

Agenda Item	<b>6.1</b>
Report No	<b>PLN/083/23</b>

## HIGHLAND COUNCIL

**Committee:** North Planning Applications Committee

**Date:** 06 December 2023

**Report Title:** 22/05167/FUL: Intelligent Land Investments Group Plc  
Land 260M SW Of Alness Grid Sub Station,  
Mid Balnacraig, Alness

**Report By:** Area Planning Manager – North

### **Purpose/Executive Summary**

**Description:** Battery energy storage facility comprising access track, compound of battery and electrical equipment, meter building, stores, fencing, security cameras and landscaping

**Ward:** 06 - Cromarty Firth

**Development category:** Major

**Reason referred to Committee:** Major Development

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

### **Recommendation**

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

## 1. PROPOSED DEVELOPMENT

- 1.1 The application is for installing a Battery Energy Storage System (BESS) capable of storing up to 50 megawatts (MW) of electricity, consisting of:
- 52 battery storage containers containing batteries with cooling units, measuring 12m x 2.4m x 3m high;
  - 65 power converters and 13 transformers;
  - meter building proposed to house switchgear, electricity metering and control equipment, health and safety equipment, measuring 13m x 6m x 3.2m high located on a 0.2m plinth;
  - two equipment stores to house spares and monitoring equipment;
  - access track;
  - fencing, including: 3m high acoustic fence along the north side of the site; 2.5m high fence situated within the compound on the north side of each group of transformer and converters; and deer fence;
  - security cameras and external lighting provided for use infrequently by maintenance staff;
  - parking provided for visiting maintenance; and
  - site drainage and landscaping.
- 1.2 The proposed development would be connected to Alness Substation located to the northeast of this site. The site would be accessed from the B9176 Struie Road.
- 1.3 No pre-application consultation was undertaken with the Planning Authority.
- 1.4 Supporting information submitted with the application:
- Pre-Application Consultation Report
  - Design and Access Statement
  - Supporting Statement
  - Preliminary Ecological Appraisal
  - Ornithological Survey
  - Great Crested Newt Survey
- 1.5 Additional supporting information submitted during the assessment of the application:
- Flood and Drainage Note
  - Noise Survey
  - Biodiversity Enhancement and Management Plan
  - Arboricultural Impact Assessment / Method Statement
  - Tree Survey Schedule
  - Woodland Management Plan
- 1.6 Variations:
- Addition of a northern landscaping bund, woodland planting, acoustic fencing, and other amended fencing details.

## 2. SITE DESCRIPTION

- 2.1 The site comprises 3.4 hectares of former grazing land within Balnacraig Farm, located 1 km north of Alness. It is bounded by the Alness Substation and ancient woodland to the north and east, with long established woodland of Coulhill located to the south east and arable land to the south and west. In the wider area lies a scattering of rural properties, Alness Golf Course, and Fyrish Monument located 3.5 km to the south west. The site is located marginally below the level of the B9176 which is located to around 100 m to the north west, with ground levels falling gently down towards Coulhill woodland and Alness beyond. A scattering of trees are located along the western and southern site boundary, with a small waterbody located to the south.
- 2.2 Access to the site will be from the north linking with the existing substation access road which adjoins the B9176 Struie Road.

## 3. PLANNING HISTORY

- |     |            |  |                       |
|-----|------------|--|-----------------------|
| 3.1 | 20.05.2022 | 22/02045/SCRE: Installation of an energy storage system with a generating capacity of up to 50 megawatts | EIA Not Required      |
| 3.2 | 26.04.2022 | 22/01308/PAN: Battery storage facility with capacity up to 50MW, access and associated infrastructure    | Reported to Committee |

## 4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 development  
Date Advertised: 3 December 2022  
Representation deadline: 12 December 2022
- Timeous representations: 0  
Late representations: 0

## 5. CONSULTATIONS

- 5.1 **Ardross Community Council** do not object to the application. It expresses concerns regarding: the visual impact for users of the B9176 Struie Road which is a promoted tourist route; access rights of path network; the impact of construction traffic on school bus operation or potential disruption; fire risk; lighting; sustainability of the proposed technology; and site decommissioning risks. These matters are considered in the planning appraisal section of this report.
- 5.2 **Access Officer** does not object to the application, subject to a recreational Access Management Plan being secured by condition. He advises that this should include the installation of two Braemar type self-closing gates on the new deer fence line where the existing path passes through the new deer fence, and the line of the existing path not being obstructed by new planting or the underground cable connection. The existing field gate on the

ownership boundary is then superfluous and could be removed, to reduce the number of gates users must negotiate on the route.

- 5.3 **Development Plans Team** do not object to the application. It considers the proposal against the provisions of the Development Plan including NPF4, and advises that the principle of energy storage is supported subject to proposals being acceptable in all other respects including noise, light, visual, tree, flood risk, public access, biodiversity impacts, and final site restoration.
- 5.4 **Ecology Officer** initially objected to the application due to insufficient information to allow adequate assessment of the biodiversity enhancement required for the development as required by NPF4 Policy 3 b). Following the submission of further information, this objection has been removed subject to conditions to secure habitat management plan, nesting birds not to be disturbed prior to any vegetation clearance or building removal, pre-construction survey, working near water method statement, and revised biodiversity enhancement and management plan.
- 5.5 **Environmental Health Officer** initially objected to the application due to the noise impact assessment not being in accordance with the Council's standards. Following the submission of the revised noise assessment, their objection has been withdrawn subject to conditions imposing an operational noise limit.
- 5.6 **Forestry Officer** initially objected due to a lack of information. Following the receipt of further information including an Arboricultural Impact Assessment / Method Statement, Tree Survey Schedule, Woodland Management Plan as well as the provision of amended deer fencing, their objection has been removed subject to conditions seeking minor revision to submitted documents.
- 5.7 **Flood Risk Management Team** initially objected to the application on the grounds of a lack of flood risk information and lack of drainage information. Following the submission of 'Note on Flooding and drainage issues' and 'Drainage arrangements', their objection has been removed, subject to a condition requiring a detailed Drainage Impact Assessment (DIA). The DIA requires to demonstrate the discharge of storm water from the site does not exceed the equivalent greenfield run off rate for the new hard standing areas, including calculations provided for 2, 30 and 200 year return periods, and demonstrating that any exceedance storm water be retained on the site for storm events of up to a 200 year return period. If the storage of water for firefighting purposes is proposed on the site, it requests to be re-consulted as stored water may offer a flood risk, or affect the existing drainage proposals.
- 5.8 **Historic Environment Scotland:** do not object to the application. It advises to consult archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings to mitigate its potential impact on Millcraig and Moultaivie.
- 5.9 **Historic Environment Team (Archaeology)** do not object to the application, subject to a condition requiring the development area is the subject of an

evaluation in the first instance in order to establish the archaeological content and potential.

