| Agenda Item | 7.1       |
|-------------|-----------|
| Report No   | PLS/61/25 |

### HIGHLAND COUNCIL

**Committee:** South Planning Applications Committee

**Date:** 08 October 2025

Report Title: 24/05019/FUL: Anesco Ltd

Land 100M South of Blackpark House, Nairn

**Report By:** Area Planning Manager - South

**Purpose/Executive Summary** 

**Description:** Installation of a grid battery energy storage facility (up to 30MW) with

associated development

Ward: 18 – Nairn and Cawdor

**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) capable of storing up to 30MW of electricity, comprising of:
  - 15 Battery storage cabinets measuring approximately 6m x 2.4m and an approximate height of 2.9m
  - 10 x Medium Voltage (MV) Transformer Containers measuring approximately 6m x 2.4m and an approximate height of 2.9m
  - District Network Operator (DNO) Substation measuring approximately 5.7m x
     5.7m and an approximate height of 3.9m
  - Customer Substation measuring approximately 14.4m x 5m and an approximate height of 3.6m
  - Fencing around the site boundary, including a 4m high acoustic fence and security fencing enclosing the compound
  - Associated infrastructure (access, drainage, landscaping etc)
- 1.2 The BESS will be located within a fenced compound, with most of the area covered with gravel. The access track will be covered in crushed stone, and the only areas of hardstanding will be for the development components and the substations. The site compound will be enclosed with a 4m high acoustic fence.
- 1.3 Pre Application Consultation: The applicant received pre-application advice from the Council (22/04648/PREMAJ) in February 2023 and served a Proposal of Application Notice (PAN) in August 2024 (24/03762/PAN). The applicant undertook two public consultation events on 3 September 2024 and 10 October 2024. The PAC report submitted with the application advises where feedback has influenced the design and development approach for the proposed development.
- 1.4 Although the proposal does not constitute EIA Development, the application is supported with the following documents:
  - Pre-application Consultation Report
  - Planning Statement
  - Noise Impact Assessment
  - Transport Assessment
  - Visibility Splay Plan
  - Road Layout
  - Swept Path Analysis
  - Transport Technical Note
  - Traffic Management Plan
  - Design and Access Statement
  - Ecological Impact Assessment
  - Biodiversity Metric
  - Flood Risk assessment and Drainage Impact Assessment
  - Historic Environment Assessment
  - Landscape and Visual Impact Assessment
  - Photomontages
  - Soil Resources and Land Capability Assessment
  - Lighting Technical Data Sheet

- Fire Suppression Specification
- Fire Safety Strategy
- · Community Wealth Building Statement

#### 1.5 Variations:

- Change in layout, rotating the top row of battery storage cabinets by 180 degrees;
- Battery storage cabinets increasing from 14 to 15;
- Medium Voltage (MV) Transformer Containers increasing from 7 to 10;
- District Network Operator (DNO) Substation has been relocated from southeastern end of the site to the northwestern end; and
- Customer Substation has been relocated further north within the site

#### 2. SITE DESCRIPTION

- 2.1 The application site comprises 1.79ha of agricultural land approximately 2km southeast of Nairn town centre. The site is generally level and slopes gently down from southeast to northeast. Grigorhill Industrial Estate is located to the north of the site and contains a sawmill/timber yard. The A96 runs east-west approximately 1km north of the site.
- 2.2 There are no natural or landscape designations covering the site. The site is surrounded by agricultural fields to the north, south, and west and the southeast by an access track. There is a strip of Ancient Woodland located to the northeast of the site boundary which runs parallel to Granny Barbour's Road. The existing access track at the northeast runs through this woodland. There is a secondary access which is the current access for Blackpark House. This will be used during construction but will only be used as an emergency access point once the site is operational.
- 2.3 There are residential houses nearby Blackpark House lies approximately 80m to the north of the site and Blackpark Farmstead is approximately 108m to the southwest of the site. There are a range of other land uses near to the site, including a pet crematorium and cemetery; sawmill; and other light industry. To the northwest of the site, along the A939 Grantown Road, there is Househill Farmstead incorporating a café, furniture shop, floor salesroom and tractor dealership.
- 2.4 Nairn substation is located approximately 450m north from the site. There are overhead lines to the northwest of the site.
- 2.5 There is a consented BESS (23/04254/S42) on and directly adjacent to the southeast of this site. Roads Orders are also in place for the Dualling of the A96 Trunk Road on land approximately 500m south of the site.

## 3. PLANNING HISTORY

3.1 8 February 2023 22/04463/PAN: Erection and operation of Reported to battery energy storage system with a storage Committee capacity of up to 30MW and associated infrastructure

| 3.2 | 19 December<br>2022 | 22/05784/SCRE: Installation of a grid battery energy storage facility  | EIA<br>Required       | not |
|-----|---------------------|--|-----------------------|-----|
| 3.3 | 19 November<br>2024 | 24/03762/PAN: Installation of a grid battery energy storage facility   | Reported<br>Committee | to  |
| 3.4 | 24.11.2023          | 23/04254/S42 Application under s42 to vary condition 12 (decommissioning) (20/02589/FUL) for battery energy storage system comprising steel containers, GRP substation and fencing (output of up to 49.9MW) [site located to the southeast of the application site 24/05019/FUL] | Granted permission    |     |

### 4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Development/Unknown Neighbour

Date Advertised: 24 December 2024

Representation deadline: 09 January 2025

Timeous representations: 0

Late representations: 3

4.2 Material considerations raised are summarised as follows:

# **Principle of Development**

• Site is not allocated for business and industrial use within the Development Plan.

# **Traffic**

- Impact on Granny Barbour's Road for this and other BESS developments.
- Additional passing places required on Granny Barbour's Road.

#### Access

- Two access points are both north of the proposed site.
- Access for construction is unclear.

# **Health and Safety**

- Lack of public consultation regarding emergency planning.
- Lack of consultation with Scottish Fire and Rescue Service.
- No Emergency Response Plan.
- Pollution impact on nearby businesses and the wider road network from a fire event.
- Spacing between containers is inadequate.
- Potential risk to adjacent residential property.
- Gas pipeline runs under Granny Barbour's Road.

#### **Environment**

- Cumulative impact of other batter storage facilities nearby.
- Lack of water supply on site for firefighting.
- Concerned about fire water discharging into the ground.
- Proposed landscaping is a fire risk.

### **Non-Material Considerations**

- Unclear how remote monitoring of site will be effective.
- No Community Benefit Statement has been submitted.
- Financial impact on local businesses from disruption during construction and potential impact from a cumulation of several BESS in the area.
- 4.3 It is noted that the representation submitted by Grigorhill Business Group was written on behalf of a number of businesses. One of the businesses is Seafield Park Transport who has notified the Planning Authority that they do not agree to the content or have knowledge of the representation and would like it to be formally recorded that they do not have any objection to the proposed development.
- 4.4 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="https://www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

#### 5. CONSULTATIONS

- 5.1 Auldearn Community Council: No response.
- 5.2 Nairn River Community Council: Object.

"Objection 1 – This site is directly adjacent to the Blackpark BESS consented on 15 December 2020 – 20/02589/FUL (30 Container Grid Battery Energy Storage Facility (up to 49.9 mw) with associated development. This means there will be an area containing possibly 44 containers (up to 80 mw). NFCC guidance states that a site location should highlight all sensitive receptors within a 1 km radius of the site to allow for appropriate emergency planning. Having another larger Battery Energy Storage System (BESS) within 40 metres of this proposed development requires discussion with the Scottish Fire and Rescue Service (SFRS) (albeit we recognise that the SFRS is not a statutory consultee for planning applications but in the case of BESS this should be a prerequisite in order to ensure the safety of residents, businesses and the SFRS staff).

Objection 2 – As mentioned in Objection 1, all sensitive receptors within a 1 km radius of the site which includes residential areas, businesses and workplaces. This application is the third – 2 BESS applications having already been consented with another 2 possible BESS sites having completed the PAN process. There would appear to be no assessment of the impact of an incident on the surrounding area. Such an assessment should be undertaken before consent and should -

- consider business continuity and neighbourhood disruption, including impact on workers, residents, domestic animals, farm animals etc. In the case of this application, the assessment needs to consider the current Sawmill and the Landscape Business both of which are located adjacent to the application site.
- be linked to the battery technology type and this is particularly relevant because the application site is located immediately adjacent to a larger BESS,

- the expected incident response from the SFRS (controlled burn or active firefighting remembering that Nairn has a volunteer fire service).
- consider the proximity of any significant transport infrastructure i.e. A96 and possibly the new re-routed Nairn Bypass.
- Already Grigorhill Businesses are being advised of disruption to service by SSEN which will inevitably impact businesses and workers alike and this is just the start. Over the next 2/3 years disruption is going to come in many forms, i.e. digging up Granny Barbours Road for cabling, outages in electricity and probably many more unforeseen issues. This all comes at a cost to local businesses and the local economy.

Objection 3 – The Applicant states that the site will be monitored remotely. The following questions require to be addressed –

- (a) From where will the site be monitored?
- (b) If a fault occurs, from where will the Engineer be despatched and how long will it take before he arrives?
- (c) Does the remote monitoring system alert the SFRS or Police routinely or only where certain criteria have been met?
- (d) What happens if the Remote monitoring/CCTV captures children or teenagers climbing over the fence into the site. Does remote monitoring automatically alert the Police?

Objection 4 - An Emergency Response Plan (ERP) has not been submitted with this application (which should indicate the prevailing wind direction and if possible, should include an analysis of fire gas plume modelling and Explosion / Deflagration strategies particularly in this case because of the location of Russell Woods. Such an ERP should be drawn up in collaboration with the SFRS. Local residents and businesses are concerned and would wish to scrutinise the ERP before consent is considered.

Objection 5 – The current site plan shows two accesses. The Transport Assessment supporting the application states that all traffic will flow from the East and to the West along Granny Barbours Road. We note that the BESS consented on 20 December 2020 (20/02589/FUL) shows only one access and exit point, namely the East access point. We note that the current Applicant intends to use the same access road previously consented for application 20/02589/FUL. We therefore seek clarification:

- (a) on the point of access and flow of traffic within the site is it intended that traffic will enter via the East access point and exit via the West exit point. This is not clear from the documentation.
- (b) whether the Blackpark Energy storage Ltd (formerly Intelligent Land Investments Plc) owners of the BESS consented on 20 December 2020 has agreed to the use of this East access point by Anesco and to the traffic flow set out in the applicant's Transport Assessment.
- (c) If a traffic flow from east to west is to be adopted, including any gateways within the site will require to meet the criteria set out by the NFCC, including turning facilities.

Secondly, we note that the West exit point is actually the access point for the residence backing onto the application site and the East access point is to Blackpark Farm itself. We therefore seek clarification –

- (d) whether the applicant's transport assessment and route flow through the site has been notified to the Residence and Farm owners
- (e) whether the residence and farm owners are willing to accept that the access route to their properties will be via the east access point.

Otherwise, the access road shown in the site location plan will require to be wide enough to allow two vehicles to pass.

Objection 6 – In the absence of any Assessment, we are concerned that the residential property which immediately backs onto the site has the potential to store gas cylinders or other combustible materials, e.g. oil and fuel tanks and paint. We seek clarification that the risks associated with the siting of the development so close to a residential property are recognised and that the property owner is aware of the potential risks to the BESS, their property, emergency responders and the surrounding area should fire occur.

Objection 7 – No water assets have been identified on the Scottish Water Plans serving the existing area of the site. From the documentation we have examined we have not found any mention of the provision of an adequate water supply and firefighting infrastructure to allow a safe and effective emergency response. This should include the provision of water to allow for defensive firefighting to protect surrounding infrastructure. Where a flow of 25 litres per second cannot be achieved, it would be prudent to provide an equivalent static supply of water on site that will provide for the same flow rate for a duration of 120 minutes, i.e. approximately 180,000 litres of water. A gas suppression system should not be used to compensate for the lack of availability and accessibility of water supplies at the site.

Objection 8 - We note that an infiltration basin is to be incorporated into the southwest corner of the site. It is proposed that all of the attenuation will be provided within SuDs features which will discharge into the ground. How will any dirty water used in the suppression of a fire at a BESS be cleaned before it is discharged into the ground bearing in mind the agricultural land / farm animals which graze in the adjoining fields?

Objection 9 – We note the landscape strategy plan indicates substantial planting of Proposed mixed native woodland to screen the BESS, Proposed shade-tolerant grassland to buffer adjacent features (Emorsegate EH1)s, Proposed wildflower grassland mix (Emorsegate EM10) and Proposed mixed native hedgerows to define Site boundaries. All of this will require regular maintenance in order to comply with the NFCC guidance that all vegetation within the site is managed in order to avoid increased bushfire and grassfire risk. The LSP suggests that this will be done on an annual basis around September/October. There is no clear maintenance plan for the site.

Objection 10 – It is not documented whether the Battery Chemistry for this site is compatible with the adjacent BESS site and this should be made known to the SFRS.

Objection 11 – There is no mention in any of the documentation that the Volunteer SFRS of Nairn has been consulted or made aware of this BESS or any other BESS already consented. NRCC consider this to be a serious failure of the planning system to protect residents, businesses, environment, FRS officers etc.

Objection 12 – NRCC expect to see tangible and long-lasting benefits from net zero developments like BESS. There is no Community Benefit statement detailing for example the economic benefits to the area such as Job creation: Development of renewable energy projects can create new jobs in construction, maintenance, and related industries, providing employment opportunities for local residents. Supply chain development: Local businesses can benefit from supplying goods and services to the project, stimulating the local economy. Investment in community infrastructure: Developers may contribute funding for upgrades to local infrastructure like roads, public transportation, and community centres.

While we understand 'community benefits sit independently of the planning and consenting system', in the light of what could be 5 BESS sites with over 200 containers and over 200MW of capacity, within a stones-throw of homes, businesses, woods, major road infrastructure, farms etc., the communities of Nairn and Auldearn must see some tangible and long-lasting benefits.

There are many examples of BESS developers providing financial support through Community Benefit Funds/Trusts. This financial support is dependent on the scale and lifetime of the BESS development in the area but ranges from £150,000 (8mw capacity), £500,000 (49.9 mw), >£3M (588 mw). BESS developers consider it more appropriate that local community Benefit Funds/Trusts, directly manage such financial support.

Objection 13 – It is with deep concern that we have read the following in the documentation supporting this application ... "Following a meeting held on 18 January 2023, a written response was received from THC on 15 February 2023. This response advised that the proposed development would likely be supported by THC as Planning Authority provided a number of issues were suitably addressed."

If the THC Planning Department has already intimated in a written response that they are likely to consent this development, is it any wonder the public are frustrated and angry that THC Planning Department continue to use the development planning process as a tick box exercise. What is the point of Ward Members being asked to consider this application when Officers have already intimated their intended response. Where is the transparency and openness."

