

Agenda Item	6.2
Report No	PLN/048/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 06 August 2025

Report Title: 24/03500/FUL: Whirlwind Energy Storage Limited
Land 530M South Of Geiselittle Farm, Thurso

Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Construction and operation of a Battery Energy Storage System (BESS), accommodating 64 battery storage cabinets, landscaping and ancillary infrastructure

Ward: Ward 02 – Thurso and North West Caithness

Development category: Electricity Generation 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 the installation and operation of a battery energy storage system (BESS) with generating capacity of up to 49.9MW. The development comprises::
- 64 energy storage modules, similar to shipping containers, each measuring 6.0m long by 2.6m wide by 2.9m high, situated above ground;
 - 8 transformers/inverter Power Conversion Units (PCUs);
 - Switchroom/electrical control building measuring 22m long by 7m wide and 2.8m high ;
 - Unsealed, rectangular permeable surfacing of local aggregate within the main BESS area measuring 156.4m by 60.7m;
 - Bound surface access road from Geiselittle Farm;
 - Linear swale around the east and south sides of the site; and
 - Underground fire fighting water supply tank and underground contaminated water tank. Each tank measures 32m long by 16m wide by 2m in depth and has a storage capacity to provide 9hrs of firefighting supply
- 1.2 It is anticipated that the facility would contribute to National Grid's Balancing Services Programme. The Balancing Services Programme's aim is to ensure security of electricity supply by providing a system for reliable sources of electrical capacity, which ensure cost effective delivery of energy when needed. The proposed BESS would be to provide back-up electricity capacity to meet peaks in demand on the National Grid and used in response to calls for extra supply or absorb excess generation. Consequently, the equipment would not be in continuous use and may be called upon for a few minutes at a time, to several hours. Required cabling connections do not form part of the current application and would be undertaken under permitted development rights should this be installed by a licenced electricity operator. BESS projects require to be located where they can be connected to the electricity network, at points which can provide the capacity for the required import and export of electricity. The Geiselittle BESS proposes to connect to the adjacent Thurso South substation located immediately to the east, via a short underground cable.
- 1.3 The applicant did not utilise the Highland Council's Major Pre-Application Service for this proposal. The applicant undertook two public consultation events in Thurso on 7 December 2023 and 11 January 2023. The PAC Report submitted with the application advises that the developer has responded to questions regarding colour and height of containers and screening, potential effects of run-off on fisheries, cumulative impact with other BESS proposals in the vicinity, access proposals and future maintenance of the site.
- 1.4 The application was screened upon receipt and although the proposal does not constitute EIA Development, the application is supported by a suite of supporting documents:
- Pre-application Consultation Report;
 - Supporting Statement, incorporating Design and Access Statement;
 - Noise Assessment;
 - Preliminary Ecological Appraisal;

- Viewpoint Visualisations;
- Drainage Strategy;
- Construction Environmental Management Plan;
- Biodiversity Enhancement Letter; and
- BNG Report.
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1.5 Following submission of the application two variations have been made to the proposal:

- Site perimeter 3.5m high acoustic fencing has been replaced with a 2.5m high wire security fence; and
- Increase in size of firefighting water supply and contaminated water storage tanks have been increased in size; from 2 hours of storage capacity to 9 hours of storage capacity.

2. SITE DESCRIPTION

2.1 The 3.24ha site consists of an open area of grassland fields set within extensive gently rolling farmland. The site is rectangular in shape and is located 2km to the south of the southern edge of Thurso. It lies 670m west of the A9, and 360m to the south of Geiselittle Farm, which is the closest residential property. The settlement of Geise is located 850m to the west, across the River Thurso, which is 180m to the west and below the site. Access to the site is proposed via an existing junction off the A9 that serves Geiselittle Farm. The site lies 100m west of Thurso South Substation to which the proposed BESS would connect via underground cabling.

2.2 The site falls within Landscape Character Type (LCT) 143 Farmed Lowland Plain, as identified and mapped by NatureScot. There are no natural or landscape designations SSSI covering the site, however the River Thurso Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC) are located 120 and 180m respectively to the west, and the Flow Country World Heritage Site approximately 10.5km to the south west. Dunnet Head Special Landscape Area is around 8.7km to the north east and outwith the proposal's influence. There are no known cultural heritage assets within the site or in the surrounding area that could be impacted. There are no core paths or other recreational routes in the vicinity.

3. PLANNING HISTORY

3.1	03.04.2024	23/05455/PAN: The construction and operation of a battery energy storage unit with a maximum installed capacity of 49.9 Megawatts consisting of up to 50 energy storage units and associated electrical equipment sited on a hardstanding within a fenced compound surrounded by peripheral screening landscaping, designed to deliver a net gain in biodiversity.	Reported to Committee for Noting
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4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 development and unknown neighbour

Date Advertised: 13/09/2024

Representation deadline: 27/09/2024

Timeous representation: 1 objection

Late representations: 1 objection

4.2 Material considerations raised are summarised as follows:

- Fire risk impact on the surrounding environment; lack of guidance from regulators such as SFRS, as they are not a statutory consultee; need for a more comprehensive fire risk assessment.
- Cumulative impact of the proposed and surrounding developments on local community and environment.
- Increased cumulative development water environment risks (associated with development on the opposite side of the River Thurso - Glengolly BESS).
- Wildlife, protected species and nature impact caused by cumulative developments.
- Site security concerns.
- 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.
- No evidence of benefits for the global climate emergency.
- Biodiversity enhancements are minimal and not suited to this location.
- Visual impact of the proposal is not fully illustrated.
- Health and wellbeing impacts.
- Lack of clear government / council guidance or policies.

4.3 Non material considerations raised are summarised as follows:

- Lack of community benefit.

4.4 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 **Castletown Community Council** did not respond to the consultation.

5.2 **Environmental Health Officer** does not object to the application and proposes conditions on noise limits, implementation of noise mitigation measures, construction noise and noise monitoring. Further to proposals to remove acoustic fencing, Confirmed that required noise levels can still be achieved, subject to continued compliance with conditions.

- 5.3 **Flood Risk Management Team** does not object to the application; the site is not shown to be at risk from flooding. A condition is requested on the surface water drainage strategy.
- 5.4 **Forestry Officer** does not object to the application. No further comment as there does not appear to be an impact on existing trees or woodland.
- 5.5 **Historic Environment Team** does not object to the application and propose a condition on archaeological investigation.
- 5.6 **Transport Planning Team** does not object to the application given access is onto a trunk road and subject to a condition to secure a Construction Traffic Management Plan (CTMP).
- 5.7 **NatureScot** do not object to the application, subject to a condition to ensure works are carried out in accordance with mitigation measures outlined in relation to protected species in the River Thurso SAC and SSSI (Atlantic Salmon) and Caithness Lochs SPA (Greenland white fronted geese, whooper swan and greylag geese). Information relating to an Appropriate Assessment of the impacts on the River Thurso SAC and Caithness Lochs SPA/RAMSAR sites is provided. This concludes that with an appropriate Environmental Management and Pollution Protection Plan there should not be a significant impact on Atlantic salmon and also that there will not be a significant impact on whooper swans, greylag geese and Greenland white-fronted geese. NatureScot's advice to carry out Appropriate Assessment of these impacts, and which has been completed, in accordance with their advice. These are attached as Appendix 2 to this report.
- 5.8 **Scottish Water** has no objection to the application.
- 5.9 **SSEN Transmissions** has no objection to the application.
- 5.10 **Scottish Fire and Rescue Service** has no objection to the application and provided a copy of the National Fire Chiefs Council Guidance for Grid Scale BESS.
- 5.11 **Transport Scotland** has no objection to the application in principle subject to conditions to secure further design details of access onto the A9, including swept path analysis and visibility splays. They would welcome consideration of sharing the existing access to the Thurso South substation.

