

Agenda Item	6.6
Report No	PLN/083/22

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 18 October 2022
Report Title: 22/02054/FUL: Whirlwind Energy Storage Ltd
Land 295M South Of Mill House, Stainland, Thurso
Report By: Acting Head of Development Management

Purpose/Executive Summary

Description: Erection and operation of a battery energy storage system comprising of up to 50 battery storage units, electrical connection building, landscaping, fencing and ancillary infrastructure

Ward: 02 – Thurso and North West Caithness

Development category: Major

Reason referred to Committee: Major Development

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is for for an energy storage facility with an anticipated operational lifetime of 50 years capable of storing up to 49.9MW of electricity, comprising of:
- Up to 50 Battery storage containers with indicative plans showing raised units measuring 12.2m x 2.4m, with a maximum height of 3.5m from the ground, each with integrated air conditioning units and external inverters. The containers will be arranged in pairs with each pair sharing a small transformer. The overall length of this arrangement is 20.3m;
 - Control building housing switching and electrical gear, with Sedum Roof measuring 10m x 10m x 2.84m max;
 - Site office container (12.2m x 2.44m x 3.3m max)
 - Storage Container of (12.2m x 2.44m x 3.3m max);
 - 2.78m high security fencing and wooden acoustic barrier fencing;
 - 4 x CCTV masts with cameras.
 - Landscaping;
 - Area of hardstanding;
 - Parking for 3no cars;
 - A new access track and access junction with the A9(T); and,
 - Surface water drainage system.
- 1.2 The proposed development would be used to store excess electricity from the national grid and then release this energy in periods of high demand. Therefore, the development must connect to the grid and in this instance the intention is to connect the via the existing Thurso South substation approximately 1km SSW. It is anticipated that connection will be by buried cables rather than overhead lines however this, along with the final route of the cable connection, are yet to be determined.
- 1.3 Any wider overhead line proposals will be subject to a separate application submitted under S37 of the Electricity Act 1989 to the Scottish Government's Energy Consents Unit, the determination of which will require further consultation with The Highland Council.
- 1.4 The applicant did not request pre-application advice from the Council however has completed the pre-planning application Proposal of Application Notice (PAN) process. The PAN was served on the Council in December 2021, and a public consultation event was undertaken on 20 January 2022, which, due to the extant Covid-19 Regulations of the time, was held online. The applicant has provided a dedicated website for the development to provide opportunity for the public to provide feedback to the developer. In all, one member of the public and one local Member have directly engaged with the applicant prior to the submission of the detailed planning application.
- 1.4 The application is supported by the following information:
- Pre-application Consultation Report;
 - Supporting Statement incorporating the:
 - Design and Access Statement; and,
 - Planning Statement.
- And comprising various chapters, appendices, and figures with information on:
- Project Description;
 - Access and Design;

- Ecology;
- Landscape and Visual Impacts;
- Noise, Lighting and Dust Management;
- Cultural Heritage;
- Hydrogeology;
- Transport and Access;
- Decommissioning and Site Restoration;
- Sustainability and Carbon Assessment; and,
- A Schedule of Mitigation.

1.5 The proposal has not been amended since the application was made valid. However, updated information in relation to noise was submitted following an objection from Environmental Health.

2. SITE DESCRIPTION

2.1 The application site comprises 10ha of agricultural grazing of which approximately 2.3ha would be developed for the facility and associated infrastructure, while the remainder application site will be landscaped to provide screening. The location is approximately 1.7km to the southeast of Thurso within the Farmed Lowland Plain Landscape Character Area (LCT) LCT143, as identified by NatureScot, with site set back approximately 410m from the A9(T) to its west. The receiving landscape is characterised as large open fields within a shallow wide bowl in the landscape while the site itself lies on ground that gently rises in a south-easterly direction.

2.2 The settlement pattern is characterised dispersed housing and agricultural businesses with the nearest properties being Upper Geiselittle (250m), Bainstown House (315m), Mill House Stainland (470m), and Four Winds (700m). The disused old Thurso substation is approximately 450m west while the new Thurso South substation is 1km SSW.

2.3 There are no landscape designations covering the site, the River Thurso Special Area of Conservation (SAC) and Site of Scientific Special Interest (SSSI) is approximately 580m to the east, Weydale Quarry SSSI 1.5km ESE, and the Newlands of Geise Mire SSSI around 2.7km northwest of the site.

2.4 Some historic environment features are identified on the Council's Historic Environment Record in proximity of the site including Bainstown Scheduled Monument which is approximately 100m to the south east of the site.

2.5 The majority of the site is free from flood risk, with the exception of small low lying areas of pluvial surface water at the north east boundary. Additionally, there are indicative areas at risk of 1 in 200 year plus climate change fluvial flood risk outwith the proposal site boundary at the Burn of Stainland, which runs west-east to the north of the site.

3. PLANNING HISTORY

3.1	14 February 2022	21/05957/PAN: Erection and operation of a battery energy storage system comprising of up to 50 battery storage units, electrical connection building, landscaping, fencing and ancillary infrastructure	CASE CLOSED
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4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 and Unknown Neighbour

Date Advertised: 06 June 2022

Representation deadline: 23 June 2022

4.2 Timeous representations: 0

4.3 Late representations: 0

5. CONSULTATIONS

5.1 **Castletown Community Council** did not respond to the consultation request.

5.2 **Contaminated Land Officer** does not object and has no specific contamination concerns.

5.3 **Environmental Health Officer** initially objected to the application on the grounds that the submitted information was insufficient to demonstrate that the development's noise impact on neighbouring residential properties would be within acceptable levels. Following the submission of a revised Noise Impact Assessment (NIA), the Environmental Health Officer has withdrawn their objection subject to conditions to secure measures to limit noise impacts at noise sensitive properties as detailed in the main body of the report below.

5.4 **Flood Risk Management Team** does not object to the application subject to a condition to secure details of the final drainage design including calculations to show surface water discharge rates will match or be slower than pre-development rates and that runoff from storms up to and including the 1 in 200 year plus climate change event shall be managed within the site without increasing flood risk to others.

5.5 **Historic Environment Team – Archaeology** do not object to the application subject to a condition to secure an Archaeological Watching Brief to be agreed by the Council prior to works including site clearance commencing on site.

5.6 **Transport Planning Team** do not object to the application subject to a condition to secure an agreed Construction Management Plan prior to works commencing on site.

5.7 **Historic Environment Scotland** do not object to the application. It has considered the proposal in relation to Tulloch of Shalmstry, broch 275m SE of Shalmstry Scheduled Monument and does not have any specific comments regarding the development's direct impact or impact on the setting of the monument.

5.8 **NatureScot** do not object to the proposal subject to conditions to ensure the development proceeds in strict accordance with mitigation measures outlined in its response. NatureScot have considered the proposal in relation to the River Thurso SAC and advises that the Council as competent Authority is required to carry out an Appropriate Assessment in view of the site's conservation objectives for its qualifying interest (Appendix 2).

- 5.9 **Scottish Environment Protection Agency** do not object and provide no site-specific comments.
- 5.10 **Scottish Water** do not object and advises that the development can be supplied fresh water from Loch Calder Water Treatment Works, but that private foul and surface water drainage arrangements are otherwise required. The applicant is required to arrange connection to the fresh water network directly with Scottish Water in the event the application is approved.
- 5.11 **Transport Scotland** do not object to the application subject to conditions to secure an agreed Construction Management Plan prior to works commencing on site, and, details of vehicle wheel cleansing facilities prior to the first occupation of the site.

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
56 - Travel
57 - Natural, Built & Cultural Heritage
58 - Protected Species
61 - Landscape
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 Caithness and Sutherland Local Development Plan 2018 (CaSPlan)

There are no site-specific policies or designations covering the application site within the CaSPlan, so the general policies of the HwLDP apply.

