Agenda Item	8.12
Report No	PLN/072/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee

Date: 26 November 2025

Report Title: 25/01620/S36: Field Fyrish Ltd

Land 650M South Of Fyrish Substation, Alness

Report By: Area Planning Manager – North

Purpose/Executive Summary

Description: Field Fyrish Battery Energy Storage System (BESS) - Construction and operation of a Battery Energy Storage System along with associated infrastructure and ancillary works, earthworks, access, drainage, landscaping and biodiversity enhancements.

Ward: 06 – Cromarty Firth

Development category: National Development (Section 36 Application)

Reason referred to Committee: Section 36 Application

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 **RAISE NO OBJECTION** to the application as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

1.1 The Highland Council has been consulted by the Scottish Government's Energy Consents Unit (ECU) on an application made under Section 36 of the Electricity Act 1989 (as amended) for the installation of a battery energy storage system and associated infrastructure with a generating capacity of up 200 MW.

1.2 The proposed development comprises containerised battery units with a total export storage capacity of up to 200 MW, and ancillary infrastructure, consisting of:

- Up to 384 battery storage units, 3.2 m in height and arranged into pairs;
- Medium Voltage (MV) Skids, 3.6 m in height (one per pair of battery units), each of which houses two power conversion systems (PCS) units and one medium voltage transformer;
- A Transmission Operator (TO) Substation building (28 m by 38 m and 5.5 m in height);
- Two High voltage grid transformers (7.6 m by 4.4 m and 6.3 m in height);
- Ancillary infrastructure including low-voltage (LV) cabinets, auxiliary transformers and underground ducting and cabling;
- A substation building including a control room, a switch room, office and welfare facilities (20.5 m by 25.4 m and 4.9 m in height);
- An underground 132 kV grid connection cable between the HV substation and Fyrish Substation;
- A standby generator approximately 2.6 m in height;
- Access arrangements including two site access points, parking spaces and 5m wide internal access tracks;
- 3 m high palisade security fencing around site compounds;
- 5 m high acoustic fencing along the eastern and southern boundaries of the site;
- CCTV and lighting;
- Drainage infrastructure, including an attenuation basin; and
- Landscaping, including biodiversity mitigation and enhancement.

1.3 The proposed BESS will collect and store energy from the electricity network and release energy to the network during times of peak demand. It is proposed to connect the BESS to the existing nearby Fyrish Substation, located approximately 650 m to the north of the proposed BESS compound. The proposed battery technology for the development is anticipated to be Lithium-ion (Li-ion).

1.4 Due to the anticipated installed capacity of 200 MW, this proposal falls under the provisions of the Electricity Act 1989 and is classed as National Development by National Planning Framework 4 (NPF4).

1.5 Whilst public consultation for Section 36 applications is not mandatory, the applicant committed to a programme of pre-application community consultation and took account of feedback received through that process in finalising the proposed development. In the first instance in August 2024, the applicant contacted relevant local stakeholders notifying them about the proposed development including the offer of a briefing, including the host and neighbouring community councils: Ardross, Invergordon, Alness and Kiltearn, as well as the local MP, MSPs, local and neighbouring ward councillors. The applicant also issued a development brochure and invite to consultation events to all 1,596 postal addresses within a 2 km radius from the proposal, in addition to creating a website and advertising within the local newspaper. The public consultation events took place on 3 September 2024 and 3 October 2024. In summary, the feedback received included:

- A general sense that there was 'just too much local renewable energy development happening locally';
- Concern regarding visual impact from Fyrish monument;
- Concerns about safety and fire risk; and
- Noting of a 'lack of community benefit'.

The Pre-application consultation report included within the application lists numerous design changes which were made to the proposal following the pre-application consultation process.

1.6 The applicant made use of the Council's Pre-Application Advice Service for Major Projects in October 2024, (24/02566/PREMAJ). This concluded based on the submitted information that it was likely that the Planning Authority maybe supportive of renewable energy related developments and as such the principle of the BESS could be considered acceptable. In this instance however the potential cumulative impact on residential amenity as well as cumulative landscape and visual effects would need to be satisfactorily addressed through provision of space within the site for planting works to provide screening of the harder elements; landscaping, including any subsequent land grading. A landscape and visual impact assessment must include an up-to-date assessment of the cumulative effects of the proposal with all similar proposals covering an appropriately sized study area. Any future proposals to come forward should include details of the specific need to locate the infrastructure in this location, and, what other alternatives exist in terms of location / technology / size and scale. Potential and likely impacts from pollution risks and the particular requirements for decommissioning must also be assessed and mitigated.

1.7 A formal EIA Screening Opinion was requested from the Energy Consents Unit (ECU), acting on behalf of Scottish Ministers, in September 2024. A Screening Opinion (reference ECU00005179) was issued by the ECU on 9 January 2025, which confirmed that the proposed development would not require an EIA.

1.8 The application is supported by the following documents:

- Planning, Design and Access Statement
- Tree Management Report
- Historic Environment Desk-Based Assessment Report
- Biodiversity Enhancement Assessment Report
- Pre-Application Consultation Report
- Preliminary Ecological Appraisal
- Protected Species Survey
- Bat Activity Survey Report
- Flood Risk Assessment
- Drainage Impact Assessment
- Geoenvironmental and Geotechnical Desk Study Report
- Hydrogeological Assessment Report
- Land Capability for Agriculture Report
- Landscape and Visual Appraisal
- Landscape and Visual Appraisal Figures
- Landscape Plan
- Visualisations
- Outline Battery Safety Management Plan
- Transport Statement and Construction Traffic Management Plan
- Noise Impact Assessment
- Planning Design and Access Statement
- Alternative site Assessment
- Shadow Habitats Regulations Appraisal
- Biodiversity Enhancement Matrix
- Community Benefits and Needs Case

1.9 Updated information has been submitted during the course of the application's determination.

- Visualisations
- Arboricultural Survey
- Ecological Impact Assessment (ECIA)
- ECIA Appendix C1 - Preliminary Ecological Appraisal - Confidential
- ECIA Appendix C2 – Bat Survey Report
- ECIA Appendix C3 – Biodiversity Enhancement Feasibility Assessment
- ECIA Appendix C4 - Report to Inform Appropriate Assessment

- ECIA Appendix C5 - Breeding & Wintering Bird Survey Report
- ECIA Appendix C6 - Protected Species Survey Report
- Drainage Impact Assessment
- Flood Risk Assessment
- Response to Noise Comments

2. SITE DESCRIPTION

2.1 The site is located on agricultural land used for pasture (grazing) approximately 1 km southwest of the settlement of Alness, and is situated at National Grid Reference: NH 62991 68949 (centred location). The overall site boundary (53.5 ha) is noted as being substantially larger than the anticipated footprint for the proposed development (approximately 4.6 ha).

2.2 The site presents as predominantly rural land comprising woodland to the northwest and north, with agricultural land to the east, south, and southwest. Accessed via the local road network B9176, the site slopes down from the northwest to the southeast, from approximately 50 m AOD to 30 m AOD. This decline is most prominent towards the eastern section of the site, with a change in elevation of approximately 20 m AOD, and slightly less prominent towards the western portion of the site, with a change of approximately 17 m AOD. When considering the northeast–southwest cross-section, the topography experiences a decline across the site from approximately 44 m AOD to 34 m AOD. Given the scale of the site and the character of the surrounding undulating landform, the proposed changes in level are not considered to result in any significant visual impact within the wider undulating landscape context.

2.3 The wider area comprises a network of minor roads principally serving as a means of access to the scattered cluster of homes and isolated dwellings dispersed throughout. Fields are of moderate-to-large size, regularly shaped, and bound by a mix of low stone walls, hedgerows and post-and-wire fencing. The main public road to the southeast of the site, the Struie Road, is lined by a single row of deciduous trees, while the site itself is visually contained by woodland to the northwest and along its rear, providing a natural backdrop.

2.4 Approximately 12 residential properties are located within 1 km of the site, the closest being approximately 85 m northeast. Further properties are located approximately 250–300 m to the northeast. It should be noted that one residential property lies within the site boundary; however, a recent Change of Use application (reference 25/02347/FUL) has been granting planning permission of its use as a site office for the proposed development.

2.5 Whilst the landscape is predominantly rural in character, the local environment is also influenced by existing infrastructure situated within the locale. This includes the Fyrish

Substation which is partially screened by ancient woodland and is located 800 m to the northeast of the site.

Environmental Designations and Habitats

2.6 The site does not form part of any statutory or non-statutory designated sites for nature conservation.

2.7 The following international designations are within 5 km of the site:

- Cromarty Firth Special Protection Area (SPA) approximately 490 m south of the Planning Boundary, protected for its Bar-tailed godwit, Common tern, Dunlin, Greylag goose, Knot, Osprey, Oystercatcher, Pintail, Red-breasted merganser, Redshank, Scaup, Whooper swan, Wigeon, and Waterfowl assemblage.
- Novar SPA immediately north of the Planning Boundary, protected for Capercaillie.
- Morangie Forest SPA approximately 4.6 km northeast of the Planning Boundary, protected for Capercaillie.
- Loch Achnacloich Special Area of Conservation (SAC) approximately 4.5 km northeast of the Planning Boundary. Designated for its naturally nutrient-rich lakes or lochs which are often dominated by pondweed (Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation).
- Cromarty Firth RAMSAR site approximately 490 m south of the Planning Boundary. Designated for its variety of wetland types, including intertidal mudflats, estuarine alder woodland, open water transition fen, and saltmarsh, as well as for supporting a range of bird species, including Osprey, Common Tern, Whooper Swan, Redshank, Curlew, Knot, Red-breasted merganser, Scaup, Pintail, and Wigeon.
- Moray Basin, Firths and Bays Important Bird Area (IBA) approximately 490 m south of the Planning Boundary, protected for its Greylag goose, Great black-backed gull, Common redshank, Eurasian curlew, Eurasian oystercatcher, Eurasian wigeon, Whooper swan, Red knot, Black-tailed godwit, Common tern, Greater scaup.

2.8 The following national designations are within 2 km of the site:

- Alness River Valley site of Special Scientific Interest (SSSI) approximately 1.65 km northeast of the Planning Boundary, protected for its upland mixed ash woodland, dominated by deciduous tree species characteristic of richer soils such as ash, wych, elm and oak; and

- Cromarty Firth SSSI approximately 490 m south of the Planning Boundary, protected for its coastland features (saltmarsh) and intertidal marine habitats, including mudflats and sandflats, as well as supporting a range of bird species, including Bar-tailed godwit, Red-breasted merganser, Redshank, Wigeon, and Whooper swan.

Landscape Designations, Wild Land and Landscape Character

2.9 The site is not located within or adjacent to any regional or national landscape designations. The nearest Wild Land Area (WLA) is the Rhiddoroch–Beinn Dearg–Ben Wyvis WLA, located approximately 10.8 km west of the site. The Dornoch Firth National Scenic Area (NSA) lies approximately 15.85 km to the northeast and is not affected by this development.

2.10 The Novar Garden and Designed Landscape (GDL) lies 280 m west of the site. This designation comprises formal gardens, parkland, and woodland associated with Novar House.

2.11 The site is located within the Farmed and Forested Slopes – Ross and Cromarty Landscape Character Type (LCT), as defined by NatureScot's Landscape Character Assessment. The surrounding landscape comprises a mix of agricultural land and forestry at various stages of growth, with the Fyrish Substation and associated electrical infrastructure located immediately adjacent to the site, and the Evanton Industrial Estate 900 m to the south.

