

Agenda Item	6.8
Report No	PLS-064-20

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 08 December 2020

Report Title: 20/02589/FUL: Intelligent Land Investments Group Plc
Blackpark Farm, Nairn, IV12 5HY

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Battery energy storage system comprising steel containers, GRP substation and fencing (output of up to 49.9MW)

Ward: 18 – Nairn and Cawdor

Development category: Major

Reason referred to Committee: Major Development

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

Recommendation

Members are asked to agree the recommendation to **Grant** planning permission as set out in section 11 of the report.

1. PROPOSED DEVELOPMENT

- 1.1 The application seeks planning permission for an energy storage facility capable of storing up to 49.9MW of electricity. The development would comprise:
- 30 Battery storage containers with integrated air conditioning units with each unit measuring 13m x 2.5m x 2.6m;
 - Meter building of 13m x 6m x 3.2m;
 - Area of hardstanding;
 - Parking;
 - Access to private road inclusive of service layby;
 - Surface water drainage system;
 - Wooden acoustic barrier fencing;
 - Landscaping; and
 - Security cameras.
- 1.2 The development would be connected to the existing Nairn substation, which is located within the Grigorhill Substation to the north east, by buried cables. No new overhead lines are proposed. The routing of the connection between the site and the existing Nairn substation has not yet been determined, however the applicant anticipates that it will likely be buried within the track and public road or else within the agricultural land.
- 1.3 The proposed development would be used to store excess electricity from the national grid and then release the energy in periods of high demand. The site currently has planning permission, granted in 2019 for a similar development which had a lower energy storage capacity.
- 1.4 Pre Application: The application undertook a drop in event at the Nairn Community Centre on 10 March 2020. Approximately 20 people attended the event and provided feedback during the event. The applicant did not undertake formal pre-application advice with the Planning Authority.
- 1.5 At the point of submission the application was supported by the following information:
- Pre-Application Consultation Report;
 - Design and Access Statement; and
 - Supporting Statement.
- 1.6 Following a request made to the applicant under Regulation 24 of the Town and Country Planning (Development Management Procedures) Regulations 2013 (As Amended), the following supporting information was provided:
- Landscaping Plan;
 - Fire Suppression Layout;
 - Visibility Splay drawings for the junction between the private access road and the public road;
 - Access details;
 - Drainage Plan (with details of drainage strategy);
 - Details of Acoustic Fencing;

- Updated Design and Access Statement;
- Noise Assessment;
- Photograph of a similar scheme;
- Updated Supporting Statement.

1.7 Since validation of the application the energy capacity of the development was changed from 30MW to 49.9MW. The description of development was duly updated and the application re-advertised.

2. SITE DESCRIPTION

2.1 The site comprises of a part of an agricultural field located off the access road to Black Park Farm. The site extends to 0.6ha and is bounded to the north east by a copse of mature trees. Black Park Farm House is located to the south west of the site and further residential properties are located to the west and north. Grigorhill Industrial Estate which includes a mix of industrial uses is located to the north east of the site.

2.2 Access to the site is via the private road to Black Park Farm which connects to Granny Barbour's Road and then onto the A939. There are no core paths in the vicinity of the site.

2.3 There are no natural or cultural heritage designations, but the wider area does have archaeological interests recorded in the Highland Historic Environment Record.

2.4 The development site is not covered by any international, national, regional or local landscape designations. It lies within the Coastal Farmlands Landscape Character Type (LCT) in the Landscape Character Assessment produced by Scottish Natural Heritage

3. PLANNING HISTORY

3.1	10 March 2020	20/00842/PAN - Battery energy storage system comprising steel containers, GRP substation and fencing (increased capacity from 19.99MW to 29.9MW)	Closed	
3.2	17 May 2019	19/00702/FUL - Battery energy storage system comprising steel containers, GRP substation and fencing	Planning permission granted	
3.3	16 July 2014	14/02346/FUL - Erect new farmhouse and associated works	Planning permission granted	
3.4	12 March 2014	14/00590/SCRE - Erection of 500kw wind turbine with associated control box & access track	EIA Required	Not

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour and Schedule 3 Development

Date Advertised: 04.08.2020 and 15.09.2020

Representation deadline: 29.09.2020

Timeous representations: 0

Late representations: 0

5. CONSULTATIONS

5.1 **Cawdor and West Nairnshire** did not respond to the consultation.

5.2 **Auldearn Community Council** did not respond to the consultation.

5.3 **Environmental Health Officer** does not object to the application. He notes that the applicant submitted a noise assessment and that the applicant has confirmed that the predicted levels are based upon a similar facility. He is satisfied that the noise arising from the development can meet the relevant criteria and the noise from the nearest property which is not financially involved will likely be inaudible. He recommends a condition to secure noise limits.

5.4 **Flood Risk Management Team** do not object to the application. It recommends a condition is attached to secure final details of the drainage system.

5.5 **Forestry Officer** does not object to the application. He notes that the proposal is within 2m from the field boundary and close to the existing stand of early mature commercial conifers.

5.6 **Historic Environment Team** do not object to the application. It notes that the site lies within an area of archaeological potential. It requests a condition to secure proposals for an archaeological watching brief.

5.7 **Transport Planning** does not object following the submission of further information. It explains that the access may be required to be upgraded to a SBD2 access in line with the guidance in the Access to Single Houses and Small Housing Developments Guidance. It recommends that a Construction Traffic Management Plan is secured by condition.

5.8 **Scottish Environment Protection Agency** do not object to the application subject to conditions on the basis that the development utilises solid state lithium batteries. It explains that as batteries have a limited lifespan that a condition is applied to require any batteries which have not been used for a continuous period of 6 months be removed for recycling. It recommends that a condition be attached to any permission granted to secure site restoration and decommissioning if the site is no longer in use. It suggests that the Council secure an appropriate financial bond to cover the costs of restoration should the site be abandoned without full restoration. It recommends that the final design of the surface water drainage basin be more of a natural feature.

- 5.9 **Scottish Water:** do not object to the application.
- 5.10 **Transport Scotland:** does not advise against the granting of planning permission.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland Wide Local Development Plan 2012

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

6.2 Inner Moray Firth Local Development Plan 2015

No specific policies apply

6.5 Highland Council Supplementary Planning Policy Guidance

- Access to Single Houses and Small Housing Developments (May 2011)
- Flood Risk and Drainage Impact Assessment (Jan 2013)
- Highland Historic Environment Strategy (Jan 2013)
- Highland's Statutorily Protected Species (March 2013)
- Physical Constraints (March 2013)
- Standards for Archaeological Work (March 2012)
- Sustainable Design Guide (Jan 2013)
- Trees, Woodlands and Development (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

- 7.1 The Highland-wide Local Development Plan is currently under review and is at Main Issues Report Stage. It is anticipated the Proposed Plan will be published following publication of secondary legislation and National Planning Framework 4.

- 7.2 In addition to the above, The Highland Council has further advice on delivery of major developments in a number of documents. This includes Construction Environmental Management Process for Large Scale Projects.

Scottish Government Planning Policy (SPP) and Guidance

- 7.3 Scottish Planning Policy (SPP) advances principal policies on Sustainability and Placemaking, and subject policies on A Successful, Sustainable Place; A Low Carbon Place; A Natural, Resilient Place; and A Connected Place. It also highlights that the Development Plan continues to be the starting point of decision making on planning applications. The content of the SPP is a material consideration that carries significant weight, but not more than the Development Plan, although it is for the decision maker to determine the appropriate weight to be afforded to it in each case.

