

Agenda Item	6.5
Report No	PLS-65-23

HIGHLAND COUNCIL

Committee: South Planning Applications Committee

Date: 22 November 2023

Report Title: 23/04254/S42: Blackpark Energy Storage Limited
Blackpark Farm, Nairn, IV12 5HY

Report By: Area Planning Manager – South

Purpose/Executive Summary

Description: Application under s42 to vary condition 12 (decommissioning) (20/02589/FUL) for battery energy storage system comprising steel containers, GRP substation and fencing (output of up to 49.9MW).

Ward: 18 – Nairn and Cawdor

Development category: Major

Reason referred to Committee: Major development

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

Recommendation

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

1. PROPOSED DEVELOPMENT

- 1.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (As Amended) and relates to Condition 12 (decommissioning and restoration), of planning permission 20/02589/FUL granted on 15 December 2020 in respect of the battery energy storage system (output of up to 49.9MW). The original permission is attached to this report as Appendix 1.
- 1.2 The application seeks a minor change in wording to the decommissioning and restoration condition removing reference to “wind farm” and replacing it with “energy storage facility”. The variation request is to ensure no misunderstanding and for the avoidance of doubt.
- 1.3 Pre Application Consultation: None
- 1.4 Supporting Information: None
- 1.5 Variations: None

2. SITE DESCRIPTION

- 2.1 The site is set back from Blackpark Farm on the outskirts of Nairn and comprises 30 battery storage containers, meter building, area of hardstanding, parking, surface water drainage system, wooden acoustic barrier fencing and landscaping. Access to the site is via the private road to Blackpark Farm which connects to Granny Barbour’s Road and then onto the A939. The site is surrounded by agricultural fields with woodland to the north.

3. PLANNING HISTORY

- | | | | |
|-----|------------|---|--------------------------------|
| 3.1 | 15.12.2020 | 20/02589/FUL: Battery energy storage system comprising steel containers, GRP substation and fencing (output of up to 49.9MW). | Planning Permission Granted |
| 3.2 | 16.04.2020 | 20/00842/PAN: Battery energy storage system comprising steel containers, GRP substation and fencing (increased capacity from 19.99MW to 29.9MW) | Proposal of Application Notice |
| 3.3 | 17.05.2019 | 19/00702/FUL: Battery energy storage system comprising steel containers, GRP substation and fencing | Planning Permission Granted |
| 3.4 | 12.03.2014 | 14/00590/SCRE: Erection of 500kw wind turbine with associated control box & access track | EIA not required |

4. PUBLIC PARTICIPATION

4.1 Advertised: Unknown Neighbour

Date Advertised: 17 October 2023

Representation deadline: 17 October 2023

Timeous representations: None

Late representations: None

4.2 Material considerations raised are summarised as follows:

None

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

None

6. DEVELOPMENT PLAN POLICY

6.1 National Planning Framework 4 (NPF4) was adopted on 13 February 2023. The policies within it form part of the Development Plan and are material to the consideration of this application, alongside the Highland-wide Local Development Plan and Inner Moray Firth Local Development Plan and should, where there is conflict between policies, be afforded greater weight in decision making given that it is the most recent statement of planning policy.

6.2 The following policies are relevant to the assessment of the application

National Planning Framework 4 (2023) (NPF4)

6.3 Policy 1 – Tackling the climate and nature crises

Policy 2 – Climate mitigation and adaption

Policy 3 – Biodiversity

Policy 11 – Energy

Policy 14 – Design quality and place

Highland-wide Local Development Plan (2012) (HwLDP)

6.4 28 - Sustainable Design

29 - Design Quality & Place-making

67 - Renewable Energy Developments

69 - Electricity Transmission Infrastructure

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

6.5 No specific policies apply

Inner Moray Firth Local Development Plan 2 (Proposed) (IMFLDP2)

6.6 No specific policies apply

Highland Council Supplementary Planning Policy Guidance

6.7 Sustainable Design Guide (Jan 2013)

7. OTHER MATERIAL POLICY CONSIDERATIONS

7.1 Scottish Government Planning Policy and Guidance

N/A

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 principle of the development has been established through the previous permission. This is an application to modify a single word in the decommissioning condition for the avoidance of doubt and to better relate to the development. Whilst a minor change to the existing condition, Committee must consider the extent to which the proposal continues to comply with development plan policy and take into consideration any other material considerations.