6. DEVELOPMENT PLAN POLICY

- 6.1 The following policies are relevant to the assessment of the application

National Planning Framework 4 (2023) (NPF4)

- 6.2 NPF4 comprises three parts:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future and includes six spatial principles (just transition / conserving and recycling assets / local living / compact urban growth / rebalanced development / rural revitalisation. Part 1 sets out that there are eighteen national developments to support the spatial strategy and regional spatial priorities, which includes

single large-scale projects and networks of smaller proposals that are collectively nationally significant.

- Part 2 – sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. This part of the document should be taken as a whole in that all relevant policies should be applied to each application.
- Part 3 – provides a series of annexes that provide the rationale for the strategies and policies of NPF4. The annexes outline how the document should be used and sets out how the Scottish Government will implement the strategies and policies contained in the document.

6.3 NPF4 pertinent policies for the assessment of this application include:

- 1 - Tackling the Climate and Nature Crises
- 2 - Climate Mitigation and Adaptation
- 3 - Biodiversity
- 4 - Natural Places
- 5 - Soils
- 6 - Forestry, Woodland and Trees
- 11 - Energy
- 20 - Blue and Green Infrastructure
- 22 - Flood Risk and Water Management
- 23 - Health and Safety
- 25 - Community Wealth Building
- 29 - Rural development

6.4 **Highland Wide Local Development Plan 2012 (HwLDP)**

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

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

No site-specific policies apply.

6.6 Highland Council Supplementary Planning Policy Guidance

Biodiversity Enhancement Planning Guidance (May 2024)
Construction Environmental Management Process for Large Scale Projects (August 2010)
Developer Contributions (March 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
Physical Constraints (March 2013)
Public Art Strategy (March 2013)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and 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.

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.

Determining Issues

- 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) Protected Species;
 - h) Amenity;
 - i) Health and Safety;
 - j) Traffic and Transport;
 - k) Flood Risk and Drainage;
 - l) Decommissioning and Reinstatement; and,
 - m) Any Other Material Considerations.

Development Plan / Other Planning Policy

- 8.4 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan (CaSPlan), and all statutorily adopted supplementary guidance.
- 8.5 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 deliver on other policy considerations. These 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

- 8.6 The proposal would be interconnected to the grid's transmission / distribution network and not located adjacent to an existing substation. The development would 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 the proposal is considered to 'regenerate' renewable energy.

- 8.7 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

- 8.8 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 has worked with public, private, and community partners to develop its priorities through the Highland Outcome Improvement Plan 2024-2027. This Plan has a vision to maximise opportunities and tackle inequality to build a thriving Highlands for all and includes three high level strategic priorities around people, place and prosperity. A Community Wealth Building Strategy was approved in September 2024. It provides an alternative approach to economic development and a practical response that aims to keep wealth within a local area. It aims to ensure every area and community can participate in, and benefit from, economic activity. 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 'Social Values Charter for Renewables Investment' (June 2024). The charter sets out The Highland 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.
- 8.9 The Council's Social Value Charter Statement would expect this development to: 1) maximise local economic impact and employment; 2) prioritise local employment and supply chain opportunities along with promoting environmental stewardship; 3) support the community through flexible contributions to a community and a strategic fund; 4) provide grid resilience and environmental benefits; and 5) provide training and skill development. These commitments would align with the Council's Social Values Charter by contributing to the emerging Community Wealth Building Strategy and would also ensure that the proposal results in long-lasting socio-economic benefits for the local community. The Community Wealth Building Team are aware of the application and have approached the developer separately to discuss how the development can deliver in respect of social values.
- 8.10 A condition is proposed to secure a Local Employment Scheme to maximise socio-economic benefits for construction contractors as well as specialists for site

landscaping / habitat management. Compliance with NPF4 Policies 11 and 25 is therefore capable of being demonstrated, as they relate to maximising socio-economic benefits and building community wealth.

Siting, Design, Landscape and Visual Impact

- 8.11 The location was identified following confirmation that a point of connection to the electricity grid at the adjacent Thurso South Substation was available, and which is able to accommodate the required import and export of electricity. Specific site selection was informed by seeking to avoid a location which would be visually dominant, from receptors, such as the A9 road and avoid cumulative effects along with other existing or proposed infrastructure, as well as avoiding environmentally sensitive areas and designations.
- 8.12 The site further benefits by being sited over 500 metres from the A9 and the nearest residential properties and is not located within any natural or landscape designation. Local landforms also benefit the site in terms of distant views towards it from the surrounding area, and the Thurso South Substation and the trees and woodland that surround it provide further visual screening to the site. The proposed development is however of an expectedly utilitarian design with equipment being of a functional appearance as dictated by operational and/or health and safety requirements. The height of containers, power converters and transformers will be minimal at around 3 metres. Steel battery container units would be prefabricated and finishes can be agreed with the applicant prior to installation. The majority of the proposed compound would be finished with permeable (compacted aggregate and crushed rock) surfaces. The finalised colour, finish and materials proposed can be secured by condition. The proposal originally included a 3.5m high solid timber acoustic fence around the entire site perimeter. Assessment of landscape and visual impact indicated that this would be the most visually prominent element of the design, given the height and solid construction of the fence, and its length, bounding the whole site. Following discussions with the applicant and consultation with Environmental Health, it was established that the facility could operate within required noise limits without the need for the acoustic fencing, and subsequently, the proposal has been revised to replace this with a lower (2.4m) high wire panel security fence, which has an open mesh appearance and can be coloured to blend with the backdrop of the site. As a result, the landscape and visual impact of the development has been further reduced.
- 8.13 Landscape and visual impacts are now not significant. The site is located within the Farmed Lowland Plain Landscape Character Type within the coastal triangle formed between Forss Water and the boundary with the expansive Sweeping Moorland and Flows Landscape Character Type area to the west. This area is host to several industrial/commercial developments and associated infrastructure, namely the highly visible JGC Engineering site, the Forever Fuels shed at Upper Geiselittle, SGN's Thurso depot, SSE's Thurso South substation and the Far North Railway Line. The development would therefore appear as a relatively minor addition to the local landscape without disrupting the farmed lowland plains character of the coastal triangle or the LCT overall. Given that the proposal is not out of step with existing development and given its relative scale, visual impacts are expected to be limited while proposed native tree planting along the eastern edge of the site with further

screen it from views along the A9 corridor. Consequently, the proposal can be supported on landscape and visual grounds.

Natural Heritage

- 8.14 The information included with the application includes ecological assessment 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 and NatureScot has confirmed that post mitigation none, including the nearby River Thurso SAC, and Caithness Lochs SPA will be directly or indirectly impacted by the development. The River Thurso, is 180m to the west and below the site. Under the Conservation (Natural Habitats, and c.) Regulations 1994, all competent authorities must consider whether any plan or project could affect a European site before it can be authorised or carried out. This includes considering whether it will have a 'likely significant effect' on a European site, and if so, they must carry out an 'appropriate assessment'. A competent authority must not authorise a plan or project unless it can show beyond reasonable scientific doubt – through an appropriate assessment – that the plan or project will not adversely affect the integrity of a European site. Notification to Scottish Ministers is required if a likely significant effect is identified.
- 8.15 Appropriate Assessments have been undertaken to consider any significant impacts on the River Thurso SAC and Caithness Lochs SPA. Taking account of the advice on these impacts from NatureScot, the assessments conclude that there would not be significant impacts. In respect of the River Thurso SAC, and protecting the Qualifying Interests (Atlantic salmon), mitigation is required in the form of a finalised Environmental Management and Pollution Prevention Plan, to be provided as part of planning conditions. On this basis the Planning Authority is satisfied that the mitigation proposed is acceptable. The Appropriate Assessments are appended at Appendix 2.