- 5.10 **Transport Planning** do not object to the application, subject to a condition requiring a Construction Traffic Management Plan (CTMP) to secure construction and ongoing operational access to and from this site is taken along the B9176 from the A9 Trunk Road at Alness, and measures that'll be implemented to prevent construction related traffic routing through the existing community at Alness. Any existing vehicular access upgrade arising through the CTMP requires the prior approval of the Planning Authority and implementation prior to the commencement of any other works on site.
- 5.11 **Access Panel** did not respond to the consultation.
- 5.12 **NatureScot** do not object to the application. It highlights the need for species licences as part of any development to be considered and its licencing division to be contacted regarding any licence application.
- 5.13 **Scottish Environment Protection Agency (SEPA)** do not object to the application and have no further comment.
- 5.14 **Scottish Fire and Rescue Service (SFRS)** do not object to the application. At this present time, there is no formalised guidance available from SFRS on BESS site developments. In the absence of a national approach no regional office comment can be provided, however, general advice from England has been passed on to help inform the Planning Authority's consideration of the application. It has also queried if the applicant would be expected to consider prevailing winds, emergency access road in relation to smoke in the event of fire, sufficient water supply for firefighting and containment of contaminated water run-off from potential firefighting operations.
- 5.15 **Scottish and Southern Electricity Networks (SSEN Transmission)** does not object to the application. It provides advice on access and security, work in proximity to assets, grid connection, and risk assessment. A Construction Traffic Management Plan (CTMP) is requested to ensure 24/7 access is maintained for SSEN-Transmission during construction and operation of the proposed development.
- 5.16 **Scottish Water** do not object to the application. It advises that the development can be supplied fresh water from the Assynt Water Treatment Works, but private wastewater treatment and surface water drainage arrangements are required.
- 5.17 **Transport Scotland** do not object to this application subject to conditions to secure the routing proposed for the transportation of abnormal loads, and details of associated mitigation including signage or temporary traffic control measures.

## **6. DEVELOPMENT PLAN POLICY**

- 6.1 The following documents comprise the adopted Development Plan and are relevant to the assessment of the application.

## **National Planning Framework 4 (NPF4) (2023)**

6.2 The NPF4 policies of most relevance to this proposal include:

- 1 – Tackling the climate and nature crises
- 2 – Climate mitigation and adaptation
- 3 – Biodiversity
- 4 – Natural places
- 5 – Soils
- 6 – Forestry, woodland and trees
- 7 – Historic assets and places
- 11 – Energy
- 14 – Design quality and place
- 20 – Blue and green infrastructure
- 22 – Flood risk and water management
- 23 – Health and safety
- 25 – Community wealth building

## **Highland Wide Local Development Plan (HwLDP) (2012)**

- 6.3
- 28 - Sustainable Design
  - 29 - Design Quality and Place-making
  - 30 - Physical Constraints
  - 36 - Development in the Wider Countryside
  - 51 - Trees and Development
  - 56 - Travel
  - 57 - Natural, Built and Cultural Heritage
  - 58 - Protected Species
  - 61 - Landscape
  - 63 - Water Environment
  - 64 - Flood Risk
  - 66 - Surface Water Drainage
  - 67 - Renewable Energy Developments
  - 69 - Electricity Transmission Infrastructure
  - 72 - Pollution
  - 73 - Air Quality
  - 74 - Green Networks
  - 77 - Public Access

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

6.4 No specific policies apply.

## **Highland Council Supplementary Planning Policy Guidance**

- 6.5
- Developer Contributions (Mar 2018)
  - Flood Risk and Drainage Impact Assessment (Jan 2013)
  - Green Networks (Jan 2013)
  - Highland Historic Environment Strategy (Jan 2013)
  - Highland's Statutorily Protected Species (Mar 2013)
  - Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
  - Physical Constraints (Mar 2013)
  - Roads and Transport Guidelines for New Developments (May 2013)
  - Sustainable Design Guide (Jan 2013)

## **7. OTHER MATERIAL POLICY CONSIDERATIONS**

### **Inner Moray Firth 2 Proposed Local Development Plan (2023)**

7.1 The emerging Area Local Development Plan is under review and was submitted to Scottish Ministers for Examination in March 2023. The outcome of that Examination is expected in early 2024. Its contents are a material consideration in assessing planning applications, but it does not form part of the approved development plan for the purposes of section 25 of the 1997 Act as amended. The plan contains several subject policies with the following being most relevant:

- 1 - Low Carbon Development
- 2 - Nature Protection
- 3 - Preservation and Enhancement

#### **Other National Guidance**

7.2 Grid Scale Battery Energy Storage System planning – Guidance for Fire and Rescue Service (2023)  
Onshore Wind Energy Policy Statement (2022)  
Draft Energy Strategy and Just Transition Plan (2023)  
Scottish Energy Strategy (2017)  
2020 Routemap for Renewable Energy (2011)  
Energy Efficient Scotland Route Map, Scottish Government (2018)  
Historic Environment Policy for Scotland, HES (2019)  
PAN 1/2011 - Planning and Noise (2011)  
PAN 60 – Planning for Natural Heritage (2008)  
PAN 68 – Design Statements (2003)

## **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.

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, carbon saving, and socio-economic benefits;
- c) Siting, design and visual impact;
- d) Natural heritage and biodiversity;
- e) Built and cultural heritage;
- f) Traffic and transport;
- g) Amenity impacts, including from construction and noise;
- h) Health and safety;
- i) Drainage and flood risk;
- j) Public access; and
- k) Decommissioning and reinstatement.

#### **Development Plan / Other Planning Policy**

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

8.5 NPF4 was adopted on 13 February 2023 at which time it became an integral part of all Development Plans in Scotland. Where there may be incompatibility between NPF4 and the Local Development Plan (HwLDP, IMFLDP, or Highland Council Supplementary Guidance) published prior to NPF4, then the more recent document shall prevail. Notwithstanding the primacy of NPF4, the provisions of the LDP remain a part of the adopted Development Plan and are still integral to the assessment planning applications.

8.6 At the high level, NPF4 considers that Strategic Renewable Electricity Generation and Transmission Infrastructure will assist in the delivery of the Spatial Strategy and Spatial Priorities for the north of Scotland, and that Highland can continue to make a strong contribution toward meeting Scotland's ambition for net zero. Alongside these ambitions, the strategy for Highland aims to protect environmental assets as well as to stimulate investment in natural and engineered solutions to address climate change.

8.7 Since its adoption, NPF4 Policies 1, 2, and 3 now apply to all development proposals Scotland-wide, which means that significant weight must be given to the global climate and nature crises when considering all development proposals, as required by NPF4 Policy 1. To that end, development proposals must be sited and designed to minimise lifecycle greenhouse gas emissions as far as is practicably possible in accordance with NPF4 Policy 2, while proposals for major developments must conserve, restore, and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention, as required by NPF4 Policy 3 b). Proposals should also integrate nature-based solutions where possible.