Development plan/other planning policy

8.4 Since the grant of planning permission 20/02589/FUL, NPF4 has been adopted. As any grant of this application will result in the issue of a new planning permission, it is considered necessary to address the relevant policy framework.

8.5 Policy 1 – Tackling the climate and nature crises, Policy 2 – Climate mitigation and adaption and Policy 3 – Biodiversity apply to all development proposals nationwide. When considering all development proposals, significant weight will be given to the global climate and nature crises. Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats, and building and strengthening nature

networks and the connections between them. Proposals should also integrate nature-based solutions where possible. Policy 11 on energy offers strong support for all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon technologies. Additionally, Policy 14 encourages well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

- 8.6 The assessment of s42 applications is essentially focussed only on those matters directly related to the condition in question. If minded to grant planning permission, the Planning Authority has the option of deleting the condition and/or replacing it with a condition containing amended wording.
- 8.7 The key issue therefore is whether the amendment of the condition applied for would result in the development being incompatible with the Development Plan. The remainder of this report will consider the modifications proposed and assess the compatibility with the Development Plan.

Removal of Condition 12 (decommissioning and restoration)

- 8.8 The applicant has sought to amend the wording of condition 12 relating to decommissioning and restoration of the battery energy storage system. It incorrectly makes reference to a wind farm where it should make reference to an energy storage facility. The updated condition clarifies matters and does not raise any concern.

Other material considerations

- 8.9 While consideration of a s42 application is focussed on the condition to be amended, it is worth highlighting that an application submitted under s42 provides the Planning Authority with an opportunity to amend any, or each, of the original conditions previously applied which it considers necessary to regulate the development proposed. Following consideration of the conditions attached to the extant planning permission, it is considered that the existing conditions largely remain in line with current good practice and will suitably regulate the proposed development.
- 8.10 One matter that has changed since planning permission 20/02589/FUL was granted is that the planning guidance framework for battery storage proposals has evolved in respect of the potential fire risks associated with this technology. While that guidance is essentially applicable to England and not Scotland, whereby the National Fire Chiefs Council has issued Guidance for Fire Services on Grid-scale BESS and planning and that there is now a requirement for planning authorities to consult fire services, it is likely that the approach, or at least a similar approach, will be adopted in Scotland. Currently the Scottish Fire and Rescue Service is not a statutory consultee in the planning process and there is a limit to what the Council can reasonably control in this context. It is recognised that fire suppression and other types of control measures may impact on the land take and layout and therefore some understanding of that would be useful to have prior to a grant of planning permission. The applicant has been requested to provide information regarding the management of fire risk on site and procedures to control fire in case

of a fire event. While perhaps better to have this at submission rather than post decision this can be secured by planning condition. Additionally, security measures such as fencing and CCTV will be in place to reduce the risk of fire sabotage and vandalism.

- 8.11 The grant of permission under s42 of the Planning Act results in the issue of a fresh planning permission. A condition has been added noting that development to which this planning permission relates must commence within 3 of the date of this decision notice, which is now a statutory requirement.

Non-material considerations

- 8.12 None

Matters to be secured by Section 75 Agreement

- 8.13 None

9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. The updated wording for Condition 12 (decommissioning and restoration), as sought by the applicant, clarifies, and better reflects the development. The amended condition is consistent with the policies and provisions of the Development Plan and is considered acceptable.