Habitats

- 8.16 Disturbance to any habitats is expected to be minimal, with no formal designations nearby, therefore the proposed development would be acceptable in this instance. Biodiversity enhancement measures would be introduced to provide mitigation, in accordance with NPF4 Policy 3(b), which states that "development proposals for national or major development... will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity". The applicant's proposal, as set out in a Biodiversity Net Gain (BNG) Report which include creation of neutral grassland tree planting within the site would achieve a biodiversity net gain of 11.54%, as demonstrated in the submitted Biodiversity Net Gain Assessment. This exceeds the Council's 10% requirement. Delivery and maintenance of these measures can be secured by condition.
- 8.17 A Construction Environment Management Plan (CEMP) has already been submitted. The delivery of this as well as the requirement for an Environmental Management and Pollution Prevention Plan would be secured by condition. A condition would also secure an implementable Habitat Management Plan (HMP) for the long-term management of restored and enhanced habitats. The HMP would require to be

provided prior to construction commencing on site and will require to be in place for a minimum of 30 years.

- 8.18 The above requirements are consistent with NPF4 Policy 3 b) as supported by The Highland Council's Biodiversity Enhancement Planning Guidance (May 2024), which require proposals for major developments to demonstrate that the development will conserve, restore, and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention and are acceptable.

Protected Species

- 8.19 As set out in the submitted Preliminary Ecological Assessment, habitats on site are considered to be of low ecological value, with species likely to utilise these habitats on occasion include foraging bats, amphibians, nesting birds, badger, reptiles, hedgehog, brown hare. Mitigation for any loss of habitat is, as noted above, demonstrated in the BNG Report.

Amenity

- 8.20 There is likely to be some disruption during the anticipated construction period, particularly as construction materials are being delivered and during works to connect the site to related infrastructure.
- 8.21 Developers and contractors must comply with reasonable operational practices regarding 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 and deliveries are to be restricted to 08.00 – 19.00 Monday to Friday, 08.00 – 13.00 on Saturday with no Sunday or Public Holiday working or deliveries. Construction activities that do not generate impacts beyond the site boundary would be permissible outwith these hours.
- 8.22 The BESS facility employs inverters, switchgear, transformers and batteries, with the battery storage containers also fitted with air cooling units at low level on the sides of each container. As such, the operation of the facility will create a degree of noise with potential to impact residential amenity. The closest residential property, Geiselittle Farmhouse, is however located 480m to the north. As noted, the Council's Environmental Health Service has assessed the noise impact of the proposed development without acoustic fencing in place and are satisfied that it would still comply with the Council's requirements. This assessment has also taken account of any cumulative operational noise associated with the recently constructed grid stabilisation facility located adjacent to the Thurso South Substation. Nevertheless, planning conditions would still be required to stipulate that operational noise levels would not exceed 30dB(A) at the curtilage of any noise sensitive receptor, and that further monitoring of noise levels will continue post-implementation to ensure compliance with consented noise levels.
- 8.23 It should be noted that any subsequent (unexpected) noise complaint against the facility would be required to be treated as a Statutory Nuisance complaint under the Environmental Protection Act 1990 by Environmental Health. Environmental Health

would then have the option to impose additional obligations on the site's operator to implement noise mitigation measures.

Health and Safety

- 8.24 The 64 battery containers are laid out in groups of 4, with the distance between each unit with the group being 3m and each group of 4 being 11m from the next nearest group. The separate battery cabinets would consist of steel enclosures, and each will include fire detection and suppression systems. The National Fire Chiefs Council (NFCC) guidance suggest a separation distance of 6m unless suitable design features can be introduced to reduce that spacing, however, draft NFCC Guidance points to different design approaches that may lead to different spacing requirements, and it does not specify a minimum distance in terms of layout. The applicant states that the proposed separation distance is designed to prevent any spread of fire between units. The battery units would be monitored around the clock and any malfunction or thermal issue in one would be immediately detected and the relevant component shut down instantly. The submission includes details of health and safety arrangements and fire suppression. The design is to ensure that a runaway fire in one of the battery units would, not spread to other units. In the event of a fire within an individual unit, a venting system is designed to prevent flammable gases from building up, assisting with firefighting, and preventing any potential risk of explosion from combustion products when exposed to the air. Monitoring of individual cell temperatures forms part of the management of the site.
- 8.25 It is stated that a Fire Response Plan would be agreed with Scottish Fire and Rescue once final technical specifications are known. At a recent appeal case, where a Reporter upheld an appeal against THC's refusal of planning permission for a BESS a Kilmorack near Beaully, the Reporter observed that he did not consider that the specific matters of fire risk and the fire safety standards of battery energy storage systems to be directly planning considerations. The Reporter concluded that matters related to management of fire risk, such as agreement of a Fire Response Plan, as is proposed in this case, would be for the appellant and the Scottish Fire and Rescue Service in the context of existing fire regulations and not for the Planning Authority to regulate through planning conditions. He did however conclude that where fire related matters impact on issues that are within the scope of planning considerations (such as access, layout, and the appearance of a development), then they can be in-directly relevant to a planning decision. Where fire safety measures potentially have implications for designated sites, this would also be material to our considerations in instances where a proposal could impact on such a site.
- 8.26 The original site layout included on-site water storage for fire fighting in the form of an underground storage tank with a capacity of circa 480,000 litres, and an underground contaminated water storage tank of the same capacity. This volume of water storage is estimated to provide for 2 hours of fire fighting, based on the National Fire Chiefs Council's (NFCC) Guidance for Grid Scale BESS planning. Whilst this volume is in accordance with that guidance, the applicant is aware of elected Members concerns about the volume of fire fighting water supply and containment when considering a similar scale of BESS, proposals in the area. Taking account of these concerns, the applicant has amended the proposal to increase the size of both

on-site firefighting water supply and contaminated water storage tanks to hold 1,024,000 litres to provide 9 hours of water storage.

- 8.27 The site layout plans show two separate points of access, both on the north boundary of the site. The applicant has indicated that they would be happy to provide a further point of access, the location and design of which could be agreed by a planning condition. As noted, whilst matters of fire risk and the fire safety standards may not be material planning considerations, any changes to the development layout or design, necessary to comply with fire safety requirements may have an impact on final site layout and design. A planning condition is proposed to allow for a degree of micro-siting within the development site, however if more substantial changes to site layout and design are required, this may require a further planning application.
- 8.28 Notwithstanding the aforementioned Reporter's comment in respect of the materiality of fire safety matters in the Kilmorack appeal, a Fire Management and Emergency Response Plans to be ready prior to the delivery of battery equipment to the site, can be secured by condition. With these plans and procedures in place, the applicant has demonstrated that the proposal's potential adverse impacts on human health, safety, and the environment, in the unlikely event of a battery fire, has been duly considered and mitigated against. As such, the proposal complies with NPF4 Policy 23 for Health and Safety. It should also 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.
- 8.29 The Council has consulted the Scottish Fire and Rescue Service (SFRS) who do not respond to individual planning applications, and as noted rely on NFCC Guidance for Grid Scale BESS planning. At this present time, there is no further guidance available from SFRS on BESS site developments. In the absence of a national approach, no regional office comment can be provided, however the guidance provided helps inform the Planning Authority's consideration of the application, as noted above. This proposal has been found 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.