Other Relevant National Guidance and Policy

- 7.4
- National Planning Framework for Scotland 3.
 - Scottish Energy Strategy (Dec 2017).
 - PAN 1/2011 – Planning and Noise.
 - PAN 60 – Planning for Natural Heritage.
 - 2020 Routemap for Renewable Energy.

8. PLANNING APPRAISAL

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

Determining Issues

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

Planning Considerations

- 8.3 The key considerations in this case are:
- a) Compliance with the development plan and other planning policy
 - b) Energy benefits;
 - c) Design and visual impact;
 - d) Traffic and transport impacts;
 - e) Impact on natural, built and cultural heritage;
 - f) Noise;
 - g) Water and Drainage;
 - h) any other material considerations.

Development plan/other planning policy

- 8.4 The Development Plan comprises the adopted Highland-wide Local Development Plan (HwLDP), Inner Moray Firth Local Development Plan and all statutorily adopted supplementary guidance. There are no site specific policies affecting this application site within the Inner Moray Firth Local Development Plan. As the development will store and release energy, the principal HwLDP policy on which the application needs to be determined is Policy 67 - Renewable Energy.
- 8.5 Policy 67 sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation, the contribution of the proposed development in meeting renewable energy targets and positive/negative effects on the local and national economy as well as all other relevant policies of the Development Plan and other relevant guidance. In that context the Council will support proposals where it is satisfied they are located, sited and designed such as they will not be significantly detrimental overall, individually or cumulatively with other developments having regard to 11 specified criteria (as listed in para 6.2). Such an approach is consistent with the concept of Sustainable Design (Policy 28) and aim of Scottish Planning Policy to achieve the right development in the right place; it is not to allow development at any cost.
- 8.6 If the Council is satisfied that the proposal is not significantly detrimental overall then the application will accord with the Development Plan.

Scottish Planning Policy

- 8.7 SPP sets out continued support for renewable energy. It lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics (Para. 169 of SPP).
- 8.8 Notwithstanding the overarching context of support, SPP recognises that the need for energy and the need to protect and enhance Scotland's natural and historic environment must be regarded as compatible goals. The planning system has a significant role in securing appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy. National policies highlight potential areas of conflict but also advise that detrimental effects can often be mitigated or effective planning conditions can be used to overcome potential objections to development.
- 8.9 Criteria outlined within SPP for the assessment of applications for renewable energy developments include landscape and visual impact; effects on heritage and historic environment; contribution to renewable energy targets; effect on the local and national economy and tourism and recreation interests; benefits and dis-benefits to communities; aviation and telecommunications; development with the peat environment, noise and shadow flicker; and cumulative impact.
- 8.10 As an up to date statement of the Government's approach to spatial planning in Scotland, National Planning Framework 3 (NPF3) is a material consideration that should be afforded significant weight in the planning balance. NPF3 considers that renewable energy has a role in meeting the Scottish Government's targets to achieve at least an 80% reduction in greenhouse gas emissions by 2050, and to meet at least

30% overall energy demand from renewables by 2020, including generating the equivalent of at least 100% of gross electricity consumption from renewables.

- 8.11 The Scottish Energy Strategy: The future of energy in Scotland was published in December 2017 by the Scottish Government. The document does not offer a distinct policy change but puts renewable energy at the centre of Scotland's energy mix.
- 8.12 In late 2019 the Scottish Government's targets for reduction in greenhouse gases were amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. This sets targets to reduce Scotland's emissions of all greenhouse gases to net-zero by 2045 at the latest, with interim targets for reductions of at least 56% by 2020, 75% by 2030, 90% by 2040.

Energy Benefits

- 8.13 The development will collect energy from the grid and then discharges that energy, later, to provide electricity or other grid services when needed. Depending on the mix of electricity in the grid at the time of the collection of energy, the battery storage facility may or may not be storing and then releasing renewable energy. However, the benefit of such facilities means that when generators such as wind farms are producing excess electricity beyond the capacity of the grid, the battery storage facility can allow generation from wind farms and other renewable sources to continue for a longer period.

Design and visual impact

- 8.14 The proposed development is of a utilitarian design. The battery containers will appear similar to shipping containers and be laid out in a grid. The hard standing will be a permeable material with an area of soft landscaping around the surface water drainage basin.
- 8.15 The entire site will require to be bounded by a wooden fence which will form the acoustic barrier for the development. This will be close-boarded and fully screen the battery containers.
- 8.16 The meter building, which will contain switch gear and health and safety equipment, will be located outside the fenced compound. This will be a glass reinforced plastic building. While not attractive buildings, the design is considered acceptable given their use and the fact they will largely be screened from wider view by the copse of trees to the north east and the surrounding fence. The finish of both the battery containers and the meter building would be secured by condition.
- 8.17 The development may be visible to those travelling on the proposed Nairn Bypass which will run to the south of the application site. Following negotiation with the applicant, it has been agreed that landscaping will be provided to the north west, south west and south east of the compound to soften the appearance of the fencing. The applicant has proposed a mix of hawthorn, blackthorn, hazel, goat willow, juniper and blackberry. While the planting mix is acceptable, further details are required on where each type of plant will be located and further details on the management and maintenance of the landscaping. These details can be secured by condition.

- 8.18 The applicant has set out that motion sensor lighting will be proposed for security and some limited lighting which can be switched on and off by maintenance personnel. This is welcomed as it means the visual impact of the development will not stretch into hours of darkness.
- 8.19 It is not considered that the slender poles on which security cameras will be mounted will lead to a significantly adverse visual impact.
- 8.20 Subject to securing the landscaping mitigation around the site, it is considered that the visual impact of the proposed development is acceptable.

Traffic and transport impacts

- 8.21 During operation of the development, the applicant has stated that typical traffic to the site will be one van per week. The impact will however be greater during the six month construction period where construction machinery, aggregate and other materials will be delivered to site.
- 8.22 The applicant anticipates that the peak of construction traffic will be in months 2, when aggregate is being delivered to the site, and 4, when the battery containers are being delivered to the site. At these peaks, it is anticipated that 10 HGV loads (20 movements) per day will be accessing the site. It is anticipated a further 40 non-HGV movements per day will occur during this time for construction workers. Transport Planning have advised that a Construction Traffic Management Plan should be in secured by condition as well as a wear and tear agreement under S96 of the Roads (Scotland) Act 1984.
- 8.23 Transport Planning sought further details with regard to the visibility from the junction of the farm track and Granny Barbour's Road and highlighted that the access arrangement for the development may require an enhanced junction to be provided. The applicant has provided these details and committed to delivery of the enhanced junction arrangement.
- 8.24 In line with the requirements of Policy 77 (Public Access) of the Highland-wide Local Development Plan an Access Management Plan will be required to ensure public access is not impeded during the construction of the development.

Impact on natural, built and cultural heritage

- 8.25 The application site is within a field which is currently used for growing crops. It is not considered that there is significant ecological value within the site. The adjacent trees may however provide habitat for bats. As this is the case no dawn to dusk lighting will be used on the site.
- 8.26 To ensure adequate consideration is given to the environment during the construction of the development, it is considered that a construction environment management document approach should be delivered on the site. This can be secured by condition.

- 8.27 The Council's Historic Environment Team has identified the area as potentially having archaeological remains. As this is the case an archaeological watching brief will be secured by condition.