8.8 Specific for energy developments such as the current application, Policy 11 of NPF4 states that the principle of all forms of renewable, low-carbon, and zero emission technologies including for energy storage facilities is



supportive of such proposals if their negative impact can be addressed. Policy 11 c), qualifies this position by stating that energy proposals should only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business, and supply chain opportunities. While significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on reduction of greenhouse gas emissions targets, Policy 11 e) provides a checklist of potential negative impacts that must be suitably addressed and mitigated against. It requires project design and mitigation to demonstrate how the development's impacts are addressed. These considerations relate to matters of: impacts on communities and individual dwellings in relation to amenity; landscape and visual impacts; public access; aviation and defence interests; telecommunications; traffic; historic environment; water environment and flood risk, biodiversity (including birds); impacts on trees; decommissioning and site restoration plans; and cumulative effects.

- 8.9 The proposal would also result in the loss of trees, thereby engaging NPF4 Policy 6 which aims to protect and expand forests, woodland and trees and states that development proposals involving woodland loss will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government guidance on woodland removal. Policy 6 b.iii also states that development proposals will not be supported where they result in the fragmentation or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy.
- 8.10 NPF4 Policies 5, for Soils, and 20, for Blue and Green Infrastructure, are also relevant to the assessment. These policies enable renewable energy generation on prime agricultural land with support offered for facilities which design around and enhance the blue / green network. Additionally, Policy 23 for Health and safety seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards, and encourage, promote, and facilitate development that improves health and wellbeing.
- 8.11 The principal policy for assessing Renewable Energy developments within the LDP is HwLDP Policy 67 Renewable Energy. It sets out that renewable energy development should be well related to the source of the primary renewable resource needed for its 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; with the purpose of a battery energy storage facility being 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 policy provides support for proposals that 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 6.3). Such an approach is consistent with the concept of Sustainable Design (Policy 28) and the concept of achieving

the right development in the right place, pursuant to the Onshore Wind Policy Statement, and not to allow development at any cost.

- 8.12 The Inner Moray Firth Local Development Plan (IMFLDP) is the Area Local Development Plan covering the application site. Area LDPs, including the IMFLDP itself, do not contain any specific land allocations related to the proposed type of development.
- 8.13 While not directly relevant to the proposal, the Onshore Wind Energy Policy Statement (OWEPS) recognises that balance is required and that no one technology can allow Scotland to reach its net zero targets. As such, the document sets out the Scottish Government's support for co-locating battery energy storage facilities with onshore wind to help balance electricity demand and supply and add resilience to the energy system while acknowledging that on-site battery storage not only reduces pressures from the grid, but enables more locally focussed energy provision, and reduces costs to consumers.
- 8.14 In a similar vein, the Draft Energy Strategy and Just Transition Plan acknowledges that BESS can increase flexibility in our electricity system and provide wider benefits for consumers and society, including proposals for grid scale battery storage. The draft strategy sets out that, by September 2021, Scotland had approximately 864 MW of installed electricity storage capacity with 2.2 GW of battery storage approved through the planning system, but that Scotland requires to increase its BESS capacity significantly.
- 8.15 The draft Energy Strategy, along with OWEPS, and the policies set out within NPF4 confirms the Scottish Government's position that renewable energy and its enabling transmission infrastructure are crucial to address the climate crisis.
- 8.16 The Development Plan, which now includes NPF4, must be considered in the round. While there is clear support for renewable energy proposals that contribute to reaching net zero, of which this technology is one, this is not unqualified. It needs to be demonstrated that the impacts on factors such as community amenity, landscape, heritage and infrastructure, to name but a few, are addressed and/or appropriately mitigated. In addition, other policy considerations will apply, in particular in this case, Policies 3, 20 and 21 of NPF4 and their counterparts in Policies 28, 57 and 75 of the HwLDP. The extent of natural and cultural heritage impacts, and the impact on community residential amenity, has to be weighed up against the energy benefits of the scheme and the potential economic and other benefits.

### **Energy, Carbon Saving, and Socio-Economic Benefits**

- 8.17 The proposal would be interconnected to the grid's transmission / distribution network and not co-located with an electrical generating station and therefore is not considered as entirely a proposal for the generation of energy from renewable sources. The development will, however, 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. Such facilities make their return by buying electricity from the grid when rates are cheaper and selling it back to the grid when rates are more expensive. 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. As a result, the technology is considered to support government policy that seeks to end a reliance on backup electricity generation from fossil fuel reliant generators and allow the full benefits of renewables, which is where the development's intrinsic carbon saving benefits are to be realised.

- 8.18 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. The applicant advises that the project has an anticipated capital spend of £30 million and is projected to sustain 25 direct jobs during construction. The site will be operated remotely, although it is unknown from where, and accessed for maintenance purposes only. Final site decommissioning and restoration would also result in limited employment opportunities. The proposal may be capable of contributing to improving community resilience and increasing spending within communities in compliance with NPF4 Policy 11 and Policy 25 in relation to Community Wealth Building, however there is a lack detail or clear commitment made in this submission.

### **Siting, Design and Visual Impact**

- 8.19 The site mainly comprises former grazing land, which is mapped as being prime agricultural land, Class 3.1. Development on prime agricultural land for the purposes of renewable energy generation is supported by NPF4 Policy 5 Soils Part b) subsection iv. The energy generated may come a mix of sources but a proportion is expected to be from renewables, thereby enabling conformity with this policy.
- 8.20 The site has been selected for its relative proximity to the national grid substation to which the facility would be connected by buried cable. The underground cabling route is to be determined by SSEN after detailed cable survey being undertaken, with the underground cable connection benefiting from permitted development rights if undertaken by as statutory undertaker. Being adjacent to the substation improves efficiency, minimises the connection cost and materials required. The site selection also considers maintaining good distance from dwellings (260 m to the nearest home), and town with the site to utilise an established access onto the B9176 from the existing substation. The proposed development sits on sloped land which declines from the B9176 to Alness substation, with the site being setback from the road and being backdropped by woodland, which helps to screen the development and provide a suitable backcloth to aid visual integration with the existing landscape.

- 8.21 The proposed development is of an expectedly utilitarian design. The height of containers, power converters and transformers, meter building and security fence will be around 3 meters. The meter building and steel battery container units would be prefabricated, painted hollybush green BS 14-C-39. All of the site tracks and hardstanding are proposed as permeable aggregate. The finalised colour, finish and materials proposed can be secured by condition.
- 8.22 The cross section plan shows that the proposed development may be visible from the tourist route B9176. Planting new trees within a 2 meter high bund on the northeast and west edge of site has been agreed by applicant to provide screening from the B9176 with this also providing habitat connectivity with the surrounding woodland. A mix of tree species have been specified with these anticipated to grow to at least 5 metres in height over time. Trees would be also planted outside the security fence and within the deer fence which provides further screening. The landscape and visual impact of the proposal is therefore considered acceptable in this context.

