

Agenda Item	7.4
Report No	PLS-09-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 08 February 2022

Report Title: 22/03638/FUL: Whirlwind Energy Storage Limited
Land 300M SE Of Househill House, Househill, Nairn

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Construction and operation of a battery energy storage facility consisting of up to 50 containerised battery storage units, ancillary transformers and inverters, connection building, site office and store, fencing and landscaping.

Ward: 18 – Nairn and Cawdor

Development category: Major

Reason referred to Committee: Major Development and Community Council Objection

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 an energy storage facility with an anticipated operational lifetime of 50 years capable of storing up to 49.9MW of electricity, comprising of:
- Circa 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 inverter. 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 18m x 6.5m 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 measuring 3.1m max;
 - 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 Nairn substation approximately 650m northeast of Granny Barbour's Road. 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 The undergrounding of cabling may benefit from any planning permission deemed to be granted under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 where that is installed by a statutory undertaker. Any wider overhead line proposals, however, 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 utilised the Council's Pre-application Consultation Service for Major Developments (21/05287/PREMAJ), which considered three potential locations, and was advised that the Council is generally supportive of appropriately located and designed electricity transmission and distribution infrastructure that facilitates the transition away from the reliance upon fossil fuels towards more renewable forms of energy to meet electricity needs. Although the advice could not categorically state the Council's preferred site, given the different contexts and constraints at each site, it did set out that the key considerations in the assessment of an application would include: reducing visual impacts by nestling the development into its setting with appropriate screening and landscaping; impacts on local residents from noise; impacts on cultural heritage including the special qualities of the Auldearn Historic Battlefield (BTL01) and archaeology; impacts on natural heritage, specifically nearby

Special Protection Areas (SPA) and Sites of Special Scientific Interest (SSSI); and, the development's impact on the local road network particularly during the construction phase of development.

1.5 The application is supported by the following information:

- PAC Report;
- Supporting Statement incorporating the:
 - Design and Access Statement;
 - Planning Statement; and,
 - Sustainable Design 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;
- Traffic and Transport;
- Decommissioning and Site Restoration;
- Sustainability and Carbon Assessment; and,
- A Schedule of Mitigation;
- Flood Risk and Drainage Assessment, including:
 - Appendix A – Site Work (for percolation trial pits and boreholes);
 - Appendix B – Drainage Strategy Plan; and,
 - Appendix C – Drainage Calculations.

1.6 Since the application was made valid, the red line boundary of the proposal site has been enlarged to incorporate additional woodland planting for screening purposes as well as biodiversity enhancement, as requested by the Council. The application has been readvertised as a result. Additionally, updated information in relation to noise was submitted as requested by Environmental Health.

2. SITE DESCRIPTION

2.1 The application site comprises 2.3ha of an agricultural field of which approximately 0.6ha would be developed for the facility and associated infrastructure with landscaping proposed for exterior areas to provide screening. The location is approximately 1.7km southeast of the centre of Nairn and 200m southwest of Househill within the Coastal Farmlands – Moray and Nairn Landscape Character Type (LCT, LCT-- 28) as identified by NatureScot, on the southwest side of the A939 from which the site is accessed. The receiving landscape is characterised by relatively flat open countryside punctuated with woodland and forestry, small housing groups surrounding the nearby Nairn built up area, as well as dispersed single farmsteads and rural businesses, whereby the settlement pattern significantly drops in density further away from Nairn's built up area.

2.2 The site is outwith, but adjoins, the boundary of the Nairn Settlement Development Area, and is bound by the A939 along its northeast boundary, mixed broadleaf and

conifer trees and woodland along its eastern and southern boundaries, while the area to its east will be open field. The Househill housing cluster is approximately 300m northwest of the site beyond the woodland with further properties to the north on the opposite side of the public road including a farmstead with café, and a separate agricultural business. There are major overhead lines east of the site, which run northeast-southwest. The ground levels of the site gently rise to the west.

- 2.3 There are no landscape or natural heritage designations covering the site although there are three Sites of Special Scientific Interest (SSSI) within 5km distance of the application boundary: the Kildrummie Kames SSSI is less than 2km southwest, which is protected for its fen, loch and juniper habitats and geological interest; Culbin Sands, Culbin Forest and Findhorn Bay SSSI is located approximately 3.7km northeast, protected for its coastal geomorphology and coastal habitats and vegetation; and, Whiteness Head SSSI within 5km, which is protected for its coastal geomorphology, birds, intertidal marine habitats, saltmarsh, sand dunes and shingle. The site is about 2km south of the Moray Coast Special Protection Area (SPA), protected for a range of wintering birds and breeding osprey, and Special Area of Conservation (SAC). The development is not considered to impact any of these natural heritage designations.
- 2.4 In terms of cultural and built heritage, the Category C listed buildings of the Househill House, Stables, and Walled Gardens are approximately 150m to the site's northwest, while the Inventory Battlefield of Auldearn (BTL01) lies some 1.3km to the east. There are several historic features identified by the Council's Historic Environment Record in the wider surrounds.
- 2.5 The site is identified as being free from medium to high risk of fluvial flooding on the indicative flood maps produced by SEPA.

3. PLANNING HISTORY

- 3.1 14 February 2022 21/06018/PAN: Battery Energy Storage Facility comprising up to 50 energy storage containers with a total storage capacity of up to 49.9MW, control building, transformers, switchgear and ancillary infrastructure. CASE CLOSED

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 'Bad Neighbour' and 'Unknown Neighbour' Development
Date Advertised: 13 September 2022 and 17 January 2023
Representation deadline: 06 October 2022 and 31 January 2023
Timeous representations: 2no representations from 1no respondent
Late representations: 0
- 4.2 Material considerations raised are summarised as follows:
a) Potential cumulative impacts in relation to a similar development approved nearby (application ref. 20/02589/FUL).

- b) Siting concerns including impacts on the location's rural character and agricultural land use.
- c) Proximity to residential properties and businesses and subsequent impacts on residential and community amenity.
- d) Ecological and environmental impacts including on protected species.
- e) Impacts on trees.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam.

5. CONSULTATIONS

5.1 **Nairn River Community Council:** objects to the application on the grounds that the development will have detrimental impacts on: the rural setting of the location; agriculture, specifically food production; the amenity of local residents; businesses; trees and woodland; and, human health arising from pollution. It considers the proposal contrary to HwLDP Policy 67 since the policy "sets out that renewable energy development should be well related to the source of the primary renewable resource needed for operation. The proposal does not comply with Policy 67 as it does not provide a renewable resource but merely stores the energy produced elsewhere by other means."

5.2 **Access Officer:** no objection and no specific comments.

5.3 **Environmental Health – Contaminated Land Unit** does not object and considers contaminated land issues at the application site unlikely.

5.4 **Environmental Health** 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

5.5 **Flood Risk Management Team** has withdrawn its initial objection on the grounds of lack of flood and drainage information following the submission of a Flood Risk and Drainage Assessment and associated appendices and subject to conditions to secure appropriate drainage arrangements. FRM's comments are considered in detail in the body of this report.

5.6 **Forestry Officer** does not object to the application subject to conditions being applied to any permission to ensure tree protection measures are implemented during construction activities under the supervision of a qualified Arboricultural Consultant, and that no trees are cut down, uprooted, topped, lopped, or wilfully damaged without the prior permission of the Planning Authority

5.7 **Historic Environment Team – Archaeology** does not object subject to a condition to secure a programme of work for the survey, evaluation, preservation, and recording of archaeological and historic features prior to works (including site clearance) commencing on site.

- 5.8 **Transport Planning Team** does not object to the application subject to conditions to secure suitable visibility splays for vehicles exiting the site, final site access junction and bellmouth designs including with drainage arrangement, and, a finalised Construction Traffic Management Plan (CTMP) to be approved by the Council prior to construction commencing on site.
- 5.9 **Historic Environment Scotland** has no objection and no specific comments.
- 5.10 **NatureScot** does not object to the application and has confirmed that the site is unlikely to affect sites designated for nature conservation.
- 5.11 **Scottish Water** has no objection to the application and confirms that the proposal site is not in any SW abstraction or catchment areas (Drinking Water Protected Areas), and that private SUDS arrangements are required for surface water drainage.
- 5.12 **SEPA** does not object to the application. It considers the type of development to be essential infrastructure that may be suitable in areas susceptible to flooding provided the site can remain operational during flood events while not increasing the risk of flooding elsewhere. Additionally, it does not consider the risk of flooding from the small watercourse to the south of the site to be significant.
- 5.13 **Transport Scotland** has no objection and no specific comments.