Noise

- 8.28 The battery storage containers will be fitted with air conditioning units and the operation of the facility, as a whole, may create noise. While recognising there are other noise generating uses in the vicinity of the site, there are a small number of properties which may be adversely affected by noise from the development.
- 8.29 Following a request by officers, the applicant submitted a noise assessment for the development based upon a similar scheme elsewhere and the applicant has confirmed that the equipment installed on this site will not have any tonal or other characteristics that would increase the potential impact.
- 8.30 The results of the noise assessment show that the levels at two financially involved properties would be experienced at 31-32dB(A). For the closest non-financially involved properties at Skeen Park Cottages, the noise level experienced would be 20dB(A). Environmental Health consider that these external noise levels would likely be completely inaudible. As this is the case, Environmental Health do not have concerns with regard to the proposed development subject to a condition being attached to ensure reasonable noise levels are met.

Water and Drainage

- 8.31 The surface water from the development will be managed through a surface water drainage system which comprises permeable surfacing and a surface water retention infiltration basin. Subject to final details of the system being provided neither SEPA nor the Council's Flood Risk Management Team have any concerns.
- 8.32 SEPA have recommended that a more natural feature should be brought forward on the site. This can be secured by condition.
- 8.33 Solid state lithium batteries with immobilised electrolyte will be used on the site. These batteries do not pose a risk of ground contamination, and so do not require bunding.
- 8.34 The site is not in an area identified to be at risk of flooding.

Other material considerations

- 8.35 Developers have to comply with reasonable operational practices with regard to construction noise so as not to cause nuisance. Section 60 of the Control of Pollution Act 1974 sets restrictions in terms of hours of operation, plant and equipment used and noise levels etc. and is enforceable via Environmental Health.
- 8.36 If the decision is made to decommission the development, all batteries, components, transformers, substation and associated buildings and infrastructure will be required to be removed from the site. Any new site tracks and hardstanding areas constructed during development of the battery storage facility would require to be reinstated to

the approximate pre-development condition, unless otherwise agreed with the landowner and/or Highland Council. The material used to construct the tracks would be taken up, removed to areas identified in the site restoration scheme, backfilled with suitable material and covered with topsoil/reseeded. Backfilling of access tracks and hardstanding would have to be carefully planned in advance to avoid having to move plant machinery and equipment on freshly reinstated land.

- 8.37 The applicant will be required to submit a Decommissioning and Restoration Plan (DRP). The DRP would be submitted to and approved in writing by The Highland Council in consultation with SEPA prior to commencement of development with a review being undertaken no later than 6 months prior to the final decommissioning of the development. The detailed DRP would be implemented within 6 months of the final decommissioning of the development unless otherwise agreed in writing with the Planning Authority.
- 8.38 It is important to ensure that any approval of this project secures by condition a requirement to deliver a draft decommissioning and restoration plan for approval prior to the commencement of any development and ensure an appropriate financial bond is put in place to secure these works.
- 8.39 Given the proposed use, a fire suppressant system will be required. A plan has been provided and the applicant has stated that the suppression system will use water. Further gas-based fire suppression may be built into the individual energy storage units depending on the final units selected.
- 8.40 There are no other material considerations.

Matters to be secured by Section 75 Agreement

- 8.41 None.

9. CONCLUSION

- 9.1 The proposed development has the potential to play an important role in addressing need and demand on the electricity transmission and distribution networks. Following the submission of additional information and securing further landscape mitigation, it is considered that the proposed development is acceptable and will not be significantly detrimental overall.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable

- 10.4 Climate Change/Carbon Clever: The proposed development can help to store renewable energy.
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

11. RECOMMENDATION

Action required before decision issued N

Subject to the above, it is recommended that planning permission be Granted.

Conditions and Reasons

1. In the event that any battery installed and commissioned fails to store electricity and release it to the public network when required on a commercial basis for a continuous period of 6 months, then unless otherwise agreed in writing with the Planning Authority, such battery will be deemed to have ceased to be required. If deemed to have ceased to be required, the battery, battery storage container and its ancillary equipment will be dismantled and removed from the site, with the battery being recycled, by the applicant within the following 3 month period, and the ground reinstated to the specification and satisfaction of the Planning Authority.

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

2. In the event of the Development, not storing 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 must immediately notify the Planning Authority in writing of that situation and shall, if the Planning Authority direct decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site. In the interests of safety, amenity and environmental protection.

3. (1) No development shall commence unless and until full details of the proposed battery storage containers (and ancillary infrastructure) and the metering building 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 and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed, and
 - b) the external colour and/or finish of the battery storage containers (and ancillary infrastructure) and the metering building to be used which shall have a non-reflective, semi-matte finish.

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

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

(4) All cables between the battery storage containers, metering building and any point of connection to the public network shall be installed and kept underground.

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

4. No development shall commence until details of the final drainage design have been submitted to, and received the approval in writing of, the Planning Authority. For the avoidance of doubt, the design shall include calculations to demonstrate that all storm events up to the 1 in 200 year plus climate change storm event shall be managed from within the development boundary. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity.

Reason: In order to ensure the site is adequately drained.

5. No development shall commence until details of the external lighting have been submitted to and agreed in writing with the Planning Authority. The external lighting shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of residential amenity and to ensure the development does not have an adverse impact on nocturnal animals.

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

- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
- ii. A plan showing existing landscaping features and vegetation to be retained;
- iii. The location and design, including materials, of any existing or proposed walls, fences and gates;
- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and

- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

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

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

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

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

8. No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:
 - i. All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
 - ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
 - iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
 - iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

The approved Outdoor Access Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

Reason: In order to safeguard public access during the construction phase of the development.

9. No other development shall commence until the site access has been upgraded in accordance with The Highland Council's Access to Single Houses and Small Housing Developments guidelines, with the junction formed to comply drawing ref. SBD2.

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

10. All plant and equipment associated with the development shall be so installed, maintained and operated such that any associated operating noise does not exceed NR 20 when measured or calculated within any noise-sensitive property with windows open for ventilation purposes.

If the above standard can not be met, the applicant must undertake an assessment of the noise in terms of BS 4142:2014 Methods for rating and assessing industrial and commercial sound which demonstrates that noise does not have an adverse impact on noise sensitive properties. A report of the assessment must be submitted for the written approval of the Planning Authority.

Reason: In the interests of amenity.

11. (1) The Operator shall, at all times after the first commissioning of the development, record information regarding the details of power stored, 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.

(2) 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 (in consultation with SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

(3) In the event that the development is no longer operational for a period of 2 years, or the operator, leaseholder and / or landlord advises that the development is no longer going to be operated, whichever is earliest, a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and

environment management provisions which shall include (but is not limited to):

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

(4) The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan.

Reason: To ensure that should the development no longer be required an appropriate mechanism is in place for decommissioning of the development.

12. No development shall commence until:

- i. 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 11 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
- ii. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) 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
- iii. Documentary evidence that the guarantee, bond or other financial provision approved under parts (i) and (ii) 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.

Thereafter, the Operator, and Leaseholder and/or Landowner, shall:

- i. Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and
- ii. 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 wind farm is decommissioned and the Site restored.

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 performance of the decommissioning and restoration conditions.

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

- a) details of the phasing of construction works;
- b) details of the formation of temporary construction compounds, access tracks and any areas of hardstanding;
- c) details of any temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- d) details of the maintenance of visibility splays on the entrance to the site;
- e) details of the method of construction and erection of the structures;
- f) details of dust management;

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

Reason: To ensure a satisfactory level of environmental protection and to minimise disturbance to local residents during the construction process.