- 5.3 **Community Wealth Building Team:** Acknowledged the application and confirmed they would contact the Developer regarding the Highland Social Value Charter.
- 5.4 **Contaminated Land Officer:** No objection and has no further comment to make.
- 5.5 **Ecology Officer:** No objection subject to conditions. Agrees with the mitigation proposed in the EclA.

- 5.6 **Environmental Health Officer:** Withdrawn initial objection to the application following the submission of a revised Noise Impact Assessment. Recommend conditions related to construction, dust, and operational noise, and mitigation.
- 5.7 **Flood Risk Management Team:** No objection. No concerns at flood risk at this location. There are small pockets of surface water flooding identified but satisfied they can be managed through the site drainage. The infrastructure will be elevated to protect against any surface water flood risk. No objection to the drainage strategy submitted subject to a recommended condition to ensure a finalised Drainage Impact Assessment is provided.
- 5.8 **Forestry Officer:** Withdrawn initial objection following clarification on junction works. Recommend conditions in relation to a Tree Protection Plan and Landscape Strategy Plan.
- 5.9 **Historic Environment Team:** No objection. Application site lies within an area of archaeological potential, recommend a condition be included for the site to be evaluated for archaeological content and potential. Dependent on the results further study may be required in advance of, and during, construction works to record any identified remains.
- 5.10 **Transport Planning Team:** Withdrawn initial objection following submission of further information by developer, subject to a condition relating to mitigation for the impact of HGVs.
- 5.11 Highlands And Islands Airport: No objection.
- 5.12 **Scottish Fire & Rescue Service:** No response.
- 5.13 **Scottish Water:** No objection. Has provided general information regarding fresh water supply, surface water drainage, and foul drainage for the applicant to note and action.

### 6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

# 6.1 National Planning Framework 4 (2023) (NPF4)

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

# 6.2 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
- 48 New Extended Crofting Townships
- 51 Trees and Development
- 55 Peat and Soils
- 57 Natural, Built and Cultural Heritage
- 61 Landscape
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 67 Renewable Energy Developments
- 69 Electricity Transmission Infrastructure
- 72 Pollution

## 6.3 Inner Moray Firth Local Development Plan 2 (2024) (IMFLDP2)

- 1 Low and Zero Carbon Developments
- 2 Nature protection, Preservation and Enhancement

# 6.4 Highland Council Supplementary Planning Policy Guidance

Biodiversity Enhancement Planning Guidance (May 2024)

Construction Environmental Management Process for Large Scale Projects (August 2010)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland Renewable Energy Strategy and Planning Guidelines (May 2006)

Managing Waste in New Developments (March 2013)

Physical Constraints (March 2013)

Public Art Strategy (March 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

### 7. OTHER MATERIAL POLICY CONSIDERATIONS

# 7.1 Scottish and UK Government Planning Policy and Other Guidance

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)

7.2 Nairnshire Local Place Plan (August 2025)

## 8. PLANNING APPRAISAL

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

## **Determining Issues**

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

# **Planning Considerations**

- 8.3 The key considerations in this case are:
  - a) compliance with the development plan and other planning policy
  - b) Energy and Carbon Saving
  - c) Socio-Economic Impacts
  - d) Siting, Design, Landscape and Visual Impacts
  - e) Natural Heritage, Ecology and Biodiversity
  - f) Amenity
  - g) Health and Safety
  - h) Traffic and Transport
  - i) Flood Risk, Drainage and Water
  - j) Decommissioning and Reinstatement
  - k) Any other material considerations

# Development plan/other planning policy

- 8.4 The Development Plan comprises National Planning Framework 4 (NPF4), Highland-wide Local Development Plan (HwLDP), Inner Moray Firth Local Development Plan 2 (IMFLDP2), and all other statutory 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 to stimulate investment in natural and engineered solutions to address climate change (NPF4 page 26).
- 8.6 NPF4 Polices 1, 2 and 3 apply to all development proposals, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1 (Tackling the climate and nature crises). To that end, development proposals must be sited and designed to minimise lifecycle greenhouse gas emissions as far as is practicably possible in accordance with NPF4 Policy 2 (Climate mitigation and adaptation), while proposals for major developments must conserve, restore, and enhance biodiversity,

- including nature networks, so they are in a demonstrably better state than without intervention, as required by NPF4 Policy 3 b) (Biodiversity).
- 8.7 NPF4 Policy 4 (Natural places) compliments the above policies by setting out the developer and officer requirements for ensuring that protected species are given adequate consideration prior to an application's determination. NPF4 Policy 5 (Soils) seeks to protect carbon-rich soils, and restore peatlands, and minimise disturbance to soils from development. To that end, the application requires to demonstrate that the mitigation hierarchy has been followed in siting the facility. In other words, that the proposal has sought to avoid carbon-rich soils and peat in the first instance, and then minimise disturbance where this is unavoidable, and to include adequate mitigation, compensation, and enhancement measures for any disturbance. The site does not comprise peatland and is not considered prime agricultural land, therefore site section accords with Policy 5 (Soils). NPF4 Policy 6 (Forestry, woodland and trees) aims to protect and expand forests, woodland and tree coverage. The policy states that development proposals involving woodland loss will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government guidance on woodland removal. Policy 6 b) iii) also states that development proposals will not be supported where they result in the fragmentation or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy. While the proposed development will use an existing access track that cuts through an area classed as ancient woodland, no trees are to be removed. The Council's Forestry Officer recommended that a Tree Protection Plan and Landscape Strategy Plan should secured by condition. As such the site accords with Policy 6 (Forestry, woodland and trees).
- 8.8 NPF4 Policy 20 (Blue and Green Infrastructure) supports facilities that design, protect and enhance blue and green infrastructure and their networks by making climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management integral to design. Policy 23 (Health and Safety) is also relevant to the assessment as it seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards, and encourage, promote, and facilitate development that improves health and wellbeing. Furthermore, NPF4 Policy 25 (Community wealth building) sets out at Part a) that development proposals should contribute to local or regional community wealth building strategies and be consistent with local economic priorities.
- 8.9 While the above policies are salient to the proposal's assessment, the principal policy for assessing energy developments is NPF4 Policy 11 (Energy). The policy sets out the Development Plan's in principle support for all forms of renewable, low-carbon, and zero emission technologies, including BESS facilities. Part c) of the policy qualifies this position by stating that energy proposals should only be supported where they maximise net economic impact including local and community socioeconomic benefits such as employment, associated business, and supply chain opportunities. The policy goes on to state at part e) that while significant weight will be placed on the contribution of the proposal to renewable energy generation targes and on reduction of greenhouse gas emissions targets, the development's impacts, including cumulative impacts, must be suitably addressed and mitigated against. These considerations relate to matters of impacts on communities and individual

dwellings in relation to amenity; landscape and visual impacts; public access; aviation and defence interests; telecommunications; traffic; historic environment; ecology and biodiversity (including birds); impacts on trees; and decommissioning and site restoration.

- 8.10 The principal policy for assessing renewable energy developments within the Local Development Plan is HwLDP Policy 67 (Renewable Energy Developments), which sets out that renewable energy development should be well related to the source of the primary renewable resource needed for its operation. However, for BESS technology, the source is considered to be the national grid rather than wind or watercourses given that the energy is already generated; with the purpose of the BESS being to provide support for a balanced grid. The policy requires an assessment of the proposal's contribution in meeting renewable energy targets as well as its positive and negative effects on the local and national economy, and its compliance with all other relevant policies of the Development Plan. The policy is supportive of renewable energy developments that are located, sited, and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other similar developments, having regard to the 11 specified criteria. Such an approach is considered consistent with the concept of HwLDP Policy 28 (Sustainable Design) along with the concept of achieving the right development in the right place and not to allow development at any cost.
- 8.11 The Inner Moray Firth Local Development Plan 2 (IMFLDP2) is the Area Local Development Plan covering the application site. Although the site lies within the IMFLDP2 area, it is outwith any Settlement Development Area, with the nearest being Nairn. Relevant policies include Policy 2 (Nature Protection, Preservation and Enhancement), which requires national and major developments to conserve and enhance, including nature networks within and adjacent to the site, so that they are in a demonstrably better state than without intervention, including through future management. The applicant has demonstrated compliance by proposing a 73% biodiversity net gain and various enhancement measures.
- 8.12 While not directly relevant to the proposal, the Onshore Wind Energy Policy Statement (OWEPS) recognises that balance is required and that no one technology can allow Scotland to reach its net zero targets. As such, the document sets out the Scottish Government's support for the co-locating of BESS facilities with onshore wind to help balance electricity demand and supply and add resilience to the energy system while acknowledging that on site battery storage not only reduces pressures from the grid but enables more locally focused energy provision while reducing cost to consumers.
- 8.13 In a similar vein, the Draft Energy Strategy and Just Transition Plan acknowledges that BESS can increase flexibility to our electricity system and provide wider benefits for consumers and society. The draft sets out that by September 2021, Scotland had approximately 864MW of installed electricity storage capacity with 2.2GW of battery storage approved through the planning system, but that Scotland requires to increase its storage capacity significantly. Since that publication, the published Quarter 2 2024 Energy Statistics for Scotland show that there is currently an estimated 12 BESS facilities under construction across Scotland, which will increase battery storage capacity by 1.4GW and that there is a total of 18.6GW of BESS

- projects in the pipeline, that is schemes that are in planning, awaiting construction or undergoing construction, of which this application is only one.
- 8.14 The draft energy strategy, along with the OWEPS and the policies set out within NPF4 confirm the Scottish Government's commitment to renewable energy and associated enabling transmission infrastructure as being crucial to addressing the climate crisis.
- 8.15 The Development Plan, which now includes NPF4, must be considered in the round. While there is clear in principle support for renewable energy proposals that contribute to reaching net zero, of which BESS technology is one, this is not unqualified. It needs to be demonstrated that the impact on factors such as community amenity, biodiversity, landscape and visual matters, heritage, and infrastructure, are addressed and/or adequately and appropriately mitigated and as such, several policy considerations will apply. The extent to which the proposal's energy, economic and other benefits outweigh, or otherwise, other policy considerations are assessed in the following sections, which set out that the proposal is generally in conformity with the provisions of the development plan.

## **Energy and Carbon Saving**

- 8.16 The proposal would be interconnected to the grid's transmission / distribution network and not co-located with an electrical generating station. The development will, however, collect energy from the grid when the supply outstrips demand. Such facilities make a commercial return by buying electricity from the grid when rates are cheaper and selling it back to the grid when rates are more expensive. However, the development will also provide electricity or other grid services when needed. Depending on the mix of electricity at the time of collection, the BESS facility may or may not be storing and then releasing renewable energy. It should be noted that all electricity generation in the region comes from renewable sources, and this proposal is considered to generate renewable energy.
- 8.17 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**

8.18 Energy storage facilities are an emergent technology and are expected to be a significant component of national energy infrastructure in the coming years and are therefore expected to support jobs and economic development. The Council is in the process of working with public, private, and community partners to develop its priorities through the Highland Outcome Improvement Plan, while the production of a Community Wealth Building Strategy is also currently under way. The ongoing Local Place Plans initiative will likely identify other local opportunities too. The

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

- Embed an approach to community wealth building into Highland;
- Maximise economic benefits from our natural environment and resources;
- Engage and involve relevant stakeholders to understand how we can continually improve our impact; and
- Unlock economic opportunities for the area.
- 8.19 The submission includes a statement on Community Wealth Building and Social Values Charter that sets out that the proposed development aligns with the objectives of the Charter as it supports net zero goals, contributes to local and national energy targets and addresses the climate and nature crisis.
- 8.20 The statement advises that proposed development would provide socio-economic benefits to the local area, in terms of its potential for temporary and longer-term job opportunities, for instance in the construction and supply chain. It also identifies that there is the opportunity to hire local contractors, and use materials sourced locally during the construction phase of the proposed development. It is stated that there will be opportunities for the developer to collaborate with other investors and public sector partners to maximise any socio-economic opportunities that can benefit the local community as a result of the proposed development.
- 8.21 The statement also advises that there will be opportunities to offer community initiatives such as educational boards provided on the site, significant biodiversity enhancement schemes on the remaining land under their control and also the installation of solar panels on local community facilities, where considered feasible. The developer has advised that they are actively exploring various community engagement and education approaches, and community consultation events have been carried out in the earlier stages of the proposal, and a project website is available to view online which provides contact details for the project team if members of the community wish to get in touch with their ideas or comments. The developer states there is a strong emphasis on education, including school visits, school site tours, and community education initiatives, which aligns with the objectives of the Community Wealth Building Strategy.
- 8.22 It is expected that the applicant will work with the Council and partners to maximise such contributions along with its commitment to providing opportunities for wealth building. It is vital that the applicant delivers on its commitments in as fair and transparent a manner as can be secured at this stage. It is considered that these commitments should be secured by condition, or other means such as a Minute of Agreement with The Highland Council. In that way, more weight may be given in the planning balance to the development's contribution to improving community resilience and increasing spending within communities in compliance with NPF4 Policies 11 (Energy) and 25 (Community wealth building) as they relate to maximising socio-economic benefits and building community wealth.

# Siting, Design, Landscape and Visual Impact

- 8.23 The site has been selected for its proximity to existing grid infrastructure with the anticipated connection point being the electricity sub-station on Granny Barbour's Road, Nairn, which is located approximately 450m to the north of the application site.
- 8.24 The BESS infrastructure must physically connect to an electricity substation that has the capacity to recharge the batteries and accept the discharge from the batteries when the grid requires the stored energy. The applicant has confirmed that there is an active grid connection offer.
- 8.25 Being close to existing infrastructure improves efficiency whilst minimising connection costs and materials required. The cabling is likely to be carried out under the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) if installed by a statutory undertaker and the route will be determined after a detailed cable survey. If overhead lines are required this would be subject to a separate application, under Section 37 of the Electricity Act 1989, to Scottish Ministers on which the Council, as Planning Authority, would be consulted.
- 8.26 Without prejudice, it is considered that in terms of visual impact, the underground cable has the advantage of being the option with the minimal visual impact.
- 8.27 The site compound layout would be enclosed by a 4m high acoustic barrier and consists of the battery containers and MV units arranged in 10 blocks on either side of a section of the access track which runs south-west to north-east in the middle of the site. Another section of the access track runs perpendicular to this through the site, and the customer substation lies opposite this at the eastern corner of the compound.
- 8.28 The proposed development is of a standard utilitarian design, with equipment of a functional appearance. The finish of the battery containers and the buildings can be secured by condition.
- 8.29 The proposal would surround the compound with mixed native woodland planting to the southwest, northwest and northeast, which in turn is bounded by a mixed native hedgerow. The hedgerow also extends to enclose the compound to the south-east (excluding where it is crossed by the access track) and the DNO substation, which is located adjacent to the compound to the east.
- 8.30 The majority of the site within the acoustic fencing will be covered with gravel, the access track will be covered in crushed stone, and the only areas of hardstanding will be for the development components and the substations. The finalised colour, finish and materials proposed can be secured by condition.
- 8.31 The use of downward facing motion sensor wall mounted lighting is welcomed as it means the visual impact of the development will not stretch into hours of darkness. Motion sensor lighting could, however, be set off by local wildlife, but this will be limited in view of the enclosure of the compound within a 4m high acoustic fence which will limit its accessibility by wildlife.