Traffic and Transport

- 8.30 Access to the site would be off the existing access serving Geiselittle Farm off the A9 trunk road. A new 516m long section of track would extend from the farmhouse to the site. This access is considered to be of suitable design and with adequate visibility splays at the public road junction. No abnormal vehicles are anticipated to be required during construction, and it is anticipated that there would be between 42 and 54 HGV movements per month during the nine months construction period. Traffic generation once operational is expected to be no more than one or two light vehicle movements per month. A planning condition would be proposed requiring a Construction Traffic Management Plan (CTMP). A condition is also suggested to ensure that visibility splays are maintained in perpetuity, while any additional

measures required to keep visibility splays clear of obstruction such as the repositioning of street furniture and signage require the appropriate consents under separate roads legislation.

- 8.31 The Council's Transport Planning Team note that access is to be off a trunk road, but has no objections to the application, but would require a CTMP, which would identify all Council maintained roads affected by the development. Transport Scotland indicate that they require additional information on junction design, to ensure compliance with the Design Manual for Roads and Bridges (DMRB), and again this can be made a condition of planning. Transport Scotland also enquired over any consideration given to access sharing with the nearby Thurso South Substation. The applicant has advised that investigation of access sharing with Thurso South substation was not pursued as the proposed BESS could already take advantage of an existing access on the same stretch of road that was adequate for the purposes of the development. They have also confirmed that the landowner of the site also has control of any required junction improvements and associated visibility splays.

Flood Risk and Drainage

- 8.32 The site is not predicted to be at risk of flooding on SEPA's future flood maps. The River Thurso is approximately 350m to the west of the site and there is a significant difference in elevation between the river and the proposed development. Officers are therefore content that the site is at low risk of flooding. The Flood Risk Management Team has reviewed the information provided by the Applicant and has no objection to the application subject to a condition on final surface water drainage details.
- 8.33 As noted, the proposals include both firefighting water and contaminated water storage tanks, and the site surfacing would be of permeable material, draining to a swale and basin along the site's southern and western (downhill) sides. A diversion valve would intercept any potentially polluted run-off, such as contaminated fire water from entering the swale and basin, and potentially River Thurso catchment. Such waste water would then be removed from the tank via tanker for safe off-site disposal. Infiltration to potentially bypass the proposed swale and basin is reported not to be feasible due to the mapped till geology under the site and the presence of mudstone underlying the superficial cover which is classed as Peaty Gleys which are poorly drained.
- 8.34 The proposed arrangements are therefore considered to be acceptable and can be secured by an attached condition.

Decommissioning and Reinstatement

- 8.35 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 secured by condition. The strategy and financial safeguard would also require to be reviewed at regular intervals.

Other Material Considerations

- 8.36 None.

Non-Material Considerations

- 8.37 A request to pause determination of the application until further policy / guidance is produced is not a competent stance for the Planning Authority to take. Proposals must be determined in light of the provisions of the Development Plan and other relevant material planning considerations at the present time.

Matters to be Secured by Legal Agreement

- 8.38 None. A financial guarantee to cover all decommissioning and site restoration works will require to be in place prior to the commencement of development and is covered by condition.
- 8.39 It is noted that the Transport Planning Team, having been consulted, have recommended that any permission issued includes a requirement for the Developer to enter into a formal Wear and Tear Agreement with Highland Council, in accordance with Section 96 of the Roads (Scotland) Act 1984. Any such agreement is likely to require a Road Bond or some other form of financial security to protect the Council from any such extraordinary expenses.

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. Although industrial in appearance, the proposal would be well sited away and screened from the public road and residential properties and well screened from other locations. As such, landscape and visual impacts are well within acceptable limits, and have been further reduced by the removal of 3.5m high solid acoustic fencing from the scheme. Moreover, the proposal will result in biodiversity net gain through screening and eventual restoration. Whilst the site is hydrologically connected within the catchment of the River Thurso Special Area of Conservation, the potential impacts on the SAC have been considered by NatureScot. An Environmental Management and Pollution Prevention Plan would be required to ensure any possible risk of pollution to arise from the proposal has been adequately mitigated through the construction and operation of the site. This mitigation ensures that the proposal would not result in any residual likely significant adverse effects for the protected species interest of Atlantic Salmon within the river.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: The proposal has potential to contribute to climate change and carbon net-zero targets.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued None

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 the 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 32 paired energy storage modules, similar to shipping containers, each measuring 6.0m long by 2.6m wide by 2.9m high, situated above ground;
- Eight transformers/inverter Power Conversion Units (PCUs);
- Switchroom/electrical control building;
- Unsealed, rectangular permeable surfacing within the main BESS area measuring 156.4m by 60.7m;
- Linear swale around the east and south sides of the site;
- Bound surface access road from Geiselittle Farm;
- Underground fire fighting water supply tank and underground contaminated water tank.

(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 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.

(4) 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.

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.

c) Dimensioned plans (and swept path) showing access and turning within the site to enable safe access/egress in a forward gear.

d) Dimensioned plans showing the parking layout and a statement justifying the parking provision during construction.

e) Details of an additional access point for the purposes of firefighting if required by the terms of Condition 14.

(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 information, 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 drainage design (including final ground levels and discharge rates information) have been submitted to, and approved in writing by, the Planning Authority, which shall include measures for the testing of 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. Details shall include a methodology in respect of contamination testing and the range of disposal methods, as well as full details of each proposed disposal method (e.g. on-site treatment and controlled release, conveyance from the site via tanker vehicle etc). The final drainage design shall incorporate a SUDS basin and an additional storage tank to provide a further 1,024 cubic metres of fire water storage. 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 and to protect the integrity of the River Thurso SAC.

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.

Any lighting associated with the development including any floodlighting must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains. 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; to ensure any lighting associated with the development does not interfere with the safe operation of the rail network.

8. **Habitat Management Plan (HMP)**

(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. 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 ensure that the development secures positive effects for biodiversity in accordance with NPF4 and to allow the Planning Authority to map areas of compensation and enhancement.

9. **Biodiversity Net Gain**

No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:

- a) All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- b) A plan showing existing landscaping features and vegetation to be retained;
- c) The location and design, including materials, of any existing or proposed walls, fences and gates;
- d) All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- e) A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

Reason: In the interests of Biodiversity Net Gain.

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.

(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 and Pollution Protection Plan (CEMP)

No development shall commence until a Construction Environment Management and Pollution Protection Plan (CEMPPP) 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 CEMPPP, subject to any variations approved in writing by the Planning Authority. The CEMPPP 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 routing 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) a Species Protection Plan;

- o) details of measures to reduce the risk of invasive non-native species being introduced/spread, such as via SUDs or contaminated vehicles from other sites;
- 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 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 local Community Councils 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: In the interest of road safety and to mitigate any impacts of construction traffic and the delivery of abnormal loads on the public road network.

13. **Site Access**

No development shall commence until full details including fully dimensioned and annotated plans of the site access junction with the A9 public road have been submitted to, and approved in writing by, the Planning Authority, in consultation with Transport Scotland. Such details shall be in accordance with Section 5, CD 123 of the Design Manual for Roads and Bridges (DMRB) showing (but not limited to):

- i. carriageway and verge widths;
- ii. junction radii geometry with swept path analysis to demonstrate the access can accommodate the largest vehicles anticipated to use it;
- iii. at least the first 6m of the access from the edge of the public road to be surfaced with a bound bituminous material;
- iv. any amendments to the public road drainage arrangements; and,
- v. visibility splays in accordance with Section 3 of CD 123 of the DMRB.

Thereafter, the approved access arrangements shall be completed in full and made available for use prior to the first occupation of the development and maintained for this use in perpetuity.

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:

- a) a complete and fully implementable Fire Risk Management Plan; and,
- b) 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 on-site 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.