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

61 - Landscape

64 - Flood Risk

66 - Surface Water Drainage

67 - Renewable Energy Developments:

- Natural, Built and Cultural Heritage
- Other Species and Habitat Interests
- Landscape and Visual Impact
- Amenity at Sensitive Locations
- Safety and Amenity of Individuals and Individual Properties
- The Water Environment
- Safety of Airport, Defence and Emergency Service Operations
- The Operational Efficiency of Other Communications
- The Quantity and Quality of Public Access

- Other Tourism and Recreation Interests
- Traffic and Transport Interests

69 - Electricity Transmission Infrastructure

70 - Waste Management Facilities

72 - Pollution

73 - Air Quality

74 - Green Networks

6.2 **Inner Moray Firth Local Development Plan (IMFLDP) (2015)**

The site is not covered by any specific development allocation or safeguarding notation within the adopted Inner Moray Firth Local Development Plan.

6.3 **Inner Moray Firth Proposed Local Development Plan (2022)**

The Inner Moray Firth Local Development Plan is under review. The Proposed Inner Moray Firth Local Development Plan was published on 25 March 2022 for public consultation and now is a material consideration for determining planning applications. It is intended to submit the proposed plan for examination in March 2023 with ultimate adoption anticipated for mid-2024. The current site is outwith the proposed amended Nairn Settlement Development Area but is close to the allocation NA05: Nairn East for mixed housing (indicative capacity of 650-850 total houses), business, community, and industrial uses. The allocation lists several developer requirements for consideration.

6.4 In addition, the IMFLDP2 will include several overarching 'general policies' that will apply to all developments including for Low Carbon Development, and, Nature Protection, Preservation, and Enhancement.

6.5 **Highland Council Supplementary Planning Policy Guidance**

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

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)

Highland Renewable Energy Strategy & Planning Guidelines (May 2006)

Managing Waste in New Developments (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**

Scottish Government Planning Policy (SPP)

7.1 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, which relate national planning policy to the Scottish Government's National Outcomes. SPP

highlights that the Development Plan is the starting point of decision making on planning applications. In that context, 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.

Revised Draft National Planning Framework 4 (NPF4)

7.2 Draft National Planning Framework 4 (NPF4) was published in November 2021 with the subsequent revised draft laid before the Scottish Parliament on 08 November 2022. On 11 January 2023, the Scottish Parliament voted to adopt NPF4, which is now anticipated to be published and adopted on 13 February 2023, at which point it will become a part of the Council's statutory Local Development Plan. In its newest iteration, draft NPF4 comprises three parts, summarised below:

- Part 1 – sets out an overarching spatial strategy for Scotland in the future. This includes spatial principles, national and regional spatial priorities, and action areas.
- Part 2 – sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. This part of the document should be taken as a whole in that all relevant policies should be applied to each application.
- Part 3 – provides a series of annexes that provide the rationale for the strategies and policies of NPF4, which outline how the document should be used, and set out how the Scottish Government will implement the strategies and policies contained in the document.

7.3 The policies in the revised draft NPF4 most relevant to this proposal include:

- Policy 1 - Tackling the climate and nature crisis
- Policy 2 - Climate mitigation and adaptation
- Policy 3 - Biodiversity
- Policy 4 - Natural places
- Policy 5 - Soils
- Policy 7 - Historic assets and places
- Policy 11 - Energy
- Policy 22 - Flood risk and water management
- Policy 23 - Health and safety
- Policy 25 - Community wealth benefits
- Policy 33 - Minerals

Other Relevant National Guidance and Policy

7.4 National Planning Framework 3 and the Revised Draft NPF4, which the Scottish Parliament voted to adopt in January 2023
Onshore Wind Policy Statement (Dec 2022)
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 impacts;
 - d) amenity impacts including noise;
 - e) impacts on natural, built, and cultural heritage;
 - f) traffic and transport impacts;
 - g) water, flooding, and drainage; and,
 - 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. However, for battery energy storage technology, the source is considered to be the grid rather than wind or running watercourses given that the energy is already generated. Its purpose is to provide support for a balanced grid. The policy requires an assessment of the proposal's contribution in meeting renewable energy targets as well as its positive and negative effects on the local and national economy and as required by all other

relevant policies of the Development Plan and associated 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 6.1). Such an approach is consistent with the concept of Sustainable Design (Policy 28), Scottish Planning Policy and the soon to be adopted NPF4, that looks to achieve the right development in the right place and 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) and National Planning Framework 4 (NPF4)

- 8.7 Since its adoption in 2014, SPP has supported renewable energy by specifying 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 environments, and that these must be regarded as compatible goals. In that way, SPP has configured the planning system to have a significant role in securing appropriate protection of natural and historic environments without unreasonably restricting the potential for renewable energy. While extant, the national policies of SPP have highlighted potential areas of conflict while setting out that the detrimental effects of renewable developments can often be mitigated through the design process and that 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 has been afforded significant weight in the planning balance. NPF3 considers onshore wind to have 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. However, it should be noted that the targets set out in NPF3 have now been superseded by legislation which sets the legally binding target of net zero by 2045 through The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019.
- 8.10 However, as set out above, National Planning Framework 4 (NPF4) was published in draft form in November 2021 with a revised draft laid before the Scottish Parliament on 08 November 2022, which was voted through on 11 January 2023 with an anticipated date for publishing and adoption of 13 February 2023. Once adopted, the

document will become the new principal planning policy and spatial strategy for Scotland and will be an integral part of the statutory Local Development Plan. Therefore, while, for the time being at least, Scottish Planning Policy, National Planning Framework 3, and the adopted Development Plan are the extant adopted documents, a significant amount of weight can be given to NPF4 than to previous revisions now that we are in the final stages of its adoption.

- 8.11 Specific to this proposal, the current draft of NPF4 seeks to encourage, promote, and facilitate all forms of onshore renewable energy development including energy storage through Policy 11 – Energy. The policy states that proposals should only be supported where they maximise net economic impact, including for local and community socio-economic benefits such as employment, associated business and supply chain opportunities, while identifying impacts, including cumulative impacts, that must be suitably addressed and mitigated against. These considerations relate to matters of: impacts on communities and individual dwellings in relation to amenity; landscape and visual impact; public access; aviation, and defence interests; telecommunications; traffic; historic environment; biodiversity (including birds); impacts on trees; decommissioning; site restoration; and cumulative effects. In relation to landscape and visual impacts it advises that where impacts are localised and / or appropriate design mitigation has been applied, such effects will generally be considered acceptable. NPF4 must be read as a whole and detailed consideration given to linked policies within the document, listed above, the provisions of which are considered throughout the report where any conflicts or compliance are highlighted.
- 8.12 Support for onshore renewables 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. To that end and reinforcing its position set out in the imminent NPF4, the Scottish Government published its Onshore Wind Policy Statement in December 2022. The statement sets out the need to accelerate Scotland's transition to net zero for energy security and climate change while acknowledging that barriers that exist in achieving this goal, such as current National Grid constraints for example. As such, the statement recognises that achieving net zero is a 'multifaceted journey' and that no single technology can deliver alone and so highlights the benefits of battery energy storage technology amongst others including hydrogen production.
- 8.13 In a similar vein, the Scottish Government has also published its Draft Energy Strategy and Just Transition Plan for consultation. As it is still at consultation stage limited weight can be applied to the document. Unsurprisingly however, the material relating to onshore wind within it reflects in large part that contained in NPF4 and the Onshore Wind Energy Policy Statement 2022 in its support for the recognition of the need for battery storage systems to increase flexibility in our electricity system while providing wider benefits for consumers and society such as helping to reduce consumer bills. The plan advises that Scotland currently has approximately 864 MW of electricity storage capacity with 2.2 GW of battery storage approved but acknowledges that this capacity needs to increase significantly.

- 8.14 The Highland Council recognises the Scottish Government's declaration of the climate emergency and related biodiversity crisis and has indeed also declared a climate and ecological emergency, the response to this and manner in which policy will be modified are expressed through the Bute House Agreement, imminent NPF4 and the Onshore Wind Energy Statement. The application's compliance with the changing of national and local policy context is assessed below.

Energy, Carbon Saving, and Socio-Economic Benefits

- 8.15 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

- 8.16 The site has been selected for its relative proximity to grid infrastructure with the Nairn substation, which will provide the point of connection to the grid, being 650m northeast. The site's distance from designated sites and other sensitive receptors including more densely populated residential areas and sites proposed to be allocated for housing is also a key selection criteria in order that detrimental impacts on environmental and ecological impacts, as well as noise and residential visual amenity impacts can be avoided. Additionally, the adjacent woodland provides structure and opportunity to nestle the development into the receiving landscape with appropriate landscaping. On that note, the applicant has further developed the landscaping plans at the request of the Council to ensure the proposal is well screened from the A939, given its relative proximity to the public road and café opposite. This part of the Coastal Farmlands – Moray and Nairn Landscape Character Type (LCT) already accommodates agricultural business and light industrial uses, while a similar facility was approved in 2020 (20/02589/FUL) so overall the LCT is considered to have capacity to accommodate such development without being significantly detrimental to the LCT's qualities.
- 8.17 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.
- 8.18 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 semi-matt, details of which, along with the materials and finishes of the control building including the proposed Sedum roof, should be secured by condition.