### **Natural Heritage (Trees and Protected Species) and Biodiversity**

- 8.23 The proposed site lies within a former grazing land, with scattered trees and woodland around the perimeter of the site adjacent to ancient woodland. A narrow strip of the site (around 0.45 ha) is categorised as ancient woodland. One tree will be felled to facilitate the development of access track. Following consultations with the Council's Ecology Officer and the Council's Forestry Officer, an Arboricultural Impact Assessment/Method Statement, Woodland Management Plan, Tree Survey Schedule, Biodiversity Enhancement and Management Plan, Tree Protection Plan, and deer fence have been provided. These will collectively protect existing trees and secure the planting of new native trees which will increase the amount of woodland coverage, enhance the site's biodiversity, and provide screening for the development. This will involve planting 1.6 ha of new native woodland and managing an additional 0.2 ha to encourage natural regeneration. Deer fencing has been introduced to enhance biodiversity with care being taken not to obstruct existing recreational paths. Conditions have been recommended to secure successful implementation.
- 8.24 The applicant has provided a Preliminary Ecological Appraisal Report; an Ornithological Survey Report; and a Great Crested Newts Survey Report. The Preliminary Ecological Appraisal indicates protected species, including Scottish wildcat, bats, amphibians and reptiles, red squirrel, pine marten, otter, and breeding birds are likely using the site. The Ornithological Survey shows a number of notable species including willow warbler, song thrush, dunnock and bullfinch were found, and some red listed species including house martin and house sparrow were present breeding. The Newts report finds no evidence to suggest they are using the waterbody. However, it is recommended that the pond and the surrounding habitat is retained as a good population of palmate newts are present.
- 8.25 The Council's Ecologist has recommended conditions to protect the species using this site as listed in this report, relating to habitat management plan,

nesting birds, pre-construction survey, working near water method statement, and the revised biodiversity enhancement and management plan.

- 8.26 In order to comply with NPF4 Policy 3, applicant has submitted Biodiversity Enhancement and Management Plan. Following consultation with the Council's Ecology Officer, it has been confirmed that the plan demonstrates significant biodiversity enhancement through protecting existing habitats, planting trees, and installing deer fencing. A finalised biodiversity enhancement and management plan has been recommended to accommodate the improvements suggested by the Council's Forestry and Access Officers. A Habitat Management Plan (HMP) has been recommended to be submitted before any development commences to secure the delivery of biodiversity enhancement.

### **Built and Cultural Heritage**

- 8.27 The site is not situated within any built heritage designation and there are no scheduled monuments or listed buildings within the boundary of the proposed development. Moultaivie House, a category C listed building lies about 1.2 km north west of the proposed site. Dalneich Bridge, a B-listed bridge, lies around 780 meters to its north. Millcraig chambered cairn scheduled monument is located 1.5 km east of the site, and Carn Na Croiche chambered cairn scheduled monument is also located 1.8 km north east of the site. Owing to these separation distances and the limited scale of the proposal, no adverse impacts on the setting of these surrounding built heritage features would occur, with Historic Environment Scotland and the Council's Historic Environment Team not raising any concerns. A programme of work for the survey, evaluation, preservation and recording of any unknown archaeological and historic features affected by the proposed development has however been advised and this can be secured by condition.

### **Traffic and Transport**

- 8.28 The site would be accessed by the existing substation access via the B9176 Struie Road. Transport Planning has confirmed the visibility splays onto the B-road at the existing established access are adequate. Within the site, the new access track between exiting access will be formed with a running surface of aggregate on permeable geotextile.
- 8.29 There will be a higher level of traffic during construction along the road network. Construction will involve taking construction machinery to site, delivery of aggregate for the site track, delivery of site components including the battery containers and other equipment and materials, a mixture of light commercial and HGV loads. All construction traffic has been confirmed to follow A9 – B9176 to access the site. Three parking spaces for maintenance personnel have been provided next the proposed meter building.
- 8.30 Transport Planning has advised a Construction Traffic Management Plan (CTMP) to be conditioned to ensure that construction and ongoing operational access is effectively managed and controlled. The CTMP shall include measures to assuring the traffic will not obstruct the school bus operation, and methods to manage abnormal loads. Traffic levels once the

site is operational will be low. Transport Planning have no objection subject to conditions

### **Amenity Impacts, Including from Construction and Noise**

- 8.31 There are likely to be some adverse impacts caused by construction traffic and disruption, particularly during the anticipated nine month construction phase when construction materials are being delivered to site and during works to connect the site to the substation.
- 8.32 Developers and contractors must comply with reasonable operational practices with regard to construction noise so as not to cause nuisance as required by Section 60 of the Control of Pollution Act 1974, which is regulated by Environmental Health. Working hours on site would usually be restricted to be 07.00 – 19.00 Monday to Friday, 08.00 – 13.00 on Saturday with no Sunday or Bank Holiday working. Construction activities that do not generate impacts beyond the site boundary are permissible out with these hours. The applicant's supporting information advises that their working hours would be slightly reduced, being 08.00 – 18.00 Monday to Friday.
- 8.33 The battery storage containers will be fitted with air cooling units and the operation of the facility will create a degree of noise with the closest residential property being 260 m away. The applicant has therefore provided Noise Impact Assessment (NIA), which has been updated to reflect the advice received from the Council's Environment Health Officer during the course of the application's determination. Having reviewed the NIA, the existing background noise levels at nearby receptors were considered by Environmental Health to be unexpectedly high.
- 8.34 Environmental Health therefore undertook their own background noise monitoring at the closest sensitive property, mid Balnacraig, and recorded lower background levels than those reported in the applicant's NIA. The applicant has therefore introduced additional noise attenuation through the introduction of a 3 meter high acoustic fence along the north site boundary, as well as 2.5 meter high acoustic fencing within the site on the north side of each group of transformers and power converters.
- 8.35 With the incorporation of these measures, the updated NIA predicts operation noise levels will not exceed Environmental Health's recorded existing background levels. Conditions are also required to ensure that noise arising from operations associated with this development shall not exceed a rating level of 29dB, and mitigation measures in the approved NIA to be implemented.

### **Health and Safety**

- 8.36 It is anticipated that each battery unit is designed according to international standards to avoid the circumstances that lead to fire; i.e., overcharge, overheating (by use of ventilation equipment), and/or mechanical damage. The facility is also expected to be installed with anomaly/fire detection and suppression equipment so that in the event of any anomalies, individual equipment can be shut down and isolated pending maintenance checks. Several suppression systems are available including water based

suppression and/or inert non-toxic gas based suppression along with a venting system to prevent flammable gasses building up. Site security measures such as fencing and CCTV will also be in place to reduce the risk of fire sabotage and vandalism.

- 8.37 Given the fire risks associated with lithium battery facilities, the Council consulted the Scottish Fire and Rescue Service (SFRS) who did not object to the proposal. At this present time, there is no formalised guidance available from SFRS on BESS site developments. In the absence of a national approach no regional office comment can be provided, however, general advice from England has been passed on to help inform the Planning Authority's consideration of the application. This guidance suggests that consideration be given to the prevailing winds and emergency access, containment of contaminated water run-off from potential firefighting operations, and details to demonstrate the sources of water supplies for this development in the event of fire. This information would be required to be set out within a fire safety plan which can be secured via condition.