- 8.32 The site is located within the western part of the Coastal Farmlands Landscape Character Type (LCT) as identified and mapped by NatureScot, which is characterised as being a relatively well settled landscape. The main views to the site are from Granny Barbour's Road, from Blackpark Farmstead and the A939(T) Grantown Road, including from Househill. The site benefits from being screened by existing woodland along Granny Barbour's Road. The applicant has provided photomontages to illustrate the potential visual impact of the proposed development at years 0, 5 and 10 from viewpoints at Granny Barbour's Road (opposite the timber yard), looking northeast on the A939 opposite Skene Park Cottage and looking east from Househill café.
- 8.33 A Landscape and Visual Impact Assessment has been submitted with the application. It confirms that neither the site nor the surrounding area is covered by any landscape designations. It concludes that the proposed development will not have an unacceptable impact on the character of the surrounding area. In addition, it notes that although there would be an initial adverse impact on the neighbouring properties to the north and south, this would be very localised and would diminish as the proposed landscaping screening becomes established.
- 8.34 A Landscape Strategy Plan has also been prepared and submitted, which sets out the proposed landscaping measures for the proposed development. This consists of mixed native woodland and hedgerow planting around the compound, areas of wildflower grassland planting to the southeast and flanking the southern access track. The landscaping measures have been based on an assessment of views towards the proposed development from the local area and have been designed to screen the proposed development from the surrounding area with planting which is appropriate to the existing nearby woodland and broader landscape. The proposed Landscape Strategy Plan is also helping to achieve a wider net biodiversity gain across the site.
- 8.35 Representations have been made on the cumulative impacts of this proposed development alongside other consented and potential future developments. Each planning application must be assessed on its own merits and whilst there is the potential for future applications to come forward in close proximity to this proposed development, at present the only consented site for BESS is located on land directly to the southeast of the site (20/02589/FUL and 23/04254/S42).
- 8.36 It is considered that the placement, scale, massing and extent of the proposal would be acceptable within the context of the surrounding landscape, where larger industrial, commercial and agricultural developments have been undertaken in proximity to the application site. Over time, the proposed landscaping will mature and will help to anchor and screen the development within the wider landscape. Accordingly, the landscape and visual impacts of the proposal are not considered to be significant, provided that the required mitigation measures are undertaken.

## Natural Heritage, Ecology and Biodiversity

8.37 The information submitted with the application includes an Ecological Impact Assessment (EcIA) which was undertaken to assess the ecological baseline of the site, consider any potential impacts as result of the proposed development and to

identify any mitigation measures which may be required. Ecological and ornithological assessments have been carried out on the site. Ecology surveys were undertaken in September 2024 to assess the potential impacts of the site on protected species and habitats. The development is not located within any designated sites for ecological interests. The development would be constructed in an area of arable field and has a low biodiversity value at present.

- 8.38 An assessment of the biodiversity impacts of the proposed assessment have been submitted using the DEFRA Biodiversity Matric. This assessment considered the existing biodiversity of the site and the proposed biodiversity enhancement measures, which include creation of a species rich native hedgerow, native woodland broadleaved tree planting and species rich wildflower meadows. It should be noted that no trees are proposed to be removed as part of the proposed development. The assessment found that the proposed development is expected to result in a Biodiversity Net Gain of 73.63%.
- 8.39 The Council's Ecology Officer has reviewed the details and confirmed that the surveys for habitats and protected species were undertaken at an appropriate time (September 2024). The EcIA notes that no protected species or notable habitats were recorded within the site boundary, however there is potential for the site to support low numbers of ground nesting birds and potentially foraging badgers. The proposed development is also adjacent to a coniferous plantation which has the potential to support breeding birds, red squirrel, pine marten and foraging bats. The EcIA has suggested suitable mitigation to prevent harm to these species. These mitigation measures must be adhered to during and post construction.
- 8.40 The Council's Ecology Officer has recommended that conditions are attached to a permission relating to the provision of data to the Council, the submission of a Construction Environmental Management Plan (CEMP), and pre-construction surveys for protected species and their habitats and nesting birds.
- 8.41 The above requirements are consistent with NPF4 Policy 3 b) (Biodiversity) as supported by The Council's recently adopted Biodiversity Enhancement Planning Guidance (May 2024), which requires proposals for major developments to demonstrate that the development will conserve, restore, and enhance biodiversity, including nature networks, so that they are in a demonstrably better state than without intervention and are acceptable.

### Amenity

- 8.42 There is likely to be some disruption during the anticipated 36–40 week proposed construction period, particularly when construction materials are being delivered.
- 8.43 Developers and contractors must comply with reasonable operational practices with regard to construction noise so as not to cause nuisance in any case, as required by Section 60 of the Control of Pollution Act 1974, which is regulated by Environmental Health. Working hours on the construction site would usually be restricted to be 08.00 19.00 Monday to Friday, 08.00 13.00 on Saturday with no Sunday or Bank Holiday working. Construction activities that do not generate impacts beyond the site boundary are permissible outwith these hours. These details will be identified by an informative to any permission.

- 8.44 The BESS facility employs inverters, switchgear, transformers and batteries, with the battery storage containers also fitted with air cooling units. A 4m high acoustic fence is also proposed as part of the development. The closest residential property, Blackpark House, is located approximately 80m to the north, and Blackpark Steading is located approximately 108m to the southwest. As such, the operation of the facility will create a degree of noise with potential to impact residential amenity.
- 8.45 A Noise Impact Assessment was submitted with the application and following discussions with the Council's Environmental Health Team, a different type of Energy Storage System (ESS) will be used on site, in order to mitigate potential noise issues for nearby residential properties. The initial assessment predicted a rating level of 42 45dB at the nearest Noise Sensitive Receptor, indicating significant adverse impact. With the revised site layout and incorporation of additional mitigation measures including a 4m high acoustic fence around the permitter of the site, and a new ESS unit which features noise reduction equipment, there will now be a low impact on Noise Sensitive Receptors.
- 8.46 The Council's Environmental Health Team are content with the proposal in terms of noise generation, subject to conditions being included. Due to the low background noise levels and low specific noise levels from the proposed development it has been agreed that a fixed limit would be appropriate and a Rating Level of 30dB(A) at noise sensitive receptors has been agreed. There is a concern that large electrical infrastructure can emit tonal noise at 100Hz. The assessment predicts that the sound level at the nearest NSR at 100Hz is 25dB, which is well within the above criteria.
- 8.47 A Rating Level is the predicted or measured level from a development plus any penalties that might be appropriate to account for any noise characteristic that might make the noise more intrusive, such as if there is a noticeable tone, or if the noise is intermittent or impulsive, or if the sound has characteristics that are neither tonal nor impulsive, nor intermittent, but are still readily distinctive against the existing noise environment. The Noise Impact Assessment has included a penalty for intermittency only where the specific sound level exceeds the background and no penalty has been included for tonality. The applicant confirms that a Rating Level of 30dB(A) at noise sensitive receptors is achievable. Once operational, if it is found that there is a noise characteristic which warrants a penalty, noise levels are likely to be in breach of limits set out in Condition 19 below and subject to further assessment by Environmental Health.

## **Health and Safety**

8.48 NPF4 Policy 23 (Health and Safety) seeks to ensure that people and places are protected from environmental harm and that risks arising from safety hazards are mitigated. The impact of noise generating activities is discussed above. A high-pressure gas pipeline is located at approximately 350 metres from the most southernly point of the site boundary. While raised within representations, fire risk, in itself, is not a material planning consideration. It is not for the Council to regulate safety in this regard. The Planning Authority does have a locus where facilities involve hazardous substances (at the required level) or are within the vicinity of a major accident hazard sites in which case consultation is required with the Health and Safety Executive, which is the Regulator. Battery energy storage systems do not

fall within the scope of this legislation. They are however covered by Health and Safety at Work legislation and the batteries themselves are subject to other controls. The main focus from a land use perspective is to ensure that risks to the environment are considered and mitigated.

- 8.49 The application has included a Fire Safety Strategy that describes the roles and responsibilities for implementing it, along with the specific design specifications of the BESS facility, and with procedures to minimise the risk of fire, fire containment and firefighting. The facility will be installed with internal automatic fire detection and suppression equipment so that in the event of a fire, individual equipment can be shut down and isolated. In the event of a fire, it is not envisaged that the fire service will fight the fire, and the equipment will be subject to a controlled burn. It is envisaged that fire appliances may use onboard water to reduce the temperature of surrounding equipment and dampen any nearby vegetation to avoid the spread of the fire to the surrounding area. Additional site security measures such as fencing and CCTV will also be in place to reduce the risk of fire sabotage and vandalism. No specific Emergency Response Plan has been submitted.
- 8.50 Fully implementable Fire Management and Emergency Response Plans should be ready prior to the delivery of battery equipment to the site, which should be secured by condition. The applicant has demonstrated that the proposal's significantly adverse impact on human health, safety, and the environment, in the highly unlikely event of a battery fire, have been duly considered and mitigated against. As such, it is considered that the proposal complies with NPF4 Policy 23 (Health and Safety). It should be noted however that both the Fire Management Strategy and the Emergency Response Plan. 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.
- 8.51 Given the fire risks associated with lithium battery facilities, the Council has consulted the Scottish Fire and Rescue Service (SFRS) who has not responded to the proposal at the time of this report's completion, although we are aware that it has indicated that it will not be responding to individual planning applications. Currently, there is no formalised guidance available from SFRS on BESS site developments. In the absence of a national approach no regional office comment can be provided, however, general advice from England has been passed on to help inform the Planning Authority's consideration of the application. This guidance suggests that consideration be given to the prevailing winds and emergency access, containment of contaminated water run-off from potential firefighting operations, and details to demonstrate the sources of water supplies for this development in the event of fire. This information would be required to be set out within a fire safety strategy which can be secured via condition. This proposal is considered to be in general accordance with the NFCC guidance. A condition is suggested to secure details of the final layout of the proposal, which will be required to reflect best practice.

# **Traffic and Transport**

- 8.52 The applicant has submitted a Transport Statement, Road Layout Plan, Visibility Splay Pan, Swept Path Analysis, Transport Technical note and Traffic Management Plan, in support of the application. The construction programme is anticipated to be delivered over 36-40 weeks.
- 8.53 There are two existing tracks that provide access to the proposed site, a northern access track which currently provides access to Blackpark House, and a southerly one which provides access to Blackpark Farmstead. Following discussions with the Council's Transport Planning team, the access arrangements have been amended so that all construction traffic will now enter and egress the most southerly access off the U3010 (Granny Barbour's Road). The applicant has confirmed that once the site is operational, the northerly access will be retained as a secondary emergency access and the southernly construction access will also serve as the permanent access to the site. Transport Planning has recommended a condition be included regarding the detailed design of the access onto the U3010 (Granny Barbour's Road).
- 8.54 Currently, the U3010 (Granny Barbour's Road) is not suitable for any increase in HGV traffic beyond current levels, without intervention. Mitigation in the form of the provision of new passing places and localised road widening are required to accommodate construction traffic safely. The applicant has proposed two new passing places which Transport Planning considers acceptable. Furthermore, Transport Planning recommend that a section of the road currently in poor condition due to verge overrun and edge deterioration be improved, and this is subject to condition.
- 8.55 Transport Planning has advised that a Construction Traffic Management Plan is required in order to control the timing and routes of construction traffic, and thus to support the safe and effective interactions on the roads between construction traffic and other general road uses, minimising the impact on the amenity and safety of local residents. This can be secured by condition.
- 8.56 It is considered that the measures requested by Transport Planning are sufficient to mitigate concerns expressed regarding the standard of the road network, and the adequacy of the road to accommodate both construction and operational traffic in a safe manner.
- 8.57 It should be noted that in addition to planning permission, the developer would be required to enter into a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 for works to the public road. It is considered appropriate to attach an informative relating to this to any planning permission.

## Flood Risk, Drainage and Water

8.58 A Flood Risk Assessment and Drainage Impact Assessment was submitted with the application, including a surface water drainage strategy. There are no concerns regarding flood risk.

- 8.59 In term of drainage, the surface water drainage strategy includes an infiltration basin to mitigate storm water runoffs from the areas of hardstanding which will be introduced to the site. This has been modelled to assess its performance during storm events. Assessment of this by FRMT has concluded that the system will be able to accommodate surface water runoff and ensure that the proposed development does not lead to increased flood risk.
- 8.60 The Council's Flood Risk Management Team has no objection to the drainage strategy subject to a condition being included to ensure the finalised Drainage Impact Assessment (DIA) is provided for their review and approval.
- 8.61 No connection to the public water or sewage network is proposed. Water mains will not be used to put out any containerised electric fires, and therefore a water tank / supply has not been included in the plans. Instead, the developer has indicated that a 'controlled burn' approach would be taken where the batteries are allowed to burn themselves out, with defensive firefighting and boundary cooling to contain and limit the spread of any fire.
- In the event of a fire at the site, any water used in boundary cooling to prevent spread of the fire, will land on areas both within and outwith the application boundary, on areas served by the proposed surface water drainage scheme and on areas not served by it. The applicant has confirmed that for areas served by the surface water drainage scheme, provision can be made for the containment of the cooling firewater. Given that the surface water drainage proposals comprise an infiltration basin, it will not be possible for the basin to be lined to accommodate any firewater itself. As such, the surface water drainage system will require a bypass/shut-off valve arrangement upstream of the infiltration basin. This valve arrangement will ensure that, in event of a fire, firewater will enter the drainage system but will be diverted to a separate tank for containment and subsequent disposal which would need to be via a tanker. For land not served by the proposed surface water drainage system the water would land and drain in the same manner as rainfall on this area and will infiltrate to ground locally or follow topographical gradient away from the area.

# **Decommissioning and Reinstatement**

8.63 It is understood that BESS facilities have a limited operational lifetime, generally around 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) (Energy) and HwLDP Policy 67 (Renewable Energy Developments) to condition an outline Decommissioning and Reinstatement Plan (DRP) prior to the commencement of development on site. The DRP shall inform measures to safeguard and guarantee finances, prior to the commencement of development, to effectively implement the DRP in the event the operator or owner is no longer solvent, which should also be secure by condition. The strategy and financial safeguard would also require to be reviewed at regular intervals.

## Other material considerations

8.64 There are no other material considerations.

#### Non-material considerations

8.65 Representations refer to the potential financial impact on existing adjacent businesses. This is not a material planning consideration. Representations also seek clarification on how remote monitoring of the site will be effective. This is not a material planning consideration however the applicant has confirmed that all CCTV will be monitored 24 hours per day by an accredited Alarm Receiving Centre.