- 8.19 The visualisations included with the submission show that due to the presence of established woodland, visibility of the development will mostly be limited to short and mid-range views to the northeast and east of the application site in short sections of the nearer A939 and a limited section of more distant Granny Barbour's Road. The proposal would be viewed obliquely from both routes however. It is acknowledged that the immediately adjacent woodland that wraps around the east, south, and southeast of application site is not policy Ancient or Long Established Woodland, however it is protected by national and local woodland removal policies that only sanction the removal of woodland where it would achieve significant and clearly defined additional public benefits. Furthermore, the woodland to the west of the proposal site is within the estate of the Category C Listed Househill and separately Listed Category C Stables. These factors give relative reassurance that the established woodland will remain in situ and provide ample screening of the proposal from the north, west, and south during the operational life of the development.
- 8.20 Notwithstanding, the greater of the visual impacts will be experienced by recreational users accessing this woodland as well as users of the Househill Café (towards which the proposal would be exposed without appropriate mitigation) given their relative proximity and that users of both resources move slower through the landscape and / or are stationary for longer. As mentioned however, 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. Additionally, the applicant has developed the landscaping plan to widen the area of woodland planting in order to establish a denser and more natural woodland to the east and north of the developed area. Given the bend in the access route to the facility, the planting will mature over the first five years and once established will effectively provide 360° screening and should be more than adequate to screen the internal areas of the development from any surrounding higher ground. 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.
- 8.21 The applicant has outlined a lighting strategy within the Supporting Statement, which is welcomed, that sets out that motion sensor lighting at the entrances to buildings and storage units 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. Resultantly, it is not considered that the visual impact of the development will not stretch into hours of darkness.
- 8.22 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 conditions suggested above to secure appropriate mitigation within and around the development site, it is considered that the visual impact of the proposed development is within acceptable limits.

Natural Heritage Impacts

- 8.24 The Supporting Information included with the application includes an Ecological Report with results from a Preliminary Ecological Appraisal that included a National Vegetation Classification (NVC) and Phase 1 Habitats Survey, a Botanical Survey, as well as Protected Species Surveys. All surveys were undertaken in April 2022. The development is not within any sites designated for ecological interests and is not anticipated to impact on the qualifying interests of such sites whether international or national, as confirmed by NatureScot.
- 8.25 The survey recorded two NVC communities within the study area, neither of which are considered to be Ground Water Dependent Terrestrial Ecosystems. The most common vegetation types were disturbed ground in an arable field and conifer plantation, mixed woodland, mixed plantation, and scattered trees along the field line and a path. The broadleaf trees along the field edge, while notable, are not under any specific protection however the Tree Protection Plan drawings show that the Root Protection Areas and the crown spreads of adjacent trees are well without the development area and demonstrate that no trees require to be removed to accommodate the development. One tree (T20) is proposed to be removed due to poor condition. The Tree Protection Plan drawings show that the line of tree protection measures would adequately safeguard existing trees. The report identifies that the specification for tree protection barriers will be the BS 5837: 2012 default, as shown in Figure 2 of the British Standard, which is accepted. The proposal is therefore considered to have an acceptable impact on woodland and trees subject to conditions to secure the implementation of tree protection measures during construction activities, which should be undertaken under the supervision of a qualified Arboricultural Consultant, and, to ensure that no trees are cut down, uprooted, topped, lopped, or wilfully damaged without the prior permission of the Planning Authority.
- 8.26 With regard to protected species, the survey reports that there is suitable habitat for badger, brown hare, otter, water vole, red squirrel, and birds, with signs of badger, brown hare, and red squirrel using the site recorded. The report provides mitigation measures to protect protected species from construction activities including pre-construction surveys for badger and red squirrel as well as for breeding birds if construction works commence during the breeding season (April through August inclusive), along with 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 should be secured by condition.

Traffic and transport impacts

- 8.27 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.

- 8.28 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 3 and 7 will also generate higher than average HGV movements to and from site, with works generating an anticipated 5.9 and 5.4 HGV and non-HGV movements per day. The delivery and removal of the crane are anticipated for months 4 and 7. Transport Planning and Transport Scotland have advised that a Construction Traffic Management Plan (CTMP) should be secured by condition however Transport Planning has confirmed that a wear and tear agreement under S96 of the Roads (Scotland) Act 1984 is not required. However, Transport Planning does require the CTMP to set out how the Developer intends to monitor the impacts of their development on the public road and, where damage is identified that can be attributed to the activities of this development, commit to making suitable repairs in agreement with Highland Council as the Local Roads Authority.
- 8.29 The application includes indicative details of the site's access arrangements from and onto the A939 including the site's security gate positioned with a setback of 15m from the edge of the carriageway to allow larger vehicles to wait safely without overhanging onto the public road. Any works alongside the A939 will require permission of the Roads Authority and must comply with Council standards, which is included in an informative suggested with this report.
- 8.30 The submission also advises that visibility splays of 125m looking left (north) when exiting the site and 133m looking right (south) are required based on surveyed traffic speeds of 41.2mph and 43.3mph respectively (85th percentile) at that section of the A939, with a setback of 2.4m. Transport Planning advise that the pavement at the site entrance will need to be appropriately tied into the carriageway of the public road to avoid differential settlement between the two, and, that additional information is required to demonstrate adequate surface water drainage arrangements at the access to ensure water does not discharge on to the public road. Final Details of the access design will be secured by condition.

Impact on built and cultural heritage

- 8.31 The nearest historic heritage resource is the Category C listed buildings of the Househill House, Stables, and Walled Gardens, which are approximately 150m to the site's northwest, while the Inventory Battlefield of Auldearn (BTL01) is approximately 1.3km to the east. Given the prevailing and proposed woodland surrounding the site and the scale of the development, the proposal is not considered to have any direct impacts on these resources. However, due to the presence of several historic features identified by the Council's Historic Environment Record in the wider surrounds, the development site is considered to have archaeological potential and as such the Council's Archaeologist has requested a condition to secure an archaeology programme of works for the survey, evaluation, preservation, and recording of any archaeological and historic features affected by the proposed development and works.

Noise

- 8.32 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. These properties include the Househill housing cluster being approximately 300m northwest of the site and further properties to the north on the opposite side of the public road, the nearest of which is approximately 225m away, and a farmstead with café and a separate agricultural business.
- 8.33 Following a request by Environmental Health, 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.
- 8.34 Environmental Health has requested conditions to ensure that the development proceeds in accordance with the mitigation measures outlined in the revised NIA, which, in discussions with the applicant, have been reworded slightly to allow for greater flexibility with regard procuring more up-to-date equipment as well as for noise monitoring timescales. The agreed mitigation measures should ensure that noise levels are limited to a maximum rating level of 26dB at noise sensitive properties. The condition includes a requirement that the developer monitors noise levels and demonstrates compliance with the maximum rating level and to implement additional mitigation if required.
- 8.35 Developers are obliged 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 by Environmental Health, not Planning.

Flood Risk and Drainage

- 8.36 The application site is not within any mapped area of known 1:200 year plus climate change flood risk from fluvial, pluvial, or coastal sources however there is a small watercourse / field drain to the site's west that does not appear on SEPA's flood risk mapping, which may pose a significant risk. The proposed use of the site for electrical infrastructure is classed as 'essential infrastructure' under SEPA's Flood Risk and Land Use Vulnerability Guidance means that the applicant is required to demonstrate that the site will remain operational during a 1:200 return period storm event. Following the submission of further clarification on this matter and a detailed review of Ordnance Survey mapping of the area, which shows that the site will be a minimum of 3metres above the watercourse, in addition to the development area maintaining a 50metre buffer zone from the watercourse, both the Council and SEPA is satisfied that the site will remain operational during such a storm event.

- 8.37 With regard drainage, the applicant has proposed a private infiltration based SUDS drainage strategy for surface water drainage where runoff will be captured by porous drains that drain to an infiltration basin at the northern edge of the site, while the majority of the developed area will be laid to porous hardstanding. Percolation test results submitted with the application demonstrate suitable ground conditions for the proposed drainage arrangements, which are supported by the Council's Flood Risk Management Team. However, the access road will require a swale while, as mentioned, surface water drainage arrangements at the access are required to ensure water does not discharge on to the public road, which should be secured by condition.
- 8.38 The applicant's supporting statement advises that the SUDs as proposed is designed to prevent the construction and operation of the proposal from having any adverse effects in the River Nairn catchment or groundwater.