### **Drainage and Flood Risk**

- 8.38 The site soil is believed to have good suitability for rainwater infiltration. The majority of the site, including the tracks, will remain permeable. The battery storage containers will be installed on pads supports above ground level. The surfacing across the site will be permeable, consisting of aggregate on a permeable geotextile membrane. A Drainage Impact Assessment can be secured by way of condition to ensure the site maintains the pre-development existing greenfield run off rate. Some very limited parts of the site are shown as subject to potential surface water pluvial flooding. None of the site infrastructure is proposed on such areas. The exception to this is the proposed site track which crosses an area of shallow potential surface water flooding in one location. This will not compromise the safe operation of the facility or impede access in the event of an emergency. No surface water will enter the public road as a result of this development.

### **Public Access**

- 8.39 The main access track to the site from the B9176 is not a designated core path. The Council's Access Officer advises it may be claimed as a public right of way by the local community. The public has access rights under the Land Reform (Scotland) Act 2003 to access the network of paths in the woodland along the River Averon. The proposed deer fence will cross the existing path. To ensure public access is maintained, it is recommended two Braemar type self-closing gates to be installed where the existing path passes through the new deer fence. In addition, a clear unobstructed path route through the new planting/landscaping works will be required. Recreational access management plan has been recommended to enable public access of this track during construction and operation period.

### **Decommissioning and Reinstatement**

- 8.40 BESS facilities have limited operational lifetimes, generally in the region of 50 years, and as such the facility's removal and ground rehabilitation should therefore be secured in the event the application is approved. NPF4 Part e)

at subsections xi. and xii. is clear that outline proposals for the decommissioning and site restoration of energy developments should be included with submissions, following which, measures to safeguard or guarantee finances to effectively implement restoration plans should also be in place. However, the applicant has not provided outline proposals for the decommissioning, restoration and aftercare of the site as is required in NPF4 as well as HwLDP Policy 67, which is a failing of the submission. In the event that Committee is minded to grant permission proposal, a Decommissioning, Restoration, and Aftercare strategy can be secured by condition. The strategy would also require to be reviewed at regular intervals, with this being used to inform a financial restoration guarantee, which should be in place prior to works commencing on site.

### **Non-Material Considerations**

- 8.41 The issue of environmental impacts of lithium mining is not material to the assessment of this planning application.

### **Matters to be secured by Legal Agreement / Upfront Payment**

- 8.42 None.

## **9. CONCLUSION**

- 9.1 The proposed development has the potential to play a role in addressing supply and demand peaks and troughs within the electricity transmission network by virtue of storing excess energy produced by generating stations, including from renewable sources. In that way, the proposal is considered to contribute to national climate change and carbon net-zero targets. It is a technology that has strong support within National Planning Framework 4 Policy 11 Energy. Following the submission of additional information and amendments made to the proposal, including securing: further landscape mitigation; tree protection; biodiversity enhancement; public recreational access; and acoustic screening, it is considered that the proposed development is acceptable and will not be significantly detrimental overall. Although industrial in appearance, the proposal would be well sited, set back from the roadside and residential properties. In time it would also be relatively well screened, with the landscape and visual impact of the development being suitably mitigated.
- 9.2 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

## **10. IMPLICATIONS**

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



10.4 Climate Change/Carbon Clever: Not applicable

10.5 Risk: Not applicable

10.6 Gaelic: Not applicable

## 11. RECOMMENDATION

### Action required before decision issued N

11.1 It is recommended to **GRANT** the application subject to the following conditions and reasons:

#### 1. Commencement of Development

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

#### 2. Accordance with the Provisions of the Application

The development shall be constructed and operated in accordance with the provisions of the application, except in so far as amended by the terms of this consent.

**Reason:** To identify the extent and terms of the development consent.

#### 3. Decommissioning Plan

(1) The operator shall, at all times after the first commissioning of the development, record information regarding the details of power stored and 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) 3 months prior to the commencement of development, a decommissioning, restoration and aftercare strategy shall be submitted to, and approved in writing by, the Planning Authority. 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.

(3) In the event that 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, 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. 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; and
- 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.

#### 4. **Restoration Bond**

No development shall commence until:

- (1) Full details of a guarantee, bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the Decommissioning and Restoration Plan approved under Condition 3 of this permission have been submitted to, and approved in

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

- (2) Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (1) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal / recycling, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the planning authority; and
- (3) Documentary evidence that the guarantee, bond or other financial provision approved under parts (1) and (2) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the planning authority.
- (4) Thereafter, the Operator, and Leaseholder and/or Landowner, shall:
  - a) Ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and
  - b) Pay for the guarantee, bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the development is decommissioned and the site restored.
- (5) Each review shall be:
  - a) conducted by a suitably qualified independent professional; and
  - b) published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the Planning Authority; and
  - c) approved in writing by the planning authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

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

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

## 5. **Materials, Finishes and Boundary Treatment**

(1) No development shall commence unless and until full details of the proposed battery storage containers, ancillary infrastructure, metering buildings, and fencing 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;

b) the external colour and/or finish of the battery storage containers (and ancillary infrastructure) and the metering buildings 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 ancillary infrastructure shall be installed and kept underground.

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

## 6. **Drainage Impact Assessment**

No development or work (including site clearance) shall commence until a Drainage Impact Assessment (DIA), written by a suitably qualified and experienced engineer, in accordance with the Supplementary Guidance, has been submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Flood Risk Management Team. The DIA shall demonstrate that the discharge of storm water from the site does not exceed the equivalent of the greenfield run off rate (for the new hard standing areas). The DIA shall include calculations be provided for 2, 30 and 200 year return periods. Any exceedance storm water shall be retained on the site for storm events of up to a 200 year return period. If the storage of water for firefighting purposes is proposed on the site, these details shall be included for prior approval.

Thereafter, all drainage provision within the application site shall be implemented and maintained in accordance with the finalised drainage design, and shall be completed prior to the operation of the development.

**Reason:** To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

## 7. **Construction Environment Management Document**

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 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

onsite 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 identified in the application to be retained;

r) a Species Protection Plan; and

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.

## 8. **Construction Traffic Management Plan**

No development shall commence until a Construction Traffic Management Plan (CTMP) to manage all construction traffic, with the exception of abnormal indivisible loads, has been submitted to and approved in writing by the Planning Authority, in consultation with the local Roads Authority, SSEN Transmission and Ardross Community Council. The CTMP shall be carried out as approved. The CTMP shall include:

- a) 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;
- b) Scheduling and timing of movements, avoiding local school peak travel times, and any large public event taking place in the local area which would be unduly affected or disrupted by construction vehicles using the public road network;
- c) Traffic management measures on the routes to site for construction traffic. Measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort details should be considered. During the delivery period of construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Local Roads Authority before delivery commences;
- d) Measures to mitigate the impact of general construction traffic on the routes to site following detailed assessment of the relevant roads;
- e) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period. This shall include the provision of a wear and tear agreement under Section 96 of the Roads (Scotland) Act 1984 under which the developer will be responsible for the repair of any damage to the local road network attributable to construction related traffic. As part of the

agreement, pre-start and post construction road condition surveys must be carried out by the developer to the satisfaction of the Roads Authority. It will also require the submission of an appropriate financial bond acceptable to the Council in respect of the risk of any road reconstruction works;

- f) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development;
- g) Provisions for emergency vehicle access;
- h) A timetable for implementation of the measures detailed in the CTMP; and
- i) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries and any complaints regarding construction traffic.