15. **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.

16. **Noise**

No development shall commence until a revised Noise Impact Assessment has been submitted to, and approved in writing by, the Planning Authority. This shall demonstrate:

(1) In the event that there are any changes to the equipment or noise mitigation measures that could result in the development resulting in increased noise levels prior to the development becoming operational, a revised noise impact assessment shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall proceed in accordance with the approved revised assessment

(2) Noise arising from within the operational land of the site, hereby permitted, when measured and/or calculated as an L_{Zeq}, 5min, in the 100Hz one third octave frequency band, shall not exceed 30 dB, when measured and/or calculated as at the curtilage of any noise-sensitive premises.

(3) The Rating Level of noise arising from the use of plant, machinery or equipment installed or operated within the operational land of the site, hereby permitted, must not exceed the current background noise levels at noise sensitive premises. The Rating Level should be calculated in accordance with BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

(4) All plant, machinery and equipment associated with the development shall be so installed, maintained and operated such that any associated operating noise does not exceed NR20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes throughout the lifetime of the development.

For the purposes of this condition, “noise-sensitive premises” includes, but is not necessarily limited to, any building, structure or other development the lawful use of

which a) falls within Classes 7 (Hotels and Hostels), 8 (Residential Institutions), or 9 (Houses) of The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

Reason: In the interest of amenity.

17. 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.

18. 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 submitted Scheme shall make reference to the supporting Social Value Charter Statement (dated December 2024).

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.

19. **Noise 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 with Noise Condition 16. 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.

Reason: In the interest of amenity.

21. **Battery Safety Management Plan**

No development shall commence until a full Battery Safety Management Plan has been submitted to and approved in writing by the Planning Authority.

Thereafter the construction of the development shall only be carried out in strict accordance with the approved Plan's specifications.

Reason: In the interests of safety and environmental protection.

22. **Archaeology**

No development or work (including site clearance) shall commence until proposals for an archaeological watching brief to be carried out during site clearance and excavation works, has been submitted to, and approved in writing by, the Planning Authority. Thereafter, the watching brief shall be implemented as approved.

Reason: In order to protect the archaeological and historic interest of the site.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that, subject to the conditions suggested below, 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. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

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 is 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:	Dafyd Jones
Designation:	Area Planning Manager - North
Author:	Grant Baxter
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - Location Plan EW/48/01 Rev A Plan 2 - Location Plan and Access Layout EW/48/02 Rev D Plan 3 - General Plan EW-48-03 Rev D Plan 4 - General Plan – Setting out Plan EW-48-04 Rev C Plan 5 - Elevation Plan EW-48-07 Rev B

Plan 6 - Section M01 – EW/48/05A

Plan 7 - Section M002 and Access on to the A9 Details – EW/48/06A

Appendix 2 – Appropriate Assessments

Appendix 2(a) : Appropriate Assessment Caithness Lochs Special Area of Conservation

Application under Regulation 62 of The Conservation (Natural Habitats, and c.) Regulations 1994 for Proposed Battery Energy Storage Scheme, Geiselittle Farm, Thurso
24/03500/FUL

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

The status of Caithness Lochs Special Area of Conservation (SAC) and RAMSAR site means that the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the 'Habitats Regulations') or, for reserved matters the Conservation of Habitats and Species Regulations 2017 as amended apply.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of Natura 2000 sites is that it is likely to have a significant effect on those sites, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the areas have been designated. The need for Appropriate Assessment extends to plans or projects outwith the boundary of the sites in order to determine their implications for the interests protected within the sites.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an Appropriate Assessment of the implications (of the proposal) for the site in view of its conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the site. If this is not the case and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

Screening in Likely Significant Effects

The proposed development has the potential to have a likely significant effect on Whooper swan and greylag geese. The Council is therefore required to undertake an appropriate assessment of the implications of the proposal on the SAC site.

APPROPRIATE ASSESSMENT

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 (as amended June 2000) is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by NatureScot.

Appraisal Summary

The proposal site lies within 5.5km of the nearest water body that forms part of the Caithness Lochs SPA/RAMSAR site, protected for its whooper swan, greylag geese and Greenland white-fronted geese populations.

NatureScot has advised that the proposal could affect natural heritage interests of international importance on the site, specifically the whooper swan and greylag geese populations. NatureScot has concluded that the proposal is unlikely to have a significant effect on Greenland white-fronted geese, and as such an Appropriate Assessment is not required in relation to this species.

The development is far enough away from the nearest night roost sites of whooper swans and greylag geese to cause any disturbance. With regards to foraging displacement and disturbance, NatureScot conclude that the footprint of the development has not been used by either of these species, but agricultural land 4-500m distant has been used. There is a risk that whooper swan and greylag geese may experience some disturbance during winter construction if they choose to forage close to the site, however NatureScot conclude that there are ample alternative foraging locations available. Once constructed, wildfowl will become accustomed to the development and forage in neighbouring fields, and as a result populations should remain viable components of the SPA. As such, NatureScot has concluded that the proposal should not adversely affect the integrity of the designated site.

HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL

- Parts of the proposal are not connected with or necessary for site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An appropriate assessment of the implications of the proposal in views of the site's conservation objectives is provided below.

The impacts on the Caithness Lochs SPA/RAMSAR site during construction, operation and de-commissioning have been considered.

The proposed battery energy storage system (BESS) is approximately 5.5km from the nearest water body forming part of the Caithness Lochs SPA/RAMSAR site and is likely to have a significant affect on whooper swans and greylag geese. Having appraised the potential affects, NatureScot has concluded that the proposal should not adversely affect the integrity of the site.

Overall, it can be therefore concluded that while likely significant effects have been identified, there will not be an adverse effect on site integrity of the Caithness Lochs SPA/RAMSAR.

The Highland Council, 23 July 2025

Appendix 2(b) : Appropriate Assessment
River Thurso Special Area of Conservation

Application under Regulation 62 of The Conservation (Natural Habitats, and c.)
Regulations 1994 for Proposed Battery Energy Storage Scheme, Geiselittle Farm, Thurso
24/03500/FUL

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

The status of River Thurso Special Area of Conservation (SAC) means that the requirements of the Conservation (Natural Habitats, and c.) Regulations 1994 as amended (the 'Habitats Regulations') or, for reserved matters the Conservation of Habitats and Species Regulations 2017 as amended apply.

This means that where the conclusion reached by the Council on a development proposal unconnected with the nature conservation management of Natura 2000 sites is that it is likely to have a significant effect on those sites, it must undertake an Appropriate Assessment of the implications for the conservation interests for which the areas have been designated. The need for Appropriate Assessment extends to plans or projects outwith the boundary of the sites in order to determine their implications for the interests protected within the sites.

This means that the Council, as competent authority, has a duty to:

- Determine whether the proposal is directly connected with or necessary to site management for conservation; and, if not,
- Determine whether the proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; and, if so, then
- Make an Appropriate Assessment of the implications (of the proposal) for the site in view of its conservation objectives.

The competent authority can only agree to the proposal after having ascertained that it will not have an adverse effect on the integrity of the site. If this is not the case and there are not alternative solutions, the proposal can only be allowed to proceed if there are imperative reasons of overriding public interest, which in this case can include those of a social or economic nature.

Screening in Likely Significant Effects

The proposed development has the potential to have a likely significant effect on Atlantic Salmon. The Council is therefore required to undertake an appropriate assessment of the implications of the proposal on the SAC site.

APPROPRIATE ASSESSMENT

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 (as amended June 2000) is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by NatureScot.

Appraisal Summary

The proposal site is close to River Thurso Special Area of Conservation (SAC) protected for its Atlantic Salmon population.