6.3 Highland Council Supplementary Planning Policy Guidance

Developer Contributions (Dec 2018)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Green Networks (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Physical Constraints (March 2013)
Roads and Transport Guidelines for New Developments (May 2013)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (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 and Guidance

- 73 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 Scottish Planning Policy (Jun 2014 and as amended Dec 2020)
National Planning Framework 3, NPF3 (Jun 2014) and the consultative draft NPF4 (Nov 2021)
Scotland's Energy Strategy Position Statement (Mar 2021)
Scottish Energy Strategy (Dec 2017)
2020 Routemap for Renewable Energy (Jun 2011)
Energy Efficient Scotland Route Map (May 2018)
PAN 1/2013 – Environmental Impact Assessment (Aug 2013)
PAN 1/2021 – Planning and Noise (Mar 2011)
PAN 60 – Planning for Natural Heritage (Jan 2008)
PAN 68 – Design Statements (Aug 2003)
Historic Environment Policy for Scotland (Apr 2019)

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 (SPP)

- 8.7 SPP sets out continued support for renewable energy by specifying that there should be a presumption in favour of development that contributes towards sustainable development. To that end, SPP lists likely considerations to be taken into account relative to the scale of the proposal and area characteristics (Para. 169 of SPP). The criteria outlined within SPP includes landscape and visual impacts; effects on heritage and the historic environment; contribution to renewable energy targets; effects on the local and national economy, as well as tourism and recreational interests; benefits and dis-benefits to communities; aviation and telecommunications; development within the peat environment; noise and shadow flicker; and, cumulative impacts.
- 8.8 The above criteria demonstrates SPP's recognition that an overarching support for renewables must be balanced against the need protect and enhance Scotland's natural and historic environment, and that these 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 As a 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 onshore wind 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.
- 8.10 In late 2019 however, the Scottish Government's targets for reduction in greenhouse gases were amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, which set 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.
- 8.11 In addition, National Planning Framework 4 (NPF4) was published in draft form in November 2021. The document is still going through the parliamentary scrutiny process following consultation, which closed in March 2022. As such, only limited weight may be attached to NPF4 in the process of determining applications, as it does not hold the same status as the adopted Scottish Planning Policy, National Planning Framework 3, or the Development Plan.
- 8.12 Support for onshore wind is anticipated to meet with the continued aspiration to decarbonise the electricity network, enable communities to benefit more directly in their deployment and to support the renewables industry and wider supply chain, which this application forms an integral part of.
- 8.13 The Highland Council recognises the Scottish Government's declaration of the climate emergency and related biodiversity crisis and has also declared a climate and ecological emergency. The national response to this and the manner in which policy will be modified as a result, have been indicated through the draft NPF4, which, although a material consideration, can only be given limited weight to the decision making process while it remains in draft form. Nevertheless, the Council has considered the application in the context of the presumption in favour of development that contributes towards sustainable development, as well as against the Development Plan as per the requirements of Scottish Planning Policy. The application's compliance with Development Plan Policies is assessed below.

Energy, Carbon Saving, and Socio-Economic Benefits

- 8.14 The development will collect energy from the grid when the supply outstrips demand, it will store that energy and then discharge it back to the grid when demand outstrips supply. In that manner, the development will provide electricity or other grid services when needed. Depending on the mix of electricity in the grid at the time of collection, the battery storage facility may or may not be storing and then releasing renewable energy. However, the benefit of such facilities means that when renewable generators such as wind farms are producing excess electricity beyond the capacity of the grid, much of which is

otherwise lost, the battery storage facility can allow generation from those sources to continue for a longer period. In that way, 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. Energy storage facilities are an emergent technology and are expected to be a main component of national energy infrastructure in the coming years and are therefore expected to support jobs and economic development.

Siting, Design, and Visual Impact

- 8.15 The site has been selected for its relative proximity to grid infrastructure including the new South Thurso substation, which will provide the point of connection to the grid. It has also been chosen due to its distance from designated sites and other sensitive receptors including more densely populated residential areas. The site has also been chosen in consideration of reducing the development's visual impact including visual dominance in the receiving landscape. Although some ground levelling will be required given the slope of the site, the receiving landscape (as described paragraph 2.1), which already accommodates the Thurso South substation, is considered to have capacity to accommodate the development without disrupting its Farmed Lowland Plain Landscape Character Area qualities. Layout, design, and visual matters are assessed below.
- 8.16 In terms of layout, the site is positioned rationally in relation to surrounding physical features including field boundaries with internal infrastructure laid out rationally in relation to each other, which is an accepted layout principle.
- 8.17 In design terms, the proposed development is of an expectedly utilitarian design. The battery containers, as well as the site office and store, will appear similar to shipping containers and be laid out in a grid, and, along with the control building that contains switch and electrical gear, will be located within the fenced compound. While not attractive facilities or buildings, the designs are considered acceptable for their use and the fact they will largely be screened from wider view by external landscaping. The finish of the containers should be darker, neutral, and matt, details of which, along with the materials and finishes of the control building including the proposed Sedum roof, should be secured by condition.
- 8.18 The visualisations included with the submission show that the development will be visible to those travelling on the north and south bound carriageways of the A9(T) with the longer duration of visibility expected to be for southbound travellers given the site's position on northwest facing slopes. However on this route the development would be experienced obliquely, while the scale of the development is not considered to dwarf those natural or manmade features already in the landscape in a manner that it would dominate in the majority of views. As mentioned, the entire site will require to be bound by a wooden fence that will form the acoustic barrier for the development, which will be close-boarded to fully screen the internal infrastructure.
- 8.19 Internal areas of the development will be visible from higher ground. However, these areas are generally away from the most accessible public views and at a significant distance from the site. The visual impacts are therefore not significantly detrimental. The proposal does have potential to disrupt the residential visual amenity of nearby properties however. To reduce residential visual impacts, the applicant has discussed the proposals

with nearby residents and included proposals for soft native-planting landscaping around the site perimeter that will mature in the first five years to reduce internal visibility as well as visibility of the perimeter fence and help integrate the development into its landscape setting, as illustrated in the visualisations. Final details of the planting mix and location of each plant type, as well as details on the management and maintenance of the landscaping are required and can be secured by condition.

- 8.20 The applicant has set out that motion sensor lighting at the entrances to buildings and storage units, which will be temporarily activated during visits to the site by maintenance personnel. Lighting will be designed to be downward facing to minimise light-spill outwith the site, which can be secured by condition. The lighting strategy outlined in the Supporting Information is welcomed as it means the visual impact of the development will not stretch into hours of darkness.
- 8.21 It is not considered that the slender poles on which security cameras will be mounted will lead to a significantly adverse visual impact.
- 8.23 Subject to the above conditions to secure appropriate mitigation within and around the development site, it is considered that the visual impact of the proposed development is acceptable.

Natural Heritage Impacts

- 8.24 The Supporting Information included with the application includes ecological assessments of the development's likely impacts on designated sites, protected species, and habitats. The development is not situated within any sites designated for ecological interests but is close to, and has potential connectivity with the River Thurso Special Area of Conservation (SAC), which designated is at international level. Consequently the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply and the Council as the competent Authority is required to consider the impact of the proposal on the Natura2000 site through a Habitats Regulations Appraisal, or Appropriate Assessment, which is provided in Appendix 2 of this report. NatureScot has provided advice in relation to the likelihood of significant effects and subsequent mitigations that may be required, which is summarised below.
- 8.25 The River Thurso SAC is approximately less than 600m distant from the site to which it is hydrologically connected via drainage ditches and the Burn of Stainland watercourse. This connectivity means that silt, sediments, and other pollutants including pollutants from the impermeable surfaces introduced to the site by the development, may be released into the SAC via drainage channels during construction works and during the site's operation. The increased footprint of impermeable surfaces during the operational phase is considered likely to result in localised changes to surface water hydrology.
- 8.26 NatureScot has considered the applicant's Supporting Information including the Hydrology and Hydrogeology Report and advises that the development must proceed in accordance with the mitigation measures outlined in the report. The mitigation measures should be formalised through a Construction Environment Management Plan (CEMP) and a Pollution Prevention Plan (PPP), and include details of:
- Development to avoid sensitive areas;
 - Installation of clean water cut-off ditches;
 - Access track sizing, camber, and cross-drains;

- Installation of infiltration trenches;
- Establishment of a swale pond;
- Use of temporary silt fences, enhanced sediment, dust and pollution controls,
- Identification of end-to-end use of excavated material including its sensitive storage to avoid dewatering, and its early reinstatement where appropriate.

- 8.27 Subject to mitigation being secured by condition, NatureScot considers the development is unlikely to result in significant impacts on the qualifying interests of the Special Area of Conservation. These measures are also considered necessary to protect the qualifying features of flood-plain fen and vascular plant assemblage features of the associated River Thurso SSSI.
- 8.26 The submission also includes an Ecological Report with results from a Preliminary Ecological Appraisal that included a Botanical Survey, a National Vegetation Classification (NVC) and Phase 1 Habitats Survey, and a Protected Species Survey. All surveys were undertaken in March 2022.
- 8.27 The habitats found within the red line boundary of the proposed development site consisted mainly of improved grazing, marshy grassland and hedges. Within the 250m buffer around the site, habitats consisted of grazing fields, marshy grassland, arable field, watercourse (Burn of Stainland), hardstanding, gorse scrub, amenity grassland, residential buildings, farm track, and modified bog. The surveys report suitable habitat within the application site area for badger, otter, water vole, although no evidence of these species using the site was recorded, and birds.
- 8.28 The report provides mitigation measures to protect sensitive habitats including site-specific measures to protect small hydrological features, the wider water environment, and sensitive vegetation, which align with the aforementioned mitigation for the SAC. Additionally, a pre-construction breeding birds survey is suggested for avian interests, and additional mitigation including training of personnel on protected species matters, and measures to ensure animals are not trapped in pipes, trenches, or ditches during construction works. Species Protection Plans and a Schedule of Mitigation will be requirements of the Construction Environment Management Document (CEMD), which will include the aforementioned CEMP and PPP, and which should be secured by condition.