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

Notification to Scottish Ministers	N
Conclusion of Section 75 Obligation	N
Revocation of previous permission	N

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

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

3. In the event of the Development, not storing electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more batteries installed and commissioned from time to time, the Company must immediately notify the Planning Authority in writing of that situation and shall, if the Planning Authority direct decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

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

4. (1) No development shall commence unless and until full details of the proposed battery storage containers (and ancillary infrastructure) and the metering building hereby permitted, have been submitted to and approved in writing by the Planning Authority. These details shall include:
 - a) the make, model, design, power rating, sound power level and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed, and

b) the external colour and/or finish of the battery storage containers (and ancillary infrastructure) and the metering building to be used which shall have a non-reflective, semi-matte finish.

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

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

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

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

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

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

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

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

7. No development shall commence until details of a scheme of hard and soft landscaping works have been submitted to, and approved in writing by, the Planning Authority. Details of the scheme shall include:
- i. All earthworks and existing and finished ground levels in relation to an identified fixed datum point;
 - ii. A plan showing existing landscaping features and vegetation to be retained;
 - iii. The location and design, including materials, of any existing or proposed walls, fences and gates;

- iv. All soft landscaping and planting works, including plans and schedules showing the location, species and size of each individual tree and/or shrub and planting densities; and
- v. A programme for preparation, completion and subsequent on-going maintenance and protection of all landscaping works.

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

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

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

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

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

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

works, duration and signage).

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

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

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

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

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

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

Reason: In the interests of amenity.

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

(2) No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

(3) In the event that the development is no longer operational for a period of 2 years, or the operator, leaseholder and / or landlord advises that the development is no longer going to be operated, whichever is earliest, a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority in consultation with SEPA. The detailed decommissioning,

restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- c) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- d) details of measures for soil storage and management;
- e) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- f) temporary site illumination;
- g) management and timing of the works;
- h) a traffic management plan to address any traffic impact issues during the decommissioning period.

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

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

13. No development shall commence until:

- i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under condition 11 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and
- ii. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal / recycling, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing

by, the planning authority; and

- iii. Documentary evidence that the guarantee, bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the planning authority.
- iv. Thereafter, the Operator, and Leaseholder and/or Landowner, shall:
- v. Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and
- vi. 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 energy storage facility 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

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.

14. No development shall commence until a Construction Environment Management Document (CEMD) has been submitted to and approved in writing by the Planning Authority. Thereafter the construction of the development shall only be carried out in accordance with the approved CEMD, subject to any variations approved in writing by the Planning Authority. The CEMD shall include:
 - a) details of the phasing of construction works;
 - b) details of the formation of temporary construction compounds, access tracks and any areas of hardstanding;
 - c) details of any temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
 - d) details of the maintenance of visibility splays on the entrance to the site;

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

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

15. No development shall commence unless and until a Traffic Management Plan ("TMP") has been submitted to and approved in writing by the Planning Authority. The approved TMP shall be carried out as approved in accordance with the timetable specified within the approved TMP. The TMP shall include proposals for:
- a) the routeing of construction traffic and traffic management including details of the capacity of existing bridges and structures along the

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

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

16. No development shall commence until a Fire Risk Management Plan and details of emergency procedures to control fire in case of a fire event, have been submitted to, and approved in writing by, the Planning Authority (in consultation with Scottish Fire and Rescue Service).

Reason: In the interests of safety and environmental protection.

REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that the proposal does not accord with the principles and policies contained within the Development Plan and is unacceptable in terms of applicable material considerations.

INFORMATIVES

Initiation and Completion Notices

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

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

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

Flood Risk

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

Scottish Water

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

Septic Tanks & Soakaways

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

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 NatureScot must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from NatureScot: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species>

Signature: David Mudie
Designation: Area Planning Manager – South
Author: Roddy Dowell
Background Papers: Documents referred to in report and in case file.
Relevant Plans:

Document Type	Document No.	Version No.	Date Received
Location Plan	J320/026/25082020		04.09.2023

PLANNING PERMISSION

Reference No: 20/02589/FUL

To:
Intelligent Land Investments Group Plc
The Shires
33 Bothwell Road
Hamilton
ML3 0AS