2.12 According to the Highland Council Core Path Plan, there are several Core Paths within 10 km of the site, with the closest being the Evanton–Skiach Cycleway (520 m south/southwest), Ballachraggan Cycleway (520 m south/southeast), Whinnie Road (1.38 km northeast), and Fyrish Path (1.5 km northwest). The Evanton–Skiach and Ballachraggan Cycleways are situated at a lower elevation (approximately 15 m AOD lower).

Built Heritage

2.13 There are no cultural heritage assets located within or immediately adjacent to the site; therefore, no direct effects on built heritage are anticipated. However, there are several heritage assets within 3 km of the site, comprising 32 Listed Buildings, three Scheduled Monuments (SM), and one GDL. The closest of these are as follows:

- Novar GDL – 259 m west of the site;
- Gun Port, burial mound 45 m N of – SM – 1.0 km southwest;
- Alness Old Manse – Category B Listed Building – 1.03 km east; and
- Alness Old Parish Church and Burial Ground – Category B Listed Building – 1.1 km east.

2.14 One notable asset is Fyrish Monument, a Grade B Listed Building located 2.1 km northwest of the site. Fyrish Monument is positioned at a substantially higher elevation (380 m AOD) relative to the site.

3. PLANNING HISTORY

3.1	01 Oct 2025	23/02754/S36: Abhainn Dubh Wind Farm - Erection and operation of a wind farm for a period of 30 years, comprising of 9 wind turbines (as amended) with a maximum blade tip height of 149.9m, energy storage facility, access tracks, borrow pits, substation, anemometer mast, control building, and ancillary infrastructure.	S36 Raise No Objection
3.2	07 Aug 2025	25/02111/PAN: Proposal of Application Notice for Novar Wind Farm repowering - Decommissioning of the existing 34 turbines with a maximum blade tip height of 60m, erection and operation of a wind farm for a period of 50 years, comprising up to 10 turbines with a maximum blade tip height of up to 180m, control building, substation, access tracks, borrow pits, underground cabling, construction compounds, laydown areas, meteorological mast and ancillary infrastructure.	Reported to Committee
3.3	24 Apr 2025	25/00709/SCOP: Averon Battery Energy Storage System (BESS) - Erection and Operation of a BESS facility with a maximum capacity of up to 240 MW along with access and ancillary infrastructure.	Scoping Response Issued
3.4	24 Jul 2025	25/02372/SCOP: Abhainn Dubh Wind Farm Connection - Construction and operation of a 132 Kilovolt (kV) single circuit overhead line (OHL) of approximately 4.8 km and approximately 1 km of underground cable (UGC) to connect the proposed Abhainn Dubh Wind Farm to the existing Fyrish Substation	Scoping Response Issued
3.5	24 Apr 2025	25/00539/SCOP: Novar Wind Farm repowering - Decommissioning of the existing 34 turbines with a maximum blade tip height of 60m, erection and operation of a wind farm for a	Scoping Response Issued

		period of 50 years, comprising up to 10 turbines with a maximum blade tip height of up to 180m , control building, substation, access tracks, borrow pits, underground cabling, construction compounds, laydown areas, meteorological mast and ancillary infrastructure.	
3.6	12 Feb 2025	25/00218/SCRE: EIA Screening Opinion for construction and operation of a 132 kiloVolt (kV) single circuit overhead line (OHL) of approximately 8.4 km and approximately 1 km of underground cable (UGC) to connect the proposed Abhainn Dubh Wind Farm to the existing Fyrish Substation.	Screening Opinion Issued - EIA Required
3.7	29 Jan 2025	23/05999/FUL: Battery energy storage facility comprising a compound of battery and electrical equipment, access track, landscaping and ancillary works.	Planning Permission Granted
3.8	23 Sept 2024	24/03524/SCOP: Ceislein Wind Farm - Erection and operation of a wind farm comprising up to 20 turbines with a maximum blade tip height of 250m, potential Battery Energy Storage System (BESS) and associated infrastructure, with a combined generating capacity exceeding 50 MW.	Scoping Response Issued
3.9	11 Dec 2023	22/05167/FUL: Battery energy storage facility comprising access track, compound of battery and electrical equipment, meter building, stores, fencing, security cameras and landscaping.	Planning Permission Granted
3.10	29 Sept 2023	23/04458/SCRE: Installation of an energy storage facility including battery enclosures, power conversion units, transformers, substations, grid connection infrastructure, vehicular access, landscaping and associated works.	Screening Opinion Issued - EIA Not Required
3.11	12 Sept 2023	23/03641/PAN: Contullich, Alness - The proposed development comprises the siting of approximately 64 battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area,	Reported to Committee

		telecommunications equipment, fencing, vehicular access, grid connection and ancillary works.	
3.12	23 Jun 2023	25/02347/FUL: Change of Use of residential property (Class 9: House) to a site office (Class 4: Business).	Planning Permission Granted
3.13	01 Jul 2022	22/02209/SCOP: Abhainn Dubh Wind Farm - Erection and Operation of a Wind Farm comprising of up to 22 Wind Turbines with a maximum blade tip height of up to 200m, access tracks, battery energy storage system, anemometer mast, substation, control building, and ancillary infrastructure.	Scoping Response Issued
3.14	20 May 2022	22/02045/SCRE: Installation of an energy storage system with a generating capacity of up to 50 megawatts.	Screening Opinion Issue - EIA Not Required
3.15	27 Apr 2022	22/01308/PAN: Battery storage facility with capacity up to 50MW, access and associated infrastructure.	Reported to Committee

4. PUBLIC PARTICIPATION

4.1 Advertised: Section 36 Application

Date Advertised:

- 25 April 2025 – The Herald, Edinburgh Gazette and Ross-shire Journal.
- 2 May 2025 – Ross-shire Journal.

Representation deadline: 1 June 2025

Representations received by the Highland Council: 0

Representations received by the Energy Consents Unit: 0

4.2 Material considerations raised: None

4.3 All letters of representation made can be accessed via www.energyconsents.scot

5.0 CONSULTATIONS

5.1 **Ardross Community Council (Host):** No response received.

5.2 **Kiltearn Community Council (Host** – SW part of the site): No response received.

5.3 **Alness Community Council (Host** – B9176 road boundary): No response received.

5.4 **Contaminated Land Team:** Does not object. The submitted details confirm that the site is at low risk from historical potential contamination with the exception of the former mill pond which is outside of the proposed developed area of the site.

5.5 **Development Plans:** Does not object. Notes that policy supports energy storage in principle. Advises on the policy context and conformity with the Development Plan, as well as on community benefits and community wealth building.

5.6 **Ecology:** Does not object, subject to conditions. The conditions include a Habitat Management Plan, Habitat Survey, Construction Environmental Management Plan, Pre-construction Survey, Ecological Clerk of Work. Initially objected on the grounds of a lack of information but withdrew the objection following additional submissions by the Applicant.

5.7 **Environmental Health Officer:** Does not object, subject to conditions. The development is currently close to acceptable noise limits. It is considered reasonable to conclude that advancements in battery technology may reduce operational noise levels by the time construction begins, potentially bringing them below the required threshold. It should be noted that conditions will be imposed to ensure that if the developer cannot meet the required noise levels, the development cannot proceed. An updated operational noise assessment is required prior to development commencement with this to be secured by condition.

5.8 **Flood Risk Management Team:** Does not object. Initially objected on the grounds of a lack of flood risk and drainage information but withdrew the objection following an additional submission by the applicant.

5.9 **Forestry Team: Objects** to the application due to current contradictions and inconsistencies between the Arboricultural Report, Biodiversity Enhancement Feasibility Assessment, and Landscape Plan. In the event that consent is granted, conditions are recommended to mitigate any potential adverse impacts on trees, requiring updated and consistent information to be submitted and agreed to the satisfaction of the Planning Authority.

5.10 **Historic Environment Team (Archaeology)**: Does not object, subject to condition. Only a single historic environment asset has been identified within the boundary of the proposed development; a historic mill pond lying in the south-west corner of the area. This will not be impacted by the proposed site layout, and no specific mitigation is considered necessary in that regard. There remains potential for unrecorded buried features or deposits and so a programme of archaeological watching briefs is deemed necessary during the initial ground stripping stages. Condition requested for an

archaeological Written Scheme of Investigation (WSI) to be submitted prior to commencement of works.

5.11 **Historic Environment Team (Conservation):** Does not object. Indirect impacts to designated assets are listed in this document as the scheduled burial mound of Gun Port (SM5002), the Novar Inventory Garden or Designed Landscape and 16 listed buildings, including the Fyrish Monument. No significant setting impacts are identified.

5.12 **Scottish Fire and Rescue Service:** Does not object. Advised that SFRS are assessing all BESS site applications at the moment and there has been a working group established to consolidate all departments and provide unified responses to all applications. Until this group completes its work, NFCC Best Practice guidance on BESS should be followed.

5.13 **Transport Planning Team:** Does not object. Satisfied that the effects of construction traffic can be appropriately managed. Requested conditions regarding the provision of a Construction Traffic Management Plan, Abnormal Indivisible Load Assessment, and a Decommissioning Traffic Management Plan. Also advised that the applicant will require to enter into a Section 96 agreement with the Council.

5.14 **Consultations undertaken by the Scottish Government's Energy Consents Unit:**

5.15 **BT:** Does not object. Advised that the project indicated should not cause interference to BT's current and presently planned radio network.

5.16 **Defence Infrastructure Organisation:** Does not object.

5.17 **Health and Safety Executive:** Does not object. Advised of a limited interest, with health and safety issues mainly dealt with under health and safety law. Advised that the development area is not within any explosive licence safeguarding zones and is not within any HSE consultation zones. Also informed that the proposal does not appear to have hazardous substances present at or above threshold quantities. As such, no further comments.

5.18 **Highlands and Islands Airports:** Does not object.

5.19 **Historic Environment Scotland:** Does not object. Considers that the proposals do not affect any heritage assets within HES remit.

5.20 **NATS:** Does not object.

5.21 **NatureScot**: Does not object, subject to conditions. Advised that the proposal could affect a number of designated European sites including Novar SPA and Cromarty Firth SPA but concludes that the proposal will not affect the integrity of either of these European sites if the works are carried out in accordance with the mitigation detailed in the proposed conditions.

Novar Special Protection Area (SPA): The site is 745m to the southeast of the Novar Special Protection Area (SPA). NatureScot advise that this proposal is likely to have a significant effect on Capercaillie qualifying interest of Novar SPA. NatureScot advise, in support of the ECU's appropriate assessment, that they conclude that the proposal will not adversely affect the integrity of the site based on the following factors:

- There are no known Capercaillie records within 1km of the proposed development site boundary; and
- The applicant's shadow HRA, which was submitted with the application, provides sufficient mitigation to minimise the risk of causing significant disturbance to Capercaillie. This includes adherence to a Construction Environmental Management Plan (CEMP) which will be agreed with the Local Planning Authority (LPA).

Cromarty Firth Special Protection Area (SPA): This proposal is likely to have a significant effect on all qualifying features of Cromarty Firth SPA. In support of the ECU's appropriate assessment, that they conclude that the proposal will not adversely affect the integrity of the site on the basis of the appraisal carried out to date, if the proposal is carried out strictly in accordance with the following mitigation, our conclusion is that the proposal will not adversely affect the integrity of the site. Condition requested for a Breeding Bird Protection Plan for Osprey, prior to works commencing.