Traffic and transport impacts

- 8.29 During operation of the development, the applicant has stated that typical traffic to the site will be one or two vans per month for maintenance purposes. The impact will however be greater during the nine month construction period where construction machinery, aggregate and other materials will be delivered to site.
- 8.30 The applicant anticipates that the peak of construction traffic will be in months 6 when batteries and transformers are delivered along with cable, mechanical, and electrical equipment and supplies are being delivered to the site. Months 4 and 7 will also generate higher than average HGV movements to and from site, with works generating an anticipated 4.3 to 5.4 HGV and non-HGV movements per day. Transport Planning and Transport Scotland 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.

- 8.31 The application includes indicative details of the site's access arrangements from and onto the A9 Trunk Road. Any works alongside the trunk road will require Transport Scotland's permission and must comply with its standards, which will be included in an informative suggested with this report.
- 8.32 There is little to no public access opportunities on the site at present. The proposed development will not be accessible to the public for safety reasons. As a result, it is not considered that an outdoor access management plan is required.

Impact on built and cultural heritage

- 8.33 Historic Environment Scotland has considered the proposal in relation to Tulloch of Shalmstry, broch 275m SE of Shalmstry Scheduled Monument and does not have any specific concerns regarding the development's likely direct or indirect impacts on the monument, including its setting. The Council's Historic Environment Team has identified the area as potentially having archaeological remains, and therefore advises that works should proceed in accordance with an approved archaeological watching brief, which should be secured via condition.

Noise

- 8.34 The battery storage containers will be fitted with air conditioning units and the operation of the facility, as a whole, will create some noise and there are a small number of properties that may be adversely affected by noise from the development with the nearest being approximately 250m away.
- 8.35 Following a request by the Council's Environmental Health Officer, the applicant has provided a revised Noise Impact Assessment (NIA) with information regarding the pre-development background noise levels and acoustic environment given the site's rural location within agricultural fields. The revised NIA provides data regarding the specific sounds likely to be created by the development, which would be of a different nature to the existing acoustic environment, along with supporting information to demonstrate that the proposed mitigation measures, including the use of acoustic barriers, will reduce noise impacts to within acceptable levels.
- 8.36 Environmental Health have requested conditions to secure that the development proceeds in accordance with the mitigation measures outlined in the revised NIA, which should ensure that noise levels are limited to a maximum rating level of 27dB at noise sensitive properties. Furthermore, a condition is included to require the developer to monitor noise levels to demonstrate compliance with the maximum rating level and to implement additional mitigation if required.
- 8.37 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.

Flood Risk and Drainage.

- 8.38 The site is some distance from the nearest watercourse and although there are local drainage ditches to its east, the Council's Flood Risk Management Team is satisfied that the risk of flooding to the site is low. The previously mentioned Hydrology & Hydrogeology Report sets out the drainage strategy for the site, and proposes that existing runoff patterns will be mimicked through the use of permeable surfacing that direct runoff to filtration trenches. Runoff from the main battery storage area will be collected and directed into a Swale Pond that will provide SuDS treatment and attenuation prior to discharge to the receiving watercourse. The Flood Risk Management Team is content with the proposed drainage strategy subject to approval of the final drainage system design, which should be secured by condition.
- 8.39 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.

Decommissioning and Reinstatement

- 8.40 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.
- 8.41 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.
- 8.42 It is important to ensure that any approval of this project secures by condition a requirement to deliver a draft DRP for approval prior to the commencement of any development on site. The draft DRP should be used to inform a financial bond, which should be in place prior to development in order to secure restoration works.

Other material considerations

- 8.43 Given the proposed use, a fire detection and suppressant system will be required. The submitted information advises that each container will be fitted with its own suppression system that uses an inert non-toxic gas along with a venting system to prevent flammable gasses building up. A plan has been provided that describes the security, and health and safety protocols that would be in place the event of intrusion, smoke, and/or fire, including means by which the facility can be remotely shut down and disconnected from the grid to minimise the risk of fire spread and escalation.

8.44 There are no other material considerations.

Non-material considerations

8.45 None.

Matters to be secured by Legal Agreement / Upfront Payment

8.46 None

9. CONCLUSION

9.1 The proposed development has the potential to play an important role in addressing supply and demand on the electricity transmission and distribution networks by virtue of storing excess energy produced by renewable sources. In that way, the proposal is considered to contribute to national climate change and carbon net-zero targets. The development's siting and design are considered appropriate to ensure its landscape and visual impacts are within acceptable limits, while the supporting information demonstrates that, following mitigation, the proposal will not have significantly detrimental impacts on natural, built, and cultural resources, on the public road network, or on residential amenity.

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 subject to the conditions suggested with this report.

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

1. 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) a Waste Management Plan in accordance with the Council's Supplementary Guidance Managing Waste in New Developments;
- r) details of the location of tree protection fencing to be erected between the development site and surrounding trees;
- s) a Species Protection Plan to include the following measures:
 - a. cover excavations overnight where possible to prevent animals falling into them and to inspect excavations for the presence of animals prior to recommencing work on them;

- b. where it is not possible to cover excavations overnight, uncovered excavations should include a means of escape for any animal that may fall in;
 - c. all construction works shall be limited to the hours from dawn to one hour before sunset;
 - d. use of pallets to raise the storage of all building materials above ground; and,
 - e. ensure waste materials are placed in appropriate facilities.
- t) 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.

2.

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

- a) the make, model, design, power rating, sound power level and dimensions of the battery storage containers and ancillary infrastructure, control building, storage and office facilities to be installed, 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 of the battery storage container, save those required by law under other legislation.

(3) Thereafter, the storage containers, buildings, and ancillary infrastructure shall be installed and operate 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.

(4) All cables between the storage containers, buildings, ancillary infrastructure, 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.

3.

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 consultees as appropriate). 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 individual components of the development as

well as the development as a whole and shall include details of the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

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

4. 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.

5. No development shall commence until details of the final drainage design have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the design shall accord with the principles contained in the Hydrology and Hydrogeology: Stainland Battery Storage Project Report Version 1 included with the submission (dated April 2022 and received 05 May 2022), and 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 application site boundary. Thereafter, the development shall be constructed in accordance with the approved details, which shall be made available for use prior to the development's first occupation and maintained in perpetuity and at no times shall surface water discharge from the development site on to the public road.

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

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 minimum of two cross sections through the site running NNW to SSE, and, a minimum of two cross sections through the site running WSW to ENE, showing the existing land contours and the proposed finished ground levels, the floor levels of the proposed infrastructure, buildings (including underbuilding), the associated hardstanding areas, vehicle parking/turning areas, fencing, and adjoining land, all relative to a fixed datum point;
 - iii. A plan showing existing landscaping features and vegetation to be retained;
 - iv. The location and design, including materials, of any existing or proposed walls, fences and gates;

- v. 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
- vi. 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, and in order to ensure the long term management of trees and / or woodland.

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:
- 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 3 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 development 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.

9. No development shall commence unless and until a finalised Construction Traffic Management Plan (CTMP) has been submitted to, and approved in writing by, the Council. The CTMP shall include:
 - a. Full details of the proposed site access, including geometry, construction, drainage, and traffic management measures, shall be provided for the agreement of Transport Scotland, as the trunk roads authority, priority to any works commencing;
 - b. Identification of the routes to site for general construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period.;
 - c. A detailed protocol for the delivery of AIL's, prepared in consultation and agreement with interested parties, including Highland Council, the Police, Transport Scotland and, as required, community representatives;
 - d. Proposed traffic management measures on the routes to site for construction traffic including temporary speed limits, suitable temporary signage, road markings, and the use of speed activated signs;
 - e. Proposed measures to mitigate the impact of AIL's and general construction traffic on the routes to site following detailed assessment of the relevant roads;
 - f. A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;

- g. Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
- h. A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the public road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post-construction road condition surveys must be carried out by the developer, to the satisfaction of the Roads Authority(s).

Thereafter, the development shall proceed in accordance with the approved CTMP including the construction timetable specified within the document.

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

- 10 Any noise originating from the operation of the development shall not exceed a **Rating level of 27dB** (including any applicable acoustic penalties) when measured and/or calculated as at the curtilage of any noise sensitive property. For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan. To that end:

1. The development shall proceed in accordance with the approved Noise Impact assessment (NIA) version 2 by Greencat Renewables dated September 2022 and received 26.09.2022. The approved mitigation measures detailed in Option C of the document shall be implemented prior to the operation of the development and thereafter maintained in perpetuity.
2. Within 4 weeks of operations commencing and at the expense of the applicant, compliance monitoring shall be carried out by a competent person in accordance with details agreed in writing with the Council's Environmental Health Service prior the commencement of compliance monitoring. Within 2 weeks of the monitoring exercise being completed a noise assessment report shall be submitted for the written approval of the Planning Authority. The noise assessment shall demonstrate that the proposed development complies with the noise rating level of 27dB as prescribed above.
3. If the noise level exceeds the prescribed noise limit, the noise assessment shall include a scheme of mitigation to be enacted, including timescales for their implementation, to ensure compliance with condition No1 of this consent. Thereafter any mitigation measures shall be implemented in accordance with the approved scheme and timescales.