NatureScot has advised that the proposal could affect natural heritage interests of international importance on the site. The proposed battery energy storage system (BESS) is approximately 180m from the River Thurso. NatureScot advises a likely significant effect on Atlantic Salmon of the SAC. As the proposed mitigation measures below are considered to be feasible and would be implemented, then it is concluded that the proposal will not adversely affect the integrity of the SAC site:

- The application is located in proximity to the River Thurso SAC, and therefore NatureScot advises that the proposal will not adversely affect the integrity of the site, provided it is carried out strictly in accordance with a competent Environmental Management and Pollution Protection Plan, and that the requirement for such a plan should be made a planning condition. They confirm that a competent Plan to mitigate site specific pollution effects on this SAC, including ways to reduce risk of invasive native species being introduced/spread directly or indirectly.

HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL

- Parts of the proposal are not connected with or necessary for site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An appropriate assessment of the implications of the proposal in views of the site's conservation objectives is provided below.

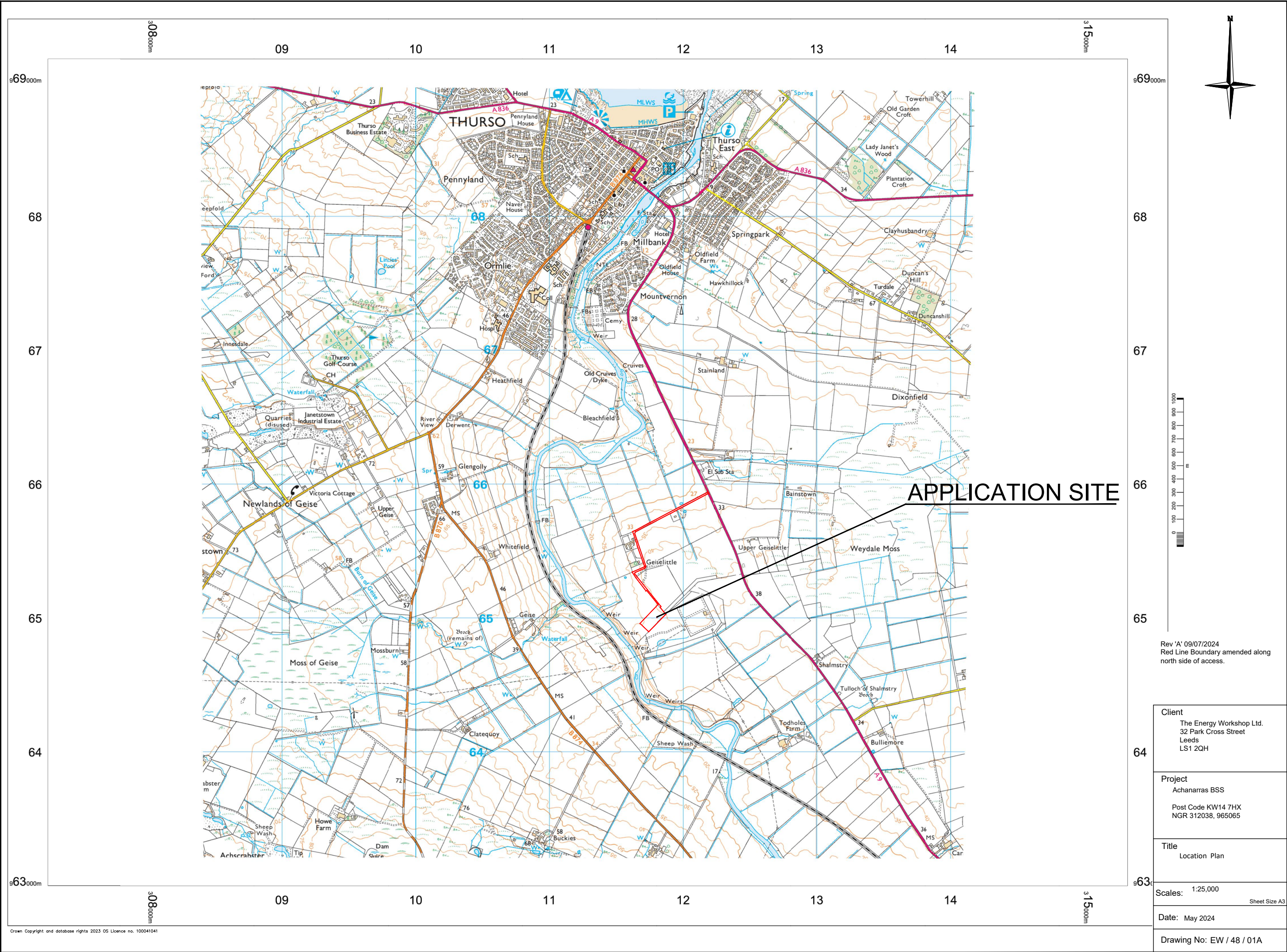
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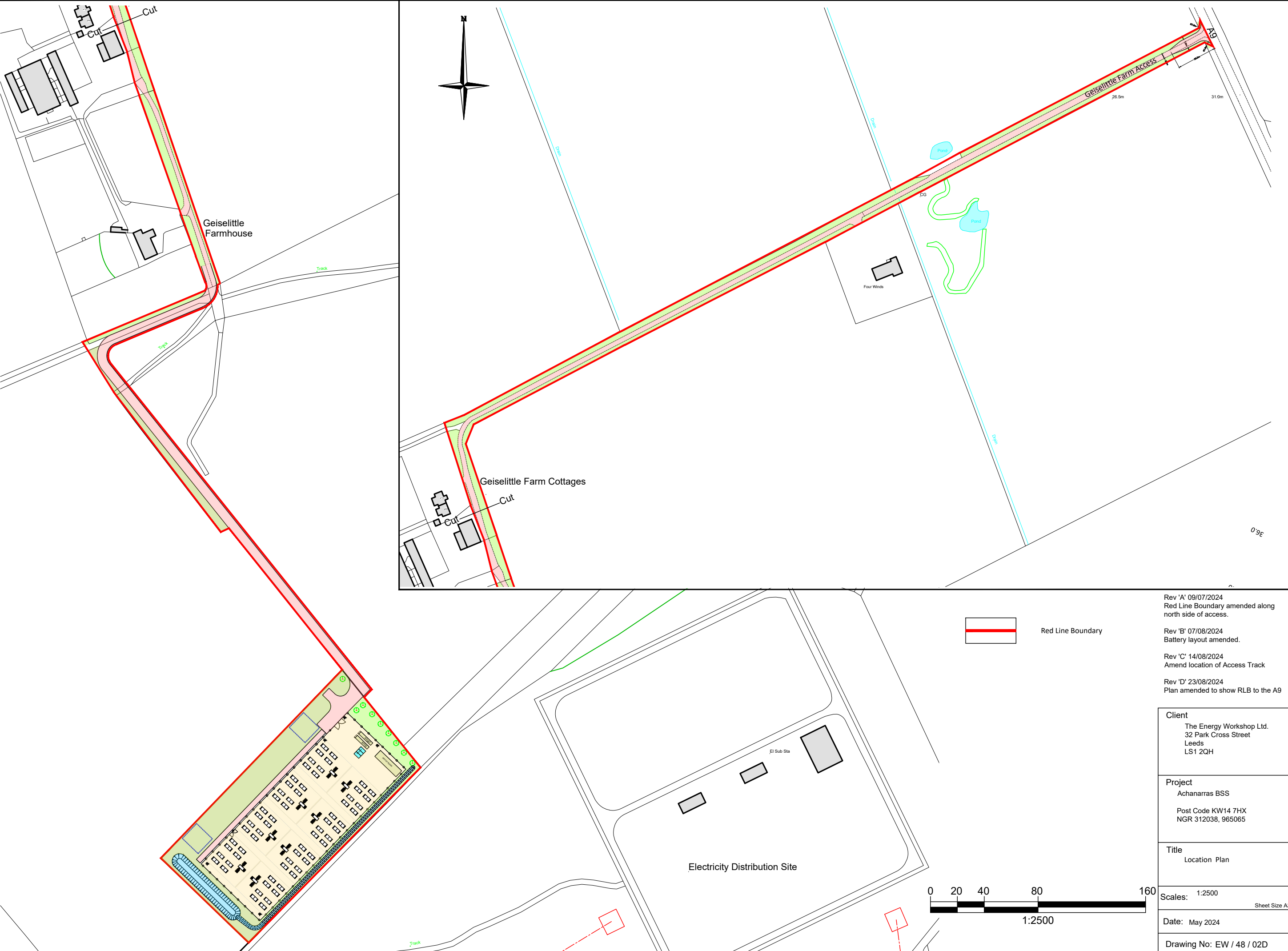
The proposed battery energy storage system (BESS) is approximately 180m from the River Thurso and is likely to have a significant effect on Atlantic Salmon of the SAC. As the proposed mitigation measures below are considered to be feasible and would be implemented, then it is concluded that the proposal will not adversely affect the integrity of the SAC site. The application is located in proximity to the River Thurso SAC, and therefore conditions have been attached to ensure:

- Mitigation of site-specific pollution related effects on this SAC, including reduction of risk of invasive non-native species being introduced/spread (e.g. directly via SUDS, or indirectly through contaminated vehicles from other construction sites); and
- In order to protect the SAC from pollution risk, a condition is proposed has been imposed requiring a finalised Environmental Management and Pollution Prevention Plan to be provided as part of planning conditions (by the successful contractor), to be approved by NatureScot and Highland Council, and implemented in full thereafter.

Overall, it can be therefore concluded that while likely significant effects have been identified, there will not be an adverse effect on site integrity of the River Thurso SAC providing the mitigation set out within this appropriate assessment are applied.

The Highland Council, 23 July 2025





Rev 'A' 09/07/2024
Red Line Boundary amended along
north side of access.

Rev 'B' 07/08/2024
Battery layout amended.

Rev 'C' 14/08/2024
Amend location of Access Track

Rev 'D' 23/08/2024
Plan amended to show RLB to the A9

Client
The Energy Workshop Ltd.
32 Park Cross Street
Leeds
LS1 2QH

Project
Achanarras BSS

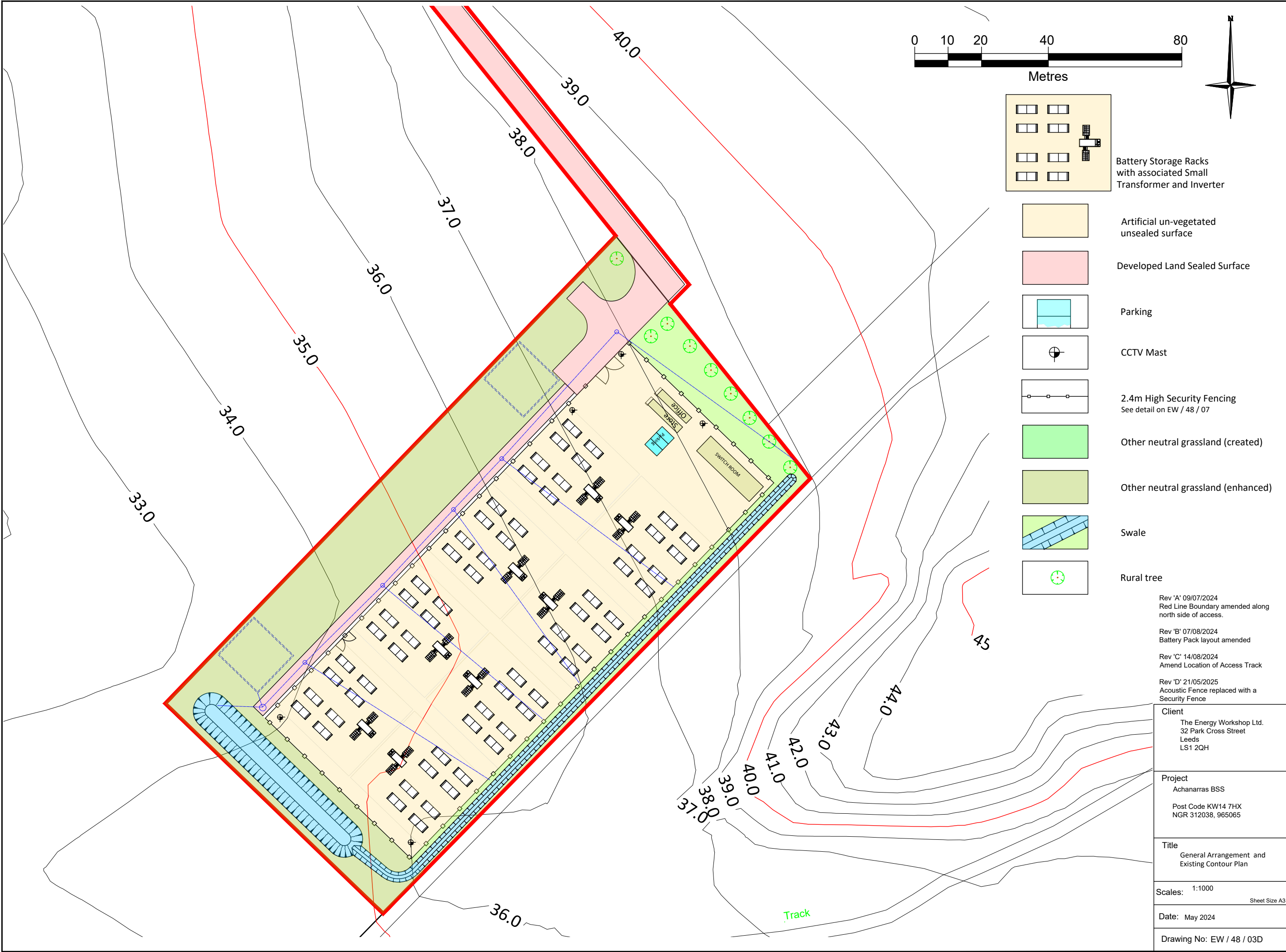
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NGR 312038, 965065