# Matters to be secured by Legal Agreement / Upfront Payment

8.66 None.

## 9. CONCLUSION

- 9.1 This proposal is for the development of a battery energy storage system on land to the southeast of Nairn. It 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).
- 9.2 Although industrial in appearance, the landscape the proposed development will be sitting in, has existing industrial, energy and agricultural uses surrounding it. The proposal would be well sited away from the public road and landscaping will provide screening from other locations. As such, the landscape and visual impacts are considered to be well within acceptable limits. Moreover, the proposal will result in appropriate biodiversity net gain. Accordingly, the development is considered acceptable.
- 9.3 It is considered that the proposal accords with NPF4 Policy 11 (Energy) and HwLDP Policy 67 (Renewable Energy Developments) in that its benefits outweigh potential harm caused by the development of the site and it will not be significantly detrimental overall.
- 9.4 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

### 10. IMPLICATIONS

10.1 Resource: Not applicable

10.2 Legal: Not applicable

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

10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

# 10.6 Gaelic: Not applicable

### 11. RECOMMENDATION

# Action required before decision issued N

Notification to Scottish Ministers N

Conclusion of Section 75 Obligation N

Revocation of previous permission N

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:
  - 15 Battery storage cabinets measuring approximately 6m x 2.4m and an approximate height of 2.9m
  - 10 x Medium Voltage (MV) Transformer Containers measuring approximately 6m x 2.4m and an approximate height of 2.9m
  - District Network Operator (DNO) Substation measuring approximately
     5.7m x 5.7m and an approximate height of 3.9m
  - Customer Substation measuring approximately 14.4m x 5m and an approximate height of 3.6m
  - Fencing around the site boundary, including a 4m acoustic fence and security fencing enclosing the compound
  - Associated infrastructure (access, drainage, landscaping etc)
- (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, 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 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 5 of this permission and updated in accordance 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 this planning permission and ensure the development proceeds as approved; and 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, the separation distances between battery storage units which shall comply with the prevailing fire safety legislation and best practice guidelines at the time of installation; and,
  - b) the external colour and/or finish of the storage containers, buildings, and ancillary infrastructure on site, which shall have a dark-neutral, non-reflective, semi-matte finish.
- (2) No element of the development shall have any text, sign or logo displayed on any external surface, save those required by law under other legislation.
- (3) Thereafter, the storage cabinets, buildings, and ancillary infrastructure shall be installed and operated in accordance with these approved details and, with reference to part (b) above, the storage containers, buildings, and ancillary infrastructure shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the development is

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

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

## 4. Battery Removal

In the event that any battery installed and commissioned fails to store electricity, transmit, and/or distribute electricity to the public network when required on a commercial basis for a continuous period of six months, then unless otherwise agreed in writing with the Planning Authority, such infrastructure (including battery and synchronous compressors) shall be deemed to have ceased to be required. If deemed to have ceased to be required, the battery, battery storage container and other associated ancillary equipment shall be dismantled and removed from the site, and the ground reinstated in accordance with the details approved under Condition 5.

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

# 5. 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.

### 6. 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 5 of this permission have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the bond shall be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and
- (2) Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (1) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal / recycling, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and
- (3) Documentary evidence that the guarantee, bond or other financial provision approved under parts (1) and (2) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the Planning Authority.
- (4) Thereafter, the Operator, and Leaseholder and/or Landowner, shall: a) Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and b) Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the development is decommissioned and the site restored.
- (5) Each review shall be: a) conducted by a suitably qualified independent professional; and b) published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and c) approved in writing by the Planning Authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (c) above recommends that the amount of the guarantee, bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Operator, and Leaseholder and/or Landowner shall do so within one month of receiving that written

approval, or another timescale as may be agreed in writing by the Planning Authority, and in accordance with the recommendations contained therein.

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

# 7. **Drainage**

No development shall commence until a Drainage Impact Assessment has been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, this shall include infiltration testing to a suitable standard of any SUDs infiltration basin and a bypass/shut off valve arrangement upstream of the infiltration basin. In addition, in the event of a fire, firewater shall enter the drainage system but shall be diverted to a separate tank for containment and subsequent disposal. Thereafter, the development shall be constructed in accordance with the approved details.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

# 8. External Lighting

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

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

## 9. Historic Environment

No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved inwriting by the Planning Authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a Post-Excavation Research Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the

Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

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

# 10. Tree Safeguarding

No development, site excavation or groundwork shall commence until a Tree Protection Plan in accordance with BS5837:2012 - Trees in Relation to Design, Demolition and Construction (or any superseding document prevailing at the time) shall have been submitted to, and approved in writing by, the Planning Authority. Barriers shall then be installed and shall not be moved or removed during the construction period without the prior written approval of the Planning Authority.

**Reason**: In order to ensure the protection of retained trees which are important amenity assets, both during construction and thereafter.

## 11. Landscape

The approved Landscape Strategy Plan, including maintenance proposals, shall be implemented in full during the first planting season following commencement of development or as otherwise agreed in writing by the Planning Authority.

**Reason:** In order to ensure that the approved landscaping works are properly undertaken on site.

# 12. **Biodiversity**

GIS Shapefiles shall be supplied of the compensation and enhancement areas to the Planning Authority prior to the commencement of works.

**Reason:** To allow the compensation and enhancement areas to be mapped to ensure no developments occur on these sites for a minimum of 30 years.

# 13. Construction Environment Management Plan (CEMP)

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

- a) details of the phasing of construction works;
- b) details of any temporary site construction compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;

- c) details and implementation and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
- d) details of the method of construction and erection of the structures and any underbuilding/platforms;
- e) details of pollution control: protection of the water environment, surface water drainage and discharge of foul drainage;
- f) details of a scheme of mitigation for construction dust;
- g) details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- h) the maximum height and location of all stockpiles of aggregate
- i) risk assessment of potentially damaging construction-type activities on the environment:
- j) details of temporary site illumination during the construction period;
- k) details of timing of works;
- I) 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;
- m) details of routeing of onsite cabling;
- n) details of emergency procedures and pollution response plans;
- o) siting and details of wheel washing facilities;
- p) 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;
- q) 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;
- r) details of the location of tree protection fencing;
- s) Species and Habitat Protection Plans, (including badgers and breeding bird):
- t) details of areas on the site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles; and

u) mitigation to protect the ecological resources on site, including biodiversity protection zones, location and timing of works.

**Reason**: To ensure that construction works are undertaken in accordance with applicable standards in the interests of environmental protection, amenity, and safety, and that the mitigation measures contained in the Ecological Impact Assessment Report (June 2025) which accompanied the application, or as otherwise agreed, are fully implemented.

# 14. Protected Species and Habitats

- (1) No development or site enabling works shall commence until preconstruction ecological surveys are undertaken. For the avoidance of doubt, these shall be undertaken at the appropriate time of year and no more than three months prior to works commencing on site, and a report of the survey shall have 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 with the report including mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified.
- (2) In the event that works are intended to be carried out within the main bird breeding season, March through August inclusive, surveys for ground nesting birds shall be undertaken no more than 24 hours prior to any works commencing on site including site clearance works.
- (3) Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

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

#### 15. Access

Prior to the commencement of any works on site, the detailed design of the site access from the U3010 (Granny Barbour's Road) shall be submitted to and approved in writing by the Planning Authority. The submitted design shall include full details of the access geometry, visibility splays, surfacing materials and drainage arrangements and meet the standards as set out in the Council guidance document 'Roads and Transport Guidelines for Developments'. The approved access works shall be fully installed on site prior to the commencement of any other development works. For the avoidance of doubt, only the southerly access into the site shall be used by construction traffic for the duration of the works.

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

# 16. Passing Places

Prior to the commencement of any works on site, the detailed design of two new passing places on the U3010 (Granny Barbour's Road), and as shown in the locations in drawing Nos.07 Rev A and 09 Rev A, shall be submitted to, and approved in writing by the Planning Authority in consultation with the Roads Authority. For the avoidance of doubt, the approved passing places shall be:

- fully constructed and installed on site before any other development works commence;
- the design of the passing places shall comply with the standards for a Larger Passing Place as set out in the Council's guidance; and
- the developer shall provide a full structural overlay along the entire length of each new passing place to mitigate the risk of road failure along the longitudinal joint.

The development shall thereafter be undertaken in accordance with the agreed details.

**Reason:** In order to ensure the safety and free flow of traffic on the public road.

# 17. Edge Strengthening on U3010 (Granny Barbour's Road)

Prior to the commencement of any works on site, the developer shall submit written and plan details of edge strengthening on the south-west side of the U3010 for the approval in writing of the Planning Authority in consultation with the Roads Authority. The development shall thereafter be undertaken in accordance with the agreed details. For the avoidance of doubt, the approved edge strengthening shall be fully implemented on site before any other development works commence; and the developer shall provide a full structural overlay along the entire length of this section of road to mitigate the risk of failure along the longitudinal joint.

**Reason:** In order to ensure the safety and free flow of traffic on the public road.

## 18. Construction Traffic Management Plan (CTMP)

- (1) No development shall commence on site until a finalised Construction Traffic Management Plan has been submitted to, and approved in writing by, the Planning Authority in consultation with the Roads Authority. The construction traffic management plan shall be implemented as approved and 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) Identification of all Council maintained roads likely to be affected by the various stages of the development and proposals of any measures to mitigate the impact of development traffic, especially at affected settlements.
- c) 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;
- d) 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 Roads Authority before delivery commences;
- e) Measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;
- f) 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;
- g) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
- h) Provisions for emergency vehicle access;
- i) Location of site compound, staff and visitor parking;
- j) Locations for loading and unloading for materials, plant and machinery;
- k) Location of storage for materials, skips and plant;
- I) Proposals for consultation with local residents and businesses;
- m) Construction traffic hours of operation;
- n) A timetable for implementation of the measures detailed in the CTMP; and

- o) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries and any complaints regarding construction traffic.
- (2) In the event that Abnormal Indivisible Loads (AIL) are required, prior to the delivery of any AIL to the site, the CTMP shall be updated to include the proposed route for any AIL on the public road network along with any accommodation measures required, including the removal of street furniture, junction widening, and traffic management measures.

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

**Reason**: 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.

### 19. Noise and Dust

## Construction

- 1) No development shall commence until a Construction Noise and Vibration Mitigation Scheme has been submitted to, and approved in writing by, the Planning Authority, which demonstrates how the applicant/contractor will ensure the best practicable measures are implemented in order to reduce the impact of construction noise and vibration. The assessment shall include but is not limited to the following:
  - A description of the most significant noise sources in terms of equipment; processes or phases of construction;
  - The proposed operating hours and the estimated duration of the works for each phase;
  - A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations (if required).
  - A description of noise mitigation methods that will be put in place including any proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites shall be followed. Any divergence requires to be justified.

Thereafter the development shall progress in accordance with the approved Noise and Vibration Mitigation Scheme and all approved mitigation measures shall be in place prior to construction commencing or as otherwise may be agreed in writing by the Planning Authority.

2) No development shall commence until a dust mitigation scheme has been submitted to, and approved in writing by, the Planning Authority, which demonstrates how neighbouring properties will be protected from dust arising from the construction of this development. Thereafter the development shall progress in accordance with the approved dust mitigation scheme and all approved mitigation measures shall be in place prior to the commencement of any construction or as otherwise may be agreed in writing by the Planning Authority.

## Operational

- 3) The Rating Level of noise arising from this development shall not exceed 30dB as measured or calculated at the curtilage of any 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) Prior to the development becoming operational, if there are any changes to the proposed equipment or mitigation measures which could result in an increased noise level, a revised Noise Impact Assessment shall be submitted to and approved in writing by the Planning Authority.
- 5) Within 21 days of the site becoming fully operational, the site operator shall, at its expense, employ an independent consultant to assess the level of noise in terms of compliance with part 3) of this condition. The site operator shall submit the report of the independent consultant's assessment for the approval of the Planning Authority within 2 months of receiving the written request. If the noise level exceeds the prescribed noise limits, the assessment report shall include a scheme of mitigation to be enacted, including timescales for implementation, to ensure compliance with part 3) of this condition. Details of the proposed compliance monitoring, including any proposals to use proxy monitoring locations, must be agreed in writing beforehand with the Council's Environmental Health Service.

**Reason**: To ensure that the noise impact of the development does not exceed the predicted noise levels set out within the supporting noise assessment.

# 20. 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 complete and fully implementable Fire Risk Management Plan; and
- ii. a complete and fully implementable Fire Emergency Response Plan. The developer shall thereafter undertake any review and amendment to both documents as may be required from time to time, in consultation with the relevant agencies.

**Reason**: In order to provide the Planning Authority sight of onsite management practices and procedures as they relate to fire risk management and fire emergency response, and to ensure the ongoing currency of both

plans in the interests of human health, safety, amenity, and environmental protection.

# 21. Record Keeping

The developer 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.

### 22. 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 statement 'Community Wealth Building and Social Value Charters' (not dated, received 23 July 2025).

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.

### 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.

- 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.