Reason: In the interests or residential amenity

11. In the event that any infrastructure installed and commissioned fails to store electricity, transmit, and / or distribute electricity to the public network when required on a commercial basis for a continuous period of 6 months, then

unless otherwise agreed in writing with the Planning Authority, such infrastructure (including battery and synchronous compressors) will be deemed to have ceased to be required. If deemed to have ceased to be required, the infrastructure, including its storage container and / or building, and any other associated ancillary equipment will be dismantled and removed from the site. For the avoidance of doubt, any batteries and synchronous compressors removed from the shall be 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.

12. In the event of the Development is no longer being used for the storage, transmission, and / or distribution of electricity on a commercial basis to assist 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.

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

(3) 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.

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.

INFORMATIVES

Initiation and Completion Notices

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

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

Flood Risk

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

Scottish Water

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

Septic Tanks & 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).

Trunk Roads Authority Consent

The granting of planning consent does not carry with it the right to carry out works within the trunk road 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.

**Transport Scotland
Roads – Development Management
Buchanan House
Port Dundas Road
Glasgow
G4 0HF**

development_management@transport.gov.uk

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 NatureScot: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Signature:	Dafydd Jones
Designation:	Area Manager North
Author:	Mark Fitzpatrick
Background Papers:	Documents referred to in report and in case file.
Relevant Plans:	Plan 1 - EW-16-01 REV A LOCATION PLAN
	Plan 2 - EW-16-02 REV A SITE BOUNDARY FENCE AND EXISTING CONTOUR PLAN
	Plan 3 - EW-16-03 SITE LAYOUT PLAN - GENERAL ARRANGEMENT
	Plan 4 - EW-16-04 SITE LAYOUT PLAN - SETTING OUT AND PROPOSED PLATFORM LEVEL
	Plan 5 - EW-16-05 SITE SECTIONS - A001 AND A002
	Plan 6 - EW-16-06 GENERAL PLAN - FENCE DETAILS, CCTV MAST AND SWITCH ROOM DETAILS
	Plan 7 - EW-16-07 GENERAL PLAN – BATTERY STORAGE UNIT DETAILS

Plan 8 - EW-16-08 GENERAL PLAN –STORAGE UNIT AND
OFFICE PLAN AND ELEVATIONS

Appendix 1 – Letters of Representation

None.

Appendix 2 – Appropriate Assessment

Appropriate Assessment

River Thurso Special Area of Conservation (SAC)

Erection and operation of a battery energy storage system comprising of up to 50 battery storage units, electrical connection building, landscaping, fencing and ancillary infrastructure

22/02054/FUL

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

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

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

Consequently, the Council, as competent authority, has a duty to:

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

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

Screening in Likely Significant Effects

It is evident that the proposal is not connected with or necessary to site management for conservation, hence further consideration is required.

The proposed energy storage facility has the potential to have a likely significant effect on the qualifying interests of the River Thurso SAC due to impacts arising during the construction and operation phases of the development. This is because the site is hydrologically connected to the SAC via drainage ditches and the Burn of Stainland

watercourse, which means that silt and sediments, and other pollutants including pollutants from the impermeable surfaces introduced to the site, may be released into the SAC via drainage channels during construction works and during the site's operation. The increased footprint of impermeable surfaces during the operational phase is considered likely to result in localised changes to surface water hydrology.

The Council is therefore required to undertake an appropriate assessment of the implications of the proposal on the SAC. The qualifying feature that is considered would be impacted by the proposal is Atlantic Salmon.

APPROPRIATE ASSESSMENT

While the responsibility to carry out the Appropriate Assessment rests with the Council, advice contained within Circular 6/1995 is that the assessment can be based on the information submitted from other agencies. In this case, the Appropriate Assessment is informed by information supplied by NatureScot, the applicant and various published information.

Appraisal Summary

In its initial response to the Council, NatureScot advised that the proposal is likely to have a significant effect on the qualifying interests of the SPA. Having reviewed the Supporting Information submitted to the application by the agent (including the Hydrology and Hydrogeology Report), it is concluded that the proposal will not adversely affect the integrity of the Special Protection Area.

HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL

- The proposal is not directly connected with or necessary to site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An Appropriate Assessment of the implications (of the proposal) for the site in view of that site's conservation objectives is provided below.

The impacts on the Special Protection Area are considered in terms of the different components of the development which may impact on the qualifying interests, as follows:

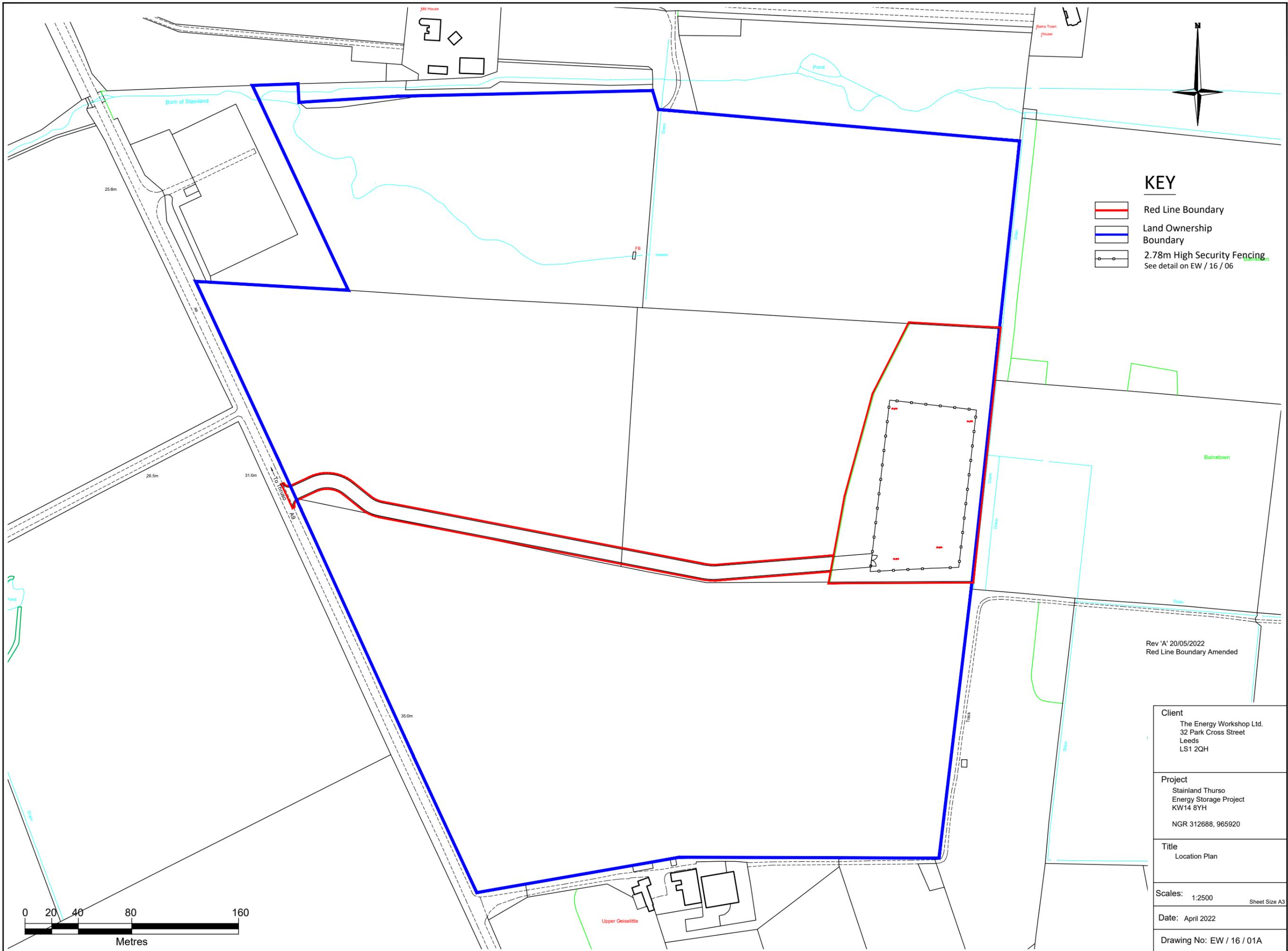
The site is hydrologically connected to the SAC via drainage ditches and the Burn of Stainland watercourse, which means that silt, sediments, and other pollutants including pollutants from the impermeable surfaces introduced to the site by the development, may be released into the SAC via drainage channels during construction works and during the site's operation. The increased footprint of impermeable surfaces during the operational phase is considered likely to result in localised changes to surface water hydrology.