Per:
LoganPM
Per: Simon Munro
Inverlair Farm
Tulloch
Roy Bridge
PH31 4AR

**Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006**

DECISION NOTICE

**Battery energy storage system comprising steel containers, GRP substation and fencing
(output of up to 49.9MW)
Blackpark Farm Nairn IV12 5HY**

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following documents:

Document Type	Document No.	Version No.	Date Received
Access Layout	J320-029-05082020		28.08.2020
Drainage	J320-030-25082020		28.08.2020
Elevations	J320-016-10012019		28.08.2020
Elevations	J320-031-25082020		28.08.2020
General Plan	J320-023-02072020		28.08.2020
General Plan	J320-027-25082020		28.08.2020
Landscaping Plan	J320-025-25082020		28.08.2020
Location Plan	J320-026-25082020		28.08.2020
Site Layout Plan	J320-024-25082020		28.08.2020

CONDITIONS AND REASONS

This permission is granted subject to the following conditions and reasons:

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

Dated: 15th December 2020

David Mudie

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Area Planning Manager

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

2. In the event of the Development, not storing electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more batteries installed and commissioned from time to time, the Company must immediately notify the Planning Authority in writing of that situation and shall, if the Planning Authority direct decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.

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

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

- a) the make, model, design, power rating, sound power level and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be installed, and
- b) the external colour and/or finish of the battery storage containers (and ancillary infrastructure) and the metering building to be used which shall have a non-reflective, semi-matte finish.

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

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

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

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

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

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

Dated: 15th December 2020

David Mudie

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Area Planning Manager

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

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

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

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

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

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

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

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

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

- 8. No development shall commence until a detailed Outdoor Access Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:

- i. All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;
- ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
- iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists, canoeists,

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David Mudie
.....
Area Planning Manager

all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);

- iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage).

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

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

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

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

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

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

Reason: In the interests of amenity.

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

(2) No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

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

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David Mudie

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Area Planning Manager

the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- c) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- d) details of measures for soil storage and management;
- e) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- f) temporary site illumination;
- g) management and timing of the works;
- h) a traffic management plan to address any traffic impact issues during the decommissioning period.

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

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

12. No development shall commence until:

- i. Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and Site restoration measures outlined in the Decommissioning and Restoration Plan approved under condition 11 of this permission have been submitted to, and approved in writing by, the planning authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and
- ii. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal / recycling, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the planning authority; and
- iii. Documentary evidence that the guarantee, bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the planning authority.
- iv. Thereafter, the Operator, and Leaseholder and/or Landowner, shall:
 - v. Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and
 - vi. Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the Site restored.

Each review shall be:

- a) conducted by a suitably qualified independent professional; and

Dated: 15th December 2020

David Mudie
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Area Planning Manager

- b) published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and
- c) approved in writing by the planning authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

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

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning and restoration conditions.

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

- a. details of the phasing of construction works;
- b. details of the formation of temporary construction compounds, access tracks and any areas of hardstanding;
- c. details of any temporary site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- d. details of the maintenance of visibility splays on the entrance to the site;
- e. details of the method of construction and erection of the structures;
- f. details of dust management;
- g. details of pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
- h. details of temporary site illumination during the construction period;
- i. details of timing of works;
- j. details of surface treatments and the construction of all hard surfaces and access tracks between each element of the proposed development This shall include details of the tracks in a dark, non-reflective finish with details of the chemical properties of any and all imported stone provided;
- k. details of routeing of onsite cabling;
- l. details of emergency procedures and pollution response plans;
- m. siting and details of wheel washing facilities;
- n. cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
- o. details and implementation and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
- p. details of working practices for protecting nearby residential dwellings, including general measures to control noise and vibration arising from on-site activities, to be adopted as set out in British Standard 5228 Part 1: 2009;
- q. details of the location of tree protection fencing to be erected between the

Dated: 15th December 2020

David Mudie

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Area Planning Manager

- development site and the trees to the north east;
- r. a Species Protection Plan;
- s. details of areas on the site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles.