14. No development shall commence unless and until a Traffic Management Plan ("TMP") has been submitted to and approved in writing by the Planning Authority. The approved TMP shall be carried out as approved in accordance with the timetable specified within the approved TMP. The TMP shall include proposals for:
- a) the routeing of construction traffic and traffic management including details of the capacity of existing bridges and structures along the abnormal load delivery route and a risk assessment;
 - b) scheduling and timing of movements;
 - c) the management of junctions to and crossings of the public highway and other public rights of way;

- d) any identified works to accommodate abnormal loads (including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site) along the delivery route including any temporary warning signs;
- e) temporary removal and replacement of highway infrastructure/street furniture;
- f) details of all signage and lining arrangements to be put in place and the reinstatement of any signs, verges or other items displaced by construction traffic;
- g) banksman/escort details;
- h) a procedure for monitoring road conditions and applying remedial measures where required as well as reinstatement measures;
- i) a timetable for implementation of the measures detailed in the TMP;
- j) the provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984;
- k) Provisions for emergency vehicle access; and
- l) Identification of a nominated person to whom any road safety issues can be referred.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

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.

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

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

Septic Tanks & Soakaways

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

Local Roads Authority Consent

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

additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

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

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

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

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

Mud & Debris on Road

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

Construction Hours and Noise-Generating Activities

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

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

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

Protected Species – Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding



protected species and developer responsibilities is available from SNH:
www.snh.gov.uk/protecting-scotlands-nature/protected-species

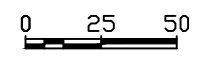
Designation: Area Planning Manager – South
Author: Simon Hindson
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - J320-026-25082020– Location Plan
Plan 2 - J320-024-25082020– Site Layout Plan
Plan 3 - J320-031-25082020 – Fencing Elevation Plan
Plan 4 - J320-030-25082020 – Drainage Plan
Plan 5 - J320-029-05082020 – Site Access Plan
Plan 6 - J320-027-25082020 – Fire Suppression Plan
Plan 7 - J320-025-25082020 – Landscaping Plan
Plan 8 - J320-023-02072020 – Meter Building elevations
Plan 9 - J320-016-10012019 – Container Plan

Appendix 1 – Letters of Representation

None.

Blackpark

-  Planning boundary
-  Landownership

Scale 1:2500 at A3

metres

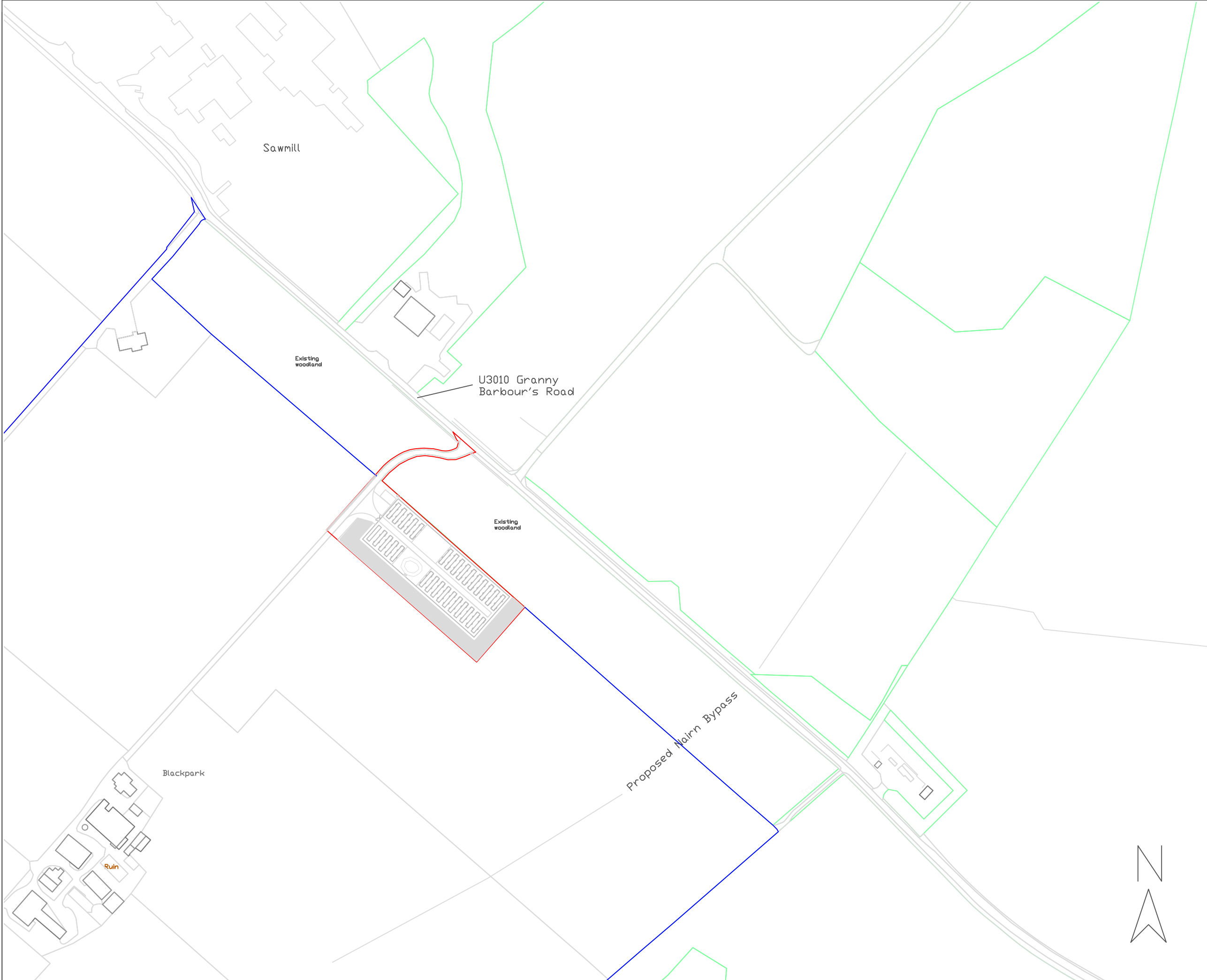
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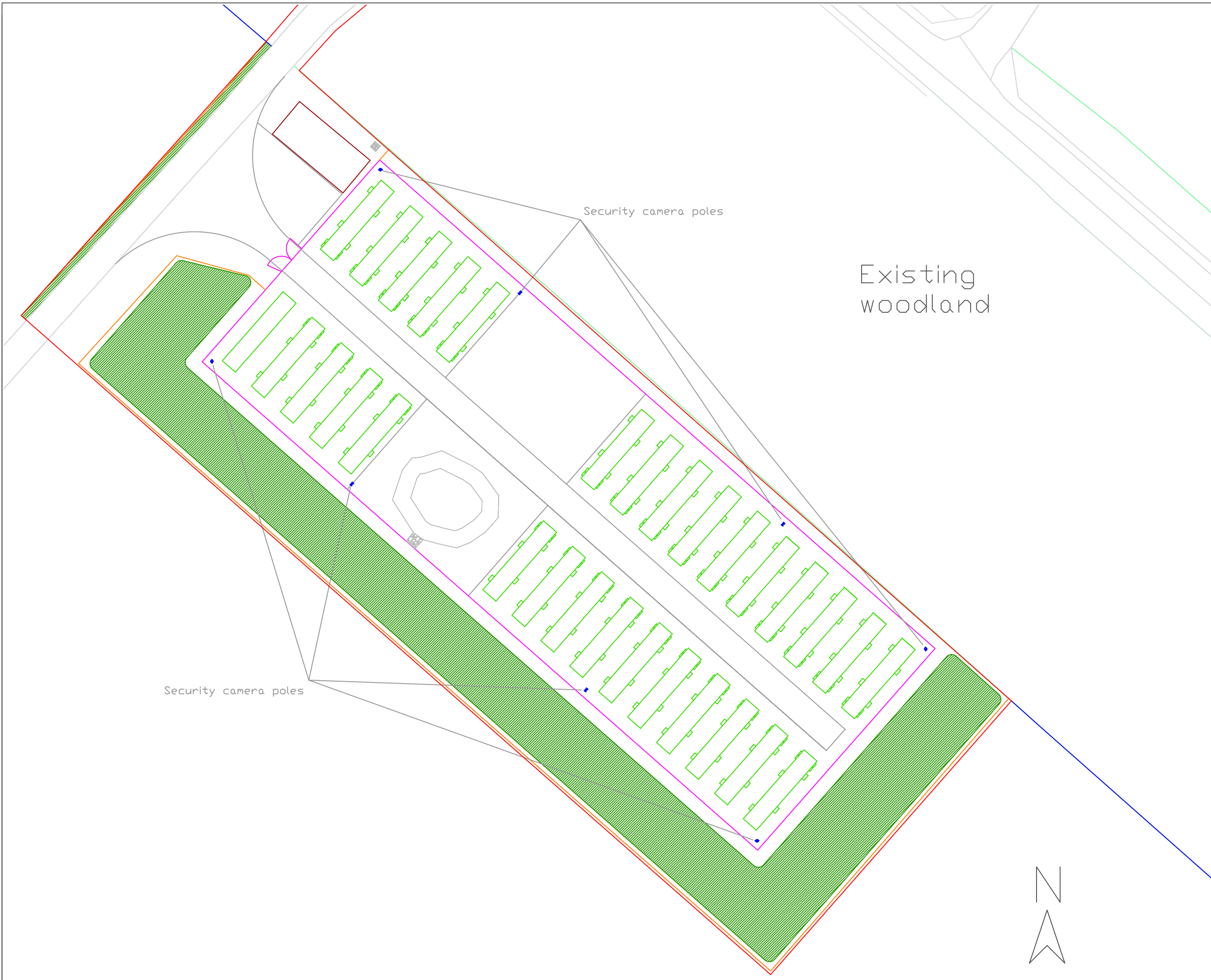
Figure 1. Location Plan