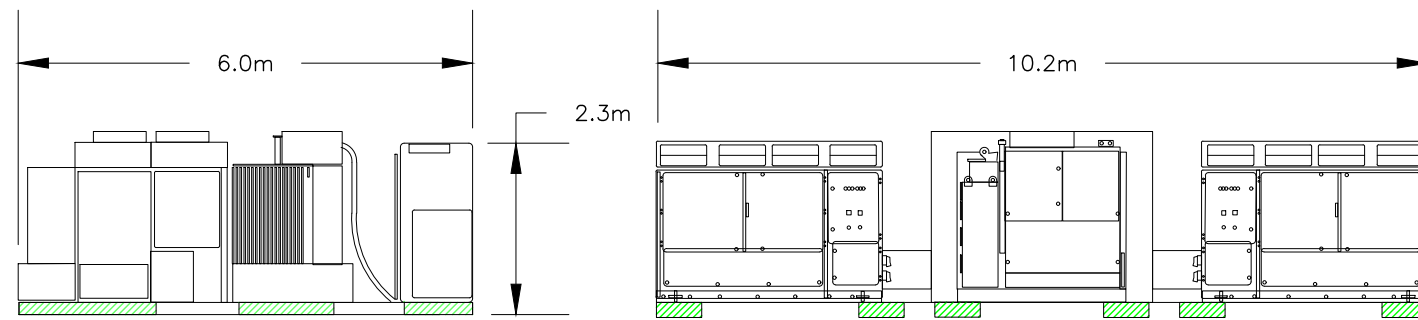
Title
Location Plan

Scales: 1:2500
Sheet Size A3

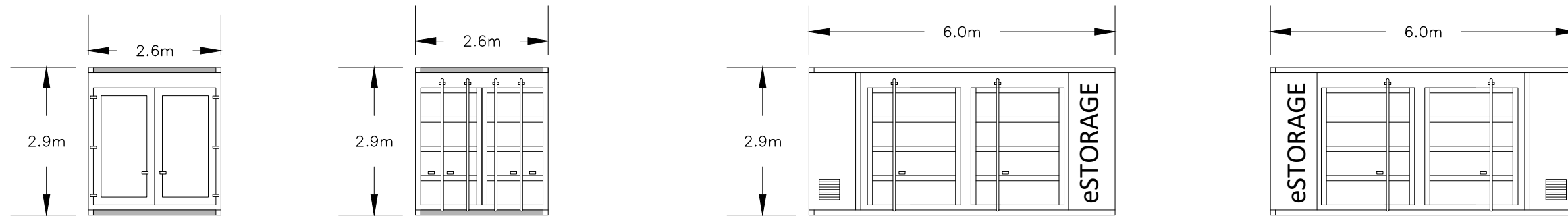
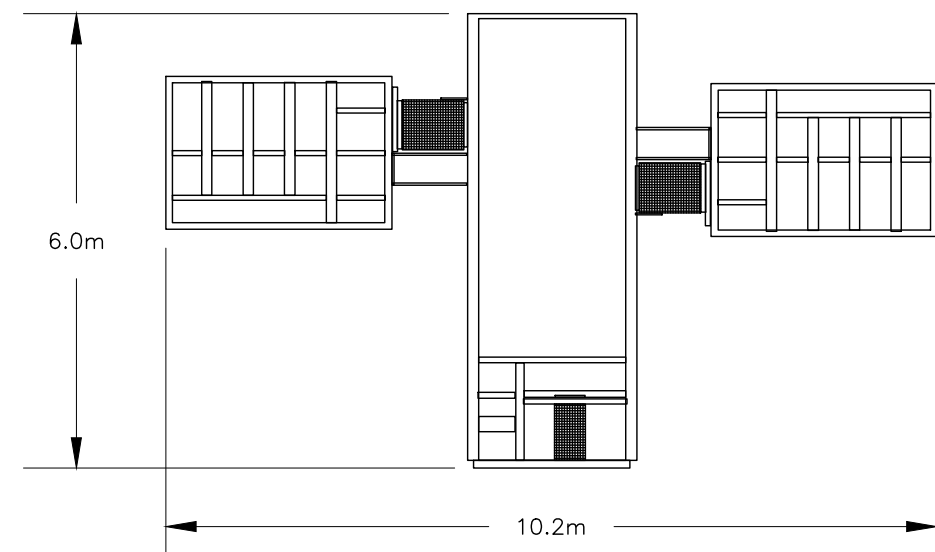
Date: May 2024

Drawing No: EW / 48 / 02D

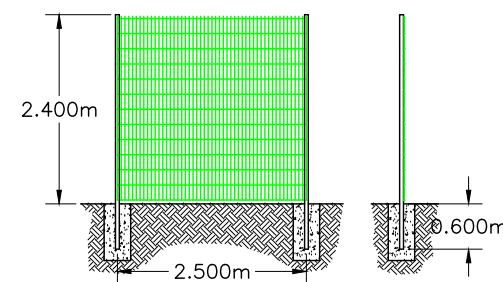
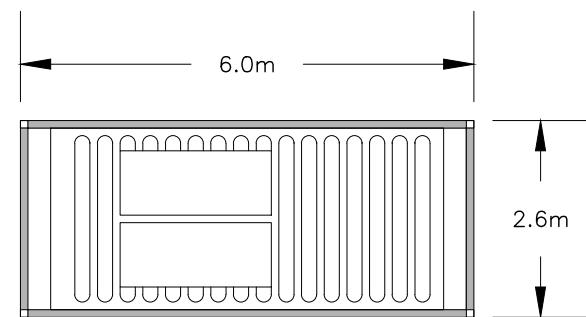




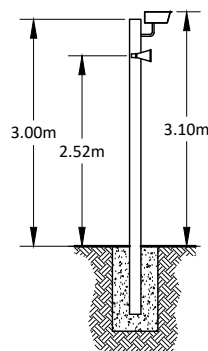
Inverter / Transformer Skid



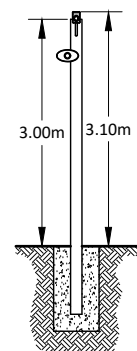
Battery Container Plan & Elevations



2.4m High Twin Wire Panel
Scale 1:100

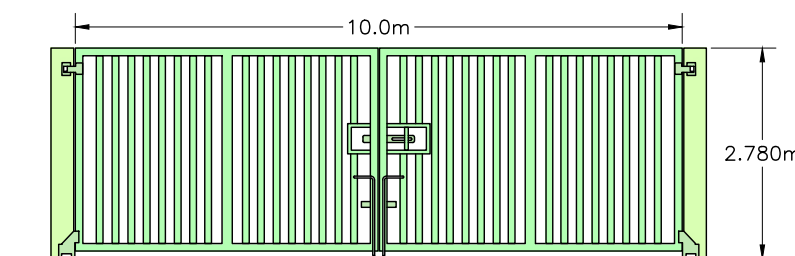


Side Elevation

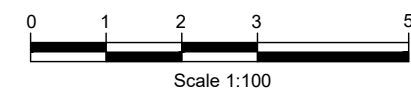


Front Elevation

CCTV MAST



GATE DETAILS



Rev 'A' 07/08/2024
Battery Pack type, Inverter & Transformer
skid changed.
Acoustic Fence added.

Rev 'B' 21/05/2025
Acoustic Fence replaced with a security
Fence.

Client
The Energy Workshop Ltd.
32 Park Cross Street
Leeds
LS1 2QH

Project
Achanarras BSS
Post Code KW14 7HX
NGR 312038, 965065

Title
Fence Details, CCTV Mast and
Battery Storage Unit Details

Scales: 1:100 or 1:200 as noted
Sheet Size A3

Date: March 2024

Drawing No: EW / 48 / 07B

M001

Horiz. 1:500

Vert. 1:500

20.00



Exist. Level	34.472		34.680	34.726	34.749		34.854		35.014		35.659	35.663		36.483		37.224	37.309	37.385
Prop. Level																		
Offset	0.000		25.000	27.950	32.865		50.000		75.000		99.887	100.000		125.000		147.469	150.000	152.385

M001

Horiz. 1:500

Vert. 1:500

20.00



Exist. Level		35.014		35.659	35.663		36.483		37.224	37.309	37.385		38.008	38.101	38.209	38.304		38.750	38.915
Prop. Level																			
Offset		75.000		99.887	100.000		125.000		147.469	150.000	152.385		172.061	175.000	178.421	181.421		194.733	199.774

Rev 'A' 07/08/2024
Battery Pack Layout Amended

Client
The Energy Workshop Ltd.
32 Park Cross Street
Leeds
LS1 2QH

Project
Achanarras BSS

Post Code KW14 7HX
NGR 312038, 965065

Title
Section M001

Scales: 1:500
Sheet Size A3

Date: May 2024

Drawing No: EW / 48 / 05A