NatureScot has considered the applicant's Supporting Information including the Hydrology and Hydrogeology Report and advises that the development must proceed in accordance with the mitigation measures outlined in the report. The mitigation measures should be formalised through a Construction Environment Management Plan (CEMP) and a Pollution Prevention Plan (PPP), and include details of:

- Development to avoid sensitive areas;
- Installation of clean water cut-off ditches;

- Access track sizing, camber, and cross-drains;
- Installation of infiltration trenches;
- Establishment of a swale pond;
- Use of temporary silt fences, enhanced sediment and pollution controls,
- Identification of end-to-end use of excavated material including its sensitive storage to avoid dewatering, and its early reinstatement where appropriate.

Subject to the above being secured by Condition, NatureScot no longer considers the development to likely result in significant impacts on the qualifying interests of the Special Area of Conservation.



KEY

- Red Line Boundary
- Land Ownership Boundary
- 2.78m High Security Fencing
See detail on EW / 16 / 06

Rev 'A' 20/05/2022
Red Line Boundary Amended

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

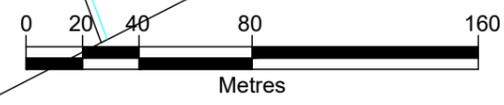
Project
Stainland Thurso
Energy Storage Project
KW14 8YH
NGR 312688, 965920

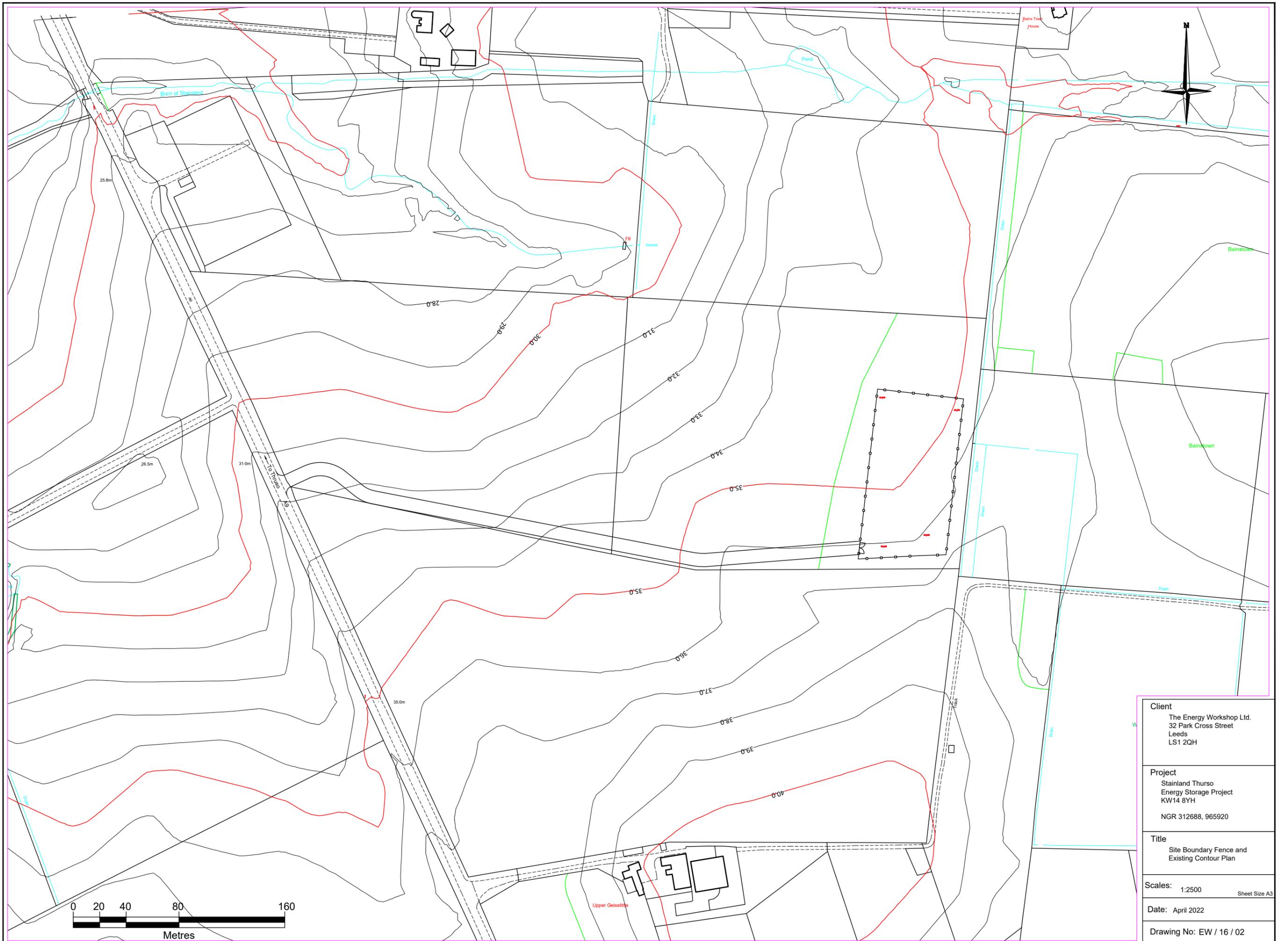
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Location Plan

Scales: 1:2500 Sheet Size A3

Date: April 2022

Drawing No: EW / 16 / 01A

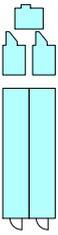
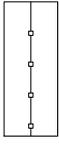
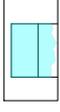
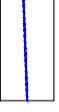




Client	The Energy Workshop Ltd. 32 Park Cross Street Leeds LS1 2QH
Project	Stainland Thurso Energy Storage Project KW14 8YH NGR 312688, 965920
Title	Site Boundary Fence and Existing Contour Plan
Scales:	1:2500 Sheet Size A3
Date:	April 2022
Drawing No:	EW / 16 / 02