### **Local Roads Authority Consent**

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work

commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

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

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

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

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

### Mud and Debris on Road

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

### Damage to the Public Road

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

### **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 <a href="mailto:env.health@highland.gov.uk">env.health@highland.gov.uk</a> 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: <a href="https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species">https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species</a>

Signature: Bob Robertson

Designation: (Acting) Planning Manager - South

Author: Julie-Ann Bain

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

Relevant Plans: Plan 1 - C0002472 01 REV F LOCATION PLAN

Plan 2 - C0002472 02 REV B SITE LAYOUT PLAN

Plan 3 - LN-LP-07 REV I LANDSCAPING PLAN

Plan 4 - C0002472 06 REV A ELEVATIONS PLAN

Plan 5 - C0002472 07 REV C FLOOR/ELEVATION PLAN

Plan 6 - C0002472 08 REV B SECTION PLAN - TYPICAL ACOUSTIC

**FENCE DETAIL** 

Plan 7 - C0002472 11 REV A SECTION PLAN - ACOUSTIC GATE

**FENCE DETAILS** 

Plan 8 - C0002472 12 REV A ELEVATIONS - FENCE GATE

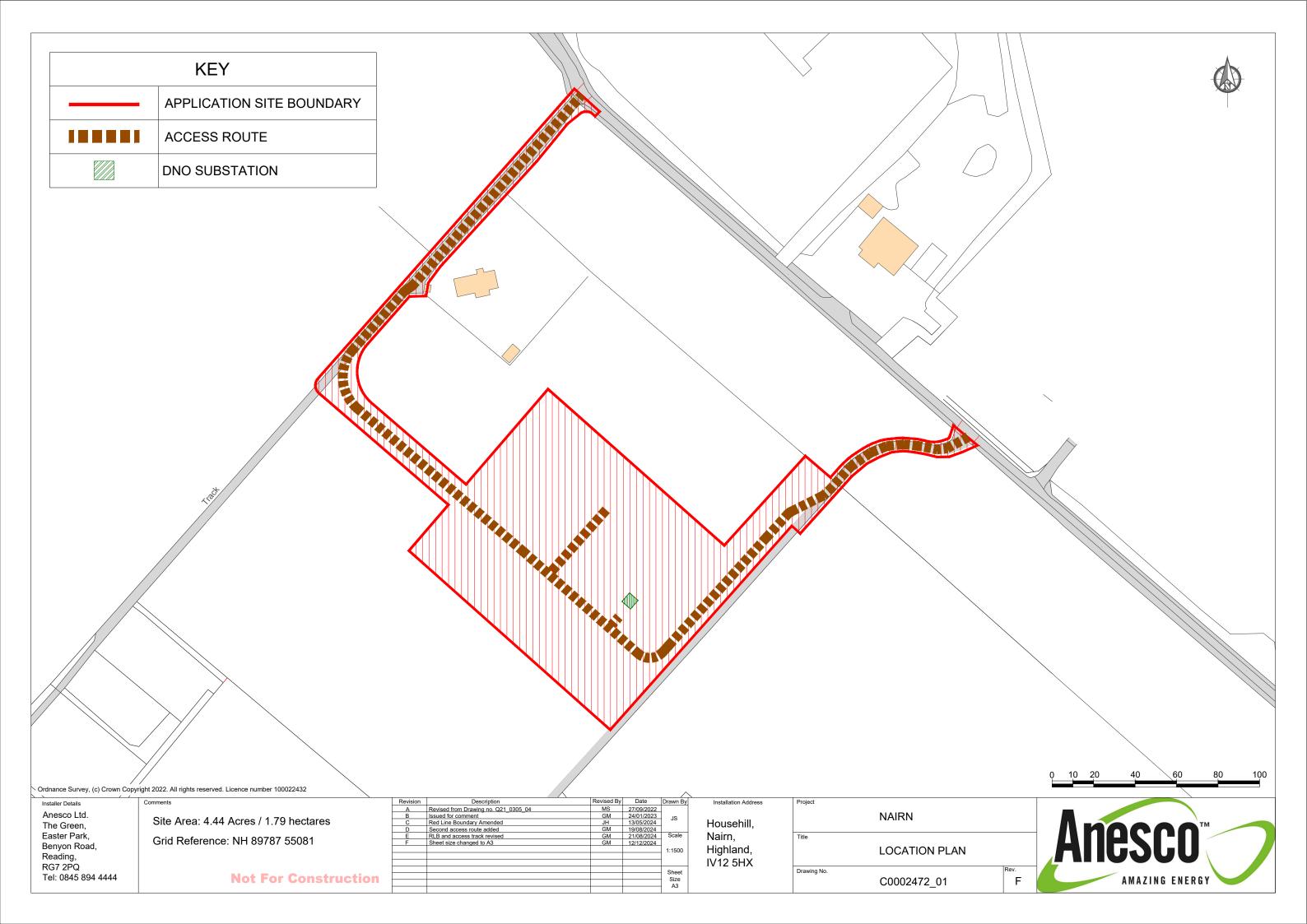
Plan 9 - 2209023-05 REV B VISIBILITY SPLAY PLAN

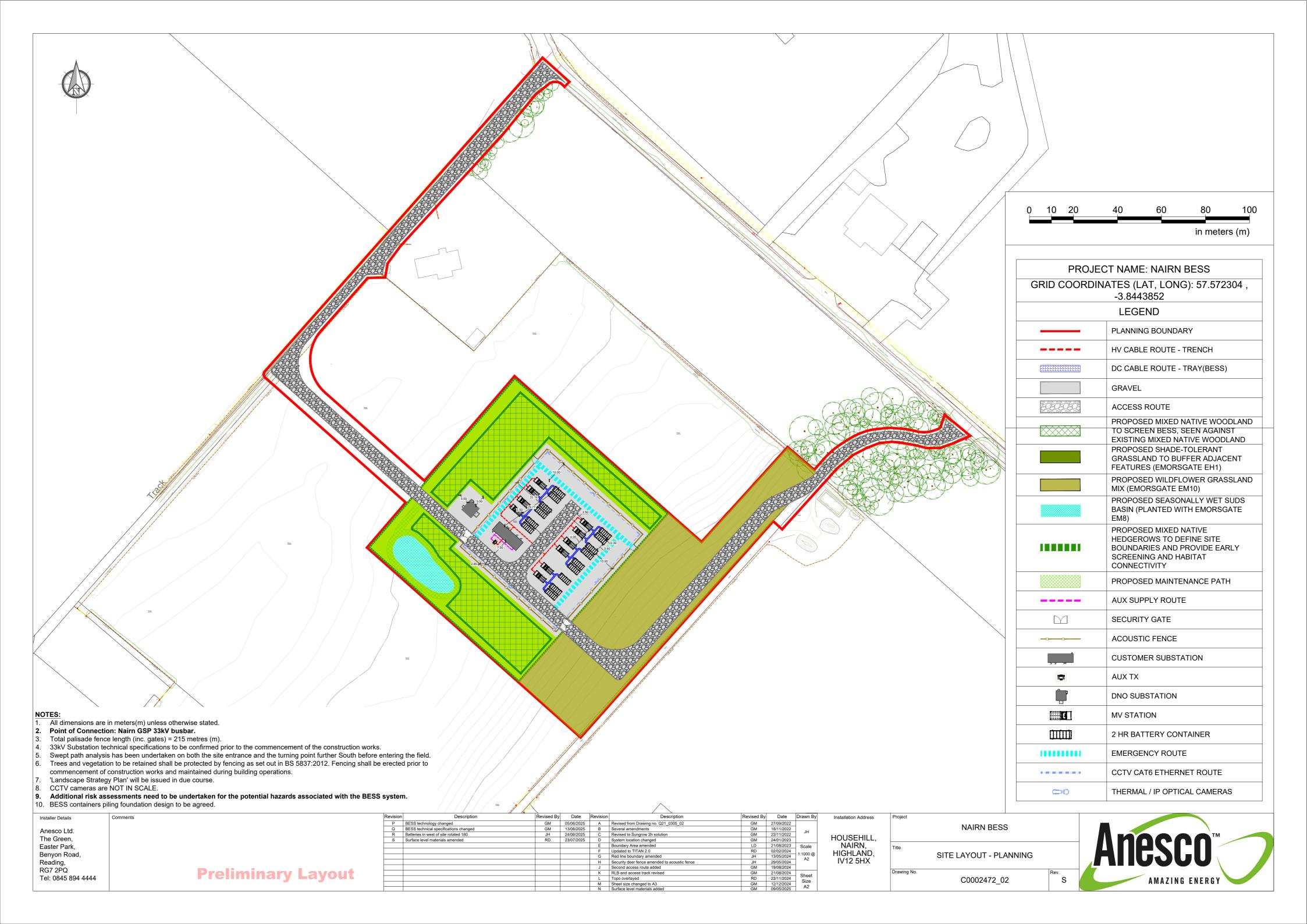
Plan 10 - 2209023-07 REV A ROAD LAYOUT PLAN

Plan 11 - 2209023-09 REV A ROAD LAYOUT PLAN

Plan 12 - 2209023-TK05 REV B SWEPT PATH ANALYLSIS PLAN

Plan 13 - 2209023-TK17 REV A SWEPT PATH ANALYLSIS PLAN







## Establishment and Maintenance Period (Years 1-5)

1. All dead, damaged or diseased tree branches shall be removed and arisings removed from site. Trees and shrubs shall be pruned in the appropriate season to maintain health and vigour and to prevent encroachment on paths/parking areas, etc. The removal of vegetation will be timed for outside of the bird nesting season (March to August inclusive) to prevent disturbance of breeding birds. If this is not possible, a check for active nests will first be undertaken by an ecologist. If a nest is found, an appropriate buffer will be left undisturbed until any chicks have fledged, as confirmed by an ecologist.

2. Existing trees and scrub shall be maintained through a varied regime of pruning, topping or coppicing, removing no more that one third of vegetation each year, to provide habitat and foraging opportunities for wildlife. Remove arisings.

Re-mulch planting area during years 1-3 to minimise competition from weeds and grasses.

3. Hedges shall be pruned on one side per year alternating on a 2 or 3 year rotation in February, aiming to maintain hedges at a maximum height of 3-4m to promote bushy growth while providing continued habitat and foraging opportunities for wildlife. Existing hedgerow trees shall be retained and managed. Selected saplings within hedges along northern boundaries shall be allowed to develop to full maturity. Established native tree species will be selected, at irregular spacings of no less than 20m, and each sapling identified with a durable brightly coloured tag or stake and the location recorded on a plan. The hedge cutting operative must be advised of these locations.

### Species-rich Wildflower Meadow

- 4. In the first year wildflower meadow shall be mown short twice to 75mm, spring and autumn, and annually thereafter in autumn (to 75mm, September/ October) with the arisings removed from site after 2 days (allowing seed fall) to reduce soil
- fertility. After reviewing the rate of growth, mowing may be increased to twice annually, if necessary. 5. Unwanted perennial weeds (eg. ragwort, docks, thistles) may be controlled by 'spot treatment' using a suitable non-residual herbicide.

# General

- 6. All areas of planting and grass shall be maintained, to include:
- Ample irrigation
- Weed control (herbicide application or hand weeding)
- Litter picking Topping up of mulch
- Checking condition of tree stakes, ties and guys

- 7. All stakes and ties shall be inspected during the growing season and adjusted as necessary to ensure that they are secure and firm and that the ties are not chaffing the stem of the trees. Stakes and ties shall be removed and disposed of when plants become self supporting. No more than 25% of total number of supports to be removed in any one year
- 8. Planting which fails to thrive or dies during the 5-year establishment period shall be replaced within the next suitable planting season.

### Long Term Management Plan

### Pruning generally

1. All dead, damaged or diseased tree branches shall be removed and arisings moved to wood piles within Reptile/Amphibian Habitat area. Shrubs shall be pruned in the appropriate season (see hedges, below) to prevent overshadowing of solar panels or encroachment on roads/parking areas etc. Avoid cutting operations from March to August (inclusive). Arisings to be removed from site.

### **Hedgerow and Native Shrub**

2. Prune hedges on one side per year, alternating on a 2 or 3 year rotation in February, and maintained at a maximum height of 4m. Remove arisings from site.

3. Carry out selective thinning and coppicing of approximately 30% of plants in Year 5. Leave deadwood and brush piles in situ.

4. Cut annually in September/October, with a second cut in October/November as necessary, with the arisings removed from site area after 2 days.

- 5. All soft and hard landscaping shall be inspected annually by the Landscape Contractor and an approved arboriculturist and tree works carried out as necessary to ensure the continued health and safety of the trees. Regular weed control and litter picking operations will be required.
- 6. Temporary construction compound to be reinstated upon completion of construction works.

### PROTECTION OF EXISTING VEGETATION

1. Existing trees and vegetation to be retained shall be protected by fencing as set out in BS 5837:2012. Fencing shall be erected prior to commencement of construction works and maintained during building operations. Protective fencing shall be removed once construction has been completed. Refer to arboricultural survey and recommendations necessary to ensure the continued health and safety of the trees. Regular weed control and litter picking operations will be required.

### **PLANTING NOTES**

- Plant material to conform to the National Plant Specification. Plant handling and planting operations to be in accordance with HTA 'Handling and Establishing Landscape Plants', Parts I-III.
- In accordance with BS 3882:2007, topsoil depths should not exceed 300mm to top of tree planting areas. Remainder of rooting zones to be filled with suitably loosened subsoil. For shrub planting areas: allow for 600mm rooting zone.
- Imported topsoil (if required) to BS 3882 Low Fertility Grade and from an approved source. Existing topsoil shall have a maximum 35% clay content and minimum 5% organic content, pH 5.5-8.5 and be free of perennial weeds, weed seeds and contamination. Maximum stone content 20% (>20mm particle size), maximum size of stones 50mm in any direction. Existing topsoil to be ameliorated and/or screened if necessary to achieve this specification.
- Soil conditioner: Sanitized and stabilised compost to BSI PAS 100. Apply 75mm depth even coverage and incorporate into topsoil during cultivation operations, to a minimum depth of 150mm. Compost to be Compost Association certified, or conforming to the specification from an approved
- 5. Mulch planting beds with matured coniferous bark, with an even particle size between 5-35mm, to 75mm minimum depth over weed-free soil after completion of planting and watering operations.

### **Woodland and Tree Planting**

6. Tree planting to BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendation.

### Hedge and Shrub Planting

- New hedge: Shrubs to be planted in trenches large enough to take full spread of roots and backfilled with excavated topsoil/compost.
- 8. Planting should avoid man-made grids and lines and should be planted in single species groups of no less than 5 and no more than 9.
- Hedge plants to be installed with rabbit protection, as follows:
- Transplants, cuttings and seedlings: PP photodegradable tube guards 0.6m high x 50mm diameter or greater to suit girth of shrub/tree, supported by 900mm bamboo cane inserted 300mm below ground level.
- Ensure protection methods do not restrict natural movement or growth. 11. Stakes, tubes, guards and their ties shall be inspected twice per year in October and March, and adjusted to allow for the growth of each plant. Any damaged items shall be removed off Site and replaced with new items.

### Species-rich Wildflower Meadow

of the soil aggregates into a medium tilth.