**Reason:** To ensure protection of surrounding environmental interests and general amenity.

#### 9. **Abnormal Loads**

No delivery of abnormal indivisible load (AIL) shall be made to site until an Abnormal Indivisible Load Construction Traffic Management Plan (AIL-CTMP) has been submitted to, and approved in writing by, the Planning Authority, in consultation with the local Roads Authority, Transport Scotland and Ardross Community Council. The AIL-CTMP shall provide a detailed protocol for the delivery of AILs, including details of their proposed routing on the local and trunk road network, with any accommodation measures required, including the removal and replacement of street furniture, junction widening, and traffic management with these measures to be undertaken by a recognised Quality Assured traffic management consultant. The AIL-CTMP shall also detail the timing of deliveries, avoiding peak school travel times or any large public event taking place in the local area. The AIL-CTMP shall thereafter be carried out as approved.

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

#### 10. **Nesting Birds**

Construction works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for nesting birds should be made, not more than 24 hours prior to the commencement of development if this coincides within the main bird breeding season (March - August inclusive). This survey should include the redline boundary. All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection

where it is also an offence to disturb these birds while they are in or around the nest.

**Reason:** To protect nesting birds prior to any vegetation clearance or building removal,

11. **Protected Species Survey**

No development shall commence until a pre-construction survey has been undertaken not more than 3 months prior to works commencing and a report of the survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall cover both the application site and an appropriate buffer from the boundary of application site and the report of survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitat has been identified. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contain therein.

**Reason:** In the interests of protecting protected species.

12. **Working Near Water Method Statement**

No development shall commence until a working near water method statement is submitted for approval to the Planning Authority, detailing measures that will be implemented on site to prevent pollution of the pond that is present on site or groundwater during the construction, operation and decommissioning of the development.

**Reason:** In the interests of enhancing biodiversity.

13. **Biodiversity Enhancement and Management Plan**

No development shall commence until a finalised Biodiversity Enhancement and Management Plan is submitted for approval to the Planning Authority.

**Reason:** In the interests of enhancing biodiversity.

14. **Habitat Management Plan**

No development shall commence until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority. The HMP shall set out proposed habitat management of the site including all mitigation, compensation and enhancement measures, and shall provide for the maintenance, monitoring and reporting of the habitat on site. The HMP shall include provision for regular monitoring and review to be undertaken against the HMP objectives and measures for securing amendments or additions to the HMP in the event that the HMP objectives are not being met. Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time with written approval of the Planning Authority) shall be implemented in full.



**Reason:** To detail how all mitigation, compensation and enhancement measures of biodiversity for the site will be delivered.

15. **Operational Noise**

- (1) Noise arising from operations associated with this development shall not exceed a rating level of 29dB (including applicable acoustic penalties) when measured and/or calculated as at the curtilage of any noise sensitive property. Terms and measurements to be in accordance with BS4142:2014+A1:2019 Method for rating and assessing industrial and commercial sound.
- (2) The development shall progress in accordance with the approved Noise Impact Assessment (version 4) undertaken by Logan PM Energy Project Management. All mitigation measures in the approved Noise Impact Assessment shall be implemented prior to the operation development and thereafter maintained in perpetuity.
- (3) In the event of any changes to the proposed equipment or mitigation measures which result in an increased noise level, then a revised Noise Impact Assessment shall be submitted to and approved in writing by the Planning Authority, prior to any development commencing. The revised noise assessment shall demonstrate that the development shall comply with the terms of this condition. Thereafter the mitigation measures shall be implemented in accordance with the revised scheme.
- (4) Within 4 weeks of operations commencing, at the expense of the applicant, compliance monitoring shall be carried out by a competent person. 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 level prescribed in this condition.
- (5) 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 this condition. Thereafter any mitigation measures shall be implemented in accordance with the approved scheme and timescales. Details of the compliance monitoring must be agreed in writing beforehand with the Council's Environmental Health Service.

**Reason:** In the interest of safeguarding residential amenity.

16. **Construction Noise Management Plan**

No development shall commence until a Construction Noise Management Plan (CNMP) which demonstrates how the developer will ensure the best practicable measures are implemented in order to reduce the impact of construction noise and vibration, is submitted to and approved in writing by the Planning Authority. The CNMP shall include, but is not limited to, the following:

- a) A description of the most significant noise sources in terms of equipment; processes or phases of construction;
- b) The proposed operating hours and the estimated duration of the works for each phase;
- c) A detailed plan showing the location of noise and vibration sources and noise sensitive receptors; and
- d) A description of noise mitigation methods that will be put in place. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified.

Thereafter the development shall progress in accordance with the approved CNMP with all approved mitigation measures to be in place prior to the commencement of development, or as otherwise agreed in writing by the Planning Authority.

#### 17. **Archaeology**

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 interest of the site.

#### 18. **Lighting**

No development shall commence until proposed lighting details have been submitted to and approved in writing by the Planning Authority. Such details shall include full details of the location, frequency, 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. The lighting shall thereafter be constructed and maintained in accordance with the approved details.

**Reason:** In the interests of visual amenity, to prevent permanently lighting and minimise light pollution and to ensure the development does not have an adverse impact on residents and nocturnal animals.

#### 19. **Fire Risk Management Plan**

Prior to development commencing, a detailed plan addressing the procedures and operations to tackle and extinguish a fire or other polluting incident must be submitted to and approved by the Planning Authority, in consultation with Fire and Rescue Scotland.

**Reason:** In order to ensure full consideration can be given to the suitability of site for such a use, and to ensure that development has contingencies in place to minimise damage or risk to human health and in the interests of environmental protection.

## 20. **Recreational Access Management Plan**

No development or site enabling works shall commence until an Access Management Plan has been submitted to and approved in writing by the Planning Authority. The purpose of the plan shall be to maintain public access routes to site tracks and paths during construction, and to maintain outdoor access in the long-term. The Plan shall include details showing:

a) all existing access points, paths, 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;

b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to buildings or structures;

c) all proposed paths tracks and other alternative routes for use by walkers, riders, cyclists, canoeists, all-abilities users, etc. and any other relevant outdoor access enhancement (including construction specifications, gate access, signage, information leaflets, proposals for on-going maintenance etc; 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); and

d) Braemar type self-closing gates installed where the existing path passes through the proposed deer fence.