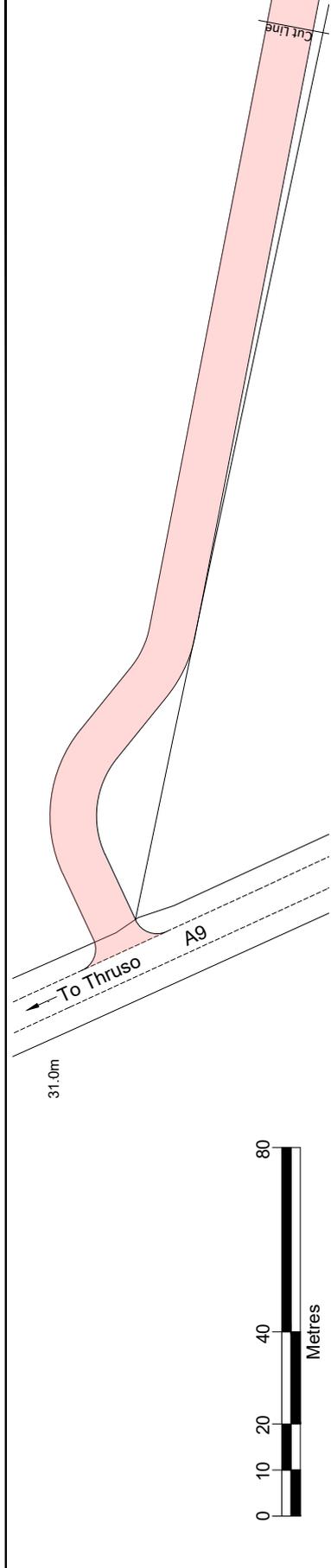


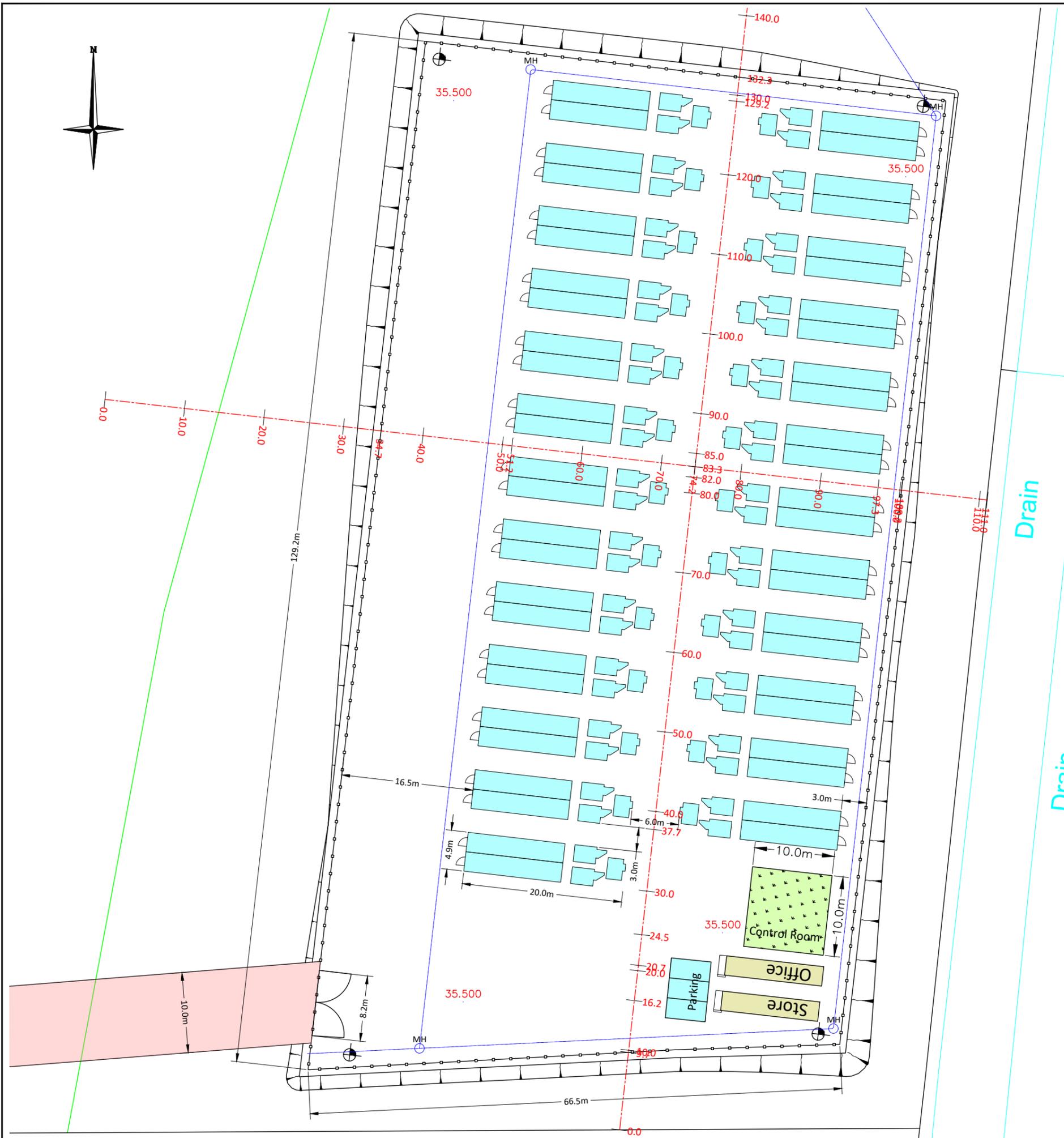
KEY

-  Pair of Battery Storage Units
-  2.78m High Security Fencing
See detail on EW / 16 / 09
-  Parking
-  Access Track
-  Permeable Hardstanding
-  Soft Landscaping
-  100mm Porous Land Drainage Pipe taken to outfall
-  35.500 Proposed Spot Level
-  CCTV Mast

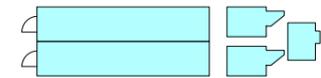
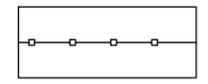


Client The Energy Workshop Ltd. 39 Park Cross Street Leeds LS1 2QH	Project Stainland Thurso Energy Storage Project KW14 BYH NGR 31288, 965920	Title General Arrangement	Scales: 1:1000 Date: April 2022	Sheet Size: A3
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KEY

-  Pair of Battery Storage Units
-  2.78m High Security Fencing
See detail on EW / 16 / 06
-  100mm Porous Land Drainage Pipe taken to outfall
-  Proposed Spot Level
-  CCTV Mast
-  Long Section Lines

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

Project
Stainland Thurso
Energy Storage Project
KW14 8YH
NGR 312688, 965920

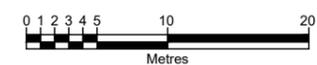
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Setting Out and Proposed
Platform Level

Scales: 1:500

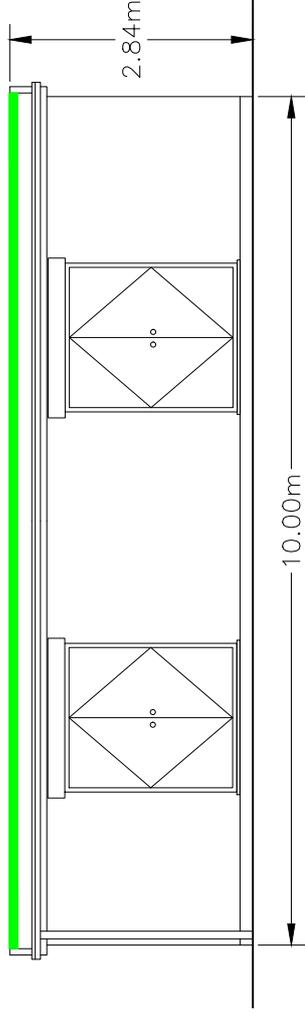
Sheet Size A3

Date: April 2022

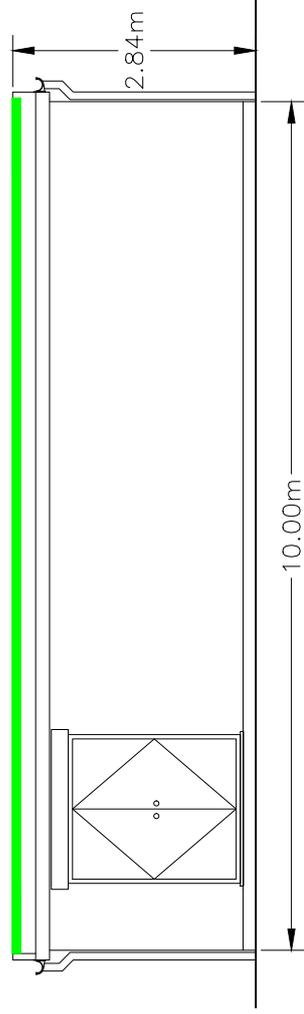
Drawing No: EW / 16 / 04



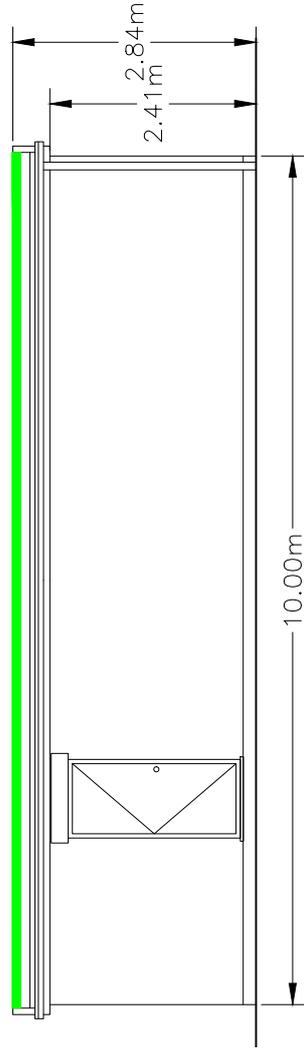
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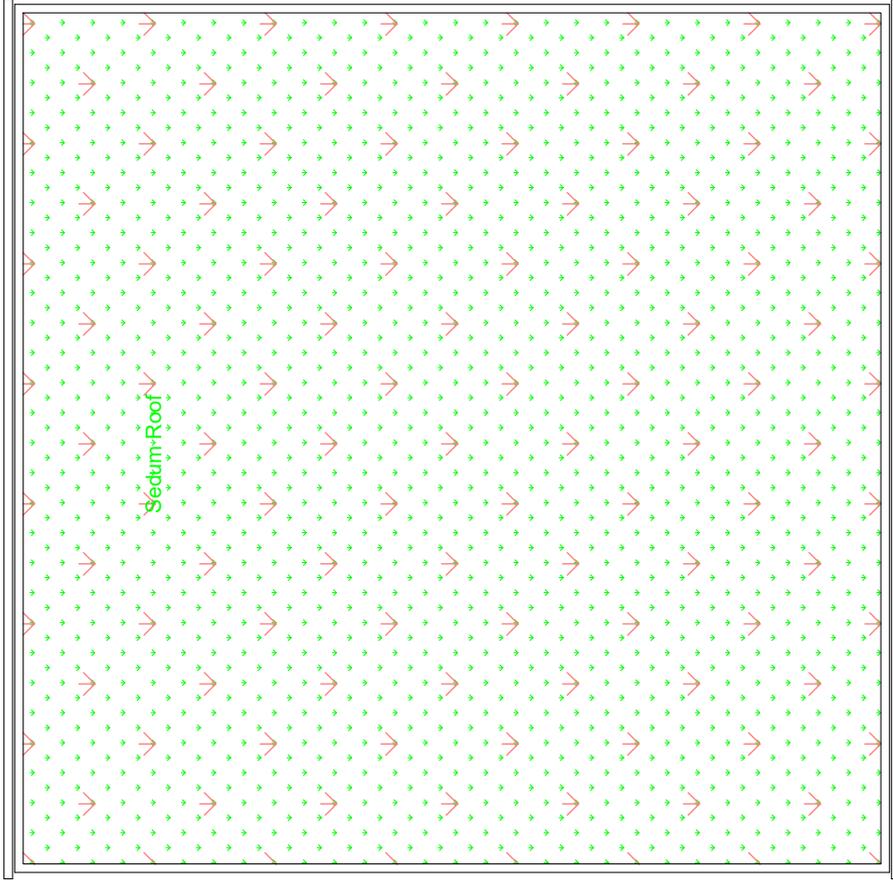
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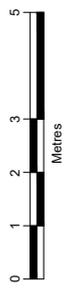
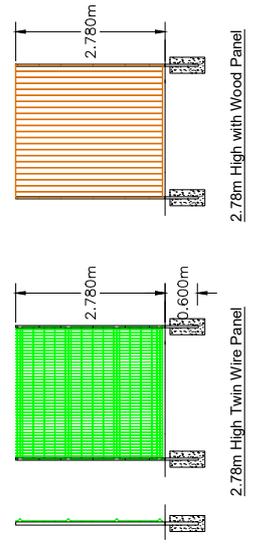
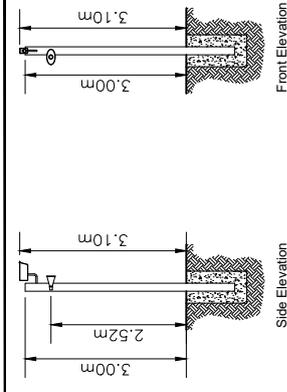
Sedum Roof