Cromarty Firth SSSI: The proposal lies close to the Cromarty Firth SSSI protected for a range of coastal habitats and wintering birds. Nature Scot advice is that the objectives of the designation and the overall integrity of the area will not be compromised.

5.22 **Office for Nuclear Regulation:** Does not object. Advised that no comment on this proposed development is required as it does not lie within a consultation zone around a GB nuclear site.

5.23 **Scottish Water:** Does not object. State that there are no Scottish Water drinking catchments or water abstraction sources in the area which may be affected by the proposed activity. The applicant should contact the Asset Impact Team in relation to any conflicts with assets and that written permission must be obtained before any works are started within the area of apparatus.

5.24 **SEPA:** Does not object. SEPA refers to their standing advice in relation to flood risk and BESS.

5.25 **Scottish Gas Networks:** Does not object. SGN advise that they do not have any High Pressure pipelines within the vicinity.

5.26 **SSEN: Objects** to the application. Concerns raised about the proposed cable route to Fyrish substation, particularly regarding potential obstruction of 24/7 access. A

condition is requested that details the exact cable route to be agreed with SSEN prior to works commencing, to ensure operational access is maintained.

5.27 **Transport Scotland:** Does not object, subject to conditions. Satisfied with the submitted Transport Statement and raise no objection to the development in terms of environmental impacts on the trunk road network. Requested conditions regarding the provision of a Construction Traffic Management Plan and Abnormal Indivisible Load assessment.

6. DEVELOPMENT PLAN POLICY

6.1 Appendix 2 of this report provides details of the documents that comprise the adopted Development Plan, including details of pertinent planning policies as well as adopted supplementary guidance, and other material policy considerations which are relevant to the assessment of the application.

7.0 PLANNING APPRAISAL

7.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 (as amended). Should Ministers approve the development, it will receive deemed planning permission under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). Although not a planning application, the Council processes S36 applications in a similar manner given that planning permission may be deemed to be granted.

7.2 Schedule 9 of The Electricity Act 1989 contains considerations in relation to the impact of proposals on amenity and fisheries. These considerations mean the developer is required to:

- have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings, and objects of architectural, historic or archaeological interest; and
- reasonably mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

7.3 It should be noted that for applications under the Electricity Act 1989 that the Development Plan is just one of a number of considerations, and therefore Section 25 of the Town and Country Planning (Scotland) Act 1997 which requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise, is not engaged. That said, the application is still required 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

7.4 The key considerations in this case are:

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

Development Plan / Other Planning Policy

7.5 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth 2 Local Development Plan (IMFLDP2), and all statutorily adopted supplementary guidance.

7.6 Appendix 3 of this report provides an assessment of compliance with the Development Plan / Other Planning Policy.

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

Energy and Carbon Saving

7.8 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 proposal will also provide electricity or other grid services when needed. Depending on the mix of electricity at the time of collection, the BESS facility may or may not be storing and then releasing renewable energy. That said all electricity generation in the region comes from renewable sources and therefore this the proposal is considered to 'regenerate' renewable energy.

7.9 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

7.10 The Council's position on Community Benefits is set out in the Social Values Charter for Renewables Investment (2024). The charter sets out the community benefit expectations Highland Council has for companies wishing to invest in renewables in the area. The charter aims to:

- 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
- Unlock economic opportunities for the area

7.11 It is stated by the applicant that the proposed development will provide significant benefits to the local area. The development will contribute annual payments of around £200,000 in non-domestic rates. Across Scotland there will be £20 million Gross Value Added (GVA) and 115 jobs supported over the construction period of two years.

7.12 The application states that in alignment with the council developing a strategy to enable a future workforce to support the energy transition, committed to working with the National Schools Partnership to design a school-based education programme for schools surrounding the proposal. The programme, launched August 2024, is aimed at offering secondary school students' essential information about the various job opportunities available in the energy sector, the required training for these positions, and the pathways to follow for pursuing these careers. Target schools have been

identified by the applicant based on catchment area in proximity of the proposal. Community Benefit is not considered a material planning consideration, and therefore the Planning Authority does not have the ability to compel developers to sign up to the provisions of the Charter. As such, community benefit can only be secured by means of a voluntary arrangement between the Council and the Developer, and the Council's Community Wealth Building Team are aware of the proposal and will conduct their own discussions with the developer directly. A condition should be attached to secure details of a local employment scheme, to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider community.

Siting, Design, Landscape and Visual Impacts

7.13 To support grid stability, a Battery Energy Storage System (BESS) must connect to the national grid. For feasibility, developers aim for sites within a 2 km radius of a viable grid connection point as it reduces energy losses associated with the transport of electricity. The applicant has secured a connection at SSEN's Fyrish Substation, which has sufficient capacity. An alternative site assessment identified 15 potential locations within the 2 km radius of Fyrish Substations, with the proposed site selected as the most suitable.

7.14 The proposed development is located within a 17.9 ha agricultural field, with 4.6 ha identified for the BESS compound. The compound has a semi-rectangular shape, extending east to west while avoiding the southeast corner. It is sited on lower ground, benefiting from existing field trees and surrounding woodland that offer immediate visual containment from multiple directions. The design aims to minimise physical spread and visual prominence through a compact layout and the use of recessive colours and finishes on fencing and equipment. The embedded mitigation is comprehensive: new native woodland belts around the compound's outer edges, species-rich grassland across bunds and SuDS margins to soften edges and deliver biodiversity uplift, and earthwork bunds graded into the existing landform to reduce contrast and intercept low-level sightlines.

7.15 The physical components influencing landscape and visual outcomes area considered from the absolute heights of structures, substation building at about 5.5 m, 132 kV transformers around 6.32 m, auxiliary transformers around 2.71 m, generator around 2.6 m, fire water tank around 5.09 m, battery containers around 3.2 m including plinths (excluding lights), and MV skids at around 3.6 m, together with a 5 m acoustic fence around the compound and a 2.4 m palisade perimeter fence, low-mounted security lighting and CCTV columns up to around 5 m. A new 8 m wide access and 5 m internal tracks will be formed in aggregate, with the grid connection achieved via underground cabling routed predominantly along the B9176 and the substation access road to avoid vegetation loss and to prevent new vertical intrusion. The proposed cable routing is however required to agreed through conditions owing

to SSEN having raised substation access concerns. Earth bunds will be created to the north, east and southeast of the compound to break lines of sight, with SuDS positioned and graded to read naturally in the local landform. The whole layout has been developed to occupy a visually recessive, low-lying platform, avoiding skylines and ridgelines.

7.16 NatureScot does not consider that the proposed development would raise issues of national interest in relation to the landscape, visual or cumulative effects. They therefore consider that the Highland Council are best placed to advise on any landscape and visual impacts arising from this proposal.

7.17 The site sits within the NatureScot Farmed and Forested Slopes – Ross and Cromarty Landscape Character Type (Host LCT), which is characteries as an area of industrial arable and pastoral land interspersed with shelterbelts, larger woodland blocks (including areas of Ancient Woodland) and forestry on the rising ground to the north, producing a well-treed character and a strong sense of visual containment at lower elevations. To the south, the land falls towards the industrialised Cromarty Firth, with transport corridors including the A9, B817 and Far North Railway Line set back behind intermittent tree lines; to the north and northwest, landform rises quickly toward the rounded uplands of Cnoc Fyrish (453 m AOD), which provide a prominent forested backdrop and hosts the Fyrish Monument.

7.18 The host LCT is accommodating of the development as the character and recreational use is balanced against established tree cover, existing local infrastructure including a low-height overhead line crossing the site, agricultural buildings and nearby substation. There are no national or local landscape designations within the Study Area; however, Novar Garden and Designed Landscape lies 280 metres west of the site and represents a valued landscape resource where filtered winter intervisibility is possible at its most eastern edge. Visual receptors assessed comprise of scattered residential properties, the settlements of Alness and Evanton, users of designated recreational routes (Core Paths network, National Cycle Route 1 and the John o' Groats Trail), visitors ascending to the Fyrish Monument, road users on the B9176, B817 and A9, and rail passengers on the Far North Railway Line.

7.19 The Landscape and Visual Appraisal (LVA) presents two Zone's of Theoretical Visibility (ZTV). A ZTV illustrates the areas from which a proposed development may be visible, based on a computer-generated analysis of topography. A bare ground ZTV is produced using a Digital Terrain Model (DTM), which represents the landform only, that is, the underlying ground surface without any buildings, trees, or other vegetation. This means the analysis models visibility as if the landscape were completely open, with no obstructions apart from the terrain itself. The bare ground ZTV therefore identifies the maximum potential extent of visibility, showing the broadest possible area from which the development could theoretically be seen. In reality, the actual visibility is likely to

be more limited once existing vegetation, buildings, and other features are taken into account.

7.20 The LVA Figure 1a presents the bare-ground ZTV, models visibility as if there were no buildings or vegetation; it therefore shows a theoretical maximum. Figure 1b, the screened ZTV, incorporates a 2 m Digital Surface Model derived from aerial photography to account for the screening effects of buildings and vegetation. Once this realistic context is included, visibility becomes highly fragmented and localised. To the south and west, potential visibility is largely contained within 500–600 m of the compound; to the east, visibility occurs only sporadically to about 1 km; and to the north, established woodland and forestry directly containing the site effectively eliminate wider intervisibility. Together, the two ZTVs show that actual visibility will be materially lower than the conservative bare-ground prediction and that both existing woodland and the proposed planting strategy are central to reducing the frequency and clarity of views.

7.21 A selection of representative Viewpoints (VP), has been appraised within the applicant's Landscape and Visual Appraisal. These VP locations were agreed with the Planning Authority through pre-application consultation. The applicant's finding are set out below which are not disputed by Officers.

7.22 Viewpoint 1 – B9176 near Culcraggie Lodge (365 m north-west of the compound): taken from the roadside, the local view is of a pastoral field foreground with a band of gorse scrub and scattered field trees beyond, backed by established tree cover; a low-height overhead line also crosses the foreground. The eastern edge of the compound would be intermittently perceptible behind the scrub and in association with the overhead line. It is considered that the proposed planting steadily reduces visibility such that by year 10 the development will be prominently hidden from view, resulting in the level of visual effect being not significant.

7.23 Viewpoint 2 – NCR 1 and John o' Groats Trail at the B817/B9176 (Struie Rd) junction (approx. 589 m south): The baseline is a gently rising arable field foreground with a strong backdrop of forestry on the ascending landform; farm buildings at Clashnabuiac and an overhead line lie in the middle distance. The Fyrish Monument sits on the wider skyline. The southeastern part of the compound would be visible as a low-lying, narrow slice at or near field level, fully backdropped by forestry and well below the skyline. The presence of the development would be limited, read against comparable infrastructure and forestry, and would not materially alter the local character. The visual impacts are not significant.

7.24 Viewpoint 3 – Edge of Novar Garden and Designed Landscape (approx. 670 m south-west): The view is characterised by arable fields enclosed by woodland and belts of trees; through gaps there are long views towards the Firth including glimpses of Invergordon and rigs in the bay. The compound would be completely screened during the growing season and, in winter, only heavily filtered glimpses might be

obtained between the trees, with the elements appearing low and backdropped. It is considered user within the GDL would have no views of the development by Year 10. The visual impacts are not significant.