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

**Reason:** In the interests of securing public access rights

## 21. **Woodland Management**

Prior to development commencement a finalised Tree Protection Plan shall be submitted for the prior approval of the Planning Authority. Thereafter, a suitably qualified arboricultural consultant must be employed at the applicant's expense to ensure that the approved Tree Protection Plan, Arboricultural Method Statement and Woodland Management Plan are all implemented to the agreed standard. Stages requiring supervision are to be agreed with the planning authority and certificates of compliance for each stage are to be submitted for approval. No development shall commence until an arboricultural consultant has been appointed and a work instruction issued enabling them to undertake the necessary supervision unhindered for the duration of the project.

The Woodland Management Plan shall be implemented in full prior to commissioning of the battery storage facility and maintained thereafter, unless otherwise agreed by the Planning Authority.

**Reason:** To secure the successful implementation of tree protection measures and the Woodland Management Plan.

## 22. Landscaping Plan

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

### **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.

### **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 and 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](http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2)

### **Mud and Debris on Road**

Please note that it 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](mailto: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: Dafydd Jones  
Designation: Area Planning Manager – North  
Author: Sile Tang  
Background Papers: Documents referred to in report and in case file.  
Relevant Plans: Plan 1 - Location Plan  
Plan 2 - Site Layout Plan  
Plan 3 - Tree Protection Plan  
Plan 4 - Woodland Management Plan  
Plan 5 - Section Plan

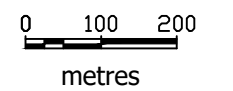




# Balnacraig

 Planning boundary

Scale 1:10000 at A3



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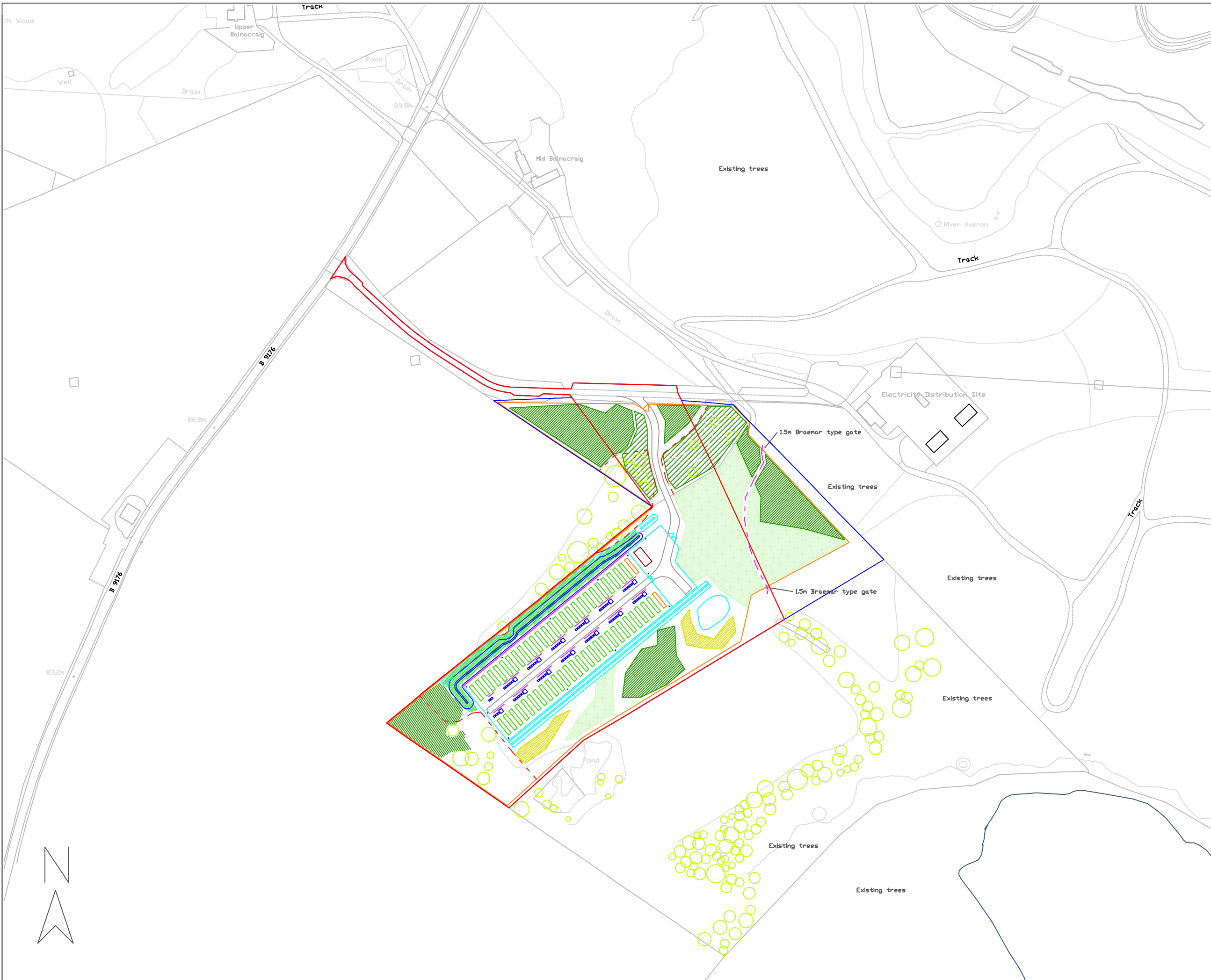
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 Energy Project Management

Battery storage facility  
 Location

Drawing number  
 J374/028/29082022

Status  
 Draft





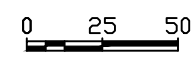
# Balnacraig

- Energy storage unit
- Equipment store
- Power converters and transformer
- Meter building
- Security fence
- Acoustic fence
- Landscaping bund
- Deer fence 1.8m
- Security cameras
- New track
- Access route
- Retention pond & Swales

New woodland (see Woodland Mgmt Plan for fuller details):

- Upland birch / pine mix
- Upland oak mix
- Riparian woodland mix
- Dense native scrub
- Regeneration
- Existing trees
- Tree protection fencing

Scale 1:2500 at A3



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Site Layout with boundary

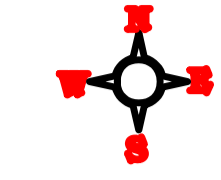
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Status  
 Draft





# Tree Protection Plan. Rev A: Sheet 1 Overview



General Notes

**KEY**

- Tree Reference, Common Name and Root Protection Area radius
- Ref: T001 Silver Birch 2.3m
- Stem
- Tree Canopy
- Root Protection Area (RPA)

Colours are in accordance with BS5837:2012 quality grading:

- Red: Unsuitable for retention
- Grey: Low quality
- Blue: Moderate quality
- Green: High quality

**Root Protection Area (RPA):** The minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority (BS5937:2012)

Site Boundary

**TREE TO BE REMOVED**

- Ref: T001 Silver Birch 2.7m

Tree Protection Fencing

**Urban-Arb**  
Arboricultural Consultants

### Tree Protection Guidelines

In order to safeguard the trees on this site please observe the following:

- Do not move the tree protection barriers
- Do not enter the protected area
- Report any damage to protection barriers at the site office
- Do not use the area within the protection barriers to store or mix materials
- Do not carry out any excavation works within the protection barriers
- Avoid handling fuels or liquid contaminants within 10 metres of the protected area.