Decommissioning and Reinstatement

- 8.39 The facility has an anticipated operational lifetime of 50 years and following discussions with the applicant, it has been agreed that a condition to secure its removal and ground rehabilitation at this time, given that the proposal's relative proximity to a Nairn expansion area. At this time, the developer would have the option to apply for authorisation to extend the lifetime of the development, otherwise 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 for the development would require to be reinstated to the approximate pre-development condition, unless otherwise agreed with the landowner and the 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.
- 8.40 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. In the meantime, a draft DRP should be secured by condition, which should be used to inform a financial bond, which should be in place prior to works commencing on site to secure restoration works.

Other material considerations

- 8.41 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 fire detection and 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.

Non-material considerations

8.42 None.

Matters to be secured by Legal Agreement / Upfront Payment

8.43 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.

9.2 While it is acknowledged that the siting of the development does have potential to result in substantial visual impacts from nearby views along the A939, it is considered that this has been successfully mitigated through proposals for additional landscaping and planting, while the proposal's design is considered appropriate for the type and function of the development, with further details being secured by condition. In anticipation of NPF4's adoption then, the proposal is considered to accord with its relevant policies as landscape and visual impacts are considered localised and because appropriate design mitigation has been applied. Additionally, supporting information submitted with the application 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.

9.3 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations 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: Not applicable

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:

Conditions and Reasons

1. 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.

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

2. Planning permission is hereby granted for a temporary period only and shall cease to have effect 50 years after the date of this permission. Prior to the cessation date, the application site shall be cleared of all development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended)) and reinstated in accordance with a scheme approved in writing by the Planning Authority under condition 4 of this permission.

Reason: To enable the Planning Authority to reassess the impact of the development after a given period of time and secure removal and restoration.

3. 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) a Species Protection Plan to include mitigation measures outlined in the Ecological Appraisal by IMTeco Ltd dated May 2022 submitted with the application, including:
 - a. pre-commencement bird and protected species surveys;
 - b. additional bat and red squirrel surveys to be conducted prior to any works to trees in addition to any approvals as required under Condition 13 of this permission;
 - c. maintain minimum buffer zones between development works and badger setts;
 - d. 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;
 - e. where it is not possible to cover excavations overnight, uncovered excavations should include a means of escape for any animal that may fall in;
 - f. all construction works shall take place outwith the hours of dawn and dusk;
 - g. use of pallets to raise the storage of all building materials above ground; and,
 - h. ensure waste materials are placed in appropriate facilities.

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.

4. (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-matt 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.

5. 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.

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

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

7. No development shall commence until details of the final drainage design of the access road and junction have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the design shall include a swale for the access road and measures to ensure that surface water does not discharge from the site on to the public road. Thereafter, the development shall be constructed in accordance with the approved details with all drainage arrangements made available for use prior to the development's first occupation and maintained for the operational lifetime of the development. 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.

8. 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 NW to SE, and, a minimum of two cross sections through the site running SW to NE, 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 that 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.

9. No development, site excavation or groundwork shall commence until a suitably qualified Arboricultural Consultant has been appointed by the developer who shall be appointed prior to the commencement of the development and as a minimum retained until the completion of the development. The Arboricultural Consultant's remit shall include ensuring that the approved Tree Protection Plan (IMTeco Ltd dated May 2022) is implemented to the agreed standard.

The preparation of Certificates of Compliance for each stage of work involved in the development, which shall be submitted to the Planning Authority upon completion of the stage to which they relate. Prior to development, site excavation or groundwork commencing, details of each stage of work (including a general description of the type and extent of work to be carried out within that stage) shall be submitted to, and approved in writing by the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

10. No development, site excavation or groundwork shall commence until all retained trees are protected against construction damage using protective barriers located in accordance with the approved Tree Protection Plan (in accordance with BS 5837:2012 Trees in Relation to Design, Demolition & Construction). Thereafter, all protective barriers shall remain in place throughout the construction period and must not be moved or removed without the prior written approval of the Planning Authority.

Reason: To ensure the protection of retained trees throughout the construction period.

11. No development or work (including site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

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

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 4 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance

of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and / or leaseholder; and,

- 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.

13. 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, visibility splays which shall be a minimum of 125m looking left when exiting the site and 133m looking right with a

setback of 2.4m, and traffic management measures, shall be provided for the agreement of the Council, as the local roads authority, prior 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;

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, and in order to maintain the integrity of the public road.

14. With effect from the date of this permission, no trees shall be cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way, without the prior written permission of the Planning Authority.

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

15. Any noise originating from the operation of the development shall not exceed a Rating level of 26dB (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 ref N5045-436 dated November 2022. The approved mitigation measures detailed in Option B of the document (inclusions of barriers) shall be implemented prior to the operation of the development and thereafter maintained over the operational lifespan of the project.

2. Unless otherwise agreed in writing by the Planning Authority, 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 26dB as prescribed above.

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 part 1 of this condition and Condition 2 above 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.

16. 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.

17. 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.

18. (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.