Drawing number
J320/026/25082020

Status

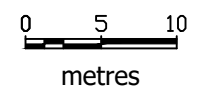


Blackpark



- Site boundary
- Landownership
- Energy storage unit
- Retention / infiltration pond
- Wooden fence
- Stock fence
- New track & hardstanding
- Meter building
- New planting
- Security camera pole

Scale 1:500 at A3



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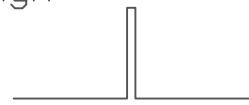
Figure 2. Battery storage site layout

Drawing number
J320/024/25082020

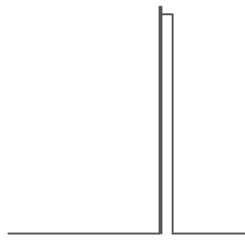
Status

Fencing elevations

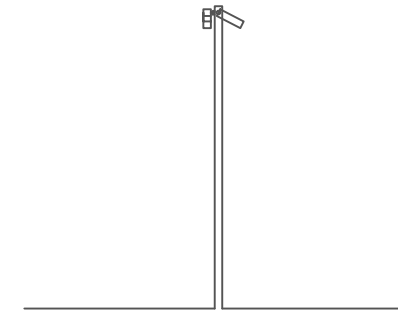
Post and wire stock fence 1.2m high



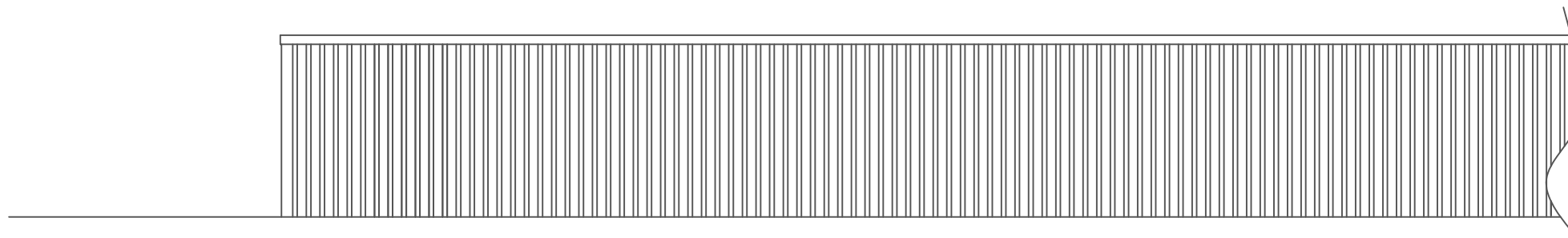
Solid wooden acoustic fence 3m high



Security camera 4m high

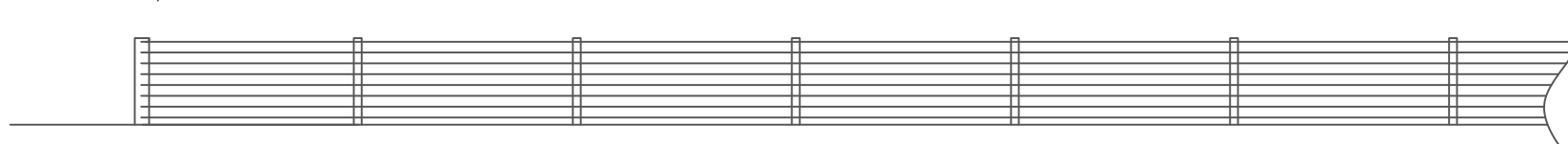


Solid wooden acoustic fence 3m high, from outside

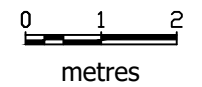


Corner post

Post and wire stock fence 1.2m high



Scale 1:100 at A3



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Figure 5. Typical fencing & security camera pole elevations

Drawing number
J320/031/25082020

Status

Blackpark

Design philosophy

The design is to provide a sustainable drainage for the site. Infiltration rates have not been measured but are considered likely to be very high, based on the soil type, design tools and site observations. A safety factor of 10 has been applied to give a conservative design at this stage.

The proposed electricity meter building has an impermeable roof area of 78m². The energy storage units will be raised above ground level and the ground beneath them will remain permeable. The rest of the land will remain permeable.

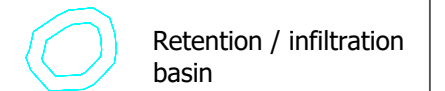
Catchment areas:
 Roof area: 78m²
 Infiltration basin: 200m²
 Site: 4800m²

Any overland flows from the areas of higher elevation within the site would enter the infiltration basin.

Filter trench 1m x 1m x 1m taking drainage from roof of building,

Retention infiltration basin
 Side slope 1:4
 Plan area at base 60m²
 Plan area at top 145m²
 Storage depth 0.5m
 Storage volume 60m³
 Stone lined overflow to SW side.

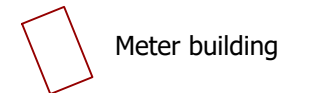
Maintenance to be undertaken at least annually:
 inspect basin for signs of ponding,
 Inspect basin for signs of unwanted weeds or invasive species,
 Inspect filter trench and clear tree debris,
 Cut grass within basin.



