) Flood Risk and Drainage;
m) Public Access;
n) Decommissioning and Reinstatement; and,
o) 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 Caithness and Sutherland Local Development Plan (CaSPLAN), 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 (NPF4 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).

8.7 NPF4 Policy 4 compliments the above policies by setting out the developer and officer requirements for ensuring that protected species are given adequate consideration prior to an application's determination. NPF4 Policy 5 for Soils seeks to protect carbon-rich soils, and restore peatlands, and minimise disturbance to soils from development. To that end, the application requires to demonstrate that the mitigation hierarchy has been followed in siting the facility. In other words, that the proposal has sought to avoid carbon-rich soils and peat, and/or prime agricultural land in the first instance, and then minimise disturbance where this is unavoidable, and to include adequate mitigation, compensation, and enhancement measures for any disturbance. Similarly, NPF4 Policy 6 for Forestry, woodland and trees aims to protect and expand forests, woodland and tree coverage including individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.

8.8 NPF4 Policy 20 for Blue and Green Infrastructure supports facilities that design protect and enhance blue and green infrastructure and their networks by making climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management integral to design. In this instance there are pockets of known pluvial flood risk within the proposal site that will require to be managed through a sustainable urban drainage system (SUDS), which should seek to minimise the area of impermeable surfaces pursuant to Policy 22 for Flood Risk and Water Management in addition to Policy 66 Surface Water Drainage of the HwLDP. Policy 23 for Health and safety is also relevant to the assessment as it 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. Furthermore, NPF4 Policy 25 for Community Wealth Building 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.

8.9 While the above proposals are salient to the proposal's assessment, the principal policy for assessing energy developments is NPF4 Policy 11 for Energy. The policy

sets out the Development Plan's in-principle support for all forms of renewable, lowcarbon, and zero emission technologies, including BESS facilities. Part c) of the policy 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 part 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; ecology and biodiversity (including birds); impacts on trees; and decommissioning and site restoration.

8.10 The principal policy for assessing renewable energy developments within the Local Development Plan is HwLDP Policy 67, which sets out that renewable energy development should be well related to the source of the primary renewable resource needed for its operation. However, for BESS technology, the source is considered to be the national grid rather than wind or watercourses given that the energy is already generated; with the purpose of the BESS 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, its compliance with all other relevant policies of the Development Plan. The policy is supportive of renewable energy developments that are located, sited, and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other similar developments, having regard to the 11 specified criteria. Such an approach is considered consistent with the concept of HwLDP Policy 28 Sustainable Design along with the concept of achieving the right development in the right place and not to allow development at any cost.

8.11 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 the co-locating of BESS 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 while reducing costs to consumers.

8.12 In a similar vein, the Draft Energy Strategy and Just Transition Plan acknowledges that BESS can increase flexibility to our electricity system and provide wider benefits for consumers and society. The draft sets out that by September 2021, Scotland had approximately 864MW of installed electricity storage capacity with 2.2GW of battery storage approved through the planning system, but that Scotland requires to increase its storage capacity significantly. Since that publication, the published Quarter 2 2024 Energy Statistics for Scotland show that there is currently an estimated 12 BESS facilities under construction across Scotland, which will increase battery storage capacity by 1.4GW and that there is a total of 18.6GW of BESS

projects in the pipeline, that is schemes that are in planning, awaiting construction or undergoing construction, of which this application is only one.

8.13 The draft energy strategy, along with the OWEPS and the policies set out within NPF4 confirm the Scottish Government's commitment to renewable energy and associated enabling transmission infrastructure as being crucial to addressing the climate crisis.

8.14 The Development Plan, which now includes NPF4, must be considered in the round. While there is clear in principle support for renewable energy proposals that contribute to reaching net zero, of which BESS technology is one, this is not unqualified. It needs to be demonstrated that the impact on factors such as community amenity, biodiversity, landscape and visual matters, heritage, and infrastructure, to name but a few, are addressed and/or adequately and appropriately mitigated and as such, several policy considerations will apply. The extent to which the proposal's energy, economic and other benefits outweigh, or otherwise, other policy considerations are assessed in the following sections, which set out that the proposal is generally in conformity with the provisions of the development plan.

Energy and Carbon Saving

8.15 The proposal would be interconnected to the grid's transmission / distribution network and not co-located with an electrical generating station. The development will, however, collect energy from the grid when the supply outstrips demand. Such facilities make a commercial return 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 also provide electricity or other grid services when needed. Depending on the mix of electricity at the time of collection, the BESS facility may or may not be storing and then releasing renewable energy. That said all electricity generation in the region comes from renewable sources and therefore this the proposal is considered to 'regenerate' renewable energy.

8.16 The benefit of BESS is that it stores excess energy being generated by renewable generating stations such as wind farms when the grid has reached full capacity, much of which would otherwise be lost. BESS, therefore, allows renewable generating stations to operate for longer periods and provides flexibility to the grid to respond to peaks and troughs in energy demand. 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.

Socio-Economic Impacts

8.17 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. The Council is in the process of working with public, private, and community partners to develop its priorities through the Highland Outcome Improvement Plan, while the production of a Community Wealth Building Strategy is also currently under way. The ongoing Local Place Plans initiative will likely identify other local opportunities too. The

Council's position on Community Benefits has recently been updated with the approval of a new 'Social Values Charter for Renewables Investment' (June 2024). The charter sets out the Council's expectations from developers wishing to invest in renewables related projects in the Highland area and what the Highland partnership will do to support and enable this contribution, namely:

- embed an approach to community wealth building into Highland;
- maximise economic benefits from our natural environment and resources;
- engage and involve relevant stakeholders to understand how we can continually improve our impact; and,
- unlock economic opportunities for the area.

8.18 The submission includes a note on Community Wealth Building, which considers the main criteria that qualifies a development as being covered by the Community Benefit guidance: classification of a renewable technology, definition of a large-scale development, use of Highland resources, and impact on local communities. The application states discontent at the proposal being required to be consistent with the Community Benefit/Social Value Charter given BESS developers do not generate renewable energy. The provided statement justifies a lack of requirement to provide any associated contribution due to not being classed as a large-scale renewable energy generation development that impacts local communities and benefits from the Highlands' resources. The application notes that the proposal is expected to have minimal impact on the local community. Since it does not seek to utilise the natural resources of the Highlands, described in the statement as plentiful wind and open expanses, more suited to wind farms than BESS developments, and as such, no contributions towards community wealth have been proposed. While the proposal is expected to be consistent with the socio-economic and community wealth building requirements of NPF4, limited weight can be applied to these considerations in this instance given the lack of information submitted in that regard. Community Benefit is not considered a material planning consideration, and therefore the Planning Authority have limited ability to compel developers to sign up to the provisions of the Charter. As such, community benefit can only be secured by means of a voluntary arrangement between the Council and the Developer, and the Council's Community Wealth Building Team are aware of the proposal and will conduct their own discussions with the developer directly. A condition should be attached to secure details of a local employment scheme, in order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider community.

Siting, Design, Landscape and Visual Impacts

8.19 The application site is located upon woodland plantation ground which is mapped as class 5.3 - Land capable of use as improved grassland, where pasture deteriorates quickly as per the Scotland's National scale land capability for agriculture map. As such, the application site is not considered to be Prime Agricultural land in accordance with Policy 5 of the NPF4.

8.20 The site has been selected for its relative proximity to the national grid via the nearby Mybster Substation. The application notes that a site search area was determined to be within a 1-kilometre radius of the Mybster Substation given the applicant has secured a connection agreement from the Transmission Operator as required to

connect to the Electricity Network, with the substation having capacity to export and import 47MW of electricity. The 1-kilometre radius from the substation also ensures that a viable connection is possible, giving the scheme economic viability as a further distance from any substation would result in electricity loss during transportation in addition to excessive connection costs. The site selection process has resulted in the chosen site being deemed the most suitable to accommodate the BESS development by the applicants given that no brownfield or industrial land was identified within the Site Search Area, the closest sites of which are located approximately 3 - 4 kilometres from the substation (both working quarries), making them unviable due to distance in addition to being in current operation. Furthermore, the land to the southeast of the Mybster substation is noted to consist of heavy peat, with the land to the southwest predominantly heavy peat and some improved grass land. Both areas to the south would also have resulted in the scheme being located to the Flow Country World Heritage Site which is not encouraged. The land to the northwest of the search area is detailed in the provided justification to be mostly of woodland and improved grassland, and the land to the northeast is detailed to consist of peat and woodland, with a small area of improved grassland that is close to residential units, making it unsuitable for consideration, with potential sites in this area also noted to have poor agricultural conditions. The chosen site will allow for immediate vehicular access onto the A9 trunk road, capable to accommodate the transportation of HGVs to transport infrastructure to and from the site, both during the construction and decommissioning phases, which is noted as a key site selection factor.

8.21 The Planning Authority also requested justification as to why the proposed BESS development could not be located upon existing allocated industrial and business sites, in accordance with Policy 41 of the HwLDP. As such, the proposed site is considered justified under this policy given none of the sites referred to in Policy 41, directly or indirectly, are viable due to their remoteness to the substation. The applicant has also noted that National Fire Chief's Council (NFFC) guidance prohibits BESS units from being placed within 30m of any adjacent building and 10m from any vegetation, making many brownfield sites unsuitable. Due to landownership constraints, the site immediately to the north of the substation was considered unfeasible, and therefore the chosen site can be considered appropriately justified, with a viable connection to the electricity network secured at a distance of 360m from the substation. The site selection process requires to identify an area of land of a suitable size to accommodate the batteries and supporting electrical infrastructure. Additional space for drainage, landscaping and access is also required. Energy storage facilities, where possible, shall also avoid being sited on land allocated for incompatible development types within any Local Development Plan, and which are designated for landscape, heritage, ecological or other environmental protections. This particular site is noted to be located out with any statutory designated areas which is welcomed by the Planning Authority.

8.22 The application site is considered to be relatively flat in nature, and is situated within a wider area prominent to consist of an agricultural and wooded landscape, in the presence of large swathes of moorland and small-medium fields in pastoral use. Medium to large scale areas of estate and farm woodlands, and forestry regularly intersperse the landscape. However, while rural in nature, the immediately surrounding landscape shows evidence of considerable development in the form of

wind energy, quarries, and electrical infrastructure. The Mybster Substation is located approximately 360m to the south as already mentioned above, with a cluster of windfarms, namely: Achlachan, Halsary, Bad a Cheo and Causeymire, located within an estimated 5km distance from the proposal, all of which are clearly visible from the A9. In addition, the recently consented Loch Toftingall BESS site (23/04690/FUL), and large electricity pylons route past the site in a broadly north to south direction into the substation which further reinforces the development dominated local landscape. It is considered that due to the surrounding presence of infrastructure, the application site is considered appropriate for the development proposed, with the surrounding area of the site dominated by electrical infrastructure, the A9 trunk road and wind turbines.

8.23 The proposed development sits on flat land immediately to the east of the A9, with a scattering of existing trees providing screening along the northern and southern site boundaries, with numerous wind turbines visible to the southeast when viewed from the trunk road. It is considered that the existing trees bordering the site will help to partially screen the development, with the wider infrastructure acting as influential to the view of the proposal. Nevertheless, the proposed development is a functional design. The height of containers, inverter building, transformer compound and switch room, is noted to be enclosed on 3 sides (north, south and west boundaries) by 4m high acoustic fencing, with the rear boundary contained by a 2m high palisade fence. The inverter building and battery storage container units, and all associated finishes, including the proposed fencing, can be agreed with the applicant prior to installation. All of the site tracks are proposed to consist of a compacted permeable Type 1 aggregate finish, with the exception of the areas of impermeable hardstanding containing the BESS units, switch room, inverter shed and site access junction. The finalised colour, finish and materials proposed can be secured by condition.

8.24 The cross-section plans show that the proposed development may be slightly visible from the A9 trunk road. Landscape and visual effects are noted as extremely limited and visualised by the applicants, being limited to the build footprint and immediate surroundings, with minimal to no effects on wider landscape character. It is considered by the Planning Authority that the battery storage enclosures are relatively low in height, with the installed units and surrounding acoustic fencing external colour to be determined at detailed design stage, with the chosen colour to be in relation to the local landscape to further help the proposal blend in. In addition, the proposed landscaping in the form of soil bunding along the principal elevation of the development which will be raised above the existing site ground level, in addition to appropriate native tree planting to the north, south and west, as well as the infrastructure being setback from the public road, will all help to further mitigate visual impact and help create a visual enclosure for the proposed development. The proposed landscaping will additionally allow the development to blend into its surroundings, improving integration into the existing landscape and preventing the site becoming an accustomed feature which draws attention from passers-by. It is therefore considered, that given the scale of the proposed battery storage infrastructure, in the short term this will be predominantly screened by the proposed acoustic fencing however in the long term following maturity of the proposed landscaping, any adverse effects would be significantly reduced. It is worth noting that the proposed access track will be visible in the short term from passers-by along the public road, however as vegetation matures, it is considered that only the access

junction will remain visible in the long term, similar to that of existing developments common in the wider area, and therefore the degree of visual change is not deemed to be adversely significant.

8.25 Moreover, the proposed BESS facility is also to be viewed in context with existing infrastructure in the area such as the nearby electrical substation and wind farms, which provides a degree of visual integration and minimises its visual impact. As such, it is likely that the proposed BESS infrastructure will not look “out of place” in the context of the local area, particularly when viewed by passer by driving along the A9, due to the presence of similar infrastructure along the stretch of road adjacent to the site. In terms, of neighbouring properties, initial concerns were raised about adverse impacts being created by the proposal, however, following a site visit by the case officer, due to the orientation of the neighbouring properties which do not directly look into the proposal, as well as the level of existing screening to the north and south, which will be further enhanced by the proposed bunding and tree planting, it was determined that the residents would not experience adverse visibility as the proposal will be screened and viewed in the context of the existing infrastructure present within the wider area. Overall, the total extent of the landscape and visual effects of the proposal would be comparatively localised and limited in nature, primarily restricted to the construction phase and initial operation of the development, but increasingly mitigated as planting matures.

Natural Heritage

8.26 The information included with the application entails ecological assessments of the development’s likely impacts on designated sites, habitats, protected species, and birds. The development is not situated within any sites designated for ecological interests. The nearest designations regard The Caithness and Sutherland Peatlands Ramsar site which is found to be located 3.2km to the southeast, The River Thurso Site of Special Scientific Interest (SSSI) is approximately situated 3.3km to the west of the proposal, The Caithness and Sutherland Peatlands Special Area of Conservation (SAC) and Special Protection Area (SPA) are both found to be approximately located 3.2km from the site to the southeast, in addition to the River Thurso Special Area of Conservation which is located 3.3km to the west. In addition, the Flow Country World Heritage Site is located approximately 3km to the south. In view of the separation distances, and the scale of development and measures proposed it is not considered that this will adversely impact on the Outstanding Universal Value. As set at the base of the report a number of conditions are proposed to further address related concerns raised. In addition a Construction Environmental Management Plan (CEMP) for the scheme which will be secured by condition.

Habitats

8.27 The development site consists of a variety of habitats; Coniferous Woodland plantation, Semi-Improved Acid Grassland, Marsh Grassland, Dry Dwarf Sub Heath, Wet Modified Bog and Standing Water. Nevertheless, the submitted Ecological Appraisal concludes that the habitats present on site are common throughout the Highlands and are not considered to present a constraint to proposed works.

Trees, Protected Species and Biodiversity

8.28 The application site is classed as a part of a wider woodland plantation, funded under the Woodland Grant Scheme in 2003. In consultation with the councils Forestry Officer, it has been advised that the site has been ploughed and there are patches of scattered trees, but generally establishment appears to be poor across the site. In accordance with Policy 6 of the NPF4, proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered. In addition, the policy adds that developments on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation, proposals will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site are integrated into the design. As such, it is advised by the councils Forestry Officer that given the loss of a woodland classified site, compensatory planting is required. Compensatory planting is required to be of at least the equivalent area to that which is being removed, and, in some cases, an enhanced area of compensatory planting will be required, at the discretion of the Planning Authority. As such, although the Forestry Officer has objected to the proposed development due to a lack of provision for compensatory planting being demonstrated within the application, the applicant has confirmed a commitment to providing appropriate planting, and as such a condition should be attached to secure relevant compensatory planting details prior to the commencement of development. In line with the consultation response received from Scottish Forestry, regarding the matter, it was concluded that the applicant should quantify exactly how much woodland will be removed to facilitate the development and provide details of compensatory planting (CP) as per the Control of Woodland Removal Policy, before the developer can proceed with the development and the felling of trees. As such, the aforementioned condition will address all matters raised.

8.29 In terms of protected species, the submitted Ecological Impact Assessment states that no evidence of protected species were identified during the undertaken site surveys and as a consequence, advised of no requirement for further mitigation regarding the impact of proposed works on protected species in the survey area. Otter, Badger, Red Squirrel, Pine Marten, and Water Vole surveys were undertaken in suitable weather conditions with all appropriate species being active during these times.

8.30 The application is supported by a Peat Survey Report of the proposed development site, in order to establish an understanding of the peat depths at the site to minimise the extent of disruption to peatland by the proposal. The assessments concluded that any peatland habitat previously present on the site has been heavily modified by forestry ploughing and most of the site is now too dry to support peat-forming vegetation species. In consultation with SEPA, who raised no objection to the development following review of the submitted assessments, it was advised that there would seem to be an opportunity to deliver habitat restoration in the west section of the site. Rather than being further drained, the existing ploughed trenches

could be blocked and measures put in place to restore the area to its previous habitat condition.

8.31 In order to comply with NPF4 Policy 3, the application includes provision for b biodiversity enhancement, where a relatively small area of the site is proposed to be lost to the development of a battery storage unit (approximately 0.417 ha), including a new access track, along with new native tree planting and SUDS creation. The majority of the existing grassland within the site is noted to be retained and enhanced from poor to moderate condition, through increasing species diversity and appropriate future management. While the majority of trees currently on site are proposed to be lost to the development, the provided statement concur that these trees are of poor condition, as well as predominantly non-native species of conifer. As part of the mitigation strategy, a portion of the native Birch trees on Site are proposed to be retained post development. Additionally, mixed native tree planting is proposed and will more than adequately compensate for the loss of these trees. A Statutory Biodiversity Net Gain Metric has been completed for the Site with an overall positive net gain of 18.44%. In consultation with the councils Ecology Team, it was advised that the extent of planted individual trees (mainly on the created grassland) is such that it means that the created habitat could be classed as a woodland under UK Habs rather than a grassland (when land has more than 25% cover of trees), with the proposed tree planting resulting in a combined land cover of 27%. Therefore, Ecology have advised the applicant to adjust the extent of individual trees planted, to conform to the habitat classification of intended created habitats and provide a revised and updated metric assessment. In addition, as the areas of created grassland and planted trees will overlap, the applicant also needs to clarify one aspect of the Habitat Management Plan (HMP) on how the management of the grassland (namely the cuttings) will consider the presence of the planted trees. Therefore, although there are no concerns that a 10% Biodiversity Net Gain cannot be achieved, a condition should be secured to ensure final details are submitted to and agreed with the Planning Authority. It is worth noting that following the submission of the latest Habitat Management Plan, it is indicated that there are no areas of contiguous peat on the site and proposals are to improve the neutral grassland, plant native tree species and improve waterbodies. SEPA recommend a condition is applied requiring the proposals within the plan to be implemented, and therefore any condition to secure final details and the implementation as requested by the councils Ecology Team shall also require a consultation with SEPA. The applicant has provided further information in response to the aforementioned consultations however given the late receival of this, consultees have been unable to review the further details and as such, a condition should be attached.