7.25 Viewpoint 4 – Core Path RC03.03, Teaninich Beach (approx. 1.92 km south-east): From the coast, the foreground is the shoreline rising to active farmland articulated by tree lines and woodland, with the Cnoc Fyrish skyline in the distance; the A9 is present mainly as movement. At this distance, the landform and vegetation combine to screen or so heavily filter the view that the compound would make no discernible difference to visual amenity or landscape character, as such the visual impacts are not significant.

7.26 Viewpoint 5 – Path to Cnoc Fyrish (Core Path RC05.01) (2.11 km northwest): The baseline view is a wide panorama across the Cromarty Firth and the Black Isle, with the coastal farmland forming a patterned foreground of fields and tree belts; Alness and Invergordon are visible to the east, together with dispersed infrastructure characteristic of the Firth such as farm compounds, business parks and Industrial Estates. The compound would be perceived on the low foot-slopes, well below the skyline, partly screened by intervening woodland, and occupying only a narrow angle within a large view focused on the Firth. Given the distance, partial screening, and the wide, layered nature of the view, featuring farmland, tree belts, settlements, and infrastructure, the development would appear as a small, recessive element. As such, the visual impact is minor in the expanse and not significant.

7.27 Operational visual effects for residents within the settlement of Alness will be minimal. They will be subject to extremely fragmented and limited ZTV coverage and, where pockets of intervisibility occur, the compound would present as a very small background feature set beyond intervening buildings and garden vegetation substantially hidden. Evanton lies outside the ZTV and experiences no view.

7.28 While views of the development may be possible from higher slopes across the Firth on the Black Isle, the intervening distance, combined with the scale of the development and surrounding landscape context, means it is likely to be barely perceptible. As such, any visual impact is considered minimal and unlikely to noticeably alter the character of the view. The surrounding area is characterised by a scattered rural settlement pattern, with some properties located on higher ground. While there may be intermittent views of the development from certain locations, particularly where properties are elevated and face toward the site, the overall scale and design of the proposal, combined with intervening vegetation, bunding, and proposed planting, will help to limit its visual prominence. The development will not dominate any residential views and is expected to be perceived as a relatively minor feature within the wider landscape. As such, while some localised effects may occur, particularly in the early years before planting matures, the visual impact on residential receptors is not considered significant.

7.29 For recreation, users of NCR 1 /John o' Groats Trail and Core Paths RC16.08/RC03.12 will experience only a very short section of visibility near the B817/B9176 junction, where the compound appears as a low, backdropped element occupying a narrow angle of view. Other paths (e.g., Coul Hill/Coulhill Wood circuit) are screened; the coastal Core Path at Alness Point sees no discernible change; and the Fyrish path affords only a discreet, low-lying, partly screened view within a panoramic outlook dominated by the Firth, amounting to minimal effects that diminish with planting. At the Fyrish Monument itself, intervening landform and trees curtail views such that the primary panoramic appreciation is unaffected.

7.30 For roads and rail users, the B9176 carries the most relevant intervisibility; a roughly 200–300 m stretch along the site's eastern edge offers clear transient views for northbound drivers of the access, earthworks and the eastern compound. It is not considered to have a negative effect due to proximity and brevity, the remaining parts of the B9176 in the Study Area are subject to screening. The B817 has a very short visible section at the junction with the B9176, where effects are limited. The A9 exhibits a few brief westbound winter glimpses within a combined 400 m of road length, which are backdropped and fleeting; and the Far North Line has only a highly localised 50 m section with negligible effect due to rising landform to the north.

7.31 The submitted landscape and visual appraisal considers cumulative relationships with existing overhead lines, the Fyrish Substation (within the wider site), the Alness Substation, and the network of OHLs extending north and southwest, as well as with the consented Balnacraig BESS (under construction) and the consented Contullich Energy Storage Facility, both located around 1.8 km to the northeast in adjoining fields. Cumulative effects are moderated by extensive woodland, including Ancient Woodland, which interrupts and compartmentalises views and prevents coalescence of character change; as a result, the host LCT's defining characteristics remain legible between schemes. The overall cumulative magnitude is a very limited incremental contribution from the Fyrish BESS.

7.32 Taking account of embedded mitigation and the progressive effect of planting, residual visual effects are primarily confined to the immediate compound edge, where a localised influence is acknowledged, but they rapidly decrease at short distances due to landform and vegetation. Residual visual effects remain notable at one property (Culcraggie Lodge) and briefly notable for northbound drivers along the 200–300 m stretch of the B9176 at the site frontage. This stretch of road is considered the main public vista, outwith Fyrish Monument. Where the development is visible, it will be at a distance and partially screened by existing vegetation, proposed planting, and the surrounding topography. Furthermore, any visibility will be predominantly backdropped by rising landform and dense forestry to the rear, and is considered to be a fleeting view experienced while moving through the landscape. For all other residential, recreational and transport receptors, effects are sufficiently limited, or no view occurs. Novar GDL experiences only negligible indirect effects confined to

heavily filtered winter glimpses at its eastern edge, which disappear as planting matures. Overall, the appraisal concludes that the proposed development can be accommodated with limited and localised landscape and visual effects, with the pattern and scale of change being consistent with the host landscape's capacity. The strategy of siting on low ground, minimising vertical scale, avoiding skylines, undergrounding the grid connection, using recessive finishes, bunding and delivering a strong native planting framework is effective and proportionate, and the biodiversity enhancements are a positive aspect of the scheme's long-term integration.

Natural Heritage

7.33 The proposed development site is not located within any designated ecological areas; it is situated in close proximity to several sites of national and international importance for biodiversity. These include the Novar SPA to the northwest and the Cromarty Firth SPA and SSSI to the southeast. The Cromarty Firth SPA and SSSI share the same geographical footprint and are designated for their value in supporting coastal habitats and significant populations of wintering and breeding bird species. The location of the proposed development, positioned between these two protected areas, necessitates careful consideration of potential ecological impacts, particularly in relation to the statutory requirements under the Conservation (Natural Habitats, and c.) Regulations 1994 (as amended) and, for reserved matters, the Conservation of Habitats and Species Regulations 2017.

7.34 The Novar SPA is designated for its breeding population of Capercaillie, a species of high conservation concern in Scotland. The proposed development lies approximately 745 metres southeast of the SPA boundary.

7.35 Following a review of the applicant's shadow Habitats Regulations Appraisal (HRA) and supporting ecological documentation, NatureScot advice is that the proposal will not adversely affect the integrity of Novar SPA, provided that mitigation measures are implemented as described. Key factors informing this conclusion include the absence of known Capercaillie records within 1 km of the site boundary and the inclusion of a Construction Environmental Management Plan (CEMP). The CEMP outlines measures to minimise disturbance during construction, including timing restrictions and operational controls, and will be agreed with the Local Planning Authority prior to commencement of works.

7.36 The Cromarty Firth SPA is designated for a diverse assemblage of wintering wildfowl and waders, as well as breeding populations of Common Tern and Osprey.

7.37 Nature Scot advise that the HRA undertaken adequately indicates that, if the proposal is carried out in strict accordance with the proposed mitigation measures, the development will not adversely affect the integrity of the SPA. Of particular concern is the presence of an Osprey nest located approximately 60 metres west of the site boundary. This proximity raises the potential for disturbance during both construction

and operational phases. To address this, the applicant has committed to preparing a Breeding Bird Protection Plan (BBPP), to be agreed with NatureScot, which will include adherence to a 750-metre disturbance buffer around any active Osprey nests, in line with NatureScot's guidance on disturbance distances.

7.38 Additional mitigation includes seasonal restrictions on noisy construction activities, use of machinery silencers, and the implementation of a CEMP that incorporates best practice pollution prevention measures.

7.39 Beyond direct disturbance, there is also a risk of hydrological connectivity between the development site and the SPA via the Culgraggie Burn, which could result in reduced water quality and subsequent impacts on supporting habitats. These habitats are critical to the SPA's bird populations, and any degradation could affect species distribution and the ecological function of the site. The applicant's Preliminary Ecological Appraisal (PEA) confirms that construction will follow SEPA's pollution prevention guidelines, which should mitigate these risks effectively.

7.40 A further consideration relates to the operational phase of the BESS. There is a recognised risk of accidental fire at BESS sites, which could result in environmental damage if not properly managed. A fire at the development site has the potential to impact SPA features through the spread of contaminated firefighting water into adjacent watercourses. The applicant's Battery Safety Management Plan outlines fire prevention and containment strategies designed to minimise this risk. NatureScot has advised that, with these measures in place, there will be no adverse impacts on the water quality or ecological integrity of the SPA.

7.41 The Cromarty Firth SSSI, which overlaps with the SPA, is designated for its coastal habitats and wintering bird populations. NatureScot has confirmed that the objectives of the SSSI designation and the overall integrity of the area will not be compromised, provided that the mitigation measures outlined for the SPA are fully implemented. The assessment for the SSSI mirrors that of the SPA, and no additional impacts have been identified beyond those already addressed.

Habitats

7.42 The proposed development site supports a diverse range of habitats, including neutral grassland, broadleaf woodland, bracken, fen, and scrub. While the development will result in the loss of some of these habitats, particularly areas of neutral grassland and scrub, the fen habitat will be retained and protected due to its ecological sensitivity. No invasive species were recorded during the Preliminary Ecological Appraisal.

7.43 Mitigation measures proposed include habitat creation to compensate for losses, the implementation of Sustainable Drainage Systems (SuDS) to manage water flow and quality, and the establishment of buffer zones around retained habitats to reduce disturbance.

7.44 A Habitat Management Plan (HMP) will be required by condition to guide the management of habitats throughout the construction, operation, decommissioning, restoration, and aftercare phases of the development. The HMP will include site-specific measures for the maintenance, monitoring, and reporting of habitats and species, with particular emphasis on the protection and long-term management of the fen habitat. It will also outline how the proposed condition of the fen will be maintained, including hydrological safeguards and vegetation control.

7.45 To further clarify the ecological value of the site, a habitat survey, particularly of the area identified as lowland meadow, must be conducted between late May and August. The results of this survey must be submitted to the Planning Authority, with any necessary amendments to the HMP arising from the findings agreed with the Planning Authority to ensure appropriate management and mitigation.

Soils

7.46 The site is predominantly underlain by Class 3.2 agricultural land, with smaller areas of Class 3.1 and Class 5.3 soils. Approximately 2.8 hectares of Class 3.1 prime agricultural land are located in the northwestern corner of the site. This area has been largely avoided through the iterative design process, minimising impacts on prime agricultural land. The total agricultural field area within the site boundary is 17.9 hectares, of which 4.6 hectares are proposed for development as part of the Battery Energy Storage System (BESS) compound. The development footprint would encroach on around 1 hectare of Class 3.1 prime agricultural land, significantly reducing the extent of development on high-quality soils.

7.47 To protect soil resources, the applicant will implement best practice soil protection and storage measures during construction. These measures aim to prevent degradation of soil quality and ensure suitability for reinstatement during decommissioning and restoration.

7.48 Soils from the BESS compound area will be handled and stored in discrete bunds in accordance with best practice guidance. These bunds will be seeded with a grass mix to prevent erosion but will not be planted with hedgerows or trees. This approach will safeguard the volume, quality, and availability of the soils, enabling them to be respread and the site restored to full agricultural use post-decommissioning.