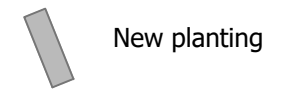
Retention / infiltration basin



Direction of slope

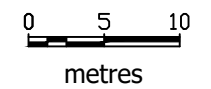


Meter building



New planting

Scale 1:500 at A3



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Figure 7. Drainage

Drawing number
J320/030/25082020

Status



Blackpark



stone wall (remains)

Road construction:
40mm surface course 14mm nominal close graded asphalt laid on completion of construction.
60mm binder course 20mm nominal dense asphalt laid prior to construction.
250 - 350mm sub base Type 1.

Service bay

First 6m from carriageway to be asphalt as per Highland Council specification.

3.3

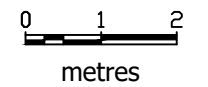
5.5

stone wall (remains)

-  Existing alignment
-  Proposed changed alignment
-  Highland Council standard detail SDB 2
-  SDB2 modified for non-right angle junction

No gate is proposed.

Scale 1:100 at A3



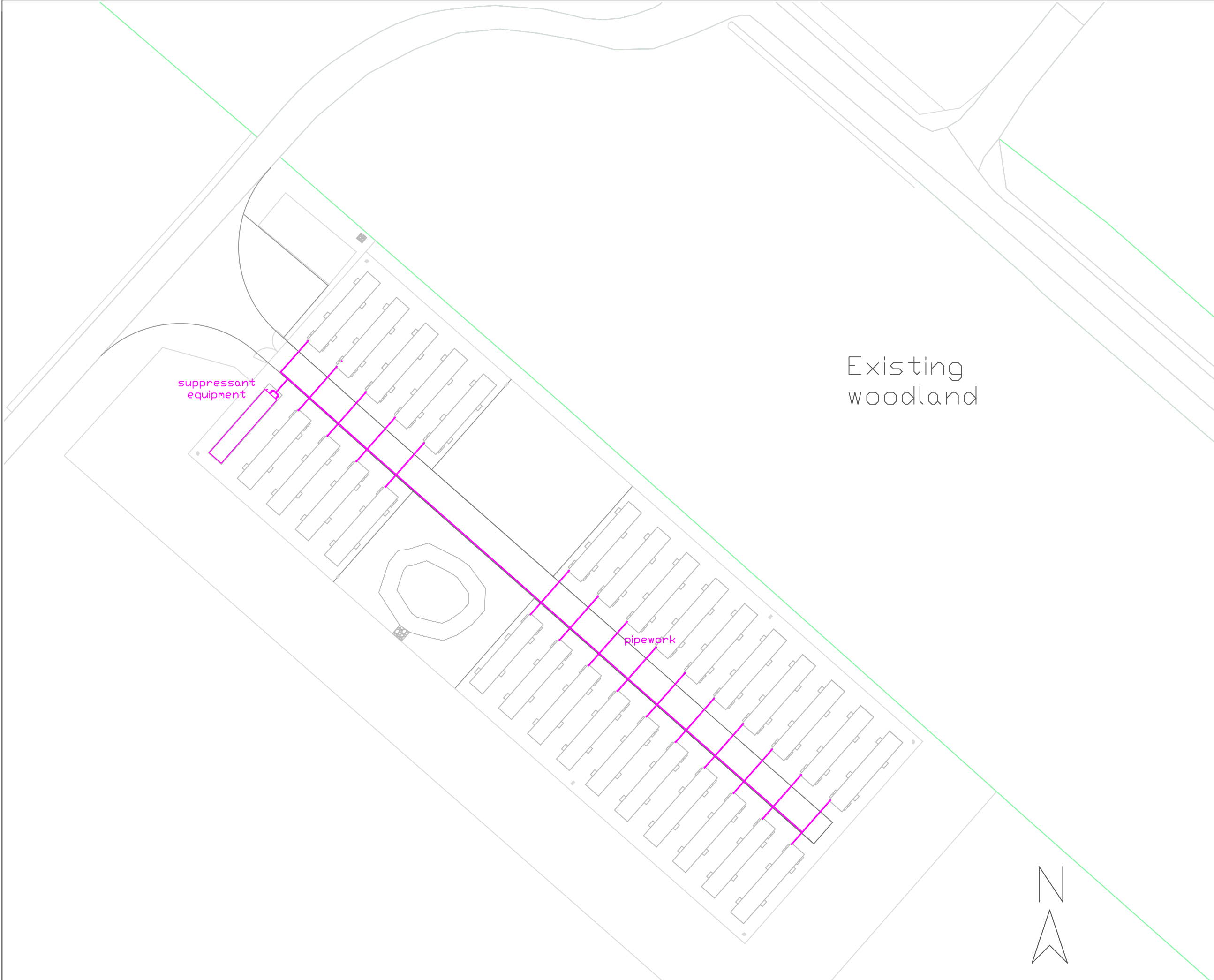
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Figure 9. Site entrance

Drawing number
J320/029/25082020

Status



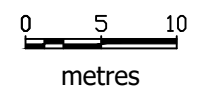
Existing
woodland

suppressant
equipment

pipework



Scale 1:500 at A3



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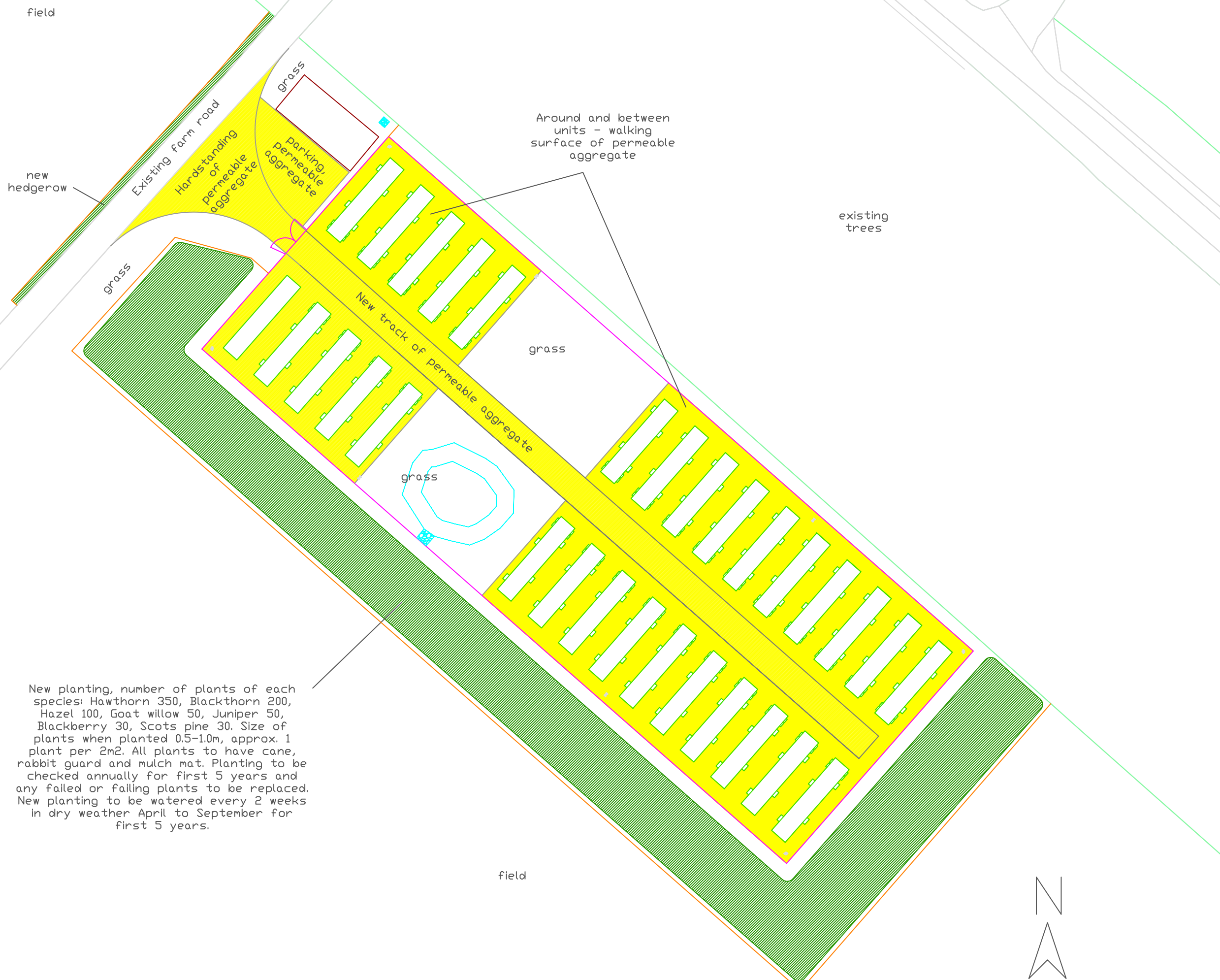
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Figure 10. Typical fire
suppression layout