Built and Cultural Heritage

8. 32 The site is not situated within any built heritage designation and there are no scheduled monuments or listed buildings within the boundary of the proposed development. The application is supported by an Archaeological Desk-based Assessment and Assessment of Impact on the Historical Environment, and as such, in consultation with the councils Historic Environment Team – Archaeology, following review of the submitted assessment, the results conclude that the risk of direct impacts on archaeological features caused by the proposal are considered to be low, and as such no further mitigation has been deemed necessary. In consultation with Historic Environment Scotland, it has been advised that approximately 950m to the

northeast of the proposed development sits the Knockglass monument, consisting of a grass-covered mound containing the ruins of a broch, a defensive or monumentalised house, of Iron-Age date. Historic Environment Scotland advised that the historical asset would be screened from the development by the 19th century farmstead at Knockglass and an intervening forestry plantation, however, forestry plantation is subject to felling and environmental change and therefore cannot be relied upon to mitigate visual impacts. Nevertheless, it is advised within the response received that given the focus of the monument's setting, the intervening housing and other modern development along the A9, it seems unlikely that the proposals would result in a significant impact on the monument's setting, which is considered acceptable by the Planning Authority. The site is also noted to be 750m northwest of the monument Ballone, a grass covered mound containing the ruins of a broch. Much like the previous monument noted above, the intervening ground between the proposed development and the monument is currently occupied by commercial forestry plantation which cannot be utilised as appropriate screening given the potential for this to be felled. Nevertheless, given the focus of the monument's setting, the intervening housing and other modern development along the A9, Historic Environment Scotland stated that it seems unlikely that the proposals would result in a significant impact on the monument's setting, which is accepted. Overall, it is considered the proposal will not have an adverse impact on any Historic Assets in the vicinity of the application site.

Amenity

8.33 There are likely to be some adverse impacts caused by construction traffic and disruption, particularly during the anticipated construction phase when construction materials are being delivered to site and during works to connect the site to the substation.

8.34 Developers and contractors must comply with reasonable operational practices with regard to construction noise so as not to cause nuisance in any case, as required by Section 60 of the Control of Pollution Act 1974, which is regulated by Environmental Health. Working hours on the construction site would usually be restricted to be 07.00 – 19.00 Monday to Friday, 08.00 – 13.00 on Saturday with no Sunday of Bank Holiday working. Construction activities that do not generate impacts beyond the site boundary are permissible outwith these hours. If the applicant intends to undertake noisy work out-with the aforementioned times, as advised by Environmental Health, the applicant will be required to submit a detailed construction noise assessment for the written approval of the Planning Authority.

8.35 The BESS facility employs inverters, switchgear, transformers and batteries, with the battery storage containers also fitted with air cooling units. As such, the operation of the facility will create a degree of noise with potential to impact residential amenity. The closest residential property (Mybster Croft) is located approximately 126m to the north from the proposed battery, with another residential property (Croft of Bowerman) situated approximately 150m to the south, and residential property Wingfield located approximately 189m to the west of the proposed BESS infrastructure. As such, the applicant has provided a Noise Impact Assessment.

8.36 Environmental Health have reviewed the submitted noise assessment and advised that the noise report concludes that from an agreed base level of 28dB the operation

of the plant and equipment will lead to a 3dB increase above background for the nighttime criteria. The report also states that should there be any tonal element to the sound level at 100Hz then further mitigation will be implemented. This is against the original requirements for the sound levels produced to be less or equal to background and a minimum 30dB sound level at 100Hz. However, the report explains that due to the operation and mitigation in place there is not expectation of disturbance to noise sensitive properties. This stance is agreed by the Planning Authority, with the proposed bunding, separation distances as well as existing and proposed planting providing adequate amenity buffering with surrounding residential properties. It is noted that the assessment has assumed that all plant will be 100% operational which is unlikely to be always the case. It suggests that operational noise levels will likely be lower and as such, Environmental Health requested further details which clarified noise date at expected level of plant operation, rather than 100% capacity. Following review of the additional submitted information, Environmental Health conveyed satisfaction with the submitted further information. Nevertheless, conditions are attached to ensure that noise sensitive dwellings are not subject to disturbance as a result of the development.

8.37 In terms of dust arising from construction and operational activities, given the close location of the development site, there is noted to be potential for dust from the construction of the access track and any earth works, to adversely impact on neighbouring residential properties. Therefore, the applicant will require to submit a scheme of mitigation for construction dust, which is secured by condition. A condition is also attached regarding the provision of lighting in the application site to ensure any installed lighting scheme is appropriate to the development's location, in the interests of visual amenity.

Health and Safety

8.38 The submission includes a National Fire Chiefs Council Planning Guidance compliance report for the proposed BESS scheme. The document describes the measures included within the application to minimise the risk of fire, along with the specific design specifications of the BESS facility and the procedures to address fire containment and firefighting. The BESS unit being proposed is the Wartsila Gridsolv Quantum, and each unit will consist of a dedicated fire protection system, comprising gas and smoke detection, with the provision of a hard-wired process stop allowing for immediate shut down. Suitable fire suppression systems are also proposed, to be via a dry pipe thermally activated sprinkler, which has the ability to be connected to either a dry gas mixture, a fire responder hose or directly to a mains water supply. The site is also designed to include adequate spacing between the battery storage enclosure (BSE) to mitigate against the risk of fire spread in the event of a fire within one BSE. The layout shall allow minimum distance of 2.5m between batteries enclosures and any other infrastructure, aligning with applicable associated standards. Additional site security measures such as CCTV are not detailed within the application however this will be secured by condition to reduce the risk of fire sabotage and vandalism.

8.39 The location of the facility ensures that there are no occupied or unoccupied buildings within 25m-30m of the compound. The nearest occupied building is at a distance of 126 meters. In addition, the battery storage enclosure will be setback from the perimeter fencing, and the land immediately surrounding this is allocated to

earthworks, and as such, it is considered there is sufficient mitigation by site location to further offset any future fire risk receptors.

8.40 Following a review of the application, clarification was sought on site permeability and how polluted fire water would be captured through the site's drainage system, tested and disposed of, to ensure it will not enter the water environment and will be disposed of in an environmentally responsible manner. In general, the compound area, all roads and vehicle parking spaces will comprise permeable aggregate. The exception being the areas containing the BESS units, the switch room, inverter shed and site access junction, which will all be impermeable. It is proposed that the area housing the BESS units will be constructed with a continuous impermeable slab and bunded for containment. Under normal conditions, rainwater runoff from the hardstanding within the site should drain to the ditch along the western edge of the main development compound which will be used as an attenuation basin. Water should be routed to this attenuation ditch using suitably arranged ground levels and piped drainage. In the event of a fire, runoff from firefighting efforts will be prevented from entering existing watercourses and the attenuation area. Instead, it will be diverted via stop valves to two external standby tanks, capable of holding 230,000 litres of firefighting runoff. The site will also be equipped with a fire hydrant located near the compound, connected to the main water supply along the A9. Current NFCC guidance recommends that fire hydrants should deliver 1,900 litres of water per minute for two hours, equating to 228,000 litres of storage. The draft NFCC (2025) guidelines suggest 1,500 litres per minute for two hours, or 180,000 litres of storage. If additional firefighting water is required, the storage tanks will be designed to facilitate the recycling of previously used firefighting water in a continuous loop system. Any contaminated firefighting water stored in the tanks will be removed from the site by tanker and disposed of in accordance with SEPA guidance. Although the supporting information suggests the aforementioned approach as a possible solution, given the capture and disposing of firewater is a key planning matter in order to prevent a future environmental pollution event, a condition is attached to secure full details prior to commencement of development.

8.41 Fully implementable Fire Management and Emergency Response Plans should be ready prior to the delivery of battery equipment to the site, which should be secured by condition. With these plans and procedures in place, the applicant has demonstrated that the proposal's significantly adverse impact on human health, safety, and the environment in the highly unlikely event of a battery fire have been duly considered and mitigated against. As such, the proposal complies with NPF4 Policy 23 for Health and Safety. It should be noted however that both plans will be working documents that will require updating from time to time in accordance with best practice and to take account of equipment and conditions on site. The regulation of fire safety, health, and other safety and environmental matters are not, however, matters for the planning service to regulate. Consequently, the ongoing currency of these documents will be the responsibility of the operator in consultation with the relevant agencies including the Scottish Fire and Rescue Service without the involvement of the Planning Authority.

8.42 With regards to Emergency Access, the fenced BESS compound has a wide access route allowing the fire service to access the site during an incident, with appropriate space for emergency vehicle turning and an appropriate passing place provided for

fire appliance. In addition, two site access points have been proposed to ensure that fire services would have an alternative option for approaching the site if the combination of wind direction and smoke made one direction particularly onerous.

8.43 Given the fire risks associated with lithium battery facilities, the Council has consulted the Scottish Fire and Rescue Service (SFRS) who have not responded to the proposal at the time of this report's completion. We are aware that SRFS has indicated that it will not be responding to individual planning applications. At this present time, there is no formalised guidance available from SFRS on BESS site developments. In the absence of a national approach no regional office comment can be provided, however, general advice from NFCC has been passed on to help inform the Planning Authority's consideration of the application. This guidance suggests that consideration be given to the prevailing winds and emergency access, containment of contaminated water run-off from potential firefighting operations, and details to demonstrate the sources of water supplies for this development in the event of fire. This information would be required to be set out within a fire safety plan which can be secured via condition. This proposal is considered to be in general accordance with the NFCC guidance. A condition is suggested to secure details of the final layout of the proposal, which will be required to reflect best practice in that regard.