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

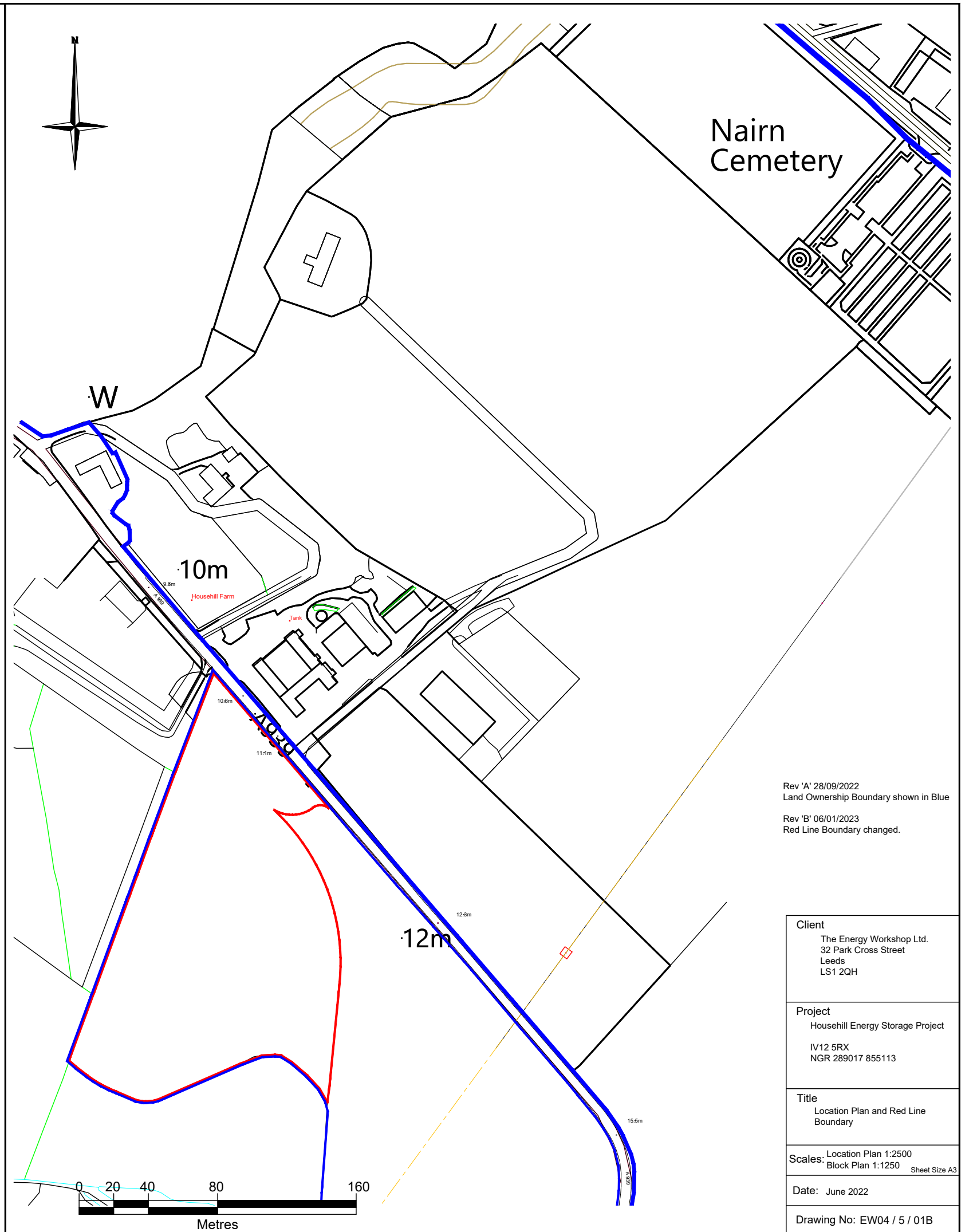
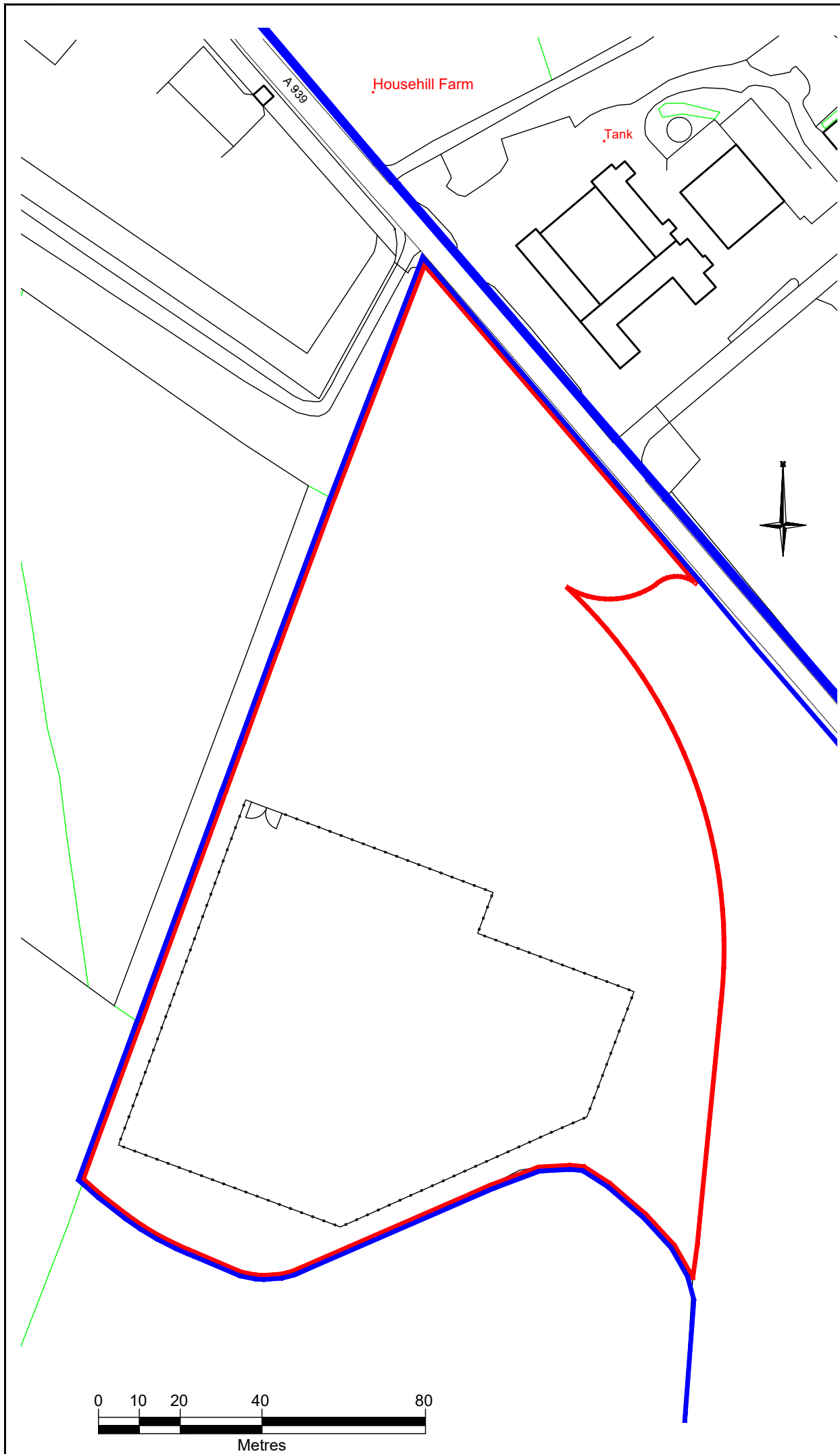
Protected Species - Contractors' Guidance

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

Protected Species - Tree Felling

Any mature trees within the application site which are to be felled, lopped or topped must be surveyed for bats prior to the works being carried out. If a bat roost is identified work must stop and further advice sought from SNH's area office. It is an offence to interfere with bats and/or their roosts without a license and strict penalties will be applied through the courts where a license has not been obtained.

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Mark Fitzpatrick
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - EW04_5_01 REV B LOCATION PLAN
Plan 2 - EW04_5_03 REV B GENERAL PLAN
Plan 3 - EW04_5_04 REV C GENERAL PLAN SITE LEVELS
Plan 4 - EW04_5_06 REV A GENERAL PLAN SWITCH ROOM
Plan 5 - EW04_5_07 GENERAL PLAN BATTERY STORAGE UNIT,
FENCE DETAIL, AND CCTV MAST DETAIL
Plan 6 - EW04_5_08 GENERAL PLAN STORAGE UNIT AND OFFICE
Plan 7 - EW04_5_09 ACCESS LAYOUT PLAN



Rev 'A' 28/09/2022
 Land Ownership Boundary shown in Blue
 Rev 'B' 06/01/2023
 Red Line Boundary changed.

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

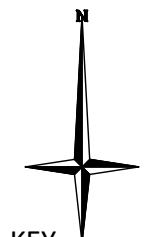
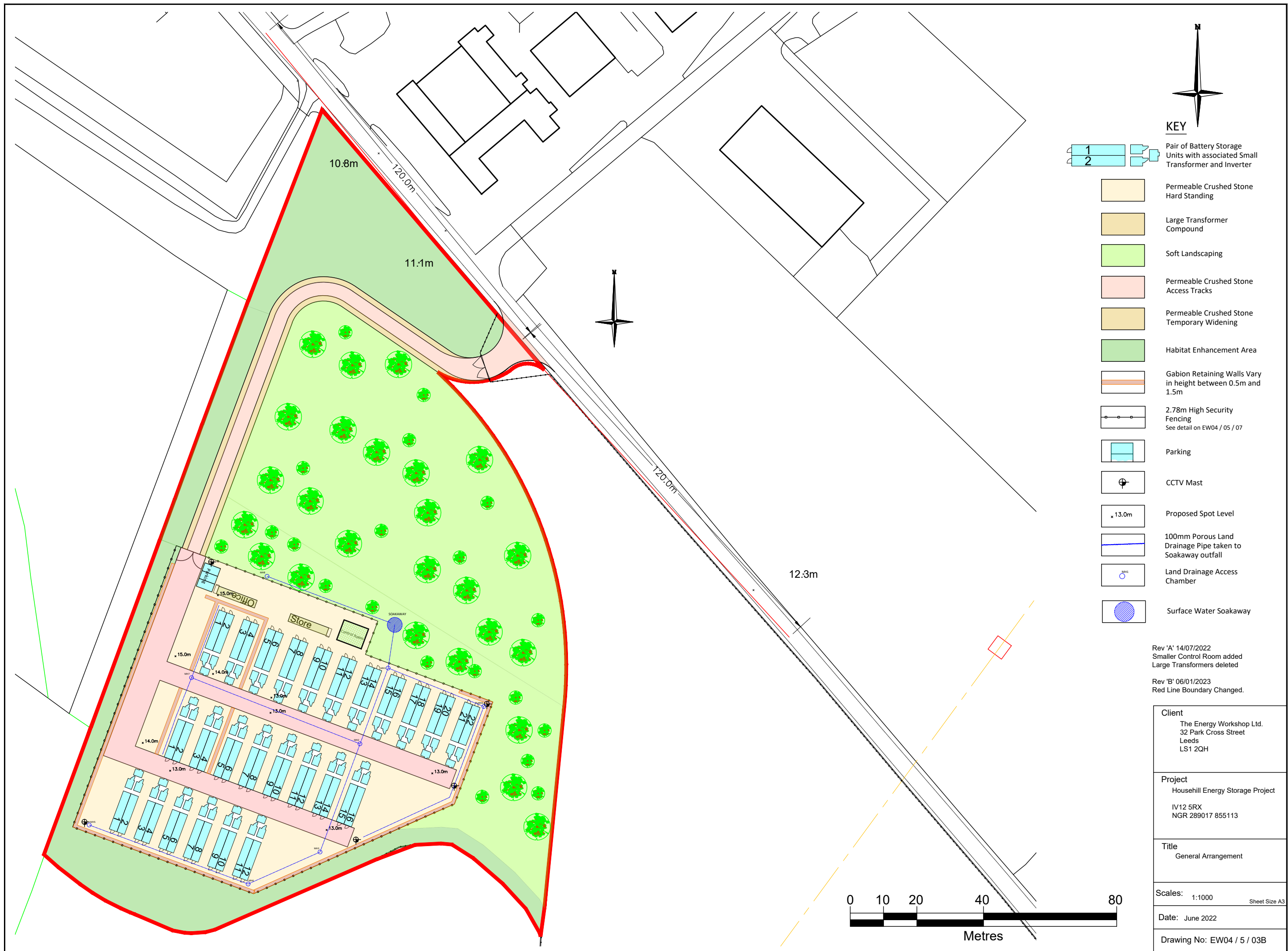
Project
 Househill Energy Storage Project
 IV12 5RX
 NGR 289017 855113