Drawing number
J320/027/25082020

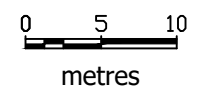
Status

Blackpark



-  Energy storage unit
-  Retention / infiltration pond
-  Wooden fence
-  Stock fence
-  New track & hardstanding
-  Meter building
-  New planting

Scale 1:500 at A3



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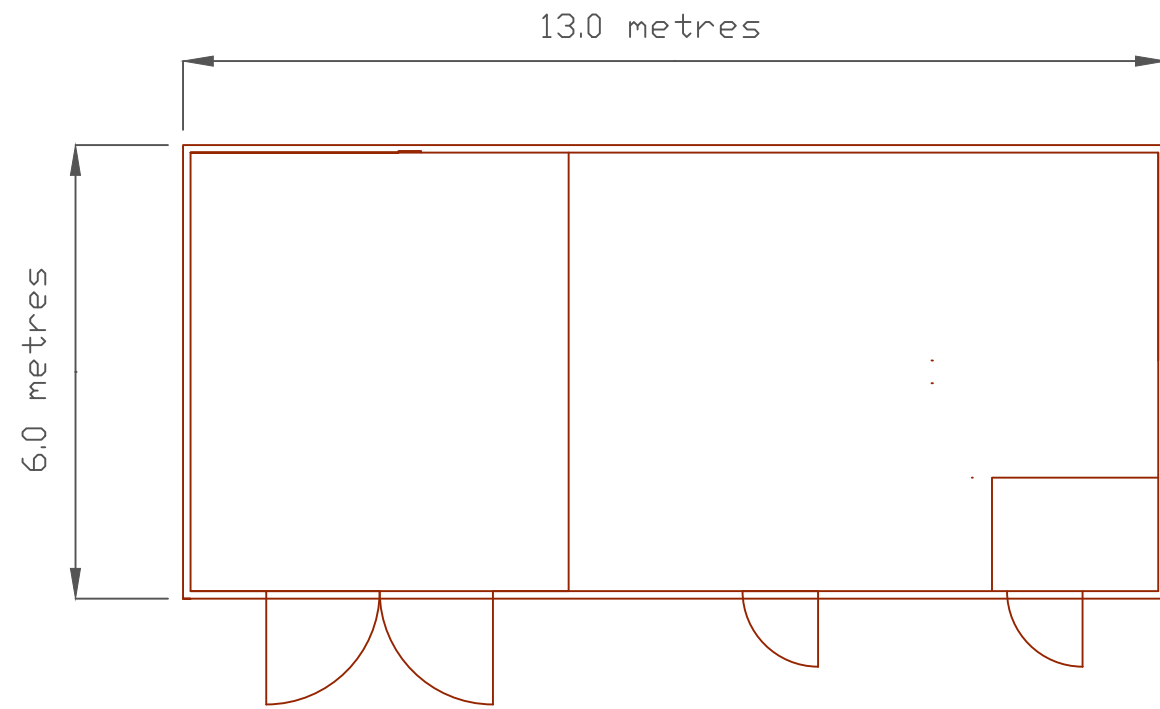
Figure 6. Landscaping Plan

Drawing number
J320/025/25082020

Status

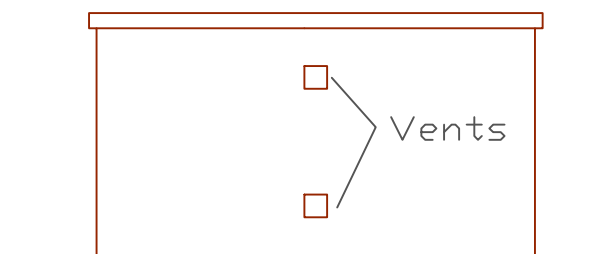
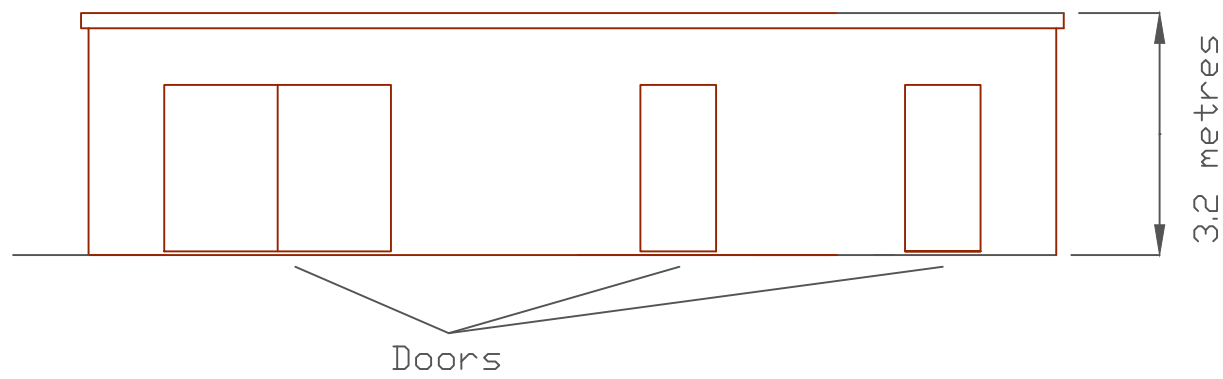
New planting, number of plants of each species: Hawthorn 350, Blackthorn 200, Hazel 100, Goat willow 50, Juniper 50, Blackberry 30, Scots pine 30. Size of plants when planted 0.5-1.0m, approx. 1 plant per 2m². All plants to have cane, rabbit guard and mulch mat. Planting to be checked annually for first 5 years and any failed or failing plants to be replaced. New planting to be watered every 2 weeks in dry weather April to September for first 5 years.