7.49 A small area in the southwestern quadrant of the site (1.58 hectares) is classified as Class 6.2 due to very severe wetness limitations. This area is also identified as Carbon and Peat Class 4 on the Carbon and Peatland 2016 Map, confirming the presence of carbon-rich soils. The BESS compound has been designed to avoid this area, and as such, no significant effects on peatland resources are predicted. A Peat Management Plan is therefore not required to support the application. While the proposal will result in the loss of some Class 3.1 agricultural land, this is considered acceptable in this instance, as National Planning Framework 4 (NPF4) gives primacy

to renewable energy generation under Policy 11, and the development is not considered to be in conflict with this policy.

Trees, Protected Species and Biodiversity

7.50 The proposed development will result in the immediate loss of habitat, including approximately 2 hectares of naturally regenerated birch and alder. However, this is balanced by a comprehensive landscaping strategy that includes species-rich meadow mixes, broadleaved woodland pockets, enhanced neutral grassland, tall herb areas, and retention of the southern fen. These measures are expected to deliver a biodiversity net gain of over 10%, exceeding the enhancement target set out in The Highland Council's Biodiversity Enhancement Planning Guidance.

7.51 Species-targeted enhancements, such as bird and bat boxes and wader scrapes, will be secured by condition, alongside a 30-year Habitat Management Plan to ensure long-term ecological stewardship. The proposals are considered compliant with NPF4 Policy 3 and acceptable in terms of biodiversity enhancement on site.

7.52 While the Arboricultural Impact Assessment appears to have been largely shaped by the proposed layout and cable route, the overall impact on existing trees is relatively low. Some discrepancies have been noted between the Tree Protection Plan and the Biodiversity Enhancement Feasibility Assessment. However, given the limited arboricultural impact and the clear biodiversity benefits, the proposals are considered acceptable, subject to conditions requiring updated information to resolve inconsistencies between submitted documents.

Protected Species

7.53 Field surveys undertaken as part of the Ecological Impact Assessment (EcIA) identified suitable habitat within and adjacent to the site for protected species including badger, pine marten, and red squirrel. Evidence of active badger setts was recorded, with one disused and two outlier setts requiring closure to facilitate construction. The site also supports suitable habitat for commuting and foraging red squirrel and pine marten, although no direct field signs were recorded. No evidence of otter, water vole, wildcat, or Schedule 1 breeding birds was found within the site, though a large raptor nest was observed in adjacent woodland. The surrounding habitat is considered typical of the Highland region and offers alternative suitable habitat for affected species. Highland Council's Ecology Team is satisfied with the surveys, assessments, and proposed mitigation measures, and has removed its initial objection which revolved around a lack of information. This is subject to the submission and approval of Construction Environmental Management Plan prior to commencement of works, covering reptiles, birds, and any other protected species identified in further surveys. Reasonable Avoidance Measures and long-term habitat management will be implemented to minimise ecological impacts. Additionally, NatureScot has confirmed that, subject to strict adherence to mitigation measures,

the proposal will not adversely affect the integrity of the nearby areas of national designation.

Built and Cultural Heritage

7.54 A Built and Cultural Heritage Assessment has been undertaken. The assessment draws on available archaeological, historic, topographic, and land-use data to evaluate the heritage significance of the site and its surroundings, and to assess the potential impacts of the development during both construction and operation.

7.55 There are no designated heritage assets or designations within the boundary of the proposed development site. A Zone of Theoretical Visibility (ZTV) model was used to assess potential visual impacts on designated assets in the wider area. This analysis concluded that the development would not be visible from the majority of designated heritage assets. However, two notable exceptions are: the Novar Inventory Garden and Designed Landscape, and the Fyrish Monument, a Category B Listed Building. While there is potential for the development to be viewed from these assets, the landscape and visual impact assessment confirmed that any change to their setting would be minimal. As such, it is concluded that the development will not adversely affect the setting or significance of any designated heritage assets.

7.56 Within the BESS site itself, no previously recorded heritage assets were identified. However, the assessment did identify the remains of a late 18th or early 19th century millpond located in the southwest corner of the site. This feature will be preserved in situ and will not be impacted by the proposed development layout.

7.57 The archaeological potential of the site has been assessed as moderate for the prehistoric period, due to the presence of chance finds and burials in the surrounding area. The potential for the Early Medieval, Medieval, and Post-Medieval periods is considered low, and negligible for the Modern period.

7.58 The Council's Archaeology Service has reviewed the submitted Historic Environment Desk-Based Assessment and considers it to provide an appropriate level of information. The consultee notes that, while no significant setting impacts are anticipated, there remains a potential for unrecorded buried features to be present. As such, a programme of archaeological watching briefs is recommended during the initial ground stripping phase. This will allow for the identification and recording of any previously unknown archaeological remains.

7.59 It is further recommended that good practice measures be included within the Construction Environmental Management Plan (CEMP), including a protocol for the discovery of previously unrecorded assets. The watching brief should cover the main development area and any new access roads, excluding areas where prior disturbance has rendered the ground archaeologically sterile. A detailed Written

Scheme of Investigation (WSI) will be required to set out the scope of these works, and this can be secured by planning condition.

7.60 The proposed development is not expected to result in any significant adverse impacts on the historic environment. With the implementation of appropriate mitigation measures, the archaeological potential of the site can be managed effectively.

Construction and Operational Amenity Impacts

7.61 Environmental Health raise no objection to the proposal subject to condition. The Service requires that BESS developments comply with strict noise criteria: the Rating Level must not exceed existing background noise levels, and in areas with low background noise (i.e. <30 dB LA90), the limit must be the lower of 30 dB or background +5 dB. Although the applicant has incorporated mitigation measures—including acoustic fencing, bunding, and a redesign to a Long Duration Energy Storage System (LDES)—the predicted night-time Rating Level remains at 32 dB, exceeding the Service's threshold by +2 dB and the background level by +5 dB.

7.62 The development incorporates a range of mitigation measures to address potential noise impacts, including: the selection of low-emission BESS equipment, strategic siting of the BESS compound in the north-west of the site away from sensitive receptors, the installation of multiple landscaping bunds up to 4 metres in height, and two levels of acoustic barriers around the substation and BESS compounds. The Noise Impact Assessment identifies two receptors potentially at risk from night-time noise: Culcraggie Lodge (NAL01) 350m to the northeast and Clashnabuiac Farmhouse (NAL02) 400m to the south. Further information confirms that the Fyrish BESS is a Long Duration Energy Storage (LDES) project, thereby further reducing the development's operational noise impact which enables the night-time noise limit at NAL02 to be met. However, predicted noise levels at NAL01 remain above Environmental Health service's threshold.

7.63 It is however acknowledged that technological advancements in the batteries may reduce operational noise by the time construction begins. On this basis, Officers recommend that the Council raise no objection to the proposal, subject to the inclusion of robust planning conditions as advised by Environmental Health. These conditions include operational noise limits of 32 dB(A) during daytime and 30 dB(A) during night-time, submission and approval of an updated Noise Impact Assessment prior to commencement, post-operational noise verification by an independent consultant, and detailed construction noise, vibration, and dust mitigation schemes. It should be noted that if the applicant cannot demonstrate compliance with the operational noise limits prior to commencement, the development would be in breach of planning conditions and unable to proceed.

7.64 During the construction period, some disruption is likely. Developers and contractors must comply with reasonable operational practices to avoid causing nuisance, as

required under Section 60 of the Control of Pollution Act 1974, which is regulated by Environmental Health. Construction working hours and deliveries will be restricted to 08:00–19:00 Monday to Friday, 08:00–13:00 on Saturdays, with no working or deliveries permitted on Sundays or Public Holidays. Activities that do not generate impacts beyond the site boundary may be permitted outwith these hours.

7.65 The applicant has confirmed that there are two live mains potable water supplies which cross the site. Any protection or diversion of these will required separate authorisation from Scottish Water. No private water supplies in the vicinity have also been identified by the applicant or Environmental Health with a further pre-development commencement survey to be conditioned.

Flood Risk and Drainage

7.66 SEPA's updated flood mapping shows the site lies within a pluvial flow route during a 1-in-200 year plus climate change storm event, with ponding linked to drainage channels and the Craggie Burn, placing the site at medium to high flood risk. Several drainage channels, some springing from within the site, were also highlighted as potential flood sources, the applicant's Flood Risk Assessment (FRA) relied on older mapping without climate change allowances, underestimating the risk. The Flood Risk Management (FRM) Team therefore required the FRA to be re-evaluated using SEPA's latest mapping, to confirm the presence and significance of springs, ensure development would not alter spring discharge locations, and clarify whether marsh or ponding areas providing natural stormwater attenuation would be dewatered, with any lost storage quantified and replaced. Due to these gaps, the FRM Team initially objected to the proposals. However, following submission of a revised FRA and Drainage Impact Assessment (DIA) in June 2025, which incorporated SEPA's latest mapping, proposed drainage to intercept flows and direct them to the Craggie Burn, avoided sealing spring points, and retained the marshy ground for water storage, the FRM Team was satisfied that flood risk had been properly addressed and withdrew its objection.

7.67 The most recent Drainage Impact Assessment (DIA), supported by updated modelling and technical analysis, confirmed that infiltration is not feasible due to underlying hydrogeological conditions and proposed drainage to the Craggie Burn via a SUDS basin. The submission addressed earlier concerns by demonstrating betterment at higher return periods, incorporating erosion control measures, and providing detailed design information, including flow control devices. A mass balance analysis further confirmed that the SUDS basin would not adversely affect flood storage or conveyance. Based on the information supplied, the proposal is considered to appropriately manage surface water and flood risk. The Flood Risk Management Team confirm that drainage matters have been satisfactorily addressed.

7.68 It should be noted that following the submission of revised assessments and supporting technical information, the Flood Risk Management Team has confirmed

that both flood risk and drainage matters have been satisfactorily addressed. As such, the FRM Team has withdrawn its objections and has no outstanding concerns regarding flood risk or drainage for the proposed development.

Health and Safety

7.69 The submission includes an Outline Battery Storage Safety Management Plan (OBSSMP) for the proposed development. This plan outlines the measures to minimise fire risk, details the design specifications of the BESS facility, and describes procedures for fire containment and firefighting.

7.70 The proposal incorporates lithium iron phosphate battery chemistry, selected for its higher thermal runaway temperature threshold compared to other commonly used chemistries. Safety features within the battery units typically include internal electrical protection, separation layers, thermal monitoring, fire detection and suppression systems, and venting valves. The OBSSMP confirms that liquid cooling, monitoring systems, and smoke and heat detectors will be included in the development. Early off-gas detectors will also be installed to identify hazardous gases emitted under extreme conditions that may lead to thermal runaway.

7.71 The facility will use an aerosol-based fire suppression system, which activates upon detection of a fire hazard and aims to suffocate the threat. The applicant notes that the aerosol system is intended to prevent fires in ancillary electrical equipment from spreading to the battery modules. This approach helps avoid vapour cloud formation through venting. Additional safety measures include a Battery Management System, gas and heat detection systems, and both passive and active venting.