- 12. Existing pasture land to be harrowed in areas indicated for species-rich wildflower meadow to be sown with Emorsgate EM10 Wildflower Meadow Tussock Mixture or equal alternative agreed with the overseeing organisation.
- 13. Do not cultivate within existing tree root protection areas or hedgerow margins but cut manually to 30-50mm during autumn preceding and
- 14. Sow wildflower meadow seed mixes into newly harrowed soil in areas indicated, in accordance with supplier's recommendations, preferably in
- autumn to reduce competition from vigorous grasses and perennial weeds. 15. Extra attention is required in terms of seed bed preparation to encourage good establishment and to cultivate when soil moisture allows breakdown

### Planting seasons

16. Planting seasons:

• Deciduous trees and shrubs: Late October to late March

• Wildflower grass seeding: March/April or August/September

| SEED MIX |  |                      |  |
|----------|--|----------------------|--|
| Abbrev   | Name   | Total Area (m²)      |  |
| EH1*     | Hedgerow Mixture Emorsgate EH1                   | 5169.5m <sup>2</sup> |  |
| EM10*    | Wildflower Meadow Tussock Mixture Emorsgate EM10 | 3886.8m <sup>2</sup> |  |
| EM8*     | Meadow Mixture for Wetlands EM8                  | 307.2m²              |  |

https://wildseed.co.uk/mixtures/complete-mixtures/

Viburnum opulus

Guelder Rose

Vi op

| NATIVE WOODLAND MIX (2866.1m²) (plant at 0.5 plants/m² in single species groups of 3-5 plants) |                       |                 |          |  |       |
|--|-----------------------|-----------------|----------|--|-------|
| Abbrev   | Species Name          | Common Name     | Height   | General Specification                              | % Mix |
| Ac ca  | Acer campestre        | Field Maple     | 80-100cm | 1+1: Transplant - seed raised: B                   | 20%   |
| Be pu  | Betula pubescens      | Downy Birch     | 80-100cm | 1+1: Transplant - seed raised: B                   | 20%   |
| Il aq  | Ilex aquifolium       | Common Holly    | 60-80cm  | Leader with Laterals: 5L                           | 20%   |
| Ma sy  | Malus sylvestris      | Crab Apple      | 80-100cm | 1+2: Transplant - seed raised: B                   | 10%   |
| Pr av  | Prunus avium          | Wild Cherry     | 80-100cm | 1+1: Transplant - seed raised: B                   | 10%   |
| So au  | Sorbus aucuparia      | Rowan           | 80-100cm | 1+1: Transplant - seed raised: B                   | 20%   |
| Underst  | orey planting         |                 |          |  | •     |
| Co sa  | Cornus sanguinea      | Common Dogwood  | 60-80cm  | 1+1: Transplant - seed raised: Branched: 3 brks: B | 20%   |
| Co av  | Corylus avellana      | Common Hazel    | 60-80cm  | 1+2: Transplant - seed raised: Branched: 3 brks: B | 20%   |
| Cr mo  | Crataegus<br>monogyna | Common Hawthorn | 80-100cm | 1+2: Transplant - seed raised: B                   | 20%   |
| Li vu  | Ligustrum vulgare     | Common Privet   | 60-80cm  | 0/2; Cutting; branched; 3 breaks                   | 20%   |

### NATIVE HEDGEROW PLANTING (370.1m) (Plant in a double-staggered row, at 0.5m centers in single species groups of 3-7 plants.)

| Abbrev | Species                                | Height(cm) | Specification              | % Mix |
|--------|--|------------|----------------------------|-------|
| Ac ca  | Acer campestre (Field maple)           | 60-80      | 1+2:Branched: 3 brks:BR    | 15%   |
| Co av  | Corylus avellana (Hazel)               | 60-80      | 1+2:Branched: 3 brks:BR    | 15%   |
| Cr mo  | Crataegus monogyna (Hawthorn)          | 60-80      | 1+2:Branched: 3 brks:BR    | 25%   |
| Eu eu  | Euonymus europaea (Spindle)            | 60-80      | 1+2:Branched: 3 brks:BR    | 7%    |
| Il aq  | Ilex aquifolium (Holly)                | 60-80      | 1+2:Branched: 3 brks:BR    | 5%    |
| Pr sp  | Prunus spinosa (Blackthorn)            | 60-80      | 1+2:Branched: 3 brks:BR    | 10%   |
| Qu ro  | Quercus robur (Oak)                    | 60-80      | 1+2:Branched: 3 brks:BR    | 15%   |
| Rh ca  | Rhamnus cathartica (Purging Buckthorn) | 60-80      | 1+1; Transplant: 3 brks:BR | 3%    |
| Ro ca  | Rosa canina (Dog Rose)                 | 60-80      | 1+2:Branched: 3 brks:BR    | 5%    |
|        |  |            |                            | •     |

Height of the hedgerow to be maintained at 2m U:\333101248\A4 - Drawings & Registers\Landscape\333101248 LN-LP-07 Landscape Strategy Plan.dwg -

60-80cm 1+2: Transplant - seed raised: Branched: 4 brks: B 20%

The scaling of this drawing cannot be assured Revision

Date Drn Ckd 27.06.25 MA MF I Layout update

# LEGEND



Site Boundary



Contours (Metres AOD) ^



woodland Proposed shade-tolerant grassland to buffer

adjacent features (Emorsgate EH1)

Proposed mixed native woodland to screen

BESS, seen against existing mixed native



Proposed wildflower grassland mix (Emorsgate EM10)



Proposed mixed native hedgerows to define Site boundaries and provide early screening and habitat connectivity



Proposed seasonally wet SUDS basin (Planted with Emorsgate EM8)



Proposed Maintenace Path

Security Fence





Access Route

Gravel



**Battery Container** 



**Auxiliary Transformer** 

# FIGURE 6

Nairn BESS

Landscape Strategy Plan



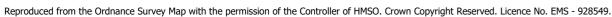
Revision

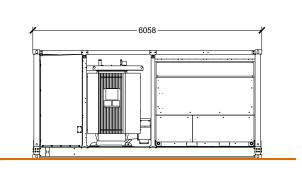
Check by 01.12.2022 1:1,250 @A2 OF/CK Project No Drawing No 333101248 LN-LP-07



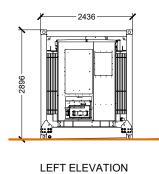


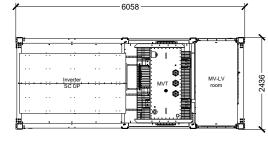
Bank House 8 Cherry Street Birmingham T: 0121 633 2900 stantec.com\uk

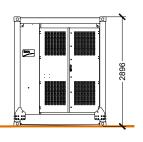




BACK ELEVATION

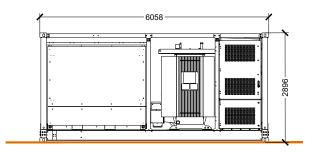






PLAN VIEW (CLOSED DOOR CONFIGURATION)

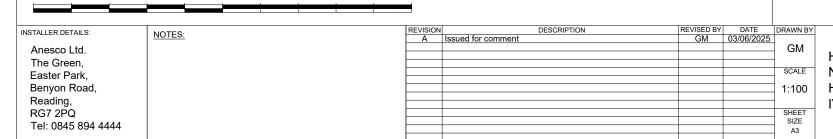
RIGHT ELEVATION

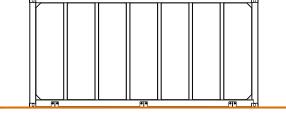


FRONT ELEVATION

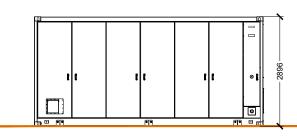
1 X MV POWER STATION 4000-S2

# **For Information Only**

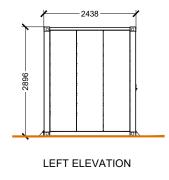


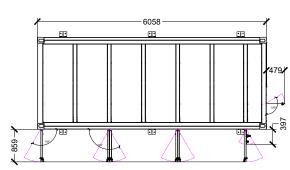


**BACK ELEVATION** 



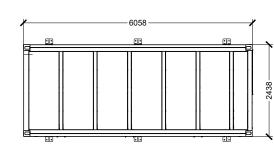
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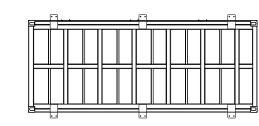




PLAN VIEW (OPEN DOOR CONFIGURATION)



PLAN VIEW (CLOSED DOOR CONFIGURATION)



**BOTTOM VIEW** 

1 x 5,015MWh HITHIUM LIQUID-COOLED ESS CONTAINER

INSTALLATION ADDRESS:

HOUSEHILL,
NAIRN,
HIGHLAND,
IV12 5HX

PROJECT NAME

NAIRN BESS

DRAWING TITLE

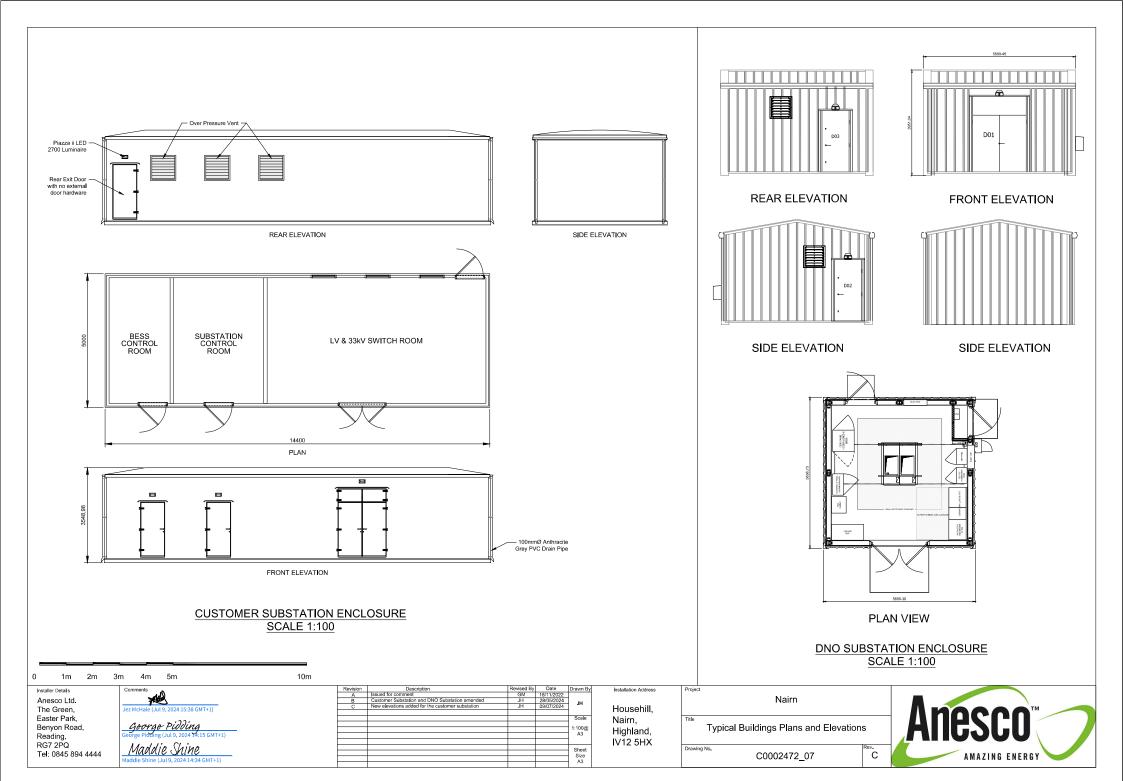
ESS CONTAINERS PLANS AND ELEVATIONS

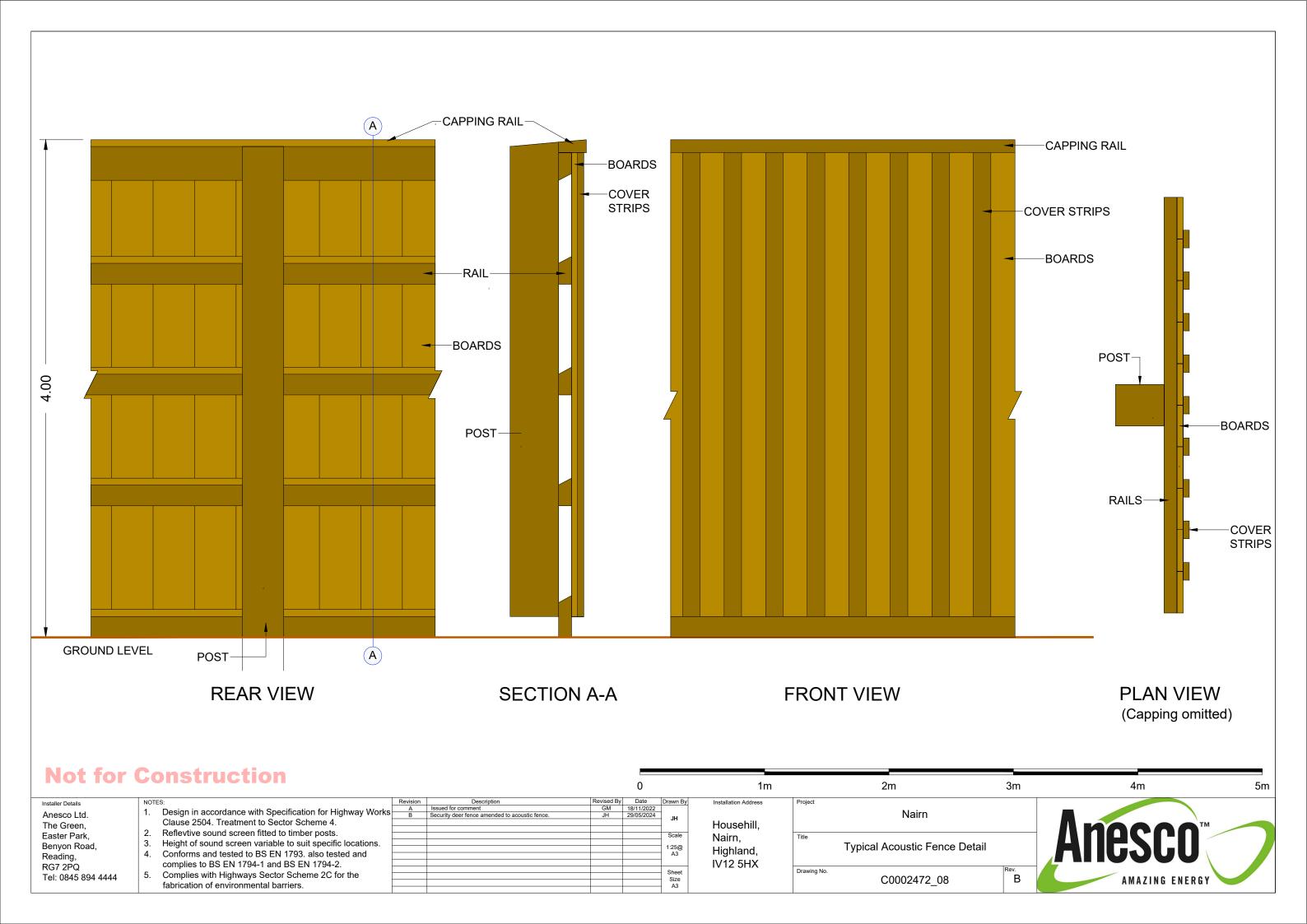
REV.
A

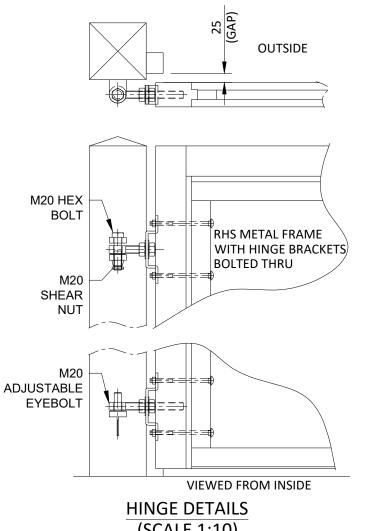
C0002472\_06

A









# (SCALE 1:10)

### NOTES.

ALL DIMENSIONS ARE IN mm (UNO) **GAPS UNDER GATES** NOMINAL DUE TO GROUND LEVELS. **GATE LEAF SIZES:** 

HEIGHT: 2m - 2.5m HIGH. WIDTH: 2.5m - 5.05m MAX B/POSTS. IF GATE HEIGHT IS 2.5m HIGH, THEN BETWEEN POSTS = 2.5m MAX. GATES BELOW 2m HIGH & 2.5m WIDE WILL HAVE ALL TIMBER CONSTRUCTION. IF REQUIRED A LINTEL PANEL MAYBE INSTALLED ABOVE THE GATE FOR FENCE HEIGHTS ABOVE 2.5m HIGH. MATERIALS.