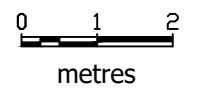


Plan view

Meter building elevations



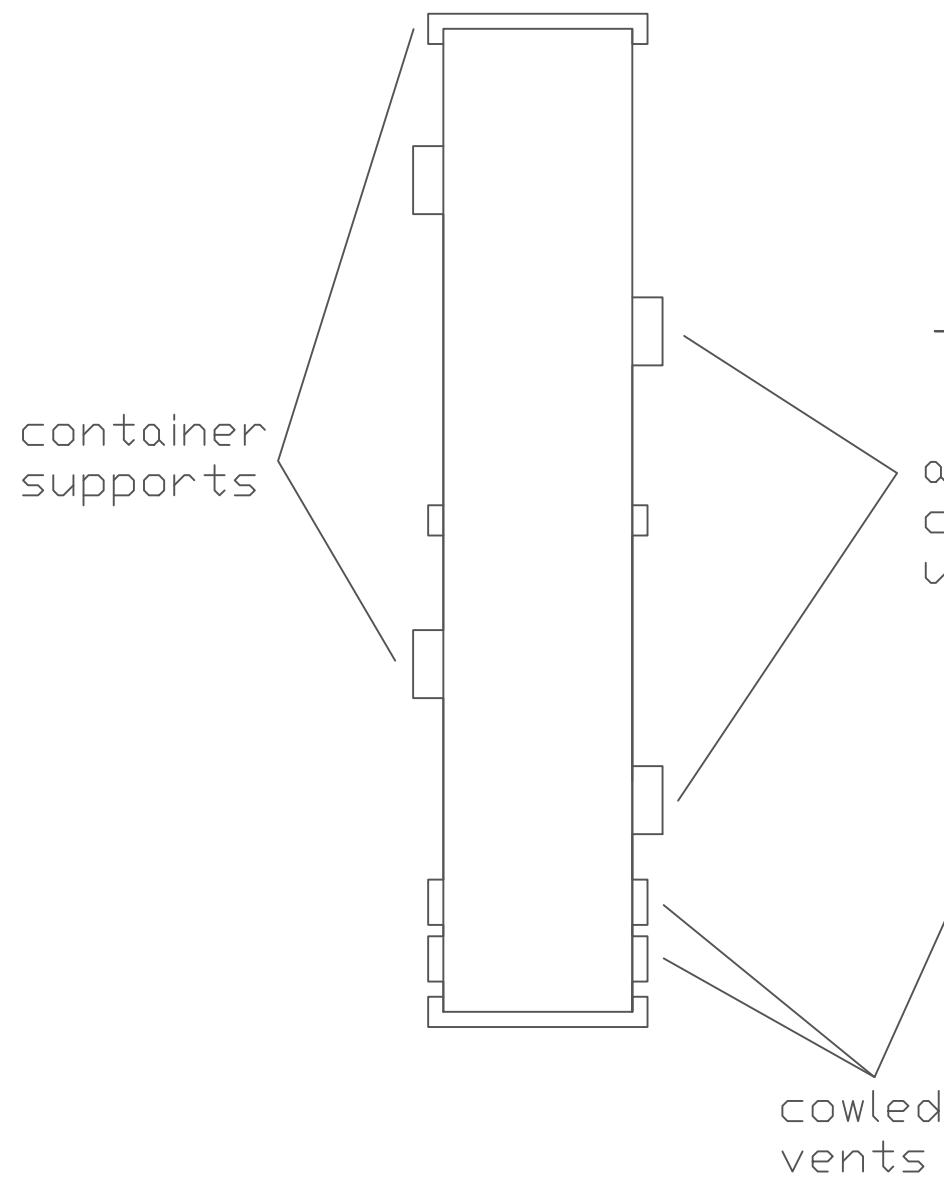
Scale 1:100 at A3



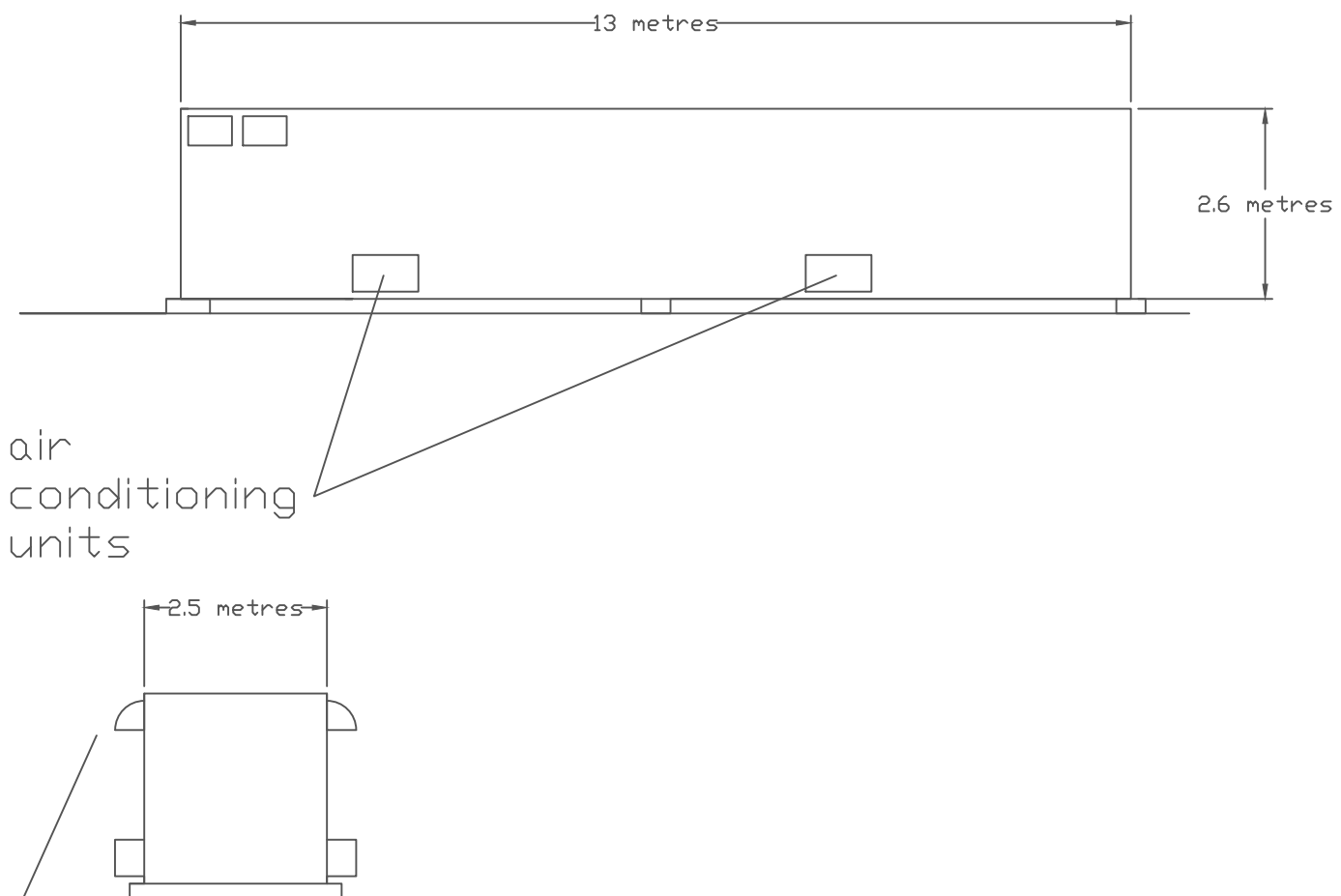
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Containers RAL6005 dark green.

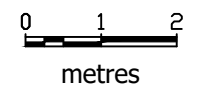
Energy Storage Unit
plan view



Energy Storage Unit elevations



Scale 1:100 at A3



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Figure 3. Typical energy storage
container plan & elevations

Drawing number
J320/016/10012019

Status