Sedum Roof



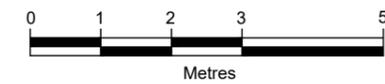
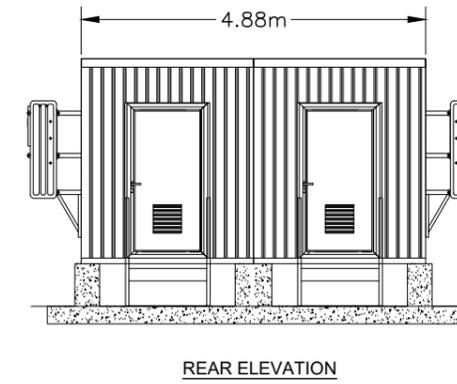
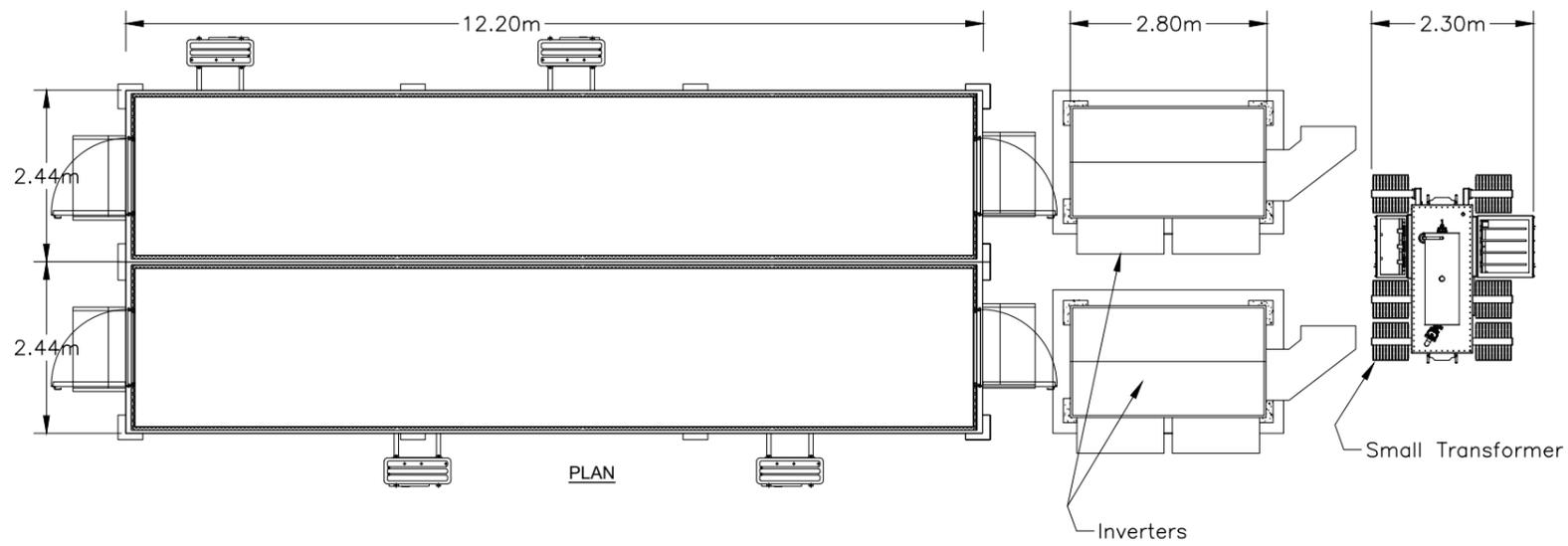
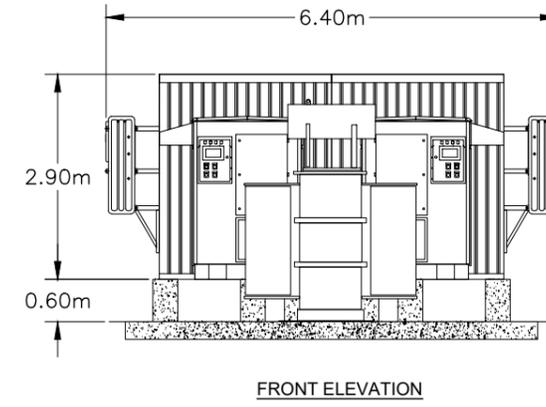
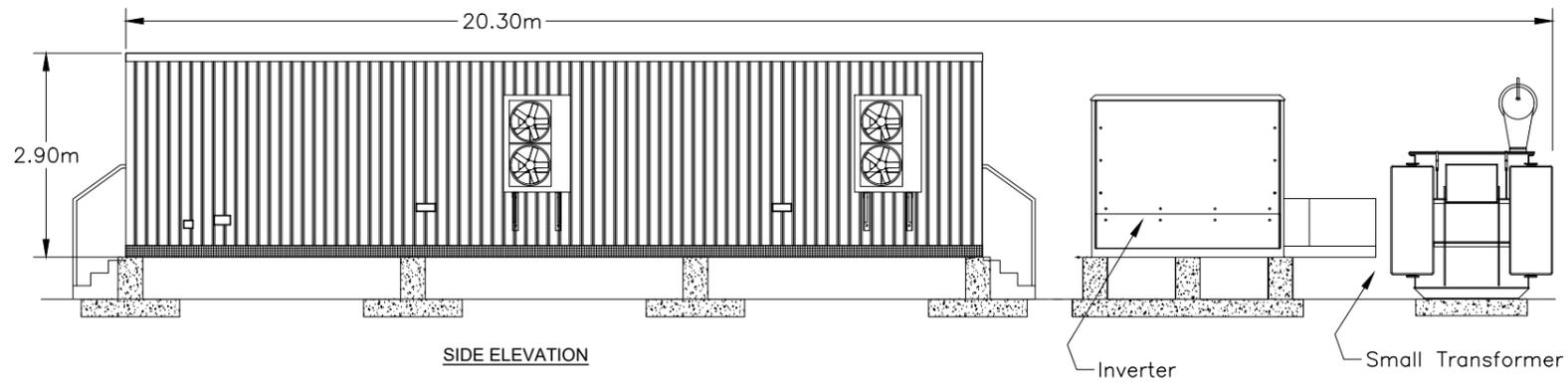
Client The Energy Workshop Ltd. 14, Cross Street LS1 2QH	Project Stanland Three Energy Storage Project KW14 8YH NGR: 312888; 965920	Title Fence Details, CCTV Mast and Switch Room Details	Scales: Plan 1:100 Sheet Size A3
Date: April 2022			Drawing No: EW / 16 / 06