GATE POSTS: 150 x 150 SHS (TYPICALLY) ASSESSED TO SUITE SITE LOCATION

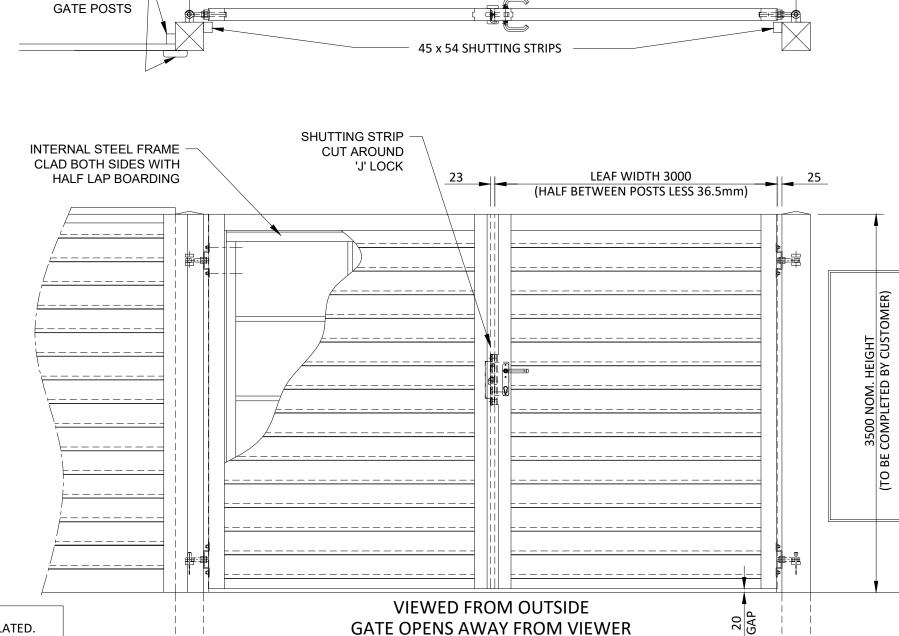
FINISH.

TIMBER: JAKCURED **GALVANISED TO BS EN ISO 1461** POWDER COATED: IF REQUESTED

POSTS CAN BE SUPPLIED BASEPLATED. BASEPLATE SIZE WILL BE SUPPLIED TO SITE SPECIFIC CONDITIONS AND GATES SIZES.

**GATES FITTED WITH A KEY OPERATED** J LOCK (PRICES SEPARATELY). A RING LATCH CAN BE SUPPLIED AS AN ALTERNATIVE IF PREFERRED. \* NOTE: PLEASE INDICATE AS REQUIRED

JACKSONS RESERVE THE RIGHT TO CHANGE THE STANDARD DESIGN TO IMPROVE THE PRODUCT AT ANY TIME



## JAKOUSTIC DOUBLE GATES - (METAL INTERNAL FRAME)

RIGHT LEAF FIRST

6000 BETWEEN POSTS

(TO BE COMPLETED BY CUSTOMER)

Anesco Ltd. The Green, Easter Park, Benyon Road, Reading, RG7 2PQ Tel: 0845 894 4444

Notes: All dimensions are in millimetres (mm) unless otherwise stated.

| Revision | Description        | Revised By | Date       | Drawn By |
|----------|--------------------|------------|------------|----------|
| Α        | Issued for comment | RD         | 18/11/2024 |          |
|          |                    |            |            | RD       |
|          |                    |            |            |          |
|          |                    |            |            |          |
|          |                    |            |            | Scale    |
|          |                    |            |            | 1:30     |
|          |                    |            |            | 1:30     |
|          |                    |            |            | 1 1      |
|          |                    |            |            |          |
|          |                    |            |            | Sheet    |
|          |                    |            |            | Size     |
|          |                    |            |            | A3       |
|          |                    |            |            |          |

EXTRA TIMBER STRIPS

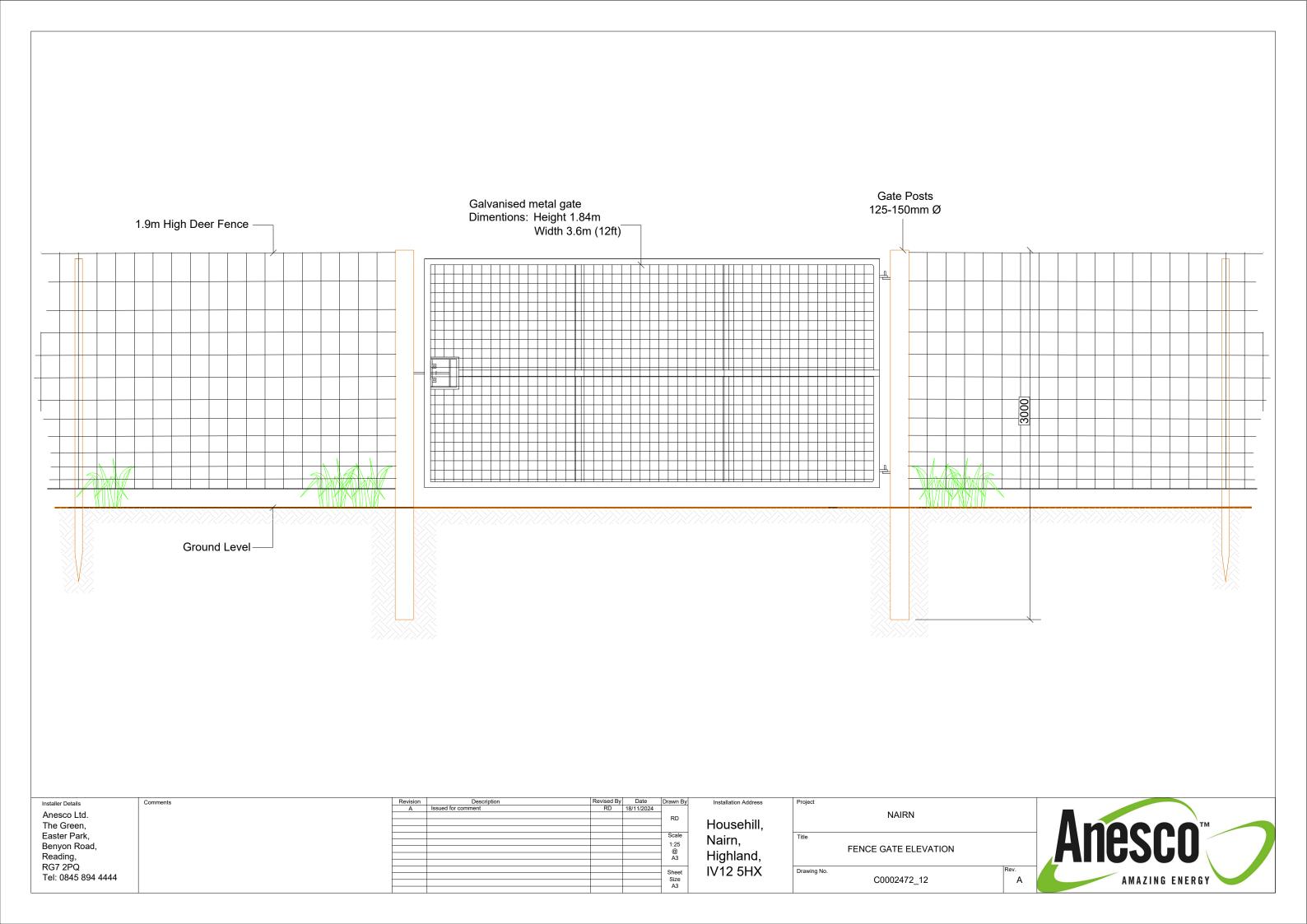
TO ATTACH FENCE TO

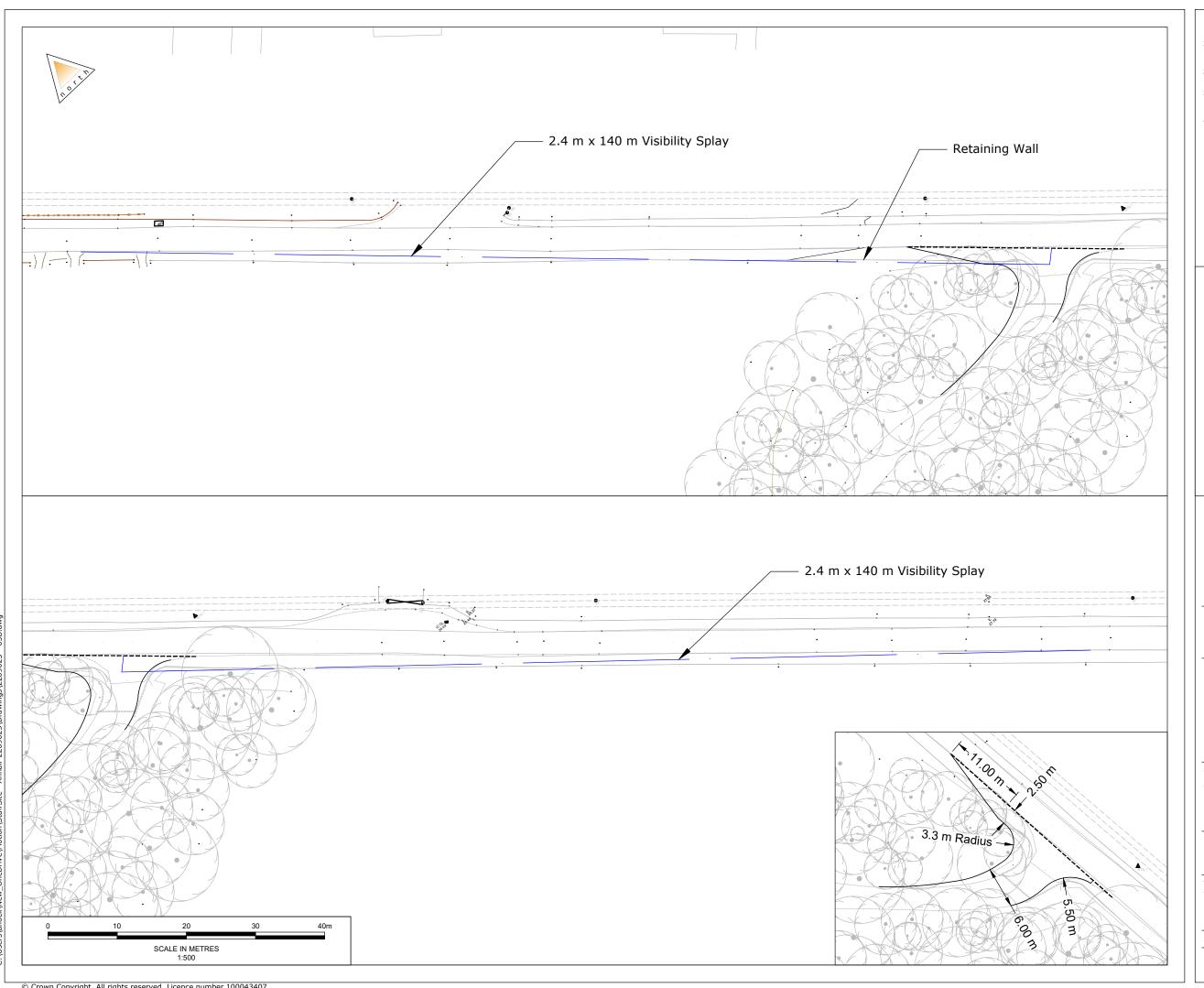
| Installation Address | Project     |                     |      |
|----------------------|-------------|---------------------|------|
| Househill,           |             | NAIRN               |      |
| Nairn,<br>Highland,  | Title       | ACOUSTIC FENCE GATE |      |
| IV12 5HX             | Drawing No. | C0002472_11         | Rev. |



THK

INSIDE





- This drawing is based on a Topographical Survey and Motion cannot guarantee the accuracy of the data.
- Deviations from 'The Highland Council Access to Single Houses and Small Housing Developments (drawing no SDB 2)' based on 14.5 m Articulated HGV Swept Path Analysis.
- Any vegetation, fences, walls etc located within th evisbility envelope to be removed / relocated subject to agreement with the Roads Authority.

First Issue Rev. Description

Drawing Status:

FOR PLANNING
NOT FOR CONSTRUCTION



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Granny Barbours Road, Nairn

Visibility Splays at Proposed Site Access Design

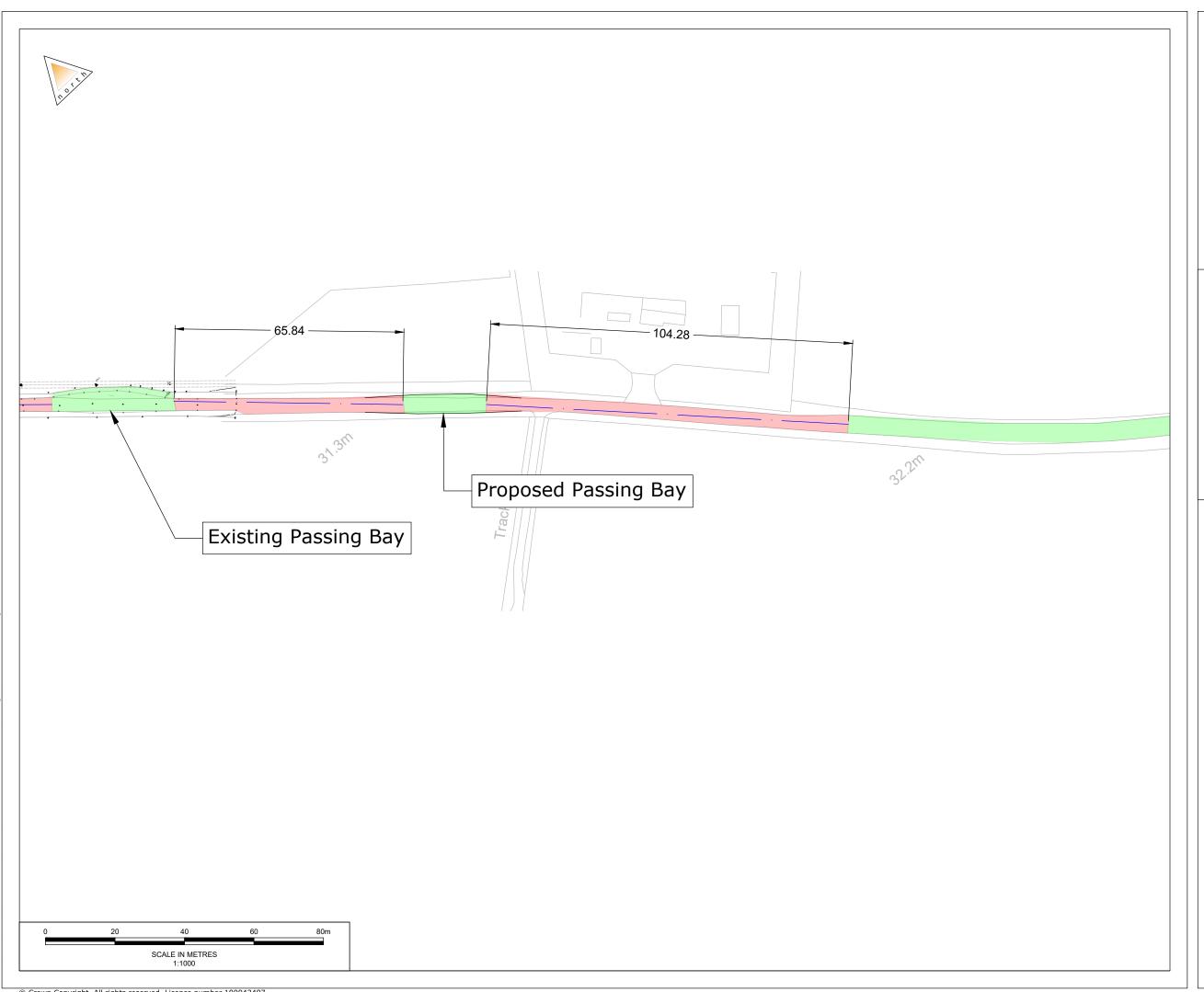
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Revision:

В

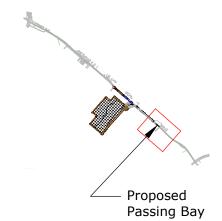
2209023 - 05

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Legend:

HGV and Car can not pass one another HGV and Car can pass one another



FOR PLANNING
NOT FOR CONSTRUCTION



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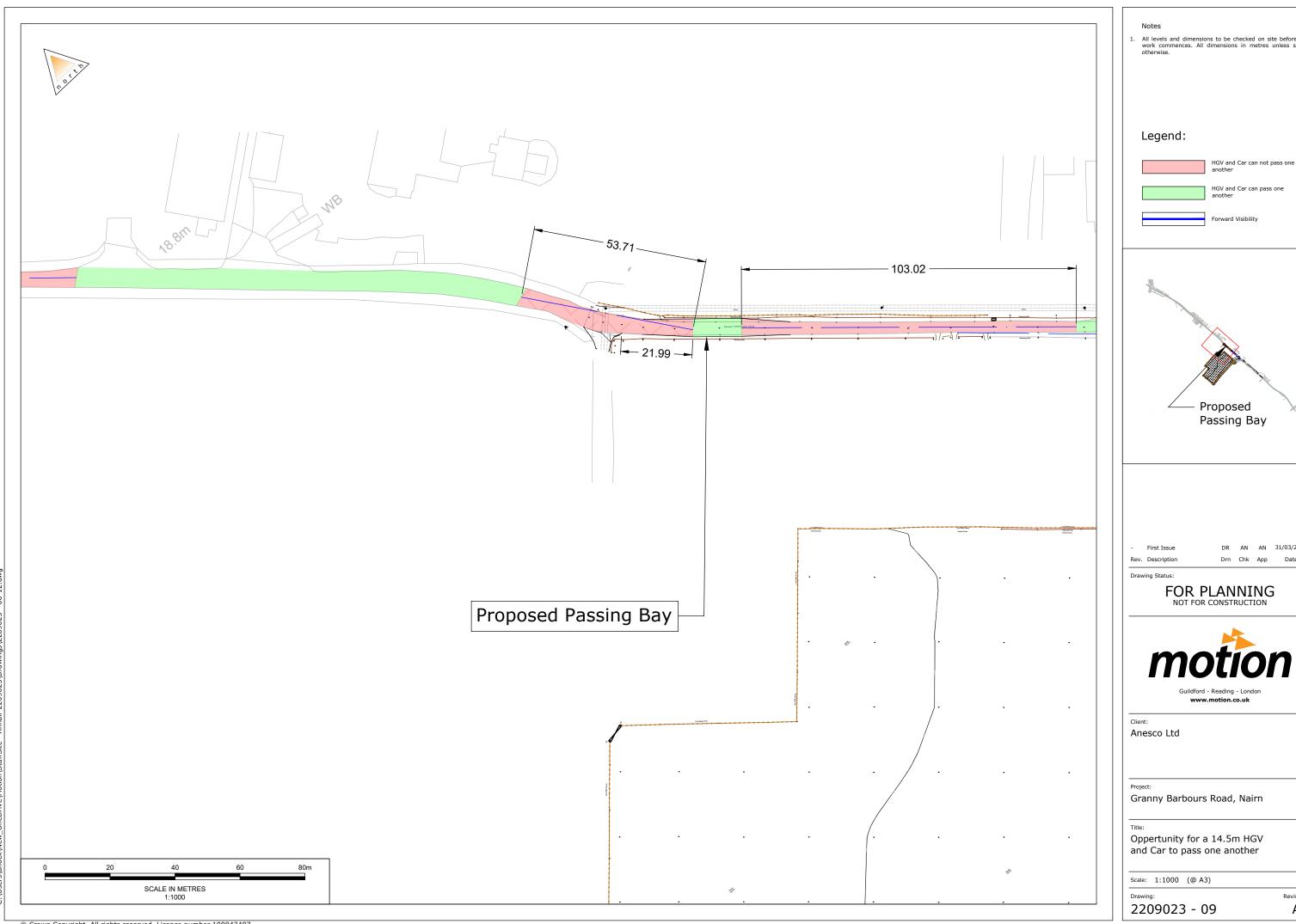
Oppertunity for a 14.5m HGV and Car to pass one another

Scale: 1:1000 (@ A3)

Revision:

Α

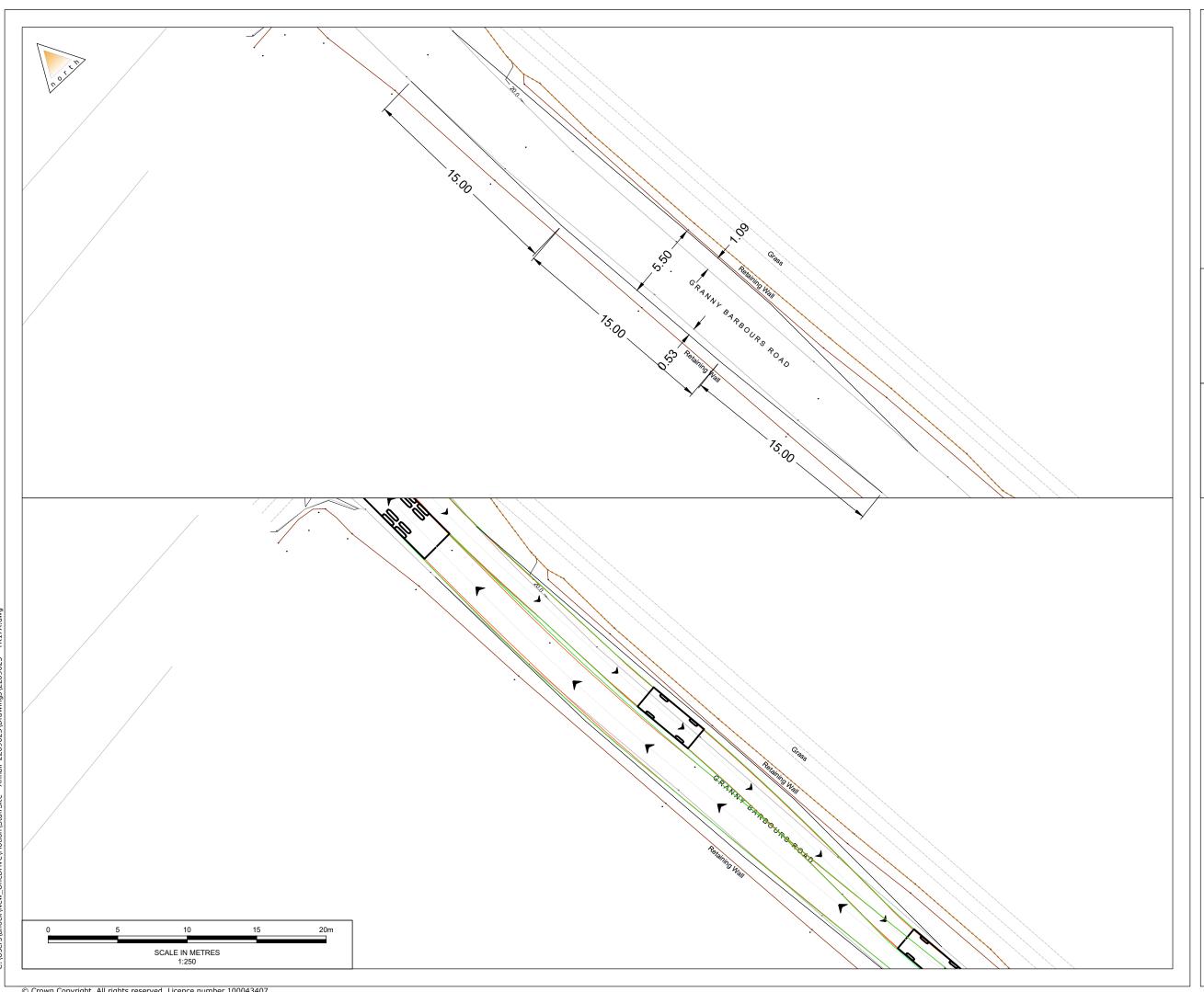
2209023 - 07



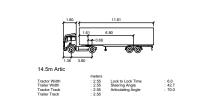
Revision:

Α

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- 2. This drawing is based on OS mapping and Motion cannot guarantee the accuracy of the data.
- Motion accepts no liability for any vehicle specification errors or inaccuracies within the vehicle tracking software used / or it's vehicle libraries. The vehicles speeds used for the analysis are as follows: forward 5mph.





First Issue XX XX XX dd/mm/yyyy Rev. Description Drn Chk App Date

Drawing Status:

FOR PLANNING
NOT FOR CONSTRUCTION



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Granny Barbours Road, Nairn

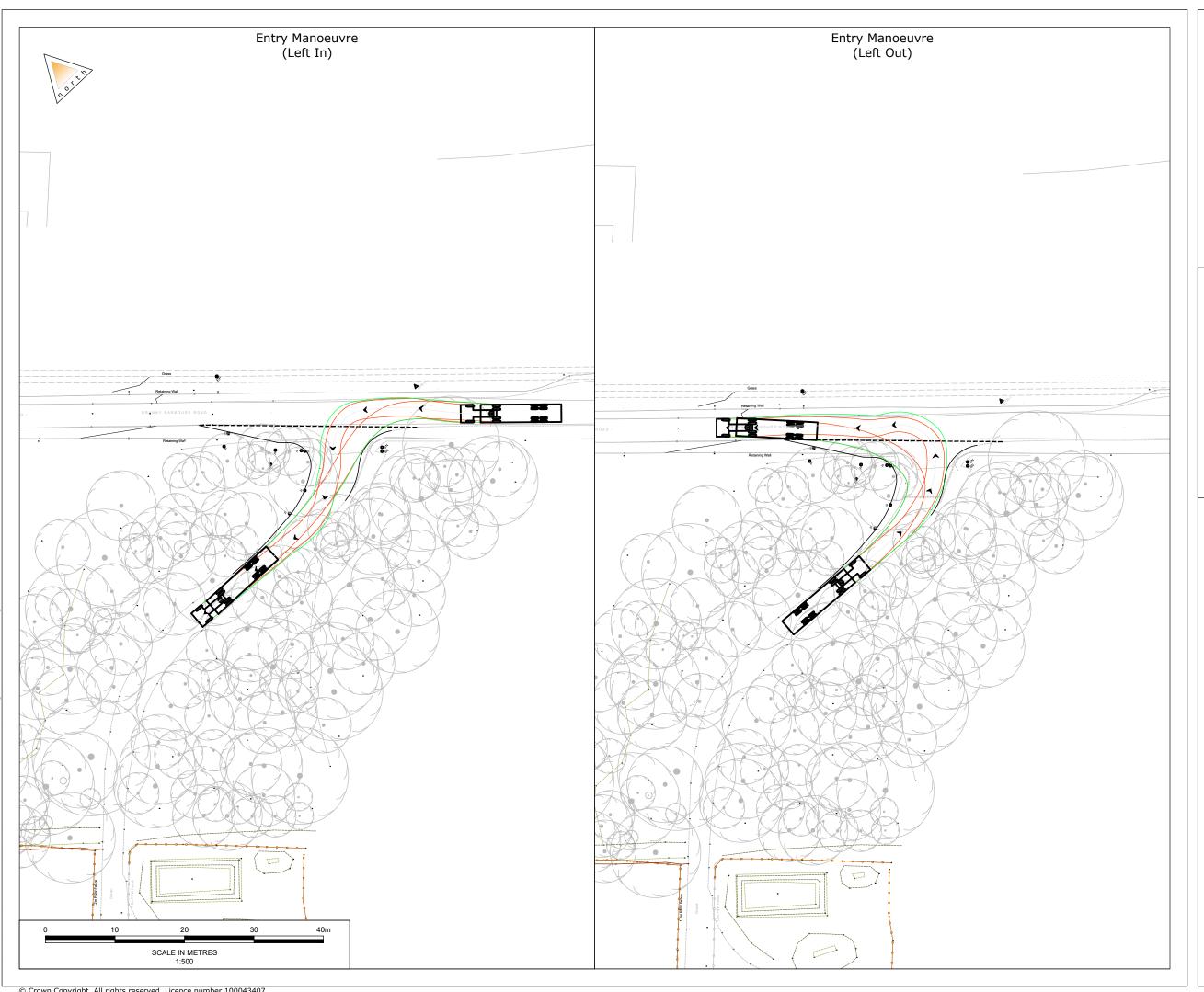
Swept Path Analysis 16.5m HGV and Car Granny Barbours Road

Proposed Passing Bay

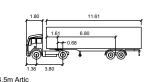
Scale: 1:250 (@ A3)

2209023 - TK05

Revision: В



- This drawing is based on a Topographical Survey and Motion cannot guarantee the accuracy of the data.
- Deviations from 'The Highland Council Access to Single Houses and Small Housing Developments (drawing no SDB 2)' based on 14.5 m Articulated HGV Swept Path Analysis.



Rev. Description

Drawing Status:

FOR PLANNING
NOT FOR CONSTRUCTION



Anesco Ltd

Granny Barbours Road, Nairn

Swept Path Analysis at Site Access Design 14.5 m Artic

Scale: 1:500 (@ A3)

Revision: Α

2209023 - TK17