Transport and Access

8.44 The application proposes to form a new access junction of the A9 trunk road, situated along the western boundary of the site. The new access junction is noted to be a simple priority junction, with turning radii of 12m, and a 5m-wide access road. Visibility splays of 215m with a 2.4m setback are proposed to be established, with the new access consisting of a tarmac surfacing for a 20m setback from the public road with the remainder of the track comprising of compacted Type 1 aggregate. It is worth noting that Transport Scotland have advised that it is likely that a timber telecommunications post, which is situated near the proposed junction, will need to be relocated to ensure that it does not hinder visibility splays. A passing place will also be situated on the access track, which is noted to be primarily utilised for the construction phase. Immediately prior to entrance of the compound accommodating the BESS infrastructure, the access track splits in two, allowing access to the compound from both the north and southern sides in the event of emergency, in line with the NFFC guidance.

8.45 There will be a higher level of traffic during construction along the road network, with the construction phase noted to last for an approximate 9-month period. Construction will involve taking construction machinery to site, delivery of aggregate for the site track, delivery of site components including the battery containers and other equipment and materials, a mixture of light commercial and HGV loads. The application also advises that no abnormal loads will be required to facilitate construction. It is assumed that vehicle trips will route to and from the north and / or south on the A9 or to and from the east (Wick) via the A882, with vehicles then being able to access the trunk road network via the A9. As only 6 two-way vehicle trips per day are estimated to be generated during the peak month, Transport Scotland do not consider the impact on the trunk road network to be significant, which is accepted. Parking for maintenance vehicles when the facility is in operation is noted to be accommodated on site and will be secured by condition.

8. 46 A Construction Traffic Management Plan (CTMP) is also to be conditioned to ensure that construction and ongoing operational access is effectively managed and controlled. Conditions will also be attached regarding detailed specification of the proposed access junction with the Trunk Road, to ensure no drainage enters the trunk road drainage system, to ensure measures to prevent debris or material entering the trunk road network are undertaken, and to ensure the provision of additional signing or temporary traffic control measures to be undertaken by a recognised QA traffic management consultant. Traffic levels once the site is operational will be low which is accepted. Transport Planning and Transport Scotland have no objections subject to conditions. The applicant should be aware that any modifications to the trunk road will require to adhere to the appropriate standards as identified by Transport Scotland.

Flood Risk and Drainage

8.47 In terms of flood risk, in consultation with the councils Flood Team, the submitted Flood Risk Assessment in support of the application identifies that there is potential for surface water flooding in the eastern part of the site. The platform to accommodate the proposed BESS units is noted to be situated within this area of the site, and therefore the flood team have confirmed that some of the surface water storage volume will be lost. The application proposes that compensatory storage will be provided by lowering the ground to the west of the area to which the infrastructure will be located. It is advised that this will ensure that there is no increase in flood risk to others and as such, the councils Flood Team have no objection to the proposal with regards to flood risk. A condition should be attached as requested by the flood team, to ensure that the final design of the compensatory flood storage area is submitted for review. This will require to include information that demonstrates that the storage area will be linked to the existing drainage ditch in such a way that the flooding mimics the pre-development flood regime. The applicant will also need to demonstrate that existing overland flow pathways into the compensation area are preserved.

8.48 In terms of Drainage, in consultation with the councils Flood Team initial concerns were raised regarding the proposed surface water drainage provision in association with the proposal as the development sought to pipe the runoff direct to the existing watercourse/drains, with a shut of valve to allow any fire water to be stored. The Flood Team note that new development should utilise SUDS to ensure that surface water runoff from the site is collected, treated and discharged at pre-development greenfield rates, with a requirement for a Drainage Impact Assessment (DIA) that details how this will be achieved. In accordance with The Highland Council's Supplementary Guidance: Flood Risk and Drainage Impact Assessment, storms up to and including a 1 in 200 year plus climate change event shall be managed withing the site boundary. Following the submission of a Surface Water Drainage Strategy Document, it was advised by the Flood Team that surface water will be collected, treated and discharged via SUDS. The discharge to the existing drainage ditch to the south will be limited to pre-development greenfield rates, and the system will be sized to manage runoff from a 1 in 200 year plus climate charge storm event. Therefore, the Flood Team withdrew previous objections and requested the attachment of a condition to secure final surface water drainage design, including a Drainage Impact Assessment, prior to the commencement of development.

Public Access

8.49 As an isolated site in a rural location, there is no pedestrian and cycle infrastructure present within or in the vicinity of the site. The nature of the development means that it is highly unlikely that any walking and cycling trips will be generated. Therefore, given there is no designated core paths or public access roads through the site, it is considered that the proposal will not adversely affect public access.

Decommissioning and Reinstatement

8.50 It is understood that BESS facilities have a limited operational lifetime, generally within the region of 50 years. While there is no suggestion to limit the lifetime of this development by condition, it is appropriate as well as required under NPF4 Policy 11 e) and HwLDP Policy 67 to condition an outline Decommissioning and Reinstatement Plan (DRP) prior to the commencement of development on site. The DRP shall inform measures to safeguard and guarantee finances, prior to the commencement of development, to effectively implement the DRP in the event the operator or owner is no longer solvent, which should also be secure by condition. The strategy and financial safeguard would also require to be reviewed at regular intervals. Although a DRP has been submitted in support of the application, given prior to installation at detailed design phase the proposed arrangements may alter, the condition is still attached to ensure the council are provided with the finalised details.

Other material considerations

8.51 Regarding the point raised within the representations received that the application lacks compliance with the 2017 Environmental Impact Assessment Regulations due to not including the grid connection as part of the application, although it is part of the overall scheme. In response, the application is complaint with the relevant standards, the application has been appropriately validated, and the grid connection process will be covered within a future application or by a statutory undertaker where permitted development rights may apply.

Non-material considerations

8.52 The issues relating to the impact of construction traffic, additional need for substations, a lack of figure available to determine accuracy of proposed watt outage, impact on tourism visits, and the need for provision of a Spittal renewable map are not considered as material planning considerations.

Matters to be secured by Legal Agreement / Upfront Payment

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 Energy. Following the submission of additional information and amendments made to the proposal, including securing: further landscape mitigation, appropriate access arrangements, and fire risk mitigation it is considered that the proposed development is acceptable and will not be significantly detrimental overall. Although industrial in appearance, the proposal would be well sited, set back from the roadside and residential properties. In time it would also be relatively well screened, with the landscape and visual impact of the development being suitably mitigated.

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

10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

10.3 Community (Equality, Poverty and Rural): Not applicable

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

Subject to the above actions, it is recommended to **GRANT** the application subject to the following conditions and reasons

1. **Commencement of Development**

   The development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

   Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. **Accordance with Provisions of the Application**

(1) Permission is hereby granted for the erection and operation of a Battery Energy Storage System (BESS) facility, with the following elements approved under this permission:
- Up to 72 battery storage cabinets;
- Power converters and transformers;
- Control building housing switching and electrical gear;
- Fencing;
- Landscaping and biodiversity enhancement;
- Area of hardstanding;
- Parking for maintenance vehicles;
- Access track and junction with private access track;
- Water tank and pumphouse;
- SuDS.

(2) Prior to the final commissioning of the development hereby approved, all elements of the development that relate to Part (1) above, and as approved in writing by the Planning Authority under Condition 3 below, along with site drainage and flood mitigation infrastructure, site security measures, and fire safety measures including the means of containment of fire suppressant materials shall be constructed and installed in full, made available for use, and thereafter maintained for this use for the lifetime of the development.

(3) In the event of the Development not storing and supplying electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more batteries installed and commissioned from time to time, the Company shall immediately notify the Planning Authority in writing of that situation and shall, if the Planning Authority direct in writing, decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority in accordance with an approved Decommissioning, Restoration, and Aftercare Plan, which shall be based on the principles of the Decommissioning, Restoration, and Aftercare Strategy approved under Condition 4 of this permission and updated according with the relevant guidance and best practice at the time. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

At the time of the development's decommissioning, the development shall be decommissioned, the site restored, and aftercare undertaken in accordance with the approved Decommissioning, Restoration, and Aftercare Plan.

Reason: In order to clarify the terms of the planning permission and ensure the development proceeds as approved. To secure the decommissioning and removal of the development in an appropriate and environmentally responsible manner along with the restoration of the site in the interests of safety, amenity, and environmental protection.

3. **Final Layout, Design and Specifications**

(1) No development shall commence unless and until full siting and design details of the development including all proposed battery cabinets, buildings, and ancillary infrastructure hereby permitted, have been submitted to, and approved in writing by, the Planning Authority. These details shall include:

a. the make, model, design, power rating, sound power level of the batteries, the dimensions of the battery storage cabinets and ancillary infrastructure, control building, storage and office facilities to be installed, and show separation distances between battery storage units which shall comply with the prevailing fire safety legislation and best practice guidelines at the time of installation; and,

b. the external colour and/or finish of the storage containers, buildings, and ancillary infrastructure on site, which shall have a dark-neutral, non-reflective, semi-matte finish.

(2) No element of the development shall have any text, sign or logo displayed on any external surface, save those required by law under other legislation.

(3) Thereafter, the storage cabinets, buildings, and ancillary infrastructure shall be installed and operated in accordance with these approved details and, with reference to part (b) above, the storage containers, buildings, and ancillary infrastructure shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the development is decommissioned.

All cables between the storage containers, buildings, and ancillary infrastructure shall be installed and kept underground.

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

4. **Decommissioning, Restoration and, Aftercare**

(1) No development shall commence unless and until a Decommissioning, Restoration, and Aftercare Strategy has been submitted to, and approved in writing by, the Planning Authority. The strategy shall outline measures for the decommissioning of the development along with the restoration and aftercare of the site, and shall include proposals for the removal of individual components of the development as well as the development as a whole as well as the treatment of ground surfaces, and, the management and timing of the works and environmental management provisions which shall include, but not be limited to, the following:

a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);

b) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;

c) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

d) details of measures for soil storage and management;

e) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;

f) temporary site illumination;

g) management and timing of the works; and

h) a traffic management plan to address any traffic impact issues during the decommissioning period.

Reason: To ensure the decommissioning and removal of the development, along with the site's restoration in an appropriate and environmentally responsible manner in the interests of safety, amenity, and environmental protection.

5. **Financial Guarantee**

No development shall commence until:

(1) Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 4 of this permission have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and

(2) Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (1) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal / recycling, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and

(3) Documentary evidence that the guarantee, bond or other financial provision approved under parts (1) and (2) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the Planning Authority.

(4) Thereafter, the Operator, and Leaseholder and/or Landowner, shall:

a) Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and

b) Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the development is decommissioned and the site restored.

(5) Each review shall be:

a) conducted by a suitably qualified independent professional; and

b) published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and

c) approved in writing by the Planning Authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

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

Reason: To ensure that there are sufficient funds to secure the implementation of the Decommissioning, Restoration, and Aftercare Plan at the time of the development's decommissioning.

6. **Drainage**

No development shall commence until details of the final surface water drainage design have been submitted to, and approved in writing by, the Planning Authority, in consultation with the Flood Risk Management Team, which shall include measures for the testing of a spent fire suppressant water and where necessary its containment and disposal, as well as calculations to demonstrate that all storm events up to the 1 in 200 year plus climate change storm event shall be managed from within the application site boundary. For the avoidance of doubt the submitted details shall also include the provision of a Drainage Impact Assessment. Thereafter, the development shall be constructed in accordance with the approved details, which shall be made available for use prior to the development's first occupation and maintained in perpetuity.

Reason: In order to ensure the site is adequately drained in accordance with the principles of Sustainable Urban Drainage Systems.

7. **External Lighting**

No development shall commence until full details of any external lighting to be used within the site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

Reason: In the interests of visual amenity, to prevent permanent lighting and minimise light pollution and to ensure the development does not have an adverse impact on residents and nocturnal animals.

8. **Habitat Management Plan**

(1) No Development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by, the Planning Authority, in consultation with the councils Ecology Team and SEPA. The HMP shall set out the proposed habitat management of the site including full details of biodiversity enhancement measures.
(2) The HMP shall provide for the maintenance, monitoring, and reporting of the habitat within the HMP area.
(3) The HMP shall include provision for regular monitoring and review to be undertaken against the HMP objectives and measures for securing amendments or additions to the HMP in the event that the HMP objectives are not being met.
(4) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time with written approval of the Planning Authority) shall be implemented within 12 months of following ground works commencing on site and shall remain in place for a minimum of 30 years.
(5) GIS shapefiles of HMP areas shall be supplied with the HMP to the Planning Authority prior to the commencement of works.

Reason: To detail how all mitigation, compensation and enhancement measures of biodiversity for the site will be delivered.

9. **Compensatory Woodland Planting**

No development, including tree felling, shall commence until a detailed Compensatory Planting Plan, including future maintenance, has been submitted to, and approved, in writing by the Planning Authority, following consultation with Scottish Forestry and the Highland Council's Forestry Officer.

a) The area of planting shall be no less than 2.0 hectares in size, consisting primarily of productive species and located within the Highlands.
b) The Compensatory Planting Plan must be prepared by and thereafter implemented under the supervision of a suitably qualified forestry consultant, approved by the Planning Authority.
c) The approved Compensatory Planting Plan must be implemented in full within 12 months following the removal of woodland or prior to commencement of development (whichever comes first), or as otherwise agreed with the Planning Authority.

d) The compensatory planting shall be maintained thereafter in accordance with the approved scheme, until established and thereafter shall remain as woodland in perpetuity.

Reason: To protect Scotland's woodland resource, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

10. **Species Protection**

(1) No development or Site Enabling Works shall commence until pre-construction ecological surveys are undertaken, which shall be undertaken at the appropriate time of year and no more than 3 months prior to works commencing on site, and a report of the survey has been submitted to, and approved in writing by, the Planning Authority. The surveys shall cover the application site including an appropriate buffer from its boundary and the HMP areas with the report including mitigation measures where any impact, or potential impact, on protected species including but not limited to otter or their habitat has been identified.

(2) In the event that works are intended to be carried out within the main bird breeding season, March through August inclusive, surveys for ground nesting birds shall be undertaken no more than 24 hours prior to any works commencing on site including site clearance works.

(3) Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

Reason: In the interest of protecting ecology, protected species including nesting birds, and their habitats.

11. **Construction Environment Management Plan (CEMP)**

No development shall commence until a Construction Environment Management Document (CEMD) has been submitted to and approved in writing by the Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CEMD, subject to any variations approved in writing by the Planning Authority. The CEMD shall include:

a) details of the phasing of construction works;
b) details of any temporary site construction compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
c) details and implementation and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
d) details of the method of construction and erection of the structures and any underbuilding/platforms;
e) details of pollution control: protection of the water environment,

bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;

f) details of temporary site illumination during the construction period;
g) details of timing of works;
h) details of surface treatments and the construction of all hard surfaces and access tracks between each element of the proposed development This shall include details of the tracks in a dark, non-reflective finish with details of the chemical properties of any and all imported stone provided;
i) details of routeing of onsite cabling;
j) details of emergency procedures and pollution response plans;
k) siting and details of wheel washing facilities;
l) cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
m) details of working practices for protecting nearby residential dwellings, including general measures to control noise and vibration arising from on-site activities, to be adopted as set out in British Standard 5228 Part 1: 2009;
n) details of the location of tree protection fencing to be erected between the development site and the trees to the north east;
o) a Species Protection Plan;
p) details of areas on the site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles; and,
q) details of how the best practicable measures will be implemented to reduce the impact of construction noise at noise sensitive locations.

Reason: To ensure that construction works are undertaken in accordance with applicable standards in the interests of environmental protection, amenity, and safety.

12. **Construction Traffic Management Plan (CTMP)**

(1) No development shall commence on site until a finalised Construction Traffic Management Plan has been submitted to, and approved in writing by, The Council in consultation with Transport Scotland. The construction traffic management plan shall include:

a) Identification of the routes to site for general construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period;

b) Scheduling and timing of movements, avoiding local school peak travel times, and any large public event taking place in the local area which would be unduly affected or disrupted by construction vehicles using the public road network;

c) Traffic management measures on the routes to site for construction

traffic including details of traffic management proposals to prevent HGVs meeting on the private access to the site or at its junction with the public road. In addition, measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort details should be considered. During the delivery period of construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Local Roads Authority before delivery commences;

d) Measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;

e) A procedure for condition surveys of the site access and construction traffic routes along with the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;

f) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;

g) Provisions for emergency vehicle access;

h) A timetable for implementation of the measures detailed in the CTMP; and

i) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries and any complaints regarding construction traffic.

(2) In the event that Abnormal Indivisible Loads (AIL) are required, prior to the delivery of any AIL to the site, the CTMP shall be updated to include the proposed route for any AIL on the public road network along with any accommodation measures required, including the removal of street furniture, junction widening, and traffic management measures.

Thereafter the approved CTMP shall be implemented in full prior to development commencing and remain in place until the development is complete.

Reason: To minimise interference with the safety and free flow of the traffic on the trunk road, to ensure the safety of pedestrians and cyclists using the trunk road and adjacent facilities, and to be consistent with current guidance and best practice.

13. **Visibility Splays**

No other development shall commence until visibility splays of 2.4m x 215m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the new private access junction with the A9 trunk road.

Within the stated visibility splays, at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Reason: In the interests of road safety and in accordance with the applicable standards.

14. **Fire Risk Management and Emergency Response Procedures**

Prior to the first commissioning of the development hereby approved the following documents shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Scottish Fire and Rescue Service:

i. a complete and fully implementable Fire Risk Management Plan; and,
ii. a complete and fully implementable Fire Emergency Response Plan.

The developer shall thereafter undertake any review and amendment to both documents as may be required from time to time, in consultation with the relevant agencies.

Reason: In order to provide the Planning Authority sight of onsite management practices and procedures as they relate to fire risk management and fire emergency response, and to ensure the ongoing currency of both plans in the interests of human health, safety, amenity, and environmental protection.

14. **Water Supply**

No development shall commence until full details of the water supply to serve the development for the suppression of fire have been submitted to, and approved in writing by, the Planning Authority. These details shall demonstrate:

a) confirmation from Scottish Water that sufficient capacity is reserved at its water treatment plant to serve the development;

Or,

b) that the development can be sufficiently served by a private water supply through an appraisal specifying the means by which a water supply shall be provided and thereafter maintained to the development. This appraisal, which shall be carried out by an appropriately qualified person(s), shall demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

Reason: To ensure that an adequate water supply can be provided to meet the requirements of the proposed development and, where relevant, without

compromising the interests of other users of the same or nearby private water supplies.

15. **Noise**

In the event of any changes to the proposed equipment or mitigation measures which result in an increased noise level, then a revised Noise Impact Assessment shall be submitted to, and approved in writing by, the Planning Authority prior to any development commencing.

The Rating Level of noise arising from the use of plant, machinery or equipment installed or operated in association with the development, must not exceed 28dB LAeq 15mins at any nearby receptor.

The Rating Level should be calculated in accordance with BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Immission in the 100Hz one-third octave band, as measured at any nearby receptor, shall not be tonal; defined as having a >=10dB peak within two one-third octave bands on one side and a >=5dB peak within two one-third octave bands on the other side. Should immission measured in the 100Hz one-third octave band be assessed as tonal, the operator shall deploy mitigation to address the tonality.

Reason: In the interest of amenity.

16. **Record Keeping**

The Operator shall, at all times after the first commissioning of the development, record information regarding the details of power stored and generated, inclusive of dates and times of any failures, and retain the information in perpetuity. The information shall be made available to the Planning Authority within one month of any request by them.

Reason: To ensure end of life decommissioning of the site.

17. **Socio-Economic Benefit**

Prior to the Commencement of Development, a Local Employment Scheme for the construction of the development shall be submitted to and agreed in writing by the Planning Authority.

The Scheme shall include the following:

a) details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies will take place in relation to maximising the access of the local workforce to information about employment opportunities;

b) details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative;

c) a procedure setting out criteria for employment, and for matching of candidates to the vacancies;

d) measures to be taken to offer and provide college and/or work placement opportunities at the development to students within the locality;

e) details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the development;

f) a procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Council; and

g) a timetable for the implementation of the Local Employment Scheme.

Thereafter, the development shall be implemented in accordance with the approved scheme.

Reason: In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider community. To make provision for publicity and details relating to any local employment opportunities.

18. **Trunk Road Drainage Network**

For the avoidance of doubt there shall be no drainage connections to the trunk road drainage system.

Reason: To ensure that the efficiency of the existing drainage network is not affected and that the standard of construction is commensurate with that required within the road boundary.

19. **Trunk Road Movements**

Prior to the movement of any construction traffic, any additional signing or temporary traffic control measures deemed necessary must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland as trunk road authority.

Reason: To ensure that the transportation of any components and materials will not have any detrimental effect on the road and structures along the route.

20. **Access**

No development shall commence until a combined Stage 1 and Stage 2 Road Safety Audit for the proposed site access junction with the A9(T), in

accordance with DMRB GG 119, has been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority. Any amendments to the junction design resulting from the Road Safety Audit shall thereafter be agreed with the Planning Authority, in consultation with Transport Scotland as the trunk roads authority, and fully implemented thereafter.

Reason: In the interests of road safety; to ensure the provision of adequate design.

21. No part of the development shall begin construction until the new access to the trunk road has been constructed and completed in accordance with Drawing (PL)230529-03C (dated 29 May 2023) in Appendix A of the Transport Statement, has been submitted to and approved in writing by The Highland Council, in consultation with Transport Scotland as the trunk roads authority. Detailed designs shall be to a standard compliance with DMRB CD 123.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of traffic on the trunk road is not diminished.

22. **Security**

No development shall commence until full details of site security measures, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved details shall be implemented in full prior to the energisation date and remain in place until the development is complete.

Reason: In the interests of amenity.

23. **Dust Mitigation**

No development shall commence on site until a scheme for protecting properties adjacent to the development site from construction-related dust has been submitted to, and approved in writing by, the Planning Authority. The approved scheme shall be implemented before any development commences and be maintained until development is complete.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

24. **Compliance Monitoring**

Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a noise sensitive location, the site operator shall, at its expense, employ an independent consultant to assess the level of noise in terms of compliance. The site operator shall submit the report of the independent consultant's assessment for the approval of the Planning Authority within 2 months of receiving the written request. If the noise level exceeds the prescribed noise limits, the

assessment report shall include a scheme of mitigation to be enacted, including timescales for implementation, to ensure compliance with conditions. Details of the proposed compliance monitoring must be agreed in writing beforehand with the Council's Environmental Health Service.

Reason: In order to safeguard the amenity of neighbouring properties and occupants.

25. **Bund**

No development shall commence until full details of the proposed bunding, including plans, elevations, cross-sections, finished ground levels, and surfacing, have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the bund shall be contoured and profiled, with the scraped soil from the siteworks to be reused to form the bund. Thereafter, the bund shall be constructed in full in accordance with the approved details prior to first use of the development and maintained as such in perpetuity.

Reason: In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

26. **Compensatory Flood Storage**

No development shall commence until full details of the proposed compensatory flood storage area, are submitted to, and approved in writing by, the Planning Authority, in consultation with the Flood Risk Management Team. The submitted details shall demonstrate that the compensatory flood storage area will be linked to the existing drainage ditch in such a way that the flooding mimics the pre-development flood regime. For the avoidance of doubt, existing overland flow pathways into the compensation area shall be preserved. Thereafter, the approved details shall be fully implemented on site prior to first use of the development and maintained as such in perpetuity.

Reason: To ensure that the development is appropriately mitigated against flooding and does not exacerbate flood risk elsewhere.

REASON FOR DECISION

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

INFORMATIVES

Initiation and Completion Notices

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.

2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

Flood Risk

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

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

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

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

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

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

http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

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

Construction Hours and Noise-Generating Activities

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

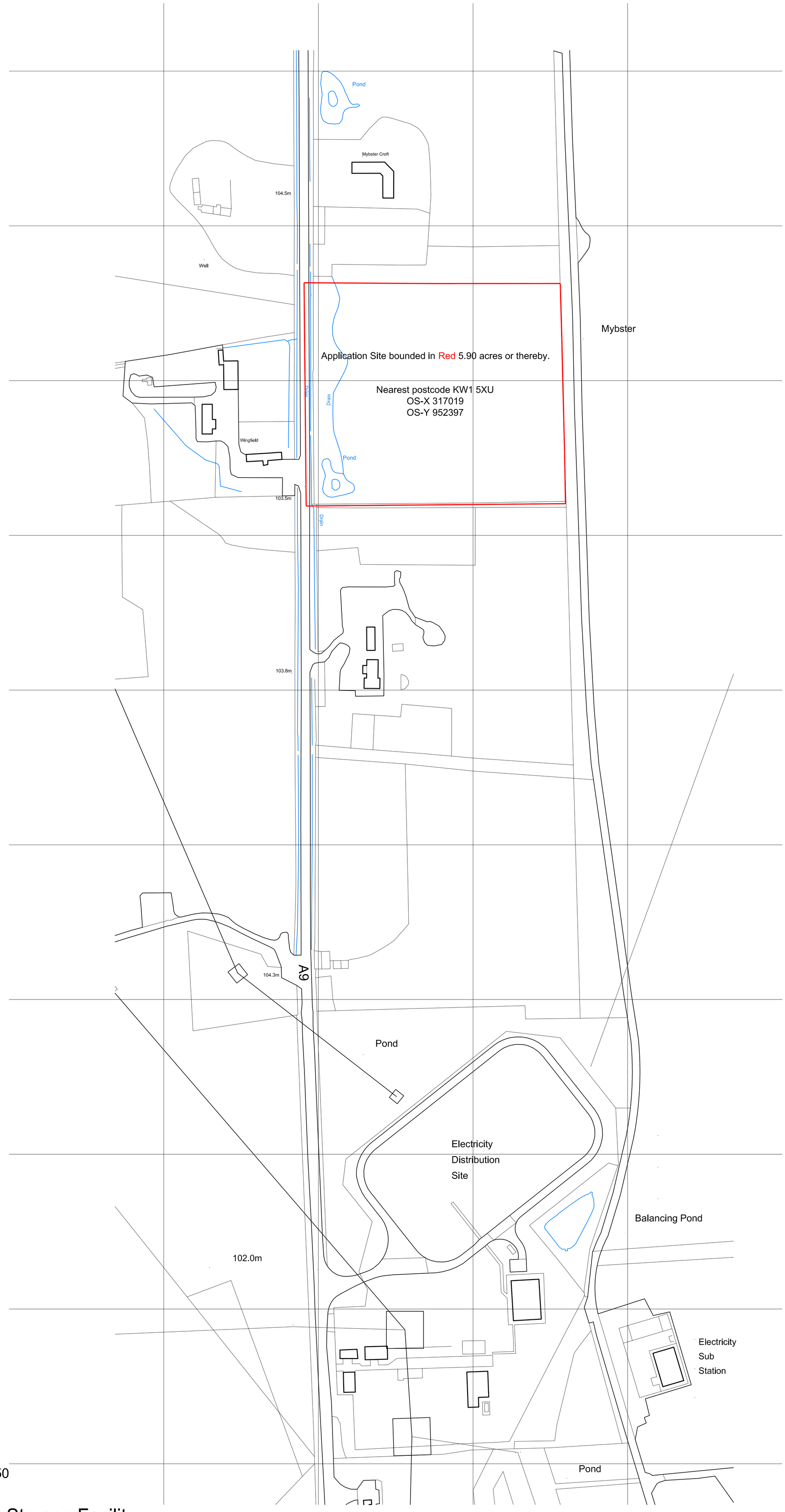
Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to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

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

Protected Species – Halting of Work

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

Signature:	
Designation:	Area Planning Manager – North
Author:	Liam Burnside
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - (PL)230529-06 – Section Plan
	Plan 2 - (PL)250108-03 - Site Layout Plan
	Plan 3 - (PL)250108-04 – Site Layout Plan – Compound Plan
	Plan 4 - (PL)250108-08 – Proposed Site Layout Plan
	Plan 5 - (PL)250180-05 - Elevations
	Plan 6 - (PL)230529-01 – Location Plan



Site Location Plan 1:1250

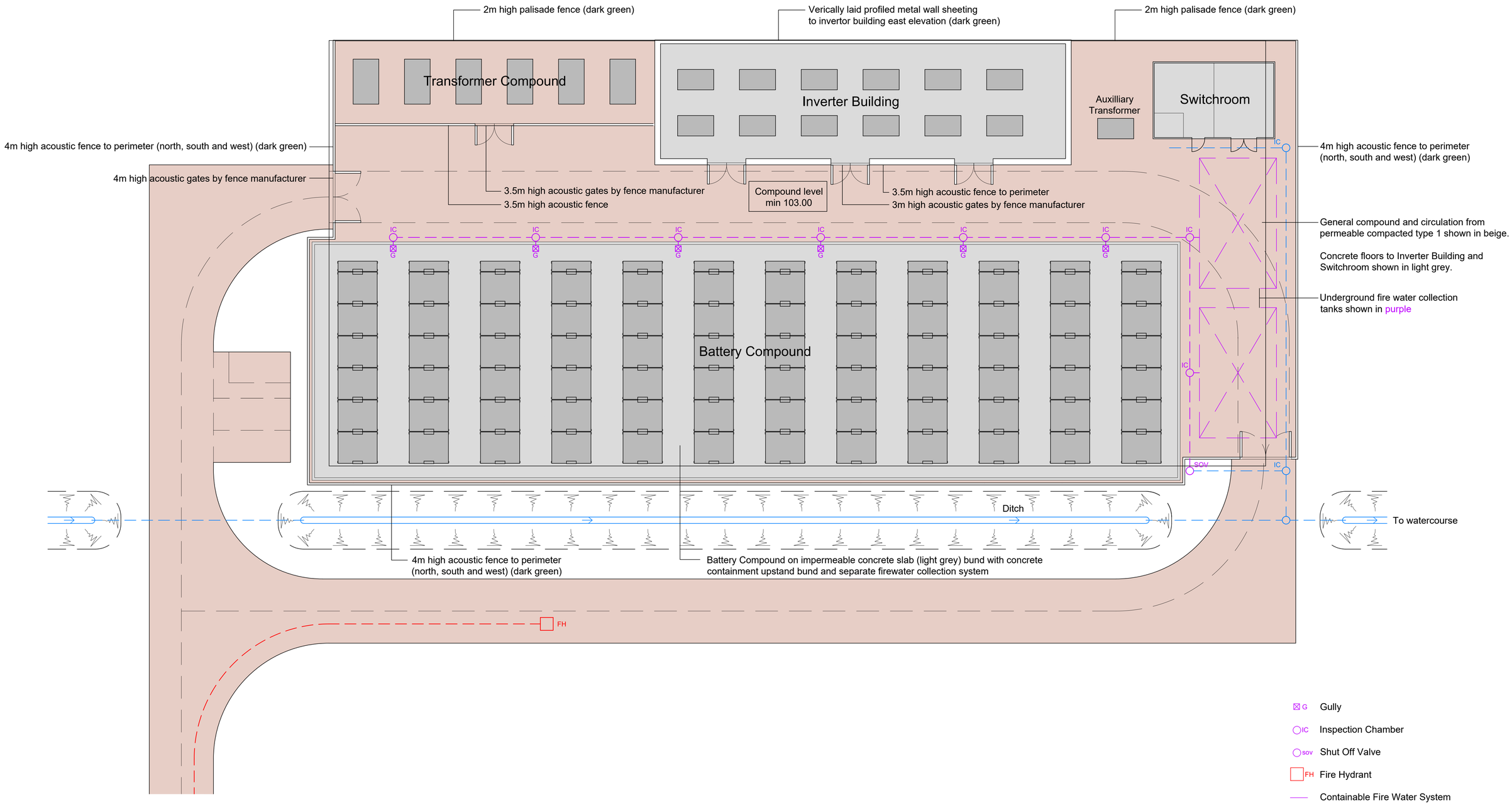
Proposed Battery Storage Facility
Mybster

Drawing No.(PL)230529-01 1:1250@A1 29.05.23 AFT

Scale Bar 1:1250 (m)

0 10 20 30 40 50 100 200

North



Plan 04/01 1:150

Proposed Battery Storage Facility
Mybster

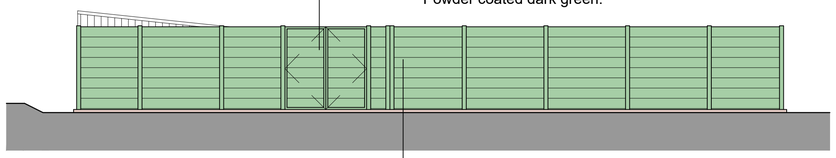
Drawing No.(PL)250108-04 Scale Shown@A1 08.01.25 AFT

Scale Bar 1:150 (m)

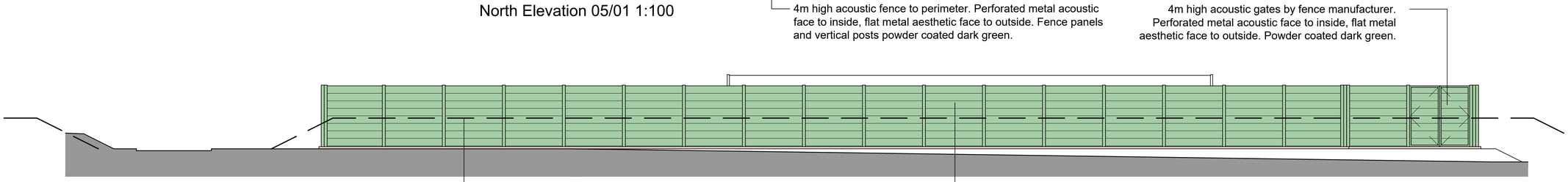
0 5 10 20 30

North

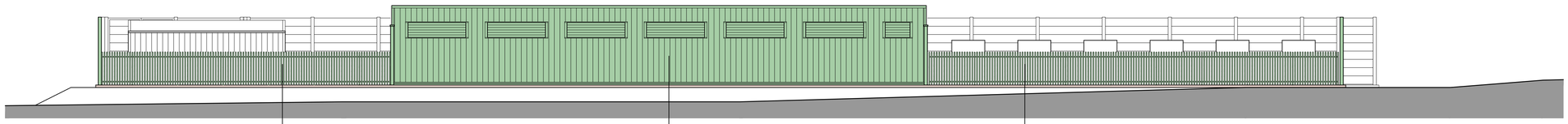
Potencia Energy Ltd



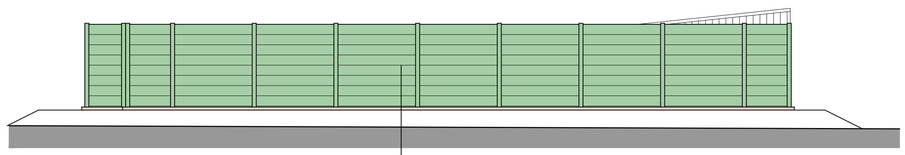
North Elevation 05/01 1:100



West Elevation 05/02 1:100



East Elevation 05/03 1:100



South Elevation 05/04 1:100

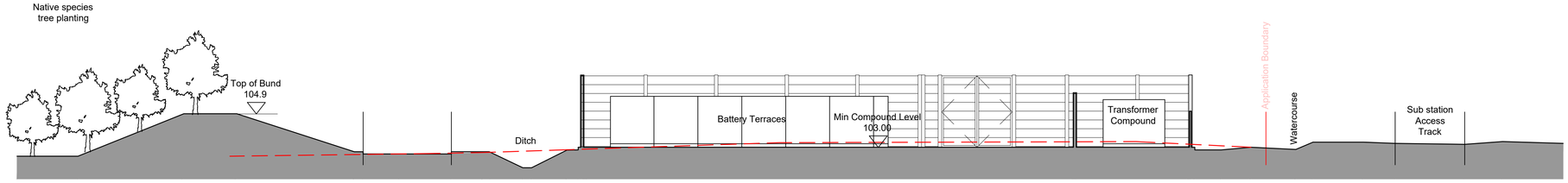
Proposed Battery Storage Facility
Mybster

Drawing No.(PL)250108-05 Scale Shown@A1 08.01.25 AFT

Scale Bar 1:150 (m)

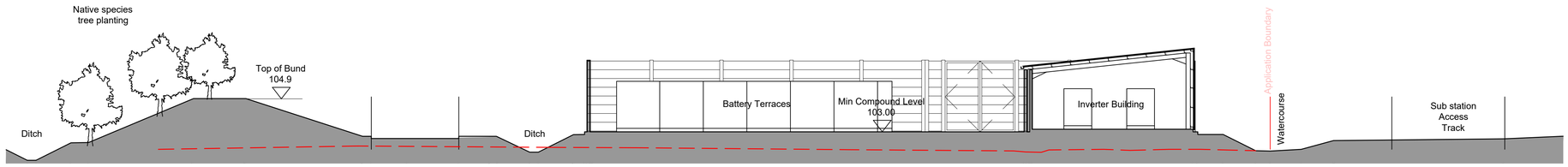
0 5 10 20 30

Potencia Energy Ltd



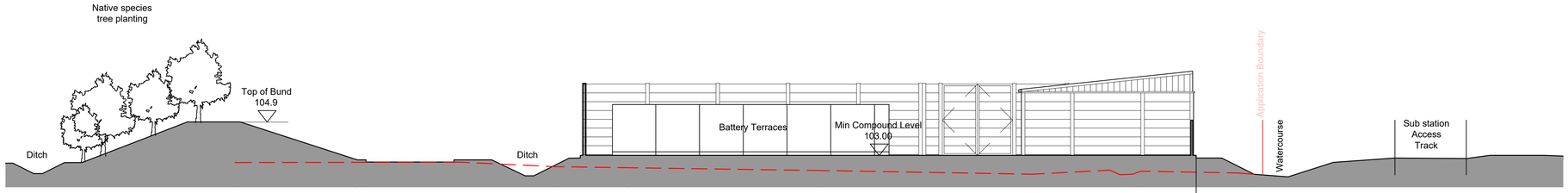
Existing site profile dashed red

Section 06/01 1:150



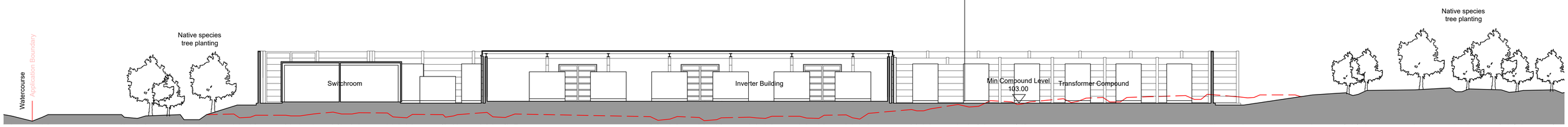
Existing site profile dashed red

Section 06/02 1:150



Existing site profile dashed red

Section 06/03 1:150



Existing site profile dashed red

Section 06/04 1:150

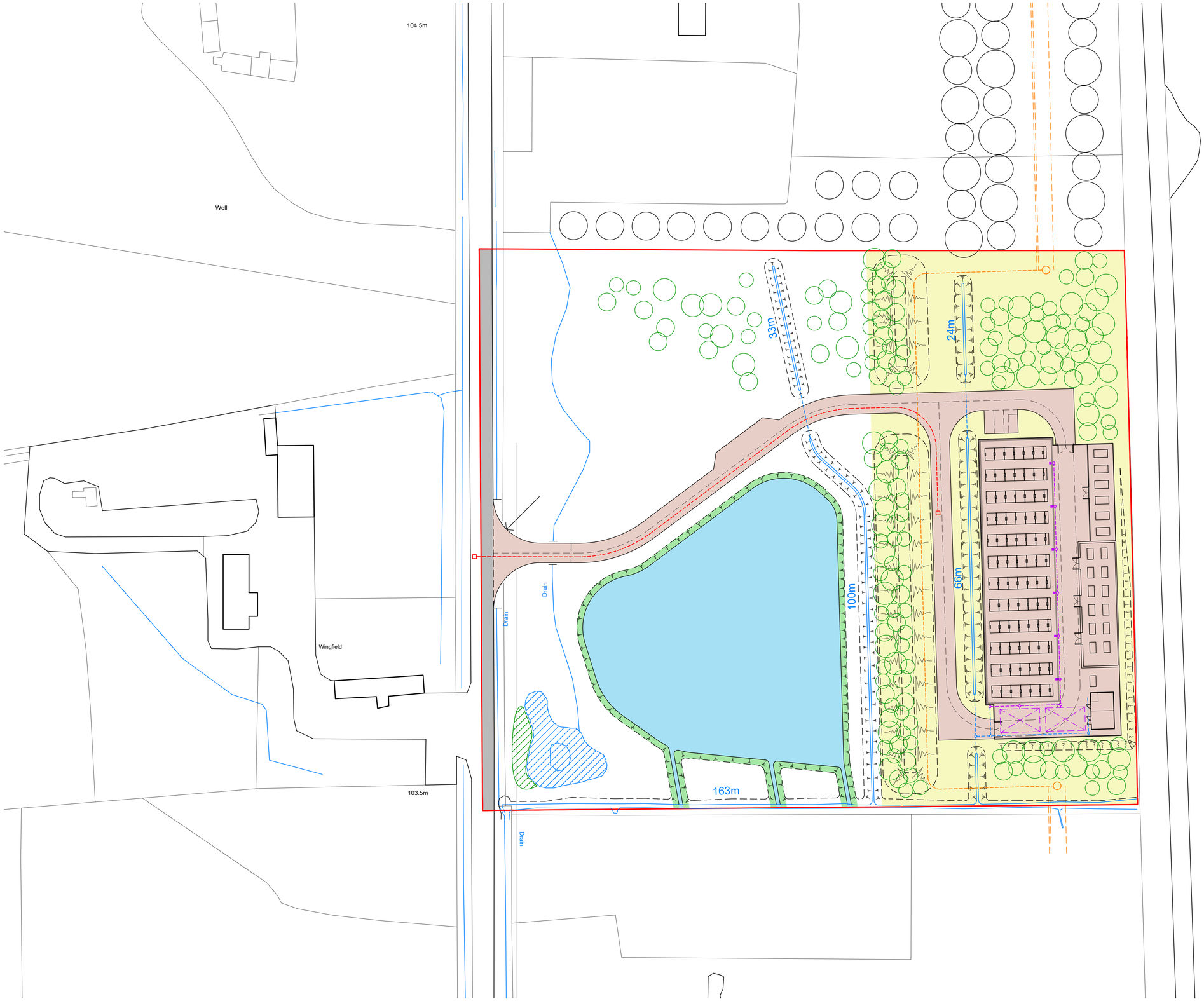
Proposed Battery Storage Facility
Mybster

Drawing No.(PL)230529-06 Scale Shown@A1 29.05.23 AFT

Scale Bar 1:150 (m)

0 5 10 20 30

Potencia Energy Ltd



Extent of Development	0.417 ha
Created Grassland	0.577 ha
SUDS Basin	0.369 ha
SUDS Embankments	0.047 ha
Retained Grassland	0.901 ha
Roadway	0.043 ha
Pond	0.028 ha
Mixed Scrub	0.008 ha
	2.390 ha
Red Line Area	2.390 ha
Length of Ditches	237m

Site Coverage Plan 08/01 1:500

Proposed Battery Storage Facility
Mybster

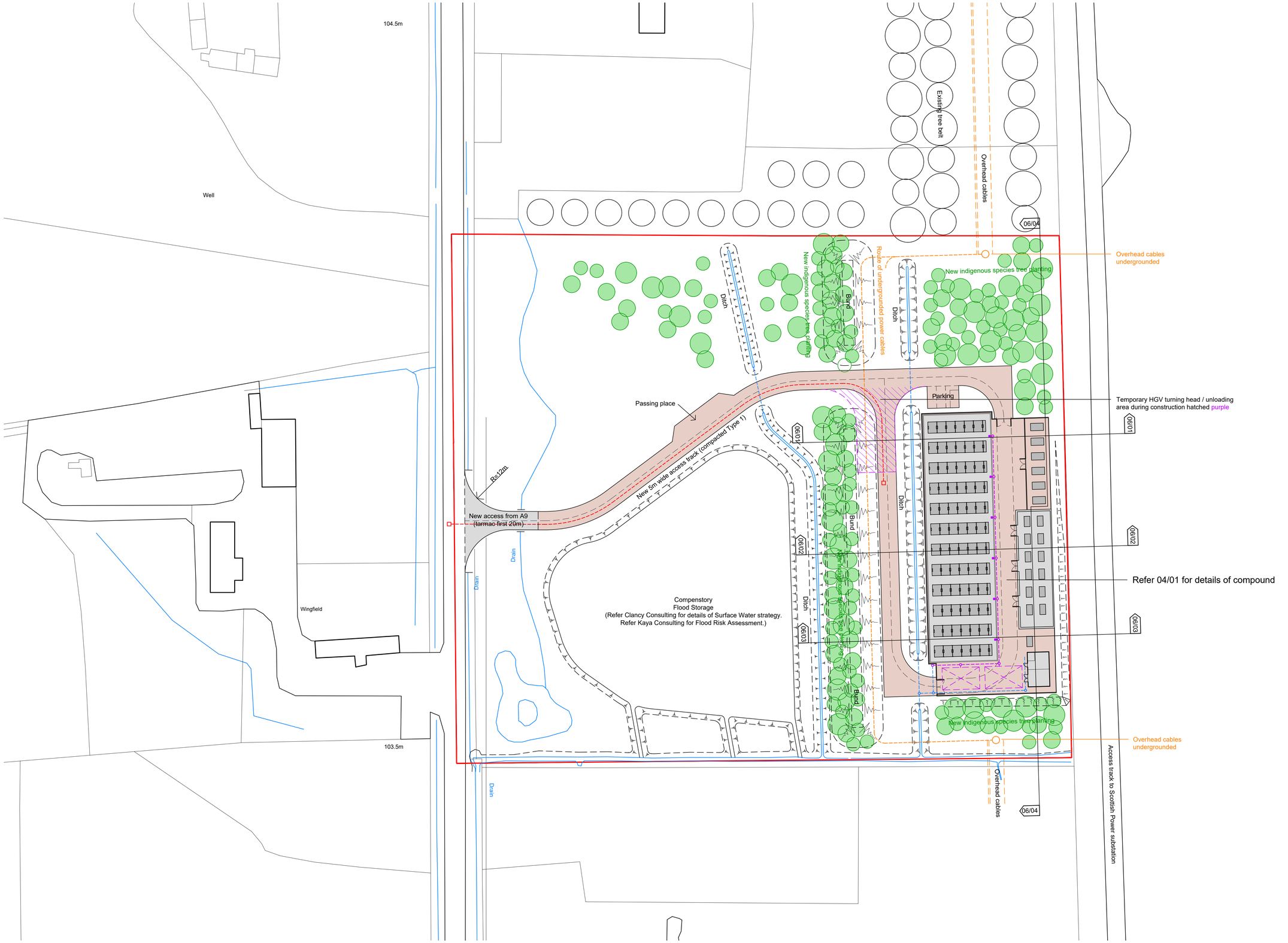
Drawing No.(PL)250108-08 Scale Shown@A1 08.01.25 AFT

Scale Bar 1:500 (m)

0 5 10 20 30 40 50 100

North

Potencia Energy Ltd



Site Plan 03/01 1:500

Proposed Battery Storage Facility
Mybster

Drawing No.(PL)250108-03 Scale Shown@A1 08.01.25 AFT

Scale Bar 1:500 (m)

0 5 10 20 30 40 50 100

North

Potencia Energy Ltd