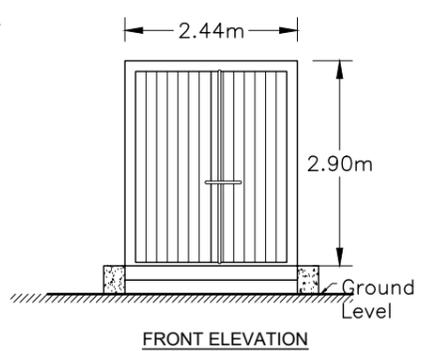
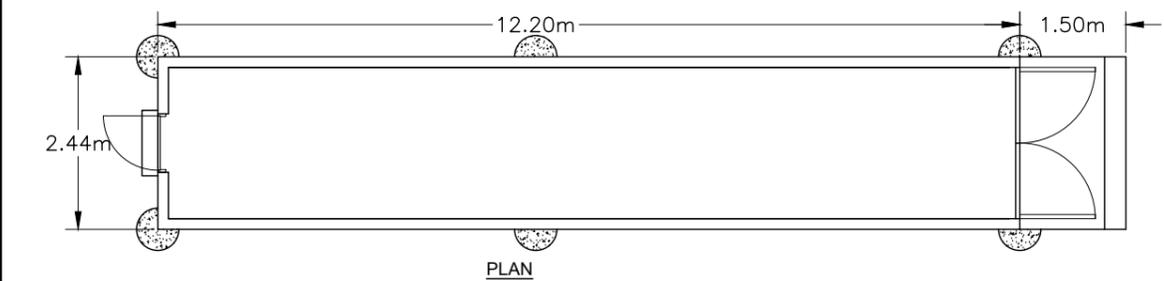
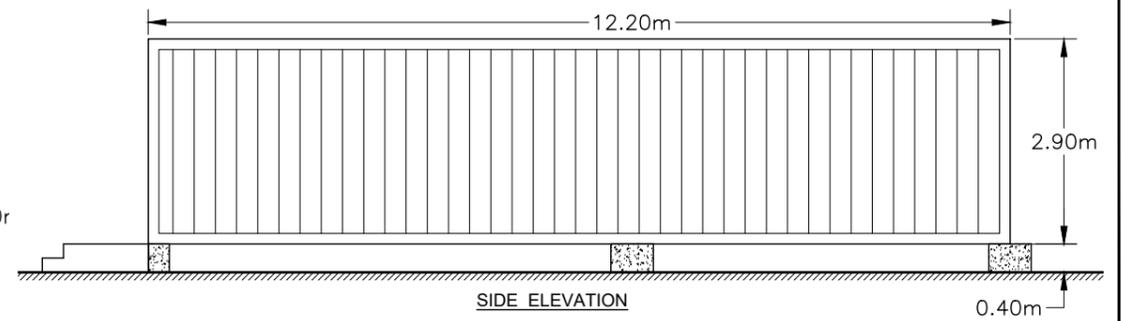
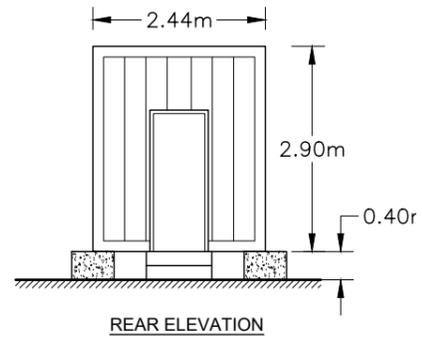
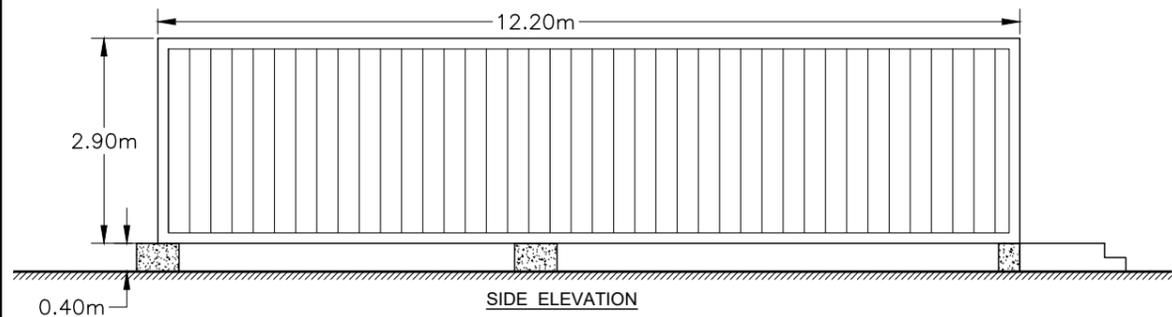
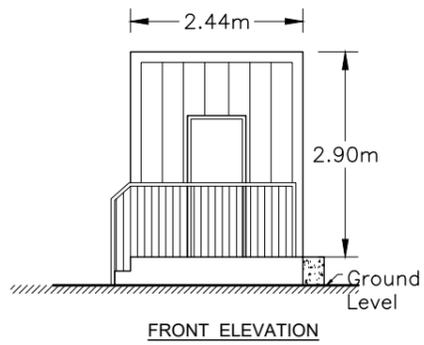
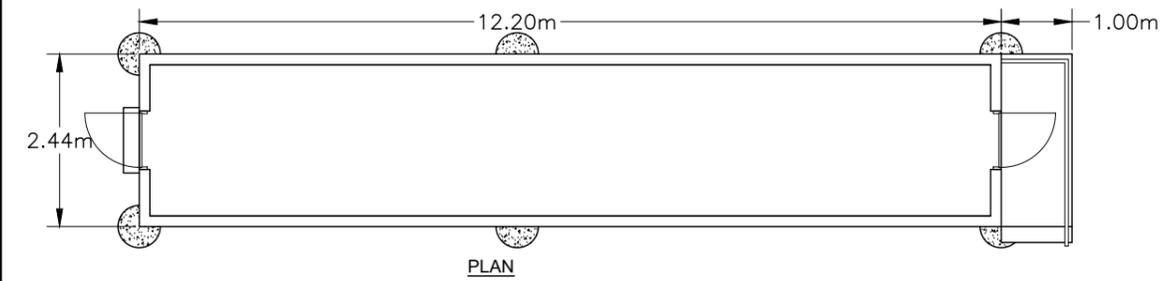
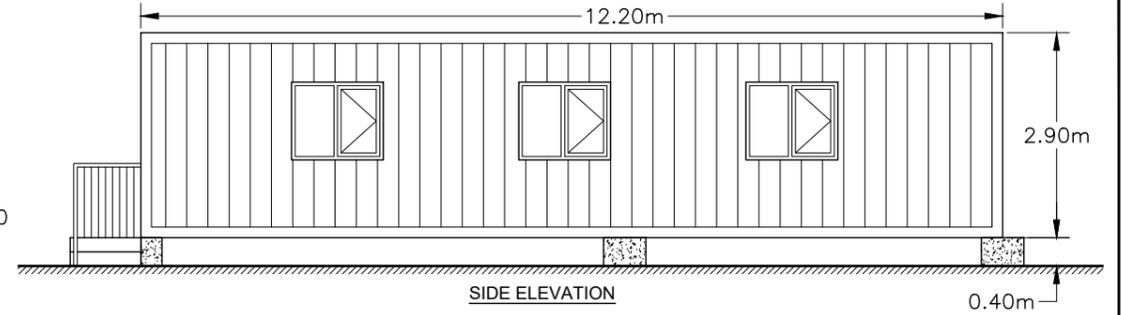
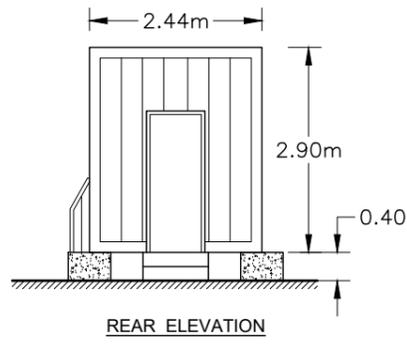
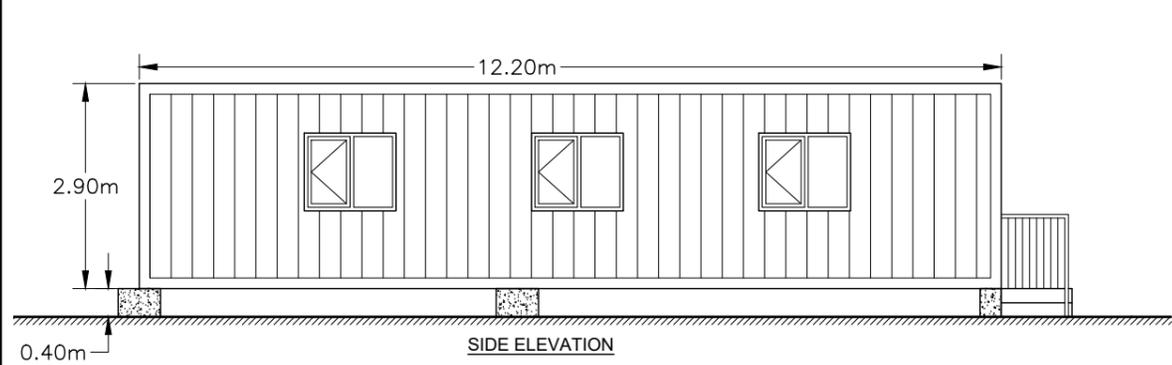
FENCE DETAILS

Scale 1:100

CCTV MAST



Client	The Energy Workshop Ltd. 32 Park Cross Street Leeds LS1 2QH
Project	Stainland Thurso Energy Storage Project KW14 8YH NGR 312688, 965920
Title	Battery Storage Unit Details
Scales:	Plan 1:100 Sheet Size A3
Date:	April 2022
Drawing No:	EW / 16 / 07



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

Project
Stainland Thurso
Energy Storage Project
KW14 8YH
NGR 312688, 965920

Title
Storage Unit and Office Plan
and Elevations

Scales: Plan 1:100

Sheet Size A3

Date: April 2022

Drawing No: EW / 16 / 08