Title
 Location Plan and Red Line
 Boundary

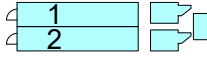














Scales: Location Plan 1:2500
 Block Plan 1:1250 Sheet Size A3

Date: June 2022

Drawing No: EW04 / 5 / 01B



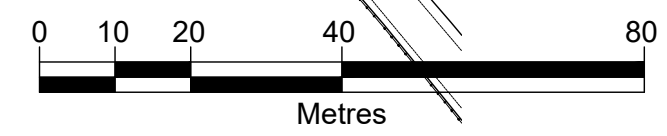
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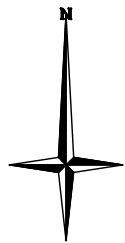
-  Pair of Battery Storage Units with associated Small Transformer and Inverter
-  Permeable Crushed Stone Hard Standing
-  Large Transformer Compound
-  Soft Landscaping
-  Permeable Crushed Stone Access Tracks
-  Permeable Crushed Stone Temporary Widening
-  Habitat Enhancement Area
-  Gabion Retaining Walls Vary in height between 0.5m and 1.5m
-  2.78m High Security Fencing
See detail on EW04 / 05 / 07
-  Parking
-  CCTV Mast
-  Proposed Spot Level
-  100mm Porous Land Drainage Pipe taken to Soakaway outfall
-  Land Drainage Access Chamber
-  Surface Water Soakaway

Rev 'A' 14/07/2022
Smaller Control Room added
Large Transformers deleted

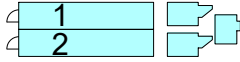
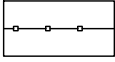
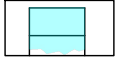

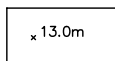


Rev 'B' 06/01/2023
Red Line Boundary Changed.

Client The Energy Workshop Ltd. 32 Park Cross Street Leeds LS1 2QH
Project Househill Energy Storage Project IV12 5RX NGR 289017 855113
Title General Arrangement
Scales: 1:1000 Sheet Size A3
Date: June 2022
Drawing No: EW04 / 5 / 03B





KEY

-  Pair of Battery Storage Units with associated Small Transformer and Inverter
-  2.78m High Security Fencing
See detail on EW04 / 05 / 07
-  Parking
-  CCTV Mast
-  Proposed Spot Level and Platform Levels
-  100mm Porous Land Drainage Pipe taken to outfall
-  Surface Water Soakaway



Rev 'A' 14/07/2022
Smaller Control Room added
Large Transformers deleted

Rev 'B' 01/09/2022
Red Line Boundary Added

Rev 'C' 06/01/2023
Red Line Boundary Changed.

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

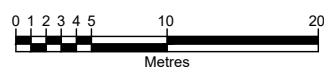
Project
Househill Energy Storage Project
IV12 5RX
NGR 289017 855113

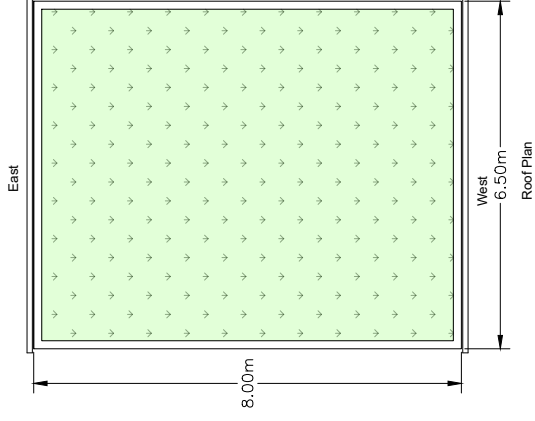
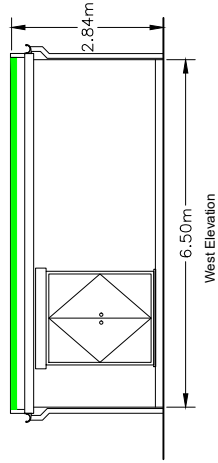
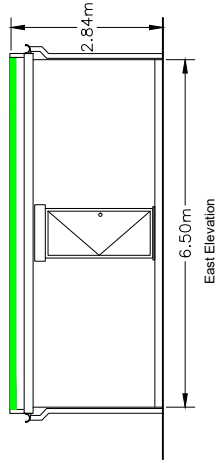
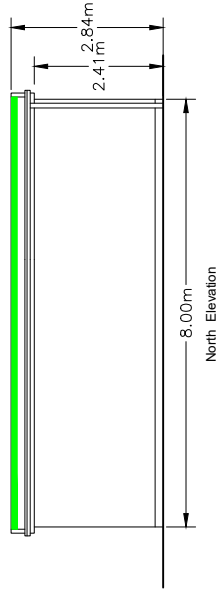
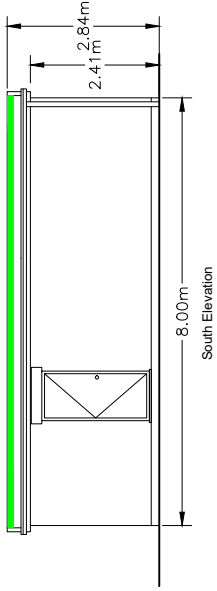
Title
Setting Out and Proposed
Platform Levels

Scales: 1:500 Sheet Size A3

Date: June 2022

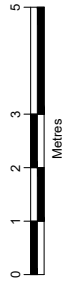
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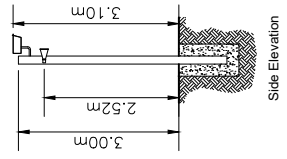
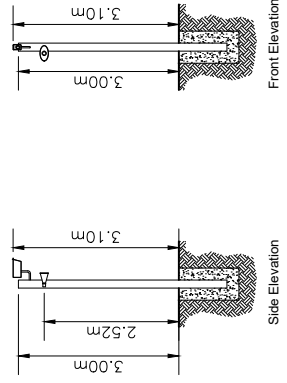
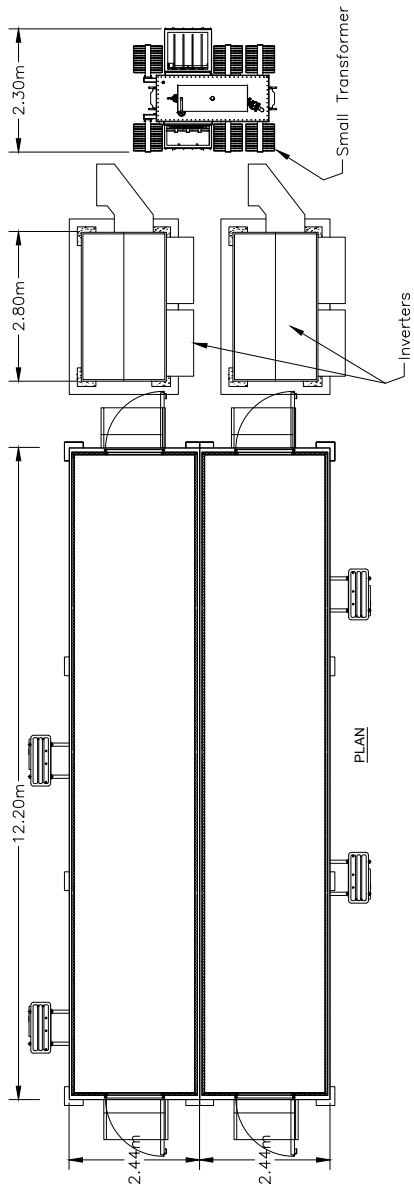
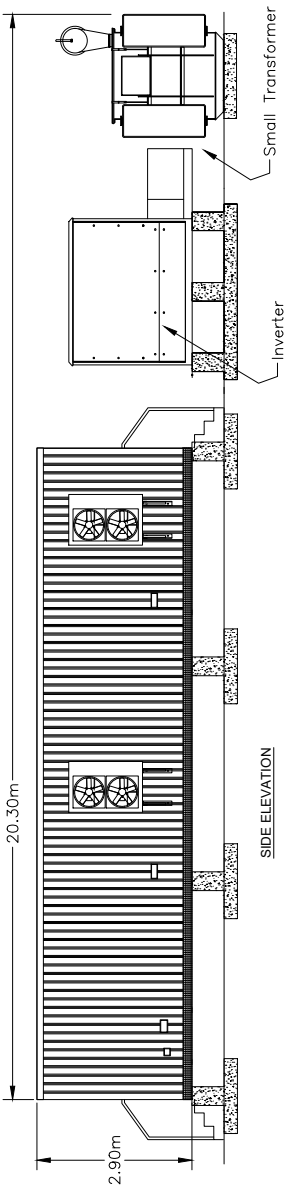
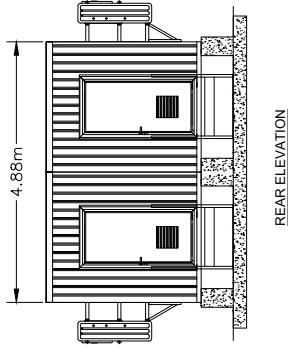
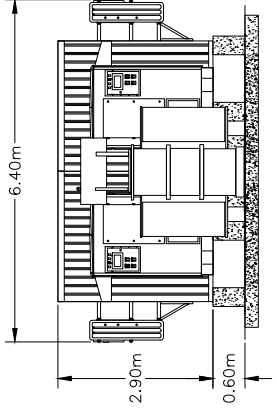




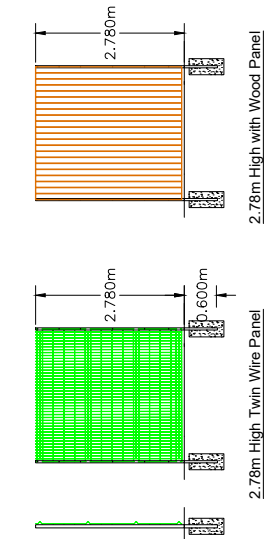
Rev: A14072022
Smaller Control Room

Client	The Energy Workshop Ltd. 10 Park Cross Street Leeds LS1 2QH
Project	Househill Energy Storage Project IV12 5FX NGR: 289017 855113
Title	Switch Room Details
Scales:	Plan 1:100 Sheet Size A3
Date:	June 2022
Drawing No:	EIW04 / 5 / 06A



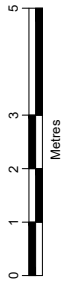
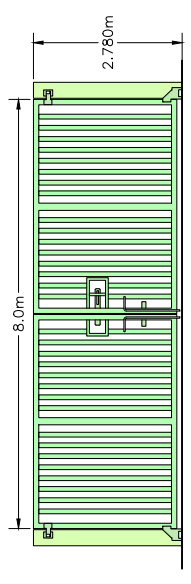


CCTV MAST

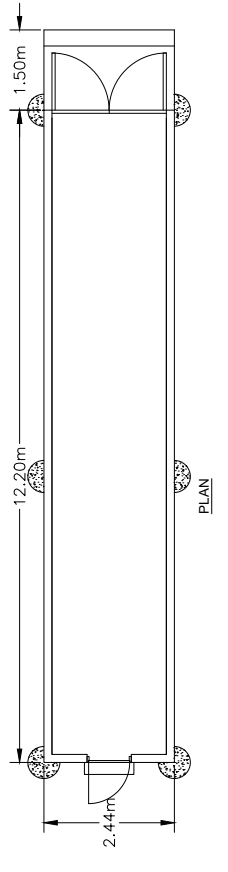
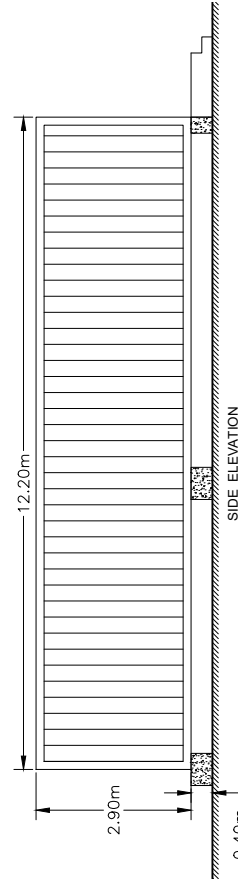
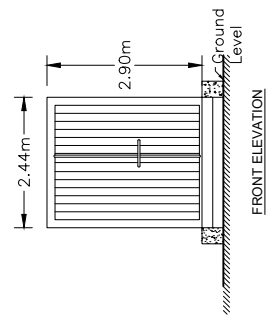
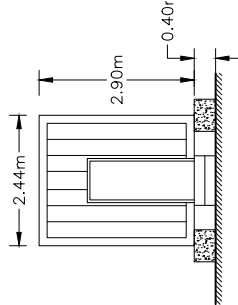
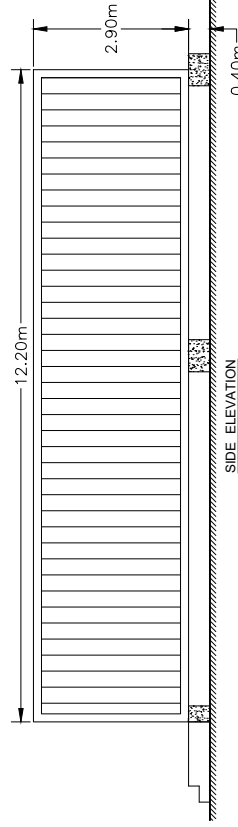
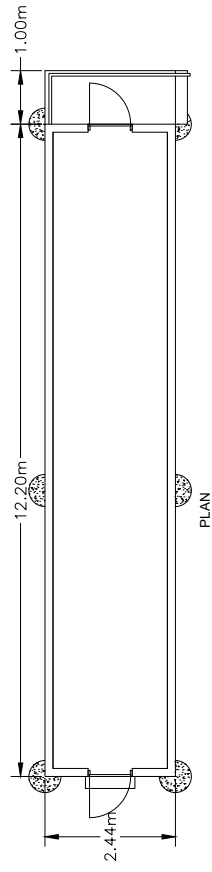
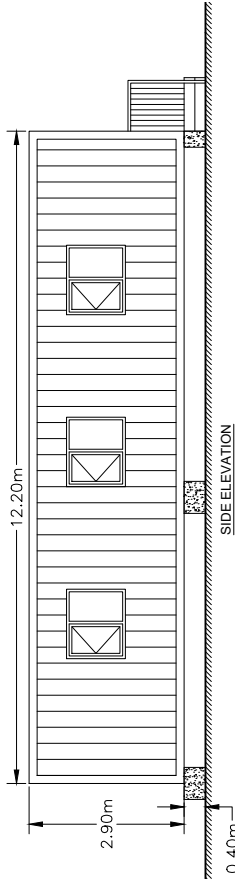
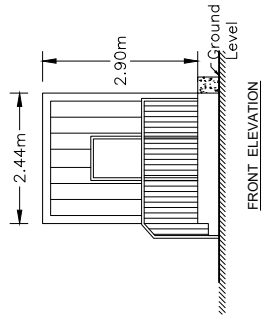
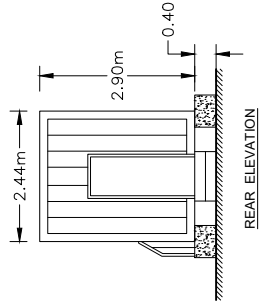
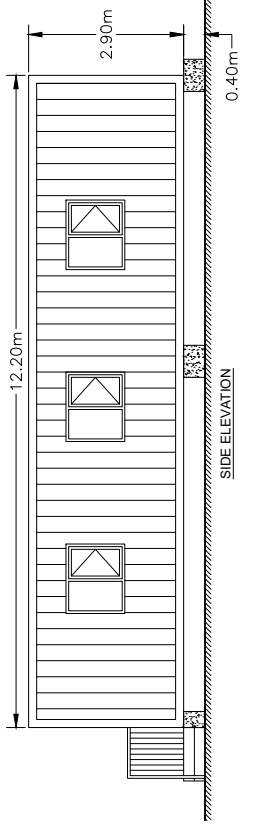


FENCE DETAILS

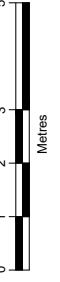
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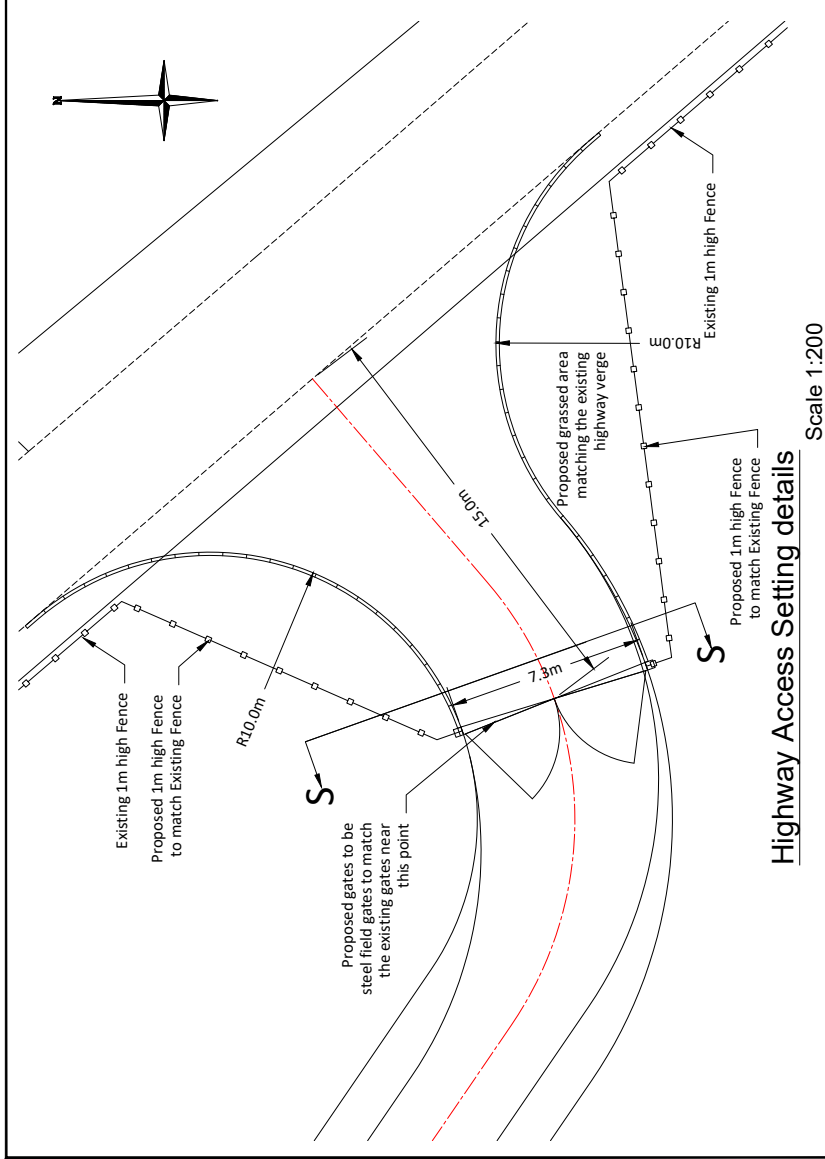


Client The Energy Workshop Ltd. 100, Cross Street Leeds LS1 2QH	Project Househill Energy Storage Project IV12 5FX NGR: 289017 855113	Title Battery Storage Unit, Fence and CCTV Mast Details	Scales: Plan 1:100 Sheet Size A3
			Date: June 2022
			Drawing No: EW04 / 5 / 07



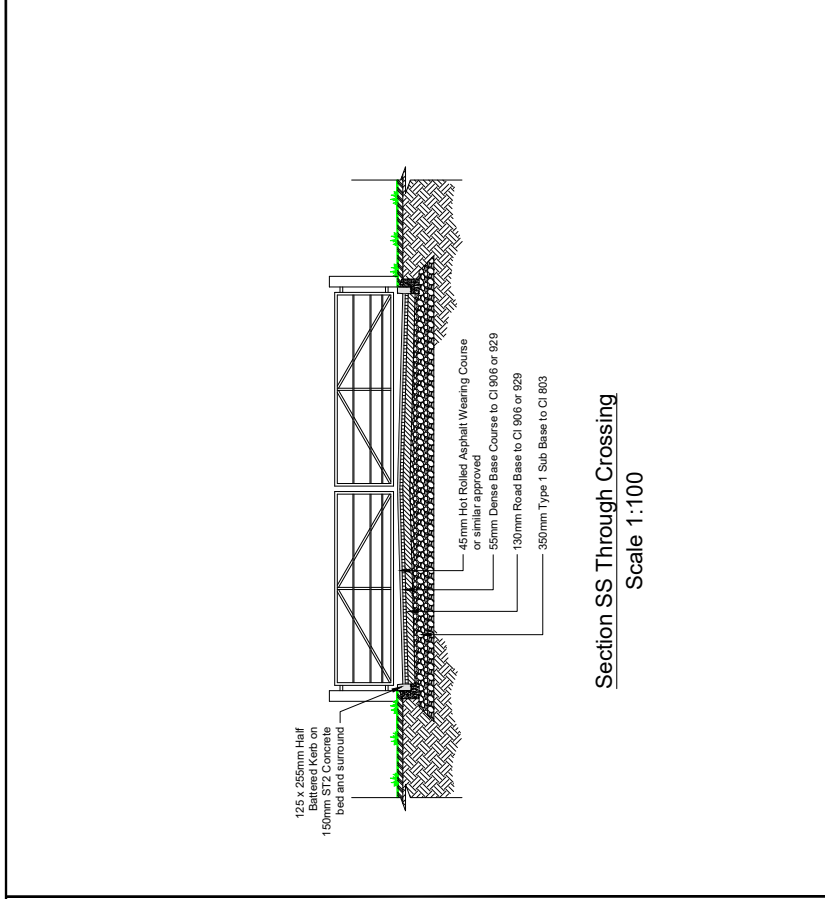
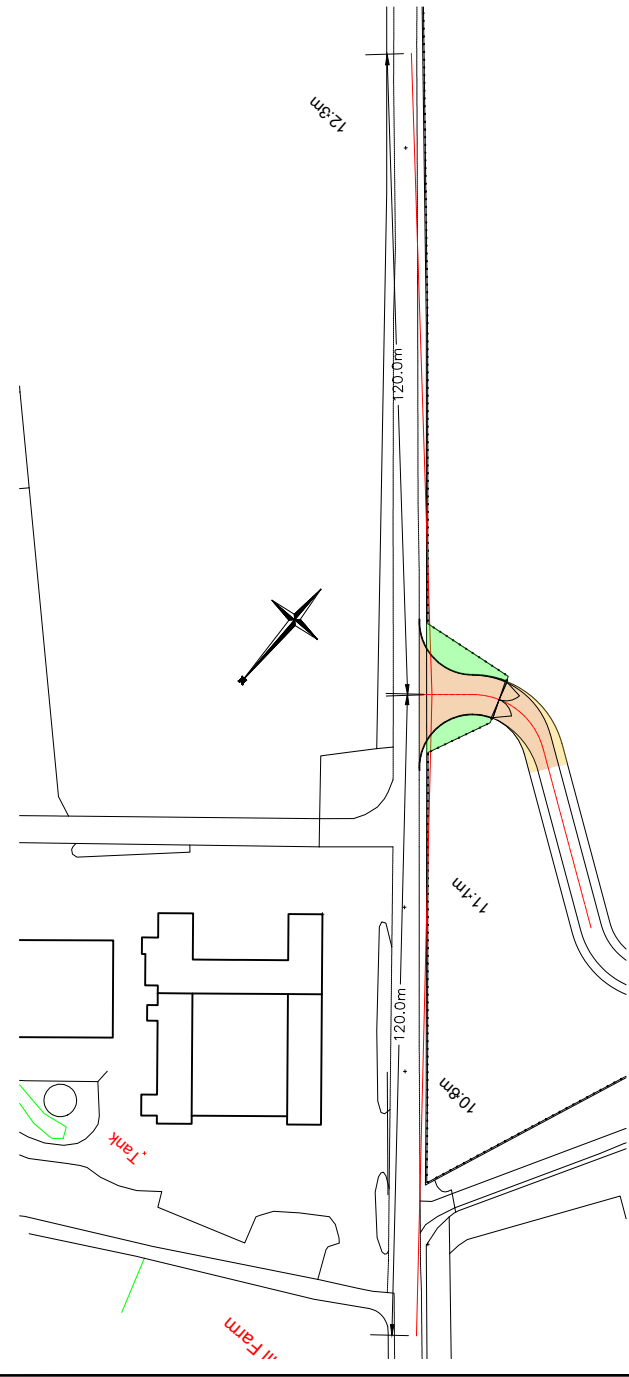
Client The Energy Workshop Ltd. 10 Park Cross Street Leeds LS1 2QH	Project Household Energy Storage Project IV12 5RX NGR: 289017 855113	Title Storage Unit and Office Plan and Elevations	Scales: Plan 1:100 Sheet Size A3	Date: June 2022	Drawing No: EW04 / 5 / 08
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Highway Access Setting details

Scale 1:200



Section SS Through Crossing

Scale 1:100

Client	The Energy Workshop Ltd, 39 Park Cross Street Leeds LS1 2QH
Project	Househill Energy Storage Project IV12 5RX NGR 289017 855113
Title	Highway Access Details
Scales	As Noted
Date	June 2022
Sheet Size	A3
Drawing No	EIW04 / 5 / 09