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

14. No development shall commence unless and until a Traffic Management Plan ("TMP") has been submitted to and approved in writing by the Planning Authority. The approved TMP shall be carried out as approved in accordance with the timetable specified within the approved TMP. The TMP shall include proposals for:

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

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

Variations

Since validation of the application the energy capacity of the development was changed from 30MW to 49.9MW.

Section 75 Obligation

None

Dated: 15th December 2020

David Mudie
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Area Planning Manager

IMPORTANT INFORMATIVES

Please read the following informatives and, where necessary, act upon the requirements specified:

REASON FOR DECISION

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

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

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

FOOTNOTE TO APPLICANT

Initiation and Completion Notices

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

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

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

Accordance with Approved Plans & Conditions

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

Flood Risk

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

Scottish Water

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

Dated: 15th December 2020

David Mudie

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Area Planning Manager

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.

Dated: 15th December 2020

David Mudie
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Area Planning Manager

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

Building Regulations

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at BuildingStandards@highland.gov.uk or on 01349 886608.

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

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

Dated: 15th December 2020

David Mudie

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Area Planning Manager

RIGHT OF APPEAL ETC

1. If the applicant is aggrieved by the decision to refuse planning permission for, or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals
Scottish Government
Ground Floor
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at: <https://www.eplanning.scot>

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Dated: 15th December 2020

David Mudie

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Area Planning Manager

To:
Electronic Processing Centre
Highland Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX

IMPORTANT: Failure to notify the planning authority of the initiation of development constitutes a breach of planning control.

Notification of Initiation of Development
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Battery energy storage system comprising steel containers, GRP substation and fencing (output of up to 49.9MW) at Blackpark Farm Nairn IV12 5HY

Date of planning permission: 15th December 2020

In accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) you are advised it is intended to initiate the above development on the following date:

(a)	Insert date of initiation.
(b)	Insert full name, email address (if available) and address of the person(s) intending to carry out the development*
(c)	Insert full name and address of the owner(s) of the land to which the development is related if different from (b)
(d)	Where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name and contact details of that person.

*In the first instance any correspondence relating to the Notification of Initiation of Development will be addressed to this person.

Signed agent/applicant

Dated

To:
Electronic Processing Centre
Highland Council Headquarters
Glenurquhart Road
Inverness
IV3 5NX

Notification of Completion of Development
--

In accordance with Section 27B 1997 Planning Act (as amended) you are advised of the completion of the following development:

Battery energy storage system comprising steel containers, GRP substation and fencing (output of up to 49.9MW) at Blackpark Farm Nairn IV12 5HY

Date of planning permission: 15th December 2020

(a)	Insert date of completion of development
(b)	Insert name and address of the person submitting Notification of Completion*

*Any correspondence relating to the Notification of Completion will be addressed to this person.

Signed agent/applicant

Dated

NOTICE

Development at Blackpark Farm, Nairn, IV12 5HY

Notice is hereby given that planning permission has been granted subject to conditions to:

(a)	Blackpark Farm, Nairn, IV12 5HY
(b)	Permission 20/02589/FUL was granted on 15 December 2020 by Highland Council
(c)	Battery energy storage system comprising steel containers, GRP substation and fencing (output of up to 49.9MW)



Further information regarding the planning permission including the conditions on which it has been granted can be viewed online at the following link <http://wam.highland.gov.uk> using the application number 20/02589/FUL and at all reasonable hours (generally 9am to 5pm Monday to Friday) at:

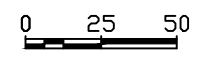
**Environment and Infrastructure Service
Glenurquhart Road, Inverness IV3 5NX
Tel: (01349) 886608
Email: planning@highland.gov.uk**

Note to Developer

This Notice must be displayed while development is carried out. It must be displayed in a prominent place at or in the vicinity of the site of the development, be readily visible to the public and be printed on durable material e.g. be laminated.

Blackpark

-  Planning boundary
-  Landownership

Scale 1:2500 at A3

metres

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Ordnance Survey 0100031673
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LOGAN^{PM}
Energy Project Management

Figure 1. Location Plan

Drawing number
J320/026/25082020

Status