7.72 To address overheating risks that could lead to thermal runaway and fire, quality assurance procedures such as Factory Acceptance Testing (FAT) and site Acceptance Testing (SAT) will be conducted. These ensure that no mechanical damage is present that could cause faults. The selected technology will comply with standards including NFPA 855 and UL9540A. Once operational, the OBSSMP outlines regular maintenance and continuous monitoring to ensure proper equipment function. The facility will be monitored and controlled 24/7, with alarms triggered upon fault detection. Monitoring staff will be fully trained, and an Asset Manager will be employed to respond to alarms and initiate safety procedures. Periodic maintenance and timely replacement of major equipment will be implemented.

7.73 Security measures include a CCTV system and perimeter fencing to reduce the risk of fire sabotage and vandalism. An access control system will be used to monitor site occupancy and support evacuation procedures if necessary.

7.74 The facility is located such that the nearest occupied residential property is 400m from the nearest battery unit. Two access points to the BESS compound provide alternative routes for emergency services, particularly in cases where wind direction and smoke

may obstruct one path. A looped access track around the BESS units allows emergency vehicle access to all battery units, with internal tracks measuring 5m wide and adequate spacing confirmed for emergency access.

7.75 The proposed development includes a 3m separation distance between battery enclosures. While this does not meet the NFCC 2023 guidance minimum of 6m, the applicant references updated FM Global 5-33 (2024) guidance, which allows 1.5m spacing for lithium iron phosphate batteries. The draft NFCC 2024 guidance does not specify a spacing requirement and instead references NFPA 855, which the proposal complies with. Therefore, the 3m spacing is considered acceptable.

7.76 No combustible materials will be stored adjacent to battery units, and access routes will be kept clear and maintained. Gravel surfacing and vegetation control within 10m of battery units will reduce fire risk. Landscaping will be regularly maintained to prevent obstruction and minimise fire hazards.

7.77 The NFCC 2023 guidance recommends that sites provide at least 1,900 litres of water per minute for two hours. However, the draft NFCC 2024 guidance suggests that in the event of a thermal runaway, the affected BESS unit should be allowed to burn itself out. This “controlled burn” strategy reduces water and drainage requirements. Accordingly, the proposed development adopts this approach, allowing individual battery units to burn out naturally without direct water application. Water storage on site meets NFCC standards, and perimeter cooling may be used to prevent fire spread if necessary.

7.78 Fire water run-off from perimeter cooling will be contained using a surface-level filter drain and an attenuation basin. The drainage system is designed to hold contaminated water run-off at a rate of up to 1,900 litres per minute for two hours. Penstock valves will ensure the system can be sealed off to prevent environmental contamination.

7.79 Fire Management and Emergency Response Plans will be in place before battery equipment is delivered to the site. These plans will be secured by condition and updated regularly to reflect best practice and site conditions. While the planning service does not regulate fire safety, health, or environmental matters, the applicant has committed to liaising with relevant authorities, including the SFRS, to develop emergency procedures.

7.80 Due to the fire risks associated with lithium battery facilities, the SFRS has indicated it will not respond to individual planning applications. In the absence of formal guidance, general advice from the NFCC has informed the Planning Authority’s consideration. This includes recommendations on wind direction, emergency access, containment of contaminated water run-off, and water supply details. These elements will be addressed in a fire safety plan secured by condition.

Traffic and Transport

7.81 The application proposes a new primary access from the B9176 Struie Road, approximately one kilometre north of Skiach Services. This road is designated as an agreed route on the Timber Transport Agreed Route Map, meaning there are no restrictions on the volume of HGVs permitted for timber transport. The existing agricultural access track from the south has been deemed unsuitable for construction traffic; therefore, the new junction provides a direct and safe two-way connection to the B9176, with good visibility and sufficient capacity to accommodate abnormal load traffic. In addition, the secondary access point is proposed via the existing farm track to the south, which is intended for emergency use only, in accordance with NFFC guidance. The Transport Planning Team has reviewed the location and proposed layout of the new access and has raised no objection. It is recommended, however, that a condition be attached to any planning permission requiring details of the proposed access to be submitted to and approved in writing by the Planning Authority prior to the commencement of development. The access must be designed and constructed in accordance with the Council's standards, including requirements for geometry, visibility splays, surfacing materials, and drainage provisions, and must be fully implemented before any works on site begin.

7.82 The Construction Programme indicates that the peak period of construction traffic will occur between months six and eleven. During this period, it is estimated that there will be 49 two-way HGV movements per day and 76 two-way staff movements per day. Based on the 2024 baseline traffic flows plus low growth, this represents an 8.65% increase in HGVs on the B9176 and a 6.25% increase in car/LGV trips. The anticipated increase in HGV movements and the duration of their trips associated with the development are not expected to result in a detrimental impact on the public road network. The Transport Planning Team is therefore satisfied that the effects of construction traffic can be appropriately managed through the application of planning conditions relating to a Construction Traffic Management Plan, the detailed design of the site access, the management of abnormal loads, and the eventual decommissioning process. To safeguard the condition of the public road, the applicant will be required to enter into a Section 96 agreement with the Council, ensuring that any damage caused by construction vehicles is fully repaired at the applicant's expense. A suitable Road Bond will also be required as part of this agreement.

7.83 Conditions will be attached to ensure that construction and operational access is effectively managed and controlled through the Construction Traffic Management Plan, that abnormal indivisible loads are addressed through a dedicated plan, and that a Decommissioning Traffic Management Plan is submitted prior to the end of the development's lifespan. A further condition will require the establishment of a Community Liaison Group to address issues related to construction traffic. The details of what is required under each condition are set out at the end of this report.

7.84 Ongoing maintenance of the site will be required throughout the lifespan of the proposed development. The Highland Council Transport Planning Team has recommended that a condition be attached to any planning permission to address transport-related issues during the operational phase. In the event of any significant transport-related issues arising, including but not limited to abnormal load movements or an increase in HGVs, the applicant will be required to consult with all relevant interested parties. Advance written notification must be provided to the Planning Authority, the Roads Authority, and local community representatives, setting out the nature, timing, and expected impact of the transport activity, along with any proposed mitigation measures. The applicant must also maintain a record of all such notifications and consultations, which shall be made available to the Planning Authority upon request.

7.85 Transport Planning and Transport Scotland have confirmed that they have no objections to the proposal, subject to the addition of appropriate conditions. The conditions requested by Transport Scotland, as a statutory consultee, will be added by the ECU if deemed necessary.

Decommissioning and Reinstatement

7.86 It is understood that BESS facilities have a limited operational lifetime, generally within the region of 40 years. While there is no suggestion to limit the lifetime of this development by condition, it is appropriate as well as required under NPF4 Policy 11 e) and HwLDP Policy 67 to condition an outline Decommissioning and Reinstatement Plan (DRP) prior to the commencement of development on site. The DRP shall inform measures to safeguard and guarantee finances, prior to the commencement of development, to effectively implement the DRP in the event the operator or owner is no longer solvent, which should also be secured by condition. The strategy and financial safeguard would also require to be reviewed at regular intervals.

Other Material Considerations

7.87 None.

Non-Material Considerations

7.88 The applicant has committed to a voluntary community benefit payment however this is not material to the determination of this application.

8. MATTERS TO BE SECURED BY LEGAL AGREEMENT

8. 1 None prior to determination of the application. A financial guarantee to secure decommissioning of the site can be secured via condition. Similarly, Transport Planning have also advised that the applicant will require to enter into a Section 96 Legal Agreement to cover any excessive wear and tear on the local road network.

This is expected to be secured when assessing the provisions of the Construction Traffic Management Plan to be secured by condition.

9. CONCLUSION

9.1 The proposed development has the potential to support the electricity transmission network by addressing supply and demand fluctuations through the storage of excess energy, including that generated from renewable sources. In doing so, it contributes to national climate change objectives and carbon net-zero targets. The technology is strongly supported by National Planning Framework 4 (NPF4), specifically Policy 11 Energy. Following the submission of additional information that satisfied internal consultees, the proposal is considered acceptable and not significantly detrimental to the surrounding area. While industrial in appearance, the development is well sited within a busy agricultural landscape and benefits from screening from public roads and nearby residential properties.

9.2 The proposed development is expected to result in limited adverse effects on visual amenity and landscape character due to the application of appropriate mitigation through design, meaning all landscape and visual impacts will be localised. Over time, it will become increasingly integrated into the landscape, with the surrounding landform and mitigation measures helping to reduce its visual impact. All potential adverse effects can be appropriately mitigated through planning conditions.

9.3 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. It is recommended that the Council Raises No Objection to the application.

10. IMPLICATIONS

10.1 Resource: There are significant staffing and financial resource implications if the application is to be subject to a Public Local Inquiry.

10.2 Legal: If an objection is raised to the proposal, the application may be subject tp a Public Local Inquiry.

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

10.4 Climate Change/Carbon Clever: The proposal will make a meaningful contribution to the low carbon energy transition.

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before consultation response issued to Scottish Ministers:

None.

11.1 It is recommended to **RAISE NO OBJECTION** to the application subject to:

A. The Committee granting delegated authority to the Area Planning Manager – North to agree the finished condition wording, with any substantive amendments to be subject to prior consultation with the Chair of the North Planning Applications Committee; and
B. The following conditions and reasons.

Conditions and Reasons to be attached to any Section 36 consent which may be approved

1. **Notification of Date of First Commissioning**

Written confirmation of the Date of First Commissioning and the Date of Final Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after those dates.

Reason: To allow the Planning Authority and Scottish Ministers to calculate the date of expiry of the consent.

2. **Commencement of Development**

(1) The Commencement of development shall be no later than 5 years from the date on which this consent is granted, or in substitution, such other period as the Scottish Ministers may hereafter direct in writing.

(2) Written confirmation of the intended date of Commencement of development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

Reason: To ensure that the consent is implemented within a reasonable period and to allow the Planning Authority and the Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.

3. **Non-assignation**

(1) This consent shall not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation, with or without conditions.

(2) The Company shall notify the Planning Authority and the Scottish Ministers in writing of the name of the assignee, principal named contact and contact details within fourteen days of the consent being assigned.

Reason: To safeguard the obligations of the consent if transferred to another company.

4. **Serious Incident Reporting**

In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Planning Authority and the Scottish Ministers, including confirmation of remedial measures taken and/or to be taken to rectify the breach, within 24 hours of the incident occurring.

Reason: To keep the Scottish Ministers informed of any such incidents which may be in the public interest.

Conditions to be attached to any deemed Planning Permission

5. **Commencement of Development**

(1) The development must be begun not later than the expiration of 5 years beginning with the date of this permission.

(2) Written confirmation of the intended date of Commencement of development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

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

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

(1) Permission is hereby granted for the erection and operation of a Battery Energy Storage System (BESS) facility, with the following elements approved under this permission:

- MV Skid
- Transmission Operator (TO) Substation building
- 132kv High voltage transformer
- Substation building including, office, welfare and SCADA
- Standby generator
- Site Access
- Internal Access tracks
- Security Fencing

- Acoustic Fencing
- Lighting Columns
- Car Parking

(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 7 below, along with site drainage and flood mitigation infrastructure, site security measures, and fire safety measures including the means of containment of fire suppressant materials shall be constructed and installed in full, made available for use, and thereafter maintained for this use for the lifetime of the development.

(3) In the event of the Development not storing and supplying electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more batteries installed and commissioned from time to time, the Company shall immediately notify the Planning Authority in writing of that situation and shall, if the Planning Authority direct in writing, decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority in accordance with an approved Decommissioning, Restoration, and Aftercare Plan, which shall be based on the principles of the Decommissioning, Restoration, and Aftercare Strategy approved under Condition 8 of this permission and updated according with the relevant guidance and best practice at the time. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

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

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

7. **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, cable route, and ancillary infrastructure hereby permitted, have been submitted to, and approved in writing by, the Planning Authority. These details shall include:

a. the make, model, design, power rating, sound power level of the batteries, the dimensions of the battery storage cabinets and ancillary infrastructure, control building, storage and office facilities to be installed, and show separation distances between battery storage units which shall comply with the prevailing fire safety legislation and best practice guidelines at the time of installation; and,
b. the external colour and/or finish of the storage containers, buildings, and ancillary infrastructure on site, which shall have a dark-neutral, non-reflective, semi-matte finish.

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

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

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

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

8. **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.

9. **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 8 of this permission have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and

(2) Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (1) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal / recycling, site restoration, remediation

and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and

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

(4) Thereafter, the Operator, and Leaseholder and/or Landowner, shall:
   a) Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and
   b) Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the development is decommissioned and the site restored.

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

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

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

10. **Habitat Management Plan**

1. There shall be no Commencement of Development until a finalised Habitat Management Plan (HMP), has been submitted to, and approved in writing by the Planning Authority.
2. The HMP shall deliver a minimum of 10% biodiversity enhancement and set out proposed habitat management of the site during the period of construction, operation, and decommissioning, restoration and aftercare,

and shall provide for the maintenance, monitoring and reporting of site-specific details or particular species, habitats or wetlands on site. For clarity the HMP will include measures on how the proposed condition of the fen habitats will be maintained.

3. The HMP shall include a review of the Biodiversity Enhancement Feasibility Assessment. If a net loss of woodland is identified, then compensatory planting will be required in order to comply with the Scottish Government policy on the Control of Woodland Removal.
4. The HMP shall provide provision and details for regular monitoring and review to be undertaken against the HMP objectives and reasonable measures for securing amendments or additions to the HMP in the event that the HMP objectives are not being met.
5. Until otherwise approved in advance in writing by the Planning Authority, the approved HMP (as amended from time to time with written approval of the Planning Authority) shall be implemented in full in line with the timescales set out in the approved plan.
6. GIS Shapefiles must be supplied of boundaries of any compensation and enhancement areas to the Planning Authority prior to the commencement of works.

Reason: In the interests of good land management and the protection of habitats.

11. **Habitat Survey**

A habitat survey of the site, in particular the area currently identified as lowland meadow shall be conducted between late May and August to provide further clarification on the classification of the habitat. Once completed, the results must be submitted to the Planning Authority and any relevant changes to the HMP must be made and agreed by the Planning Authority.

Reason: To meet the requirements of NPF4 Policy 3.

12. **Pre-Construction Survey**

A pre-construction survey is required to been undertaken not more than 3 months prior to works commencing and a report of the survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an appropriate buffer from the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. 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.

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

There shall be no Commencement of Development unless and until a Construction and Environmental Management Plan (CEMP) containing site specific details of all on-site construction works, post-construction reinstatement, and mitigation relating to ecology has been submitted to, and approved in writing by, the Planning Authority.

The CEMP shall include (but is not limited to):

i. Mitigation to protect the ecological resources on site, including biodiversity protection zones, location and timing of works;

ii. Species and Habitat Protection Plans, (including badger, bats, pine marten, and breeding birds);

iii. A Pollution Prevention Plan including drainage management strategy and mitigation measures, demonstrating how all surface water run-off and wastewater arising during and after development is to be managed and prevented from polluting any watercourses or sources. This must also include arrangements for the storage and management of oil and fuel on the site;

The approved CEMP shall be implemented throughout the construction, post-construction site reinstatement and operational phases in full unless otherwise approved in advance in writing by the Planning Authority

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the reports which accompanied the application, or as otherwise agreed, are fully implemented.

14. **Ecological Clerk of Works (ECoW)**

(1) There shall be no Commencement of Development until the terms of appointment of a suitably qualified, experienced, and independent Ecological Clerk of Works ("ECoW") by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

a) impose a duty to monitor compliance with the ecological and hydrological commitments provided in Schedule of Mitigation, the

Construction and Environmental Management Plan, the Habitat Management Plan, and any species protection plans;

b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
c) require the ECoW to submit a report (frequency to be determined by construction programme) to the Planning Authority summarising works undertaken on site; and
d) require the ECoW to report to the Planning Authority any incidences of noncompliance with the ECoW works at the earliest practical opportunity, and no later than 5 working days following the incidence of non-compliance.

(2) The ECoW shall be appointed on the terms approved under part (1) throughout the period from pre-construction works, Commencement of Development to completion of construction works.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction phase.

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

Prior to commencement of the development, a Construction Traffic Management Plan (CTMP) shall be submitted to, and approved by, the Planning Authority in consultation with the Local Roads Authority and Transport Scotland. Thereafter, all construction traffic associated with the development shall conform to the requirements of the agreed Plan.

Reason: To mitigate the adverse impact of construction traffic on the safe and efficient operation of the trunk road network.

16. **Abnormal Loads**

Prior to commencement of deliveries to site, the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Planning Authority, in consultation with the Local Roads Authority and Transport Scotland.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

17. **Accommodation of Abnormal Loads**

Prior to the movement of any abnormal load, any accommodation measures required on the trunk road network, including the removal of street furniture, junction widening and traffic management must be approved and implemented to the satisfaction of the Planning Authority, in consultation with the Local Roads Authority and Transport Scotland.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

18. **Temporary Traffic Measures**

Prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.

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

19. **Access**

Prior to the commencement of development, details of the proposed access from the public road shall be submitted to and approved in writing by the Planning Authority, in consultation with the Local Roads Authority. The access shall be designed and constructed in accordance with the Council's standards, including requirements for geometry, visibility splays, surfacing materials, and drainage provisions. The approved access shall be fully implemented prior to any commencement of any further development on site.

Reason: To ensure that an adequate level of access is timeously provided for the development; in the interests of road safety and in order to comply with applicable standards.

20. **Landscaping**

No development shall commence until a detailed Landscaping Plan and maintenance programme, including details of supervision, has been submitted to and approved by the Planning Authority. The Landscaping Plan 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 the interests of amenity

21. **Operational Maintenance**

For the avoidance of doubt, throughout the lifespan of the development hereby approved, prior to the delivery of any significant HGV or abnormal load movements required, full details shall be submitted to, and approved in writing by, Planning Authority, in consultation with Transport Planning and Transport Scotland, in addition to any community representatives as required. Thereafter, the approved details shall be implemented in full.

Reason: To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road and local road networks.

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

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

a) a complete and fully implementable Fire Risk Management Plan; and,
b) a complete and fully implementable Fire Emergency Response Plan.

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

Reason: In order to provide the Planning Authority sight of 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.

23. **Record Keeping**

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

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

24. **Archaeology**

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 in writing 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.

25. **Socio-Economic Benefit**

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

The Scheme shall include the following:

a. details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies will take place in relation to maximising the access of the local workforce to information about employment opportunities;
b. details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative;
c. a procedure setting out criteria for employment, and for matching of candidates to the vacancies;
d. measures to be taken to offer and provide college and/or work placement opportunities at the development to students within the locality;
e. details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the development;

f. a procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Council; and
g. a timetable for the implementation of the Local Employment Scheme.

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

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

26. **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

a) 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.
b) This shall also include the provision of bat friendly lighting.

The lighting shall thereafter be implemented and maintained in accordance with the approved details.

Reason: In the interests of amenity, to minimise light pollution and to ensure the development does not have an adverse impact on bats.

27. **Construction Noise**

Prior to construction commencing the applicant shall submit, for the written approval of the planning authority, a construction noise/vibration mitigation scheme 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 should include but is not limited to the following: -

i. A description of the most significant noise sources in terms of equipment; processes or phases of construction.
ii. The proposed operating hours and the estimated duration of the works foreach phase.
iii. A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations (if required).
iv. 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 should be followed. Any divergence requires to be justified.

Thereafter the development shall progress in accordance with the approved Construction 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

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

28. **Dust Mitigation**

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

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

29. **Operational Noise**

The Rating Level of noise arising from the development, as defined in BS 4142 2014+A1:2019 Methods for Rating and Assessing Industrial and Commercial Sound, shall not exceed the existing daytime background sound levels between 07:00hrs -23:00hrs as detailed in Table 1, or a Rating level of 30 dB LAeq (15mins) between 23:00hrs – 07:00hrs at the curtilage any residential properties, as existing or consented at the time of this consent.

Table 1		
Noise Assessment Location ID	Noise Sensitive Receptor	Daytime (07:00 – 23:00) Background Sound Level, dB LA90(1 hour)
NAL 01	Culcraggie Lodge	36
NAL 02	Clashnabuic	36
NAL 03	Deer Park Cottages	36
NAL 04	Dairy Bungalow	36
NAL 05	Fyrish House	32

Reason: In the interests of protecting residential amenity.

30. **Noise Impact Assessment**

Prior to the commencement of the development, an updated Noise Impact Assessment should be submitted to, and approved in writing by, the Planning Authority. The Noise Impact Assessment shall include:

a) Full details of the specific plant to be installed on site and predicted noise levels at the nearest residential noise sensitive receptors; and,

b) Full details of all mitigation measures required to ensure that the Rating Level limits detailed in Condition 29 above can be achieved.

Thereafter any mitigation required shall be implemented in full accordance with the details approved under part (b) above and shall be maintained in an effective working condition for the lifetime of the consent.

Reason: In the interests of protecting residential amenity.

31. **Mandatory Compliance Monitoring**

Within 21 days from receipt of the development 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 consented noise limits.

The site operator shall submit the report of the independent consultant's assessment for the approval of the Planning Authority within 4 months of the development becoming fully operational.

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 consented noise limits.

Details of the proposed compliance monitoring must be agreed in writing beforehand with the Council's Environmental Health Service.

Reason: In the interests of protecting residential amenity.

32. **Community Liaison**

Prior to the commencement of development, the developer shall establish a Community Liaison Group (CLG) to facilitate regular communication between the developer, the Planning Authority, community representatives, and other relevant stakeholders.

The purpose of the CLG shall be to:

a) provide a forum for the exchange of information on the progress of the development;

b) discuss any community concerns arising during construction, operation, and decommissioning; and
c) promote ongoing engagement, transparency, and good community relations.

The CLG shall be established in consultation with the Planning Authority and local Community Councils. The first meeting of the CLG shall take place prior to the commencement of development.

Thereafter, meetings shall be held at an agreed frequency throughout the construction and operational phases of the development, and at least once prior to commencement of decommissioning.

Membership of the CLG shall include representatives from:

- The developer (and/or appointed contractor);
- The Planning Authority;
- Relevant Community Councils; and
- Local residents or groups as agreed with the Planning Authority.

Minutes of each meeting shall be made publicly available within two weeks of the meeting and submitted to the Planning Authority for information.

Reason: To ensure effective community engagement and communication throughout the life of the development, in the interests of local amenity and transparency.

33. **Private Water Supply**

A private water supply risk assessment which identifies any supply, including pipework, which may be adversely affected by the development shall be submitted for the approval in writing of the Planning Authority prior to the commencement of development. A report which includes details of the measures proposed to prevent contamination or physical disruption shall thereafter be submitted for the written approval of the Planning Authority. The report shall include details of any monitoring prior to, during and following construction and proposals for contingency measures in the event of an incident. Highland Council has some information on known supplies which can be provided on request however, it is not definitive. An on-site survey will be required.

Reason: To ensure that an adequate water supply can be provided to meet the requirements of the proposed development and, where relevant, without compromising the interests of other users of the same or nearby private water supplies.

34. **Tree protection**

(1) No development shall commence until an amended Tree Protection Plan and Arboricultural Method Statement have been submitted to and approved in writing by the Planning Authority, in accordance with BS5837:2012 (Trees in Relation to Design, Demolition and Construction).

(2) This report shall be prepared and thereafter adhered to with supervision undertaken by a suitably qualified arboricultural consultant approved by the Planning Authority.

Reason: To ensure the protection of retained trees during construction and thereafter

INFORMATIVES

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

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

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

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

Transport Scotland Infomatives
The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Roads Directorate.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

To obtain permission to work within the trunk road boundary the developer should contact the Area Manager through the general contact number 0141 272 7100.

The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

Nesting Birds
Construction works have the potential to disturb nesting birds or damage their nest sites, and as such, a nesting bird survey should be made, not more than 24 hours prior to the commencement of development if this coincides within the main bird breeding season (March- August inclusive) and thorughout the breeding bird season if new areas are being developed or there has been a break in cinstruction. All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.

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/resting up sites or places of protection, 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/resting up sites or place of protection of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species

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_working_on_public_roads/2

Mud and Debris on Road

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

Signature:	Dafydd Jones
Designation:	Area Planning Manager - North
Author:	Ross Cubey
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - 001.1 REV 09 – SITE LAYOUT PLAN
	Plan 2 - 002.1.1 REV 00 – LOCATION PLAN
	Plan 3 - 004.1 REV 01 – SUBSTATION BUILDING PLAN AND ELEVATIONS
	Plan 4 - 004.10 REV 00 - FLOOR/ELEVATION PLAN - STANDBY GENERATOR
	Plan 5 - 004.2 REV 01 - GENERAL PLAN - HIGH VOLTAGE TRANSFORMER
	Plan 6 - 004.3 REV1 - MV SKID PLAN/ELEVATIONS
	Plan 7 - 004.4 REV 01 - FLOOR/ELEVATION PLAN - BATTERY CONTAINER
	Plan 8 - 004.5 REV 01 - GENERAL PLAN - AUXILLARY TRANSFORMER PLAN AND ELEVATION

Plan 9 - 004.6 REV 01 - FLOOR/ELEVATION PLAN - LV CABINET

Plan 10 - 004.7 REV 01 - FLOOR/ELEVATION PLAN - ACCESS GATE AND PALISADE FENCE ELEVATION

Plan 11 - 004.7.1 REV 01 - ACOUSTIC FENCING AND GATE ELEVATIONS

Plan 12 - 004.7.2 REV 01 - FLOOR/ELEVATION PLAN - EMERGENCY ACCESS ELEVATIONS

Plan 13 - 004.7.3 REV 01 - 4m ACOUSTIC FENCING AND GATE ELEVATIONS

Plan 14 - 004.8 REV 01 - GENERAL PLAN - CCTV AND LIGHTING COLUMN ELEVATIONS

Plan 15 - 004.9 REV 01 - FLOOR/ELEVATION PLAN - FIRE WATER TANK

Plan 16 - 005.1 REV 07 – SITE LAYOUT PLAN

Plan 17 - 005.2 REV 03 - TOPOGRAPHY PLAN – SITE FINISH

Plan 18 - 005.3 REV 3 - COMPOUND EQUIPMENT LEVELS PLAN

Plan 19 - 005.4 REV 04 - GENERAL PLAN - 132Kv COMPOUND EQUIPMENT

Plan 20 - 005.6 REV 0 - SITE LAYOUT PLAN - FIRE SAFETY

Plan 21 - 005.6.1 REV 0 - SITE LAYOUT PLAN - DETAILED FIRE SAFETY

Plan 22 - EL-01 REV 2 - ELEVATIONS - CONTEXTUAL 1 OF 8

Plan 23 - EL-02 REV 2 - ELEVATIONS - CONTEXTUAL 2 OF 8

Plan 24 - EL-03 REV 2 - ELEVATIONS - CONTEXTUAL 3 OF 8

Plan 25 - EL-04 REV 2 - ELEVATIONS - CONTEXTUAL 4 OF 8

Plan 26 - EL-05 REV 2 - ELEVATIONS - CONTEXTUAL 5 OF 8

Plan 27 - EL-06 REV 2 - ELEVATIONS - CONTEXTUAL 6 OF 8

Plan 28 - EL-07 REV 2 - ELEVATIONS - CONTEXTUAL 7 OF 8

Plan 29 - EL-08 REV 2 - ELEVATIONS - CONTEXTUAL 8 OF 8

Appendix 1: Letters of Representation

None

Appendix 2: Development Plan and Other Material policy Considerations

DEVELOPMENT PLAN

National Planning Framework 4 (2023) (NPF4)

A2.1 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 7 - Historic Assets and Places

Policy 11 - Energy

Policy 14 - Design Quality and Place

Policy 18 – Infrastructure First

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

Policy 33 - Minerals

Highland Wide Local Development Plan 2012 (HwLDP)

A2.2 28 - Sustainable Design

29 - Design Quality and Place-making

30 - Physical Constraints

31 - Developer Contributions

36 - Development in the Wider Countryside

55 - Peat and Soils

56 - Travel

57 - Natural, Built and Cultural Heritage

58 - Protected Species

59 - Other important Species

60 - Other Important Habitats

61 - Landscape

64 - Flood Risk

65 - Waste Water Treatment

66 - Surface Water Drainage

67 - Renewable Energy Developments

69 - Electricity Transmission Infrastructure

72 - Pollution

Inner Moray Firth Local Development Plan 2: (2024) (IMFLDP2)

A2.3 No specific policies apply.

Highland Council Supplementary Planning Policy Guidance

A2.4 Biodiversity Enhancement Planning Guidance (May 2024)

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

Developer Contributions (Mar 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland's Statutorily Protected Species (Mar 2013)

Highland Renewable Energy Strategy and Planning Guidelines (May 2006) Managing Waste in New Developments (Mar 2013)

Physical Constraints (Mar 2013)

Public Art Strategy (Mar 2013)

Sustainable Design Guide (Jan 2013)

OTHER MATERIAL POLICY CONSIDERATIONS

Scottish and UK Government Planning Policy and Other Guidance

A2.5 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)

UK Government Clean Power Action Plan (Dec 2024)

Climate Change Committee Report to UK Parliament (July 2024)

Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 – interim and annual targets replaced by Climate Change (Emissions Reduction Targets) (Scotland) Bill in November 2024

Appendix 3 – Compliance with the Development Plan / Other Planning Policy

A3.1 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), the Inner Moray Firth Local Development Plan 2: (2024) (IMFLDP2) and any statutory supplementary guidance.

National Planning Framework 4

A3.2 The Proposed development is “National” development by virtue of being an application for electricity storage with a capacity exceeding 50MW.

A3.3 NPF4 Policies 1, 2 and 3 relate to all development proposals in Scotland. NPF4 Policy 1 requires that significant weight is given to the global climate and nature crises. NPF4 Policy 2 requires that development proposals be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. NPF4 Policy 3 states that development proposals for national development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity so that they are in a demonstrably better state than without intervention. The assessment has considered the proposal in relation to these policies and is considered to be compliant.

A3.4 NPF4 Policy 4 relates to natural places and intends to protect, restore and enhance natural assets making best use of nature-based solutions. It sets out the protections that will apply to protected species, which have been adequately considered in the submission. NPF4 Policy 5 intends to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. It states that development proposals will only be supported if they are designed and constructed in accordance with the mitigation hierarchy, which has been adequately demonstrated in the submission meaning that impacts on agriculturally valuable ground and carbon rich soils are avoided in this instance.

A3.5 NPF4 Policy 20 for Blue and Green Infrastructure supports facilities that design protect and enhance blue and green infrastructure and their networks by making climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management integral to design. Craggie Burn runs on the southern boundary of the site and so the requirements of NPF4 Policy 22, relating to flood risk and water management, also apply. The policy intends to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future developments to flooding. In this instance, all components of the proposal have been shown to be outwith a fluvial flood risk area. The requirements of NPF4 Policy 23, relating to health and safety, are also relevant as they seek to protect people and places from

environmental harm, mitigate risks arising from safety hazards, and encourage, promote and facilitate development that improves health and wellbeing. The main body of this report set out how the applicant has mitigated the risk to human and environmental health from battery fire.

A3.6 NPF4 Policy 25, relating to community wealth building, is also relevant to the proposal. It provides support for development proposals which contribute to local or regional community wealth building strategies and are consistent with local economic priorities.

A3.7 NPF4 Policy 11 relates to energy and is the key NPF4 policy for assessing energy developments. It provides support for all forms of renewable, low-carbon and zero emission development proposals, including battery storage. This support is dependent on development proposals maximising net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. It sets out several areas, including impacts on communities, landscape and visual, and public access, where project design and mitigation is required to demonstrate how impacts upon them have been addressed. Subject to the suggested conditions, it is considered that the proposal is in general compliance with this policy.

Highland-wide Local Development Plan (HwLDP)

A3.8 The key policy for assessing renewable energy developments within the HwLDP is Policy 67. It states that renewable energy developments should be well-related to the source of the primary renewable resources that are needed for their operation. The Council will consider the contribution of the proposed development towards meeting renewable energy generation targets and any positive or negative effects it is likely to have on the local and national economy. It states that the Council will support proposals where it is satisfied that they are located, sited and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other developments, with regard to 11 identified areas, including natural, built and cultural heritage features, species and habitats and visual and landscape impacts. Policy 28 relates to sustainable design and supports developments which promote and enhance the social, economic and environmental wellbeing of the people of Highland. It introduces the concept of achieving the right development in the right place and not to allow development at any cost.

Inner Moray Firth Local Development Plan 2: (2024) (IMFLDP2)

A3.9 Inner Moray Firth Local Development Plan 2: (2024) (IMFLDP2) is the Area Local Development Plan covering the application site. It does not contain any allocations related to the application site or the type of development proposed.

Draft Energy Strategy and Just Transition Plan (2023)

A3.10 The Draft Energy Strategy and Just Transition Plan (2023) notes the importance of efficiently matching energy supply and demand for power. It recognises the role that grid scale battery storage can play in achieving this and attaches particular importance to Long Duration Energy Storage (LDES). The draft energy strategy notes that, as of September 2021, only 124MW of the total 864MW of energy storage in Scotland was provided by BESS with a further 2.1GW having secured by planning condition. Energy Statistics for Scotland- Q2 2025 show that there is now 26.3GW of battery storage in the planning pipeline.

A3.11 The policies of NPF4 and the Draft Energy Strategy set out the Scottish Government's clear support for renewable energy development and associated transmission infrastructure.

Summary

A3.12 The Development Plan must be considered in the round. It provides clear support for the principle of renewable technologies, including proposals for battery storage. This support is not unqualified however with it needing to be demonstrated that the detailed impacts of renewable technology developments are acceptable when assessed against Development Plan policy. The current application is considered to comply with provisions of NPF4 and the Development Plan as a whole.