**In the event of damage to a retained tree on this site please contact:**

Arboriculturist: Callum McCutcheon  
Tel: (01343) 821763  
Mob: 07766735488

W: www.urban-arb.com Email: callum@urban-arb.com Tel: 01343 821763/07766 735488  
Urban-Arb LLP is a Limited Liability Partnership, Registered in Scotland, Registered Office: 11 The Muir, Bogmoor, Spey Bay, Fochabers, Moray IV32 7PN, Partnership No. SC032962

Tree survey performed by Callum McCutcheon BSc (Hons) M.Arbor.A on 02.05.2023



No.	Revision/Issue	Date

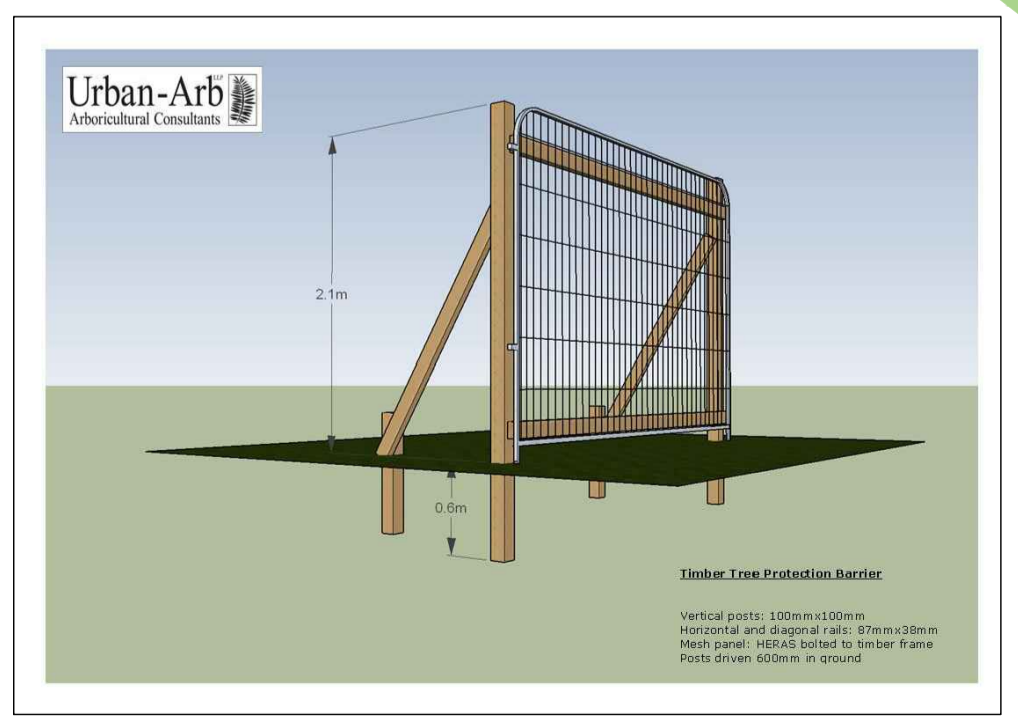
Firm Name and Address

**Urban-Arb LLP**  
Dolphin Cottage  
11 The Muir  
Bogmoor  
Spey Bay  
Fochabers  
Moray IV32 7PN  
www.urban-arb.com

Project Name and Address

**Site at Mid Balnacraig Ainess**

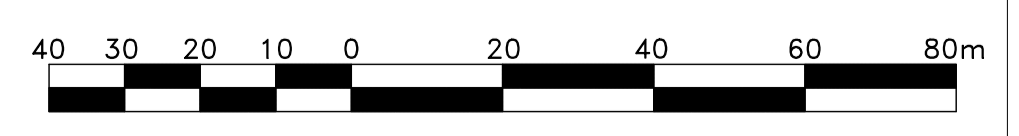
Project	Sheet
<b>TREE PROTECTION PLAN</b>	<b>002.1a</b>
Date	
<b>12.06.2023</b>	
Scale	
<b>1:1000@A1</b>	



Tree Protection Fencing Specification

**PROTECTIVE FENCING. THIS FENCING MUST BE MAINTAINED IN ACCORDANCE WITH THE APPROVED PLANS AND DRAWINGS FOR THIS DEVELOPMENT.**

**TREE PROTECTION AREA KEEP OUT!**  
OVER A CURVEY PLANNING (JANUARY 2015), TREES PROTECTED BY THIS PLAN ARE PROTECTED BY PLANNING CONDITIONS AND ARE THE SUBJECTS OF A TREE PRESERVATION ORDER. CONTRAVENTION OF A TREE PRESERVATION ORDER MAY LEAD TO CRIMINAL PROSECUTION. ANY INCURSION INTO THE PROTECTED AREA MUST BE WITH THE WRITTEN PERMISSION OF THE LOCAL PLANNING AUTHORITY.





# Woodland Management Map. Rev C: Sheet 1 Overview



Footpath Route and fence positions are subject to agreement from Highland Council



1.5m Braemar Type gate

### General Notes

- KEY**
- Existing retained tree
  - Planting pit 1: Upland Birch/Pine woodland area
  - Planting pit 2: Upland Oak woodland area
  - Planting pit 3: Riparian woodland area
  - Planting pit 4: Native scrubland
  - Natural regeneration target area
  - \*Standard trees: 37 No. Silver Birch (Stake protected), 8-10cm girth. Clear area to 17.8-20.0m. Container grown (2024) seedlings

--- 1.5m Deer Fence  
 --- Footpath  
 Drawing revised by the Applicant

Tree survey performed by Callum McCulloch BSc (Hons) M Arbor-A on 02.05.2023



No.	Revisor/Issue	Date

Firm Name and Address:  
 Urban-Arb LLP  
 Dolphin Cottage  
 11 The Muir  
 Dornoch  
 Spey By  
 Fochabers  
 Moray IV32 7PH  
 www.urban-arb.com

Project Name and Address:  
**Site at Mid Balmacraig Ainess**

Project	Sheet
WOODLAND MANAGEMENT MAP	003.1c
Date	1:1000@A1
25.10.2023	



Woodland planting stock rabbit/vole protection detail



1.5m Deer fencing

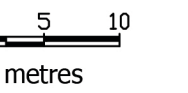


Trees, existing

Trees, proposed

Viewline, road to site.  
This is an imaginary line to the top of the screen planting to illustrate what will be visible beyond. This is to assist in understanding the potential for screening by landscaping, bunding and trees.  
The shaded area below the line will be screened by the planting.

Scale 1:500 at A1



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Cross section

Drawing number: 3374/044/04092023

Status:

