Agenda Item	7.5	
Report No	PLN/007/25	

### **HIGHLAND COUNCIL**

**Committee:** North Planning Applications Committee

Date: 22 January 2025

**Report Title:** 24/01669/FUL: Reay Power Ltd

Land 590M NE Of Isauld Cottage, Reay

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

# **Purpose/Executive Summary**

**Description:** Erection and operation of a 34MW capacity battery energy storage

facility (BESS) with ancillary infrastructure

Ward: 02 - Thurso And North West Caithness

**Development category:** Major Development

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 the installation and operation of a battery energy storage system (BESS) with a generating capacity of 34MW, comprising:
  - Up to 17 steel battery storage containers sited on suitable foundations above ground level, with the cabinets measuring up to 6.1m (I) x 2.5m (w) x 2.9m (h):
  - Up to 9 power converters and 5 transformers, measuring a comparable size to a battery storage cabinet and sited centrally alongside groupings of four battery cabinets:
  - 1 control building housing switching and electrical gear, and 1 welfare building, each measuring up to 12.3m (I) x 3.3m (w) x 4.4m (h);
  - 2.4m high weldmesh security fencing (the applicant has deemed that no acoustic barrier fencing is required);
  - Area of hardstanding, landscaping and biodiversity enhancement;
  - Parking for maintenance vehicles;
  - A new access track and junction leading to/from the public A836 road;
  - Water tanks of comparable heights; and,
  - Sustainable Urban Drainage Systems (SUDS).

A 2.0m earth bund would be created to the south of the Site between the Proposed Site and the A836. This, along with a new native boundary hedgerow, would provide partial screening of the site when viewed from the A836, which is part of the NC500, tourist route. The development would be secured by a 2.4 metre high mesh welded security fence and the appropriate signage to adhere to HSE regulations.

- 1.2 It is anticipated that the facility would contribute to National Grid's Balancing Services Programme. The Balancing Services Programme aim is to ensure security of electricity supply by providing a system for reliable sources of electrical capacity, which ensure cost effective delivery of energy when needed. The proposed BESS would be to provide back-up electricity capacity to meet peaks in demand on the National Grid and used in response to calls for extra supply or absorb excess generation. Consequently, the equipment would not be in continuous use and may be called upon for a few minutes at a time, to several hours. Required cabling connections do not form part of the current application and would be undertaken under permitted development rights should this be installed by a licenced electricity operator.
- 1.3 The applicant has requested pre-application advice from the Council (23/01317/PREMAJ), which was provided in June 2023 and was broadly supportive. The applicant subsequently served a Proposal of Application Notice (PAN) in June 2023 (23/02826/PAN). The applicant undertook two public consultation events on 19 June 2023 and on 9 August 2023. The PAC Report submitted with the application advises that the developer has responded to several questions from members of the public regarding both the technology in general as well as the specific scheme, and has adjusted the proposal according to feedback.
- 1.4 Although the proposal does not constitute EIA Development, the application is supported by a suite of supporting documents:

- Pre-application Consultation Report;
- Pre-application Presentation Slides:
- Pre-application Cover Letter;
- Proposal of Application Notice;
- Pre-application Advice;
- Alternative Site Assessment;
- Construction Environmental Management Plan;
- Design and Access Statement:
- **Environmental Lighting Impact Assessment**;
- Heritage Statement;
- Landscape and Visual Impact Assessment;
- Noise Impact Assessment;
- Socio-Economic Benefits Statement;
- Outline Battery Safety Management Plan;
- Technical Report Preliminary Ecological Assessment;
- Flood Risk Assessment;
- Drainage Impact Assessment;
- Construction Traffic Management Plan.

### 2. SITE DESCRIPTION

2.1 The Proposed Site is located near Gunscroft, Lower Dounreay, less than 1km south of Dounreay Nuclear Power Station and Vulcan Naval Reactor test Establishment. It sits approximately 1km North-East of Reay, on approximately 0.8ha of agricultural land currently used for pasture. The Site is bounded by dry stone walling with the A836 running along the southern boundary. The nearest residential property (Isauld Mill) is located approximately 580m to the south-west. Other properties in the wider area are dispersed along the A836 road, which forms part of the promoted North Coast 500 tourist route. The site falls within Landscape Character Type (LCT) 143 Farmed Lowland Plain, as identified and mapped by NatureScot. No core paths are located nearby. There are no natural or landscape designations covering the site however the North Caithness Cliffs Special Protection Area (SPA) is a little over 1km to the north while the Caithness and Sutherland SPA and Special Area of Conservation is 3.8km to the southwest, and the Flow Country World Heritage Site 4.8km west. The Farr Bay, Strathy and Portskerra Special Landscape Area proposal is 8km west and outwith the proposal's influence.

### 3. PLANNING HISTORY

3.1	05.06.2023	23/01317/PREMAJ: development is for a Storage System to prov Grid at times of high de by renewable technolog	ide electricity t emand or low o	o National	supportive
3.2	11.10.2023	23/02826/PAN: 37MW System	Battery Energ	y Storage	Case closed

# 4. PUBLIC PARTICIPATION

4.1 Advertised: Schedule 3 Development / Unknown Neighbour

Date Advertised: 31 May 2024

Representation deadline: 14 June 2024

Timeous representations: 4 objection comments from four households

Late representations: 1 objection comment from one household

### 4.2 Issues raised:

 Proposal considered contrary to the Development Plan including NPF4 Policies 3 and 11;

- Concerns regarding landscape and visual including cumulative effects,
- Concerns regarding ecological effects and biodiversity enhancement measures:
- Community and residential amenity effects including from noise impacts;
- Human health and wellbeing impacts;
- Community safety concerns relating to battery storage facilities and associated fire risk, fire safety, and pollution issues;
- Traffic, transport, and safety concerns;
- Flood risk and drainage concerns;
- Concerns that the built out facility may be 'over-planted';
- Procedural concerns including that the entirety of the project including grid connection (with potential for OHL) has not been properly screened under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017;
- Concerns with the quality of the submission including information in support of the landscape and visual impact appraisal;
- Lack of local benefit;
- Cumulative impact concerns resulting from multiple BESS proposals in the wider area:
- Request for a plan which details both this application and all renewable development within a 25km radius – request to be requirement with all similar future applications;
- Lack of clear Government / Council guidance or policies and call a pause for any consideration of BESS applications by the Planning Authority pending the development of new policy and guidance relating to BESS;
- Concerns with the wider grid network upgrade project as a whole; and,
- Preference for other (unspecified) technologies for storing energy.
- 4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet <a href="www.wam.highland.gov.uk/wam">www.wam.highland.gov.uk/wam</a>.

## 5. CONSULTATIONS

5.1 Caithness West Community Council (Host) did not respond to the consultation request.

- 5.2 **Contaminated Land Officer** provided no comment on this application, as there is no historic potentially contaminative land use(s) recorded within the site.
- 5.1 **Development Plans Team** does not object to the application. Advises on the policy context and conformity with the Development Plan, as well as on community benefits and community wealth building.
- 5. **Ecology Officer** has withdrawn an objection following the submission of a revised landscaping proposal to include satisfactory biodiversity enhancements in line with NPF4 Policy 3b and THC Biodiversity Planning Guidance and supported by a suitable metric. The Ecology Officer requires a condition for a Habitat Management Plan to ensure that newly created habitats are managed and maintained favourably for the long term.
- 5.2 **Environmental Health Officer** does not object to the application. Agrees with the applicant's assessment that the proposal is not likely to result in any significant noise impact at the nearest noise sensitive properties.
- 5.3 **Flood Risk Management Team** has withdrawn its objection on the grounds of lack of drainage information following the submission of a satisfactory Drainage Impact Assessment subject to a condition to secure a finalised drainage scheme that includes information on ground levels and discharge rates prior to the commencement of development on site.
- 5.5 **Historic Environment Team Archaeology** does not object to the application. Advises that the application site lies within an area of archaeological potential a condition attached to require that the development area is the subject of an evaluation in the first instance in order to establish the archaeological content and potential. Dependent on the results of this work, further study may be required in advance of, and during, construction works to record any identified remains. The evaluation will be backed up by desk-based research to produce a report setting out the results and any required mitigation strategy. The applicant will need to engage the services of a professional archaeological contractor.
- 5.6 **Transport Planning Team** has withdrawn its objection following the submission of additional information relating to site access, drainage, and the management of construction traffic. The Transport Planning Team's comments are considered in more detail in the main body of the report. Relevant conditions are proposed to cover the required aspects.
- 5.7 **NatureScot** noted that there are no protected areas likely to be affected by this proposal either directly or indirectly.
- 5.8 **Scottish Fire and Rescue Service** has not provided project-specific comments.
- 5.9 **SSEN Transmission** has no objection, based on current known projects in the area. It advises that the location of the proposed development mitigates any adverse operational risk from nearby existing Dounreay to Thurso South 275kV and Dounreay to Connagill 275kV overhead line circuits.

- 5.10 **Scottish Environmental Protection Agency (SEPA)** does not object to the application, which falls below its consultation thresholds.
- 5.11 **Nuclear Safety Directorate** has not responded to the consultation request.

### 6. DEVELOPMENT PLAN POLICY

6.1 The following policies are relevant to the assessment of the application:

# National Planning Framework 4 (2023) (NPF4)

- 6.2 NPF4 comprises three parts:
  - Part 1 sets out an overarching spatial strategy for Scotland in the future and includes six spatial principles (just transition / conserving and recycling assets / local living / compact urban growth / rebalanced development / rural revitalisation. Part 1 sets out that there are eighteen national developments to support the spatial strategy and regional spatial priorities, which includes single large-scale projects and networks of smaller proposals that are collectively nationally significant.
  - Part 2 sets out policies for the development and use of land that are to be applied in the preparation of local development plans; local place plans; masterplans and briefs; and for determining the range of planning consents. This part of the document should be taken as a whole in that all relevant policies should be applied to each application.
  - Part 3 provides a series of annexes that provide the rationale for the strategies and policies of NPF4. The annexes outline how the document should be used and set out how the Scottish Government will implement the strategies and policies contained in the document.
- 6.3 The following NPF4 Policies are pertinent:
  - 1 Tackling the Climate and Nature Crises
  - 2 Climate Mitigation and Adaptation
  - 3 Biodiversity
  - 4 Natural Places
  - 5 Soils
  - 6 Forestry, Woodland and Trees
  - 11 Energy
  - 20 Blue and Green Infrastructure
  - 22 Flood Risk and Water Management
  - 23 Health and Safety
  - 25 Community Wealth Building

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

- 6.4 28 Sustainable Design
  - 29 Design Quality and Place-making
  - 30 Physical Constraints
  - 36 Development in the Wider Countryside
  - 51 Trees and Development
  - 55 Peats and Soils
  - 56 Travel

- 57 Natural, Built and Cultural Heritage
- 58 Protected Species
- 61 Landscape
- 63 Water Environment
- 64 Flood Risk
- 65 Waste Water Treatment
- 66 Surface Water Drainage
- 67 Renewable Energy Developments:
- 69 Electricity Transmission Infrastructure
- 72 Pollution
- 73 Air Quality
- 74 Green Networks
- 77 Public Access

# Caithness and Sutherland Local Development Plan (2018) (CaSPlan)

6.5 No site-specific policies apply. The application site is located within 750 metres of Dounreay Economic Development Area.

# **Highland Council Supplementary Planning Policy Guidance**

6.6 Biodiversity Enhancement Planning Guidance (May 2024)

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

Developer Contributions (Mar 2018)

Flood Risk and Drainage Impact Assessment (Jan 2013)

Highland's Statutorily Protected Species (Mar2013)

Highland Renewable Energy Strategy and Planning Guidelines (May 2006)

Managing Waste in New Developments (Mar 2013)

Physical Constraints (Mar 2013)

Public Art Strategy (Mar 2013)

Sustainable Design Guide (Jan 2013)

Trees, Woodlands and Development (Jan 2013)

# 7. OTHER MATERIAL POLICY CONSIDERATIONS

# Scottish and UK Government Planning Policy and Other Guidance

7.1 Control of Woodland Removal (2009)

Onshore Wind Policy Statement (Dec 2022)

Scottish Energy Strategy (2017)

Draft Energy Strategy and Just Transition Plan (2023)

2020 Routemap for Renewable Energy (Jun 2011)

Energy Efficient Scotland Route Map (May 2018)

PAN 1/2021 – Planning and Noise (Mar 2011)

PAN 68 – Design Statements (Aug 2003)

Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems' (UK Government, Mar 2024)

Grid Scale Battery Energy Storage System Planning – Guidance for Fire and Rescue Service (2023)

### 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 The above 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 and Carbon Saving;
  - c) Socio-Economic Impacts;
  - d) Siting, Design, Landscape and Visual Impacts;
  - e) Natural Heritage;
  - f) Habitats;
  - g) Protected Species;
  - h) Amenity;
  - i) Health and Safety;
  - j) Traffic and Transport;
  - k) Flood Risk and Drainage;
  - I) Decommissioning and Reinstatement; and,
  - m) Any Other Material Considerations.

# **Development Plan / Other Planning Policy**

- 8.4 The Development Plan comprises National Planning Framework 4 (NPF4), the adopted Highland-wide Local Development Plan (HwLDP), Caithness and Sutherland Local Development Plan (CaSPlan), and all statutorily adopted supplementary guidance.
- 8.5 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 (NPF4 page 26).
- 8.6 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).

- 8.7 NPF4 Policy 4 compliments the above policies by setting out the developer and officer requirements for ensuring that protected species are given adequate consideration prior to an application's determination. NPF4 Policy 5 for Soils applies, which seeks to protect carbon-rich soils, restore peatlands, and minimise disturbance to soils from development. The application site comprises Class 3.2 agricultural soil and therefore avoids Prime Agricultural Land in the first instance as required by NPF4 Policy 5(b). supports proposals that seek to expand tree cover.
- 8.8 NPF4 Policy 20 for Blue and Green Infrastructure supports facilities that protect and enhance blue and green infrastructure and their networks by making climate mitigation, nature restoration, biodiversity enhancement, flood prevention and water management integral to design. The policy is supported by Policy 22 for Flood risk and water management. Policy 23 for Health and safety is also relevant to the assessment as it 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. Furthermore, NPF4 Policy 25 for Community Wealth Building sets out at Part a) that development proposals should contribute to local or regional community wealth building strategies and be consistent with local economic priorities.
- 8.9 While the above policies are salient to the proposal's assessment, the principal policy for assessing energy developments is NPF 11 for Energy. The policy sets out the Development Plan's in-principle support for all forms of renewable, low-carbon, and zero emission technologies, including BESS facilities. Part c) of the policy 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. The policy goes on to state at part e) that while significant weight will be placed on the contribution of the proposal to renewable energy generation targes and on reduction of greenhouse gas emissions targets, the development's impacts, including cumulative impacts, must be suitably addressed and mitigated against. These considerations are not a policy test and 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; ecology and biodiversity (including birds); impacts on trees; and decommissioning and site restoration.
- 8.10 The principal policy for assessing renewable energy developments within the Local Development Plan is HwLDP Policy 67, which sets out that renewable energy development should be well related to the source of the primary renewable resource needed for its operation. However, for BESS technology, the source is considered to be the national grid rather than wind or watercourses given that the energy is already generated; with the purpose of the BESS 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, its compliance with all other relevant policies of the

Development Plan. The policy is supportive of renewable energy developments that are located, sited, and designed such that they will not be significantly detrimental overall, either individually or cumulatively with other similar developments, having regard to the 11 specified criteria. Such an approach is considered consistent with the concept of HwLDP Policy 28 Sustainable Design along with the concept of achieving the right development in the right place and not to allow development at any cost.

- 8.11 Caithness and Sutherland Local Development Plan (CaSPlan) is the Area Local Development Plan covering the application site. Area LDPs, including CaSPlan itself, do not contain any specific land allocations related to the proposed type of development.
- 8.12 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 the co-locating of BESS 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 while reducing costs to consumers.
- 8.13 In a similar vein, the Draft Energy Strategy and Just Transition Plan acknowledges that BESS can increase flexibility to our electricity system and provide wider benefits for consumers and society. The draft sets out that by September 2021, Scotland had approximately 864MW of installed electricity storage capacity with 2.2GW of battery storage approved through the planning system, but that Scotland requires to increase its storage capacity significantly. Since that publication, the published Quarter 2 2024 Energy Statistics for Scotland show that there is currently an estimated 12 BESS facilities under construction across Scotland, which will increase battery storage capacity by 1.4GW and that there is a total of 18.6GW of BESS projects in the pipeline, that is schemes that are in planning, awaiting construction or undergoing construction, of which this application is only one.
- 8.14 The draft energy strategy, along with the OWEPS and the policies set out within NPF4 confirm the Scottish Government's commitment to renewable energy and associated enabling transmission infrastructure as being crucial to addressing the climate crisis.
- 8.15 The Development Plan, which now includes NPF4, must be considered in the round. While there is clear in principle support for renewable energy proposals that contribute to reaching net zero, of which BESS technology is one, this is not unqualified. It needs to be demonstrated that the impact on factors such as community amenity, biodiversity, landscape and visual matters, heritage, and infrastructure, to name but a few, are addressed and/or adequately and appropriately mitigated and as such, several policy considerations will apply. The extent to which the proposal's energy, economic and other benefits outweigh, or otherwise, other policy considerations are assessed in the following sections, which set out that the proposal is generally in conformity with the provisions of the development plan.

# **Energy and Carbon Saving**

- 8.16 The proposal would be interconnected to the grid's transmission / distribution network and not co-located with an electrical generating station. The development will, however, collect energy from the grid when the supply outstrips demand. Such facilities make a commercial return by buying electricity from the grid when rates are cheaper and selling it back to the grid when rates are more expensive. However, the development will also provide electricity for other grid services when needed. Depending on the mix of electricity at the time of collection, the BESS facility may or may not be storing and then releasing renewable energy. That said all electricity generation in the region comes from renewable sources and therefore this the proposal is considered to 'regenerate' renewable energy.
- 8.17 The benefit of BESS is that it stores excess energy being generated by renewable generating stations such as wind farms when the grid has reached full capacity, much of which would otherwise be lost. BESS therefore, allows renewable generating stations to operate for longer periods and provides flexibility to the grid to respond to peaks and troughs in energy demand. 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.

# **Socio-Economic Impacts**

- 8.18 Energy storage facilities are an emergent technology and are expected to be a significant component of national energy infrastructure in the coming years and are therefore expected to support jobs and economic development. The Council is in the process of working with public, private, and community partners to develop its priorities through the Highland Outcome Improvement Plan, while the production of a Community Wealth Building Strategy is also currently under way. The ongoing Local Place Plans initiative will likely identify other local opportunities too. The Council's position on Community Benefits has recently been updated with the approval of a new 'Social Values Charter for Renewables Investment' (June 2024). The charter sets out The Council's expectations from developers wishing to invest in renewables related projects in the Highland area and what the Highland partnership will do to support and enable this contribution, namely:
  - embed an approach to community wealth building into Highland;
  - maximise economic benefits from our natural environment and resources;
  - engage and involve relevant stakeholders to understand how we can continually improve our impact; and,
  - unlock economic opportunities for the area.
- 8.19 The submission includes a Socio-Economic Benefits Statement. The Planning Authority has requested that this should: 1) maximise local economic impact and employment; 2) prioritise local employment and supply chain opportunities along with promoting environmental stewardship; 3) support the community through flexible contributions to a community and a strategic funds; 4) provide grid resilience and

environmental benefits; and 5) provide training and skill development. These commitments would align with the Council's Social Values Charter by contributing to the emerging Community Wealth Building Strategy and would also ensure that the proposal results in long-lasting socio-economic benefits for the local community. The submitted revised (December 2024) Statement acknowledges the above requirements.

- 8.20 The applicant also advises of a commitment to utilise local employment for the proposed development's civil engineering aspect. It is also stated that the development, once commissioned, would improve the robustness and resilience of the local grid network, which underpins the local economy, by reducing the likelihood of power outages and providing back up power during outages.
- 8.21 Furthermore, the applicant has, through the above supporting statement, also noted that such projects can stimulate local economies and generate revenue for the local community. While nothing is agreed at this stage, it is expected that the developer will work with the Council and partners to maximise such contributions along with its commitment to providing opportunities for wealth building. It is vital that the applicant delivers on its commitments in as fair and transparent a manner as can be secured at this stage. As a pre-condition of any consent given then, and, at the very least, these commitments should be secured by condition, or other means such as a Minute of Agreement with The Highland Council. In that way, more weight may be given in the planning balance to the development's contribution to improving community resilience and increasing spending within communities in compliance with NPF4 Policies 11 and 25 as they relate to maximising socio-economic benefits and building community wealth.

# Siting, Design, Landscape and Visual Impact

- 8.22 The site has been selected for its proximity to existing grid infrastructure with the anticipated connection point being the Dounreay substation via undergrounded cable. The cabling route would be determined after a detailed cable survey, with any underground cable connection benefiting from permitted development rights if undertaken by a statutory or licensed undertaker. Being close to existing infrastructure improves efficiency while minimising connection costs and materials required.
- 8.23 The site further benefits by being sited some 100 metres' distance from public roads and residential properties and is outwith any natural or landscape designation. The proposed development is however of an expectedly utilitarian design with equipment being of a functional appearance as dictated by operational and/or health and safety requirements. The height of containers, power converters and transformers, meter building and security fence will be minimal at around 3 metres. The meter building and steel battery container units would be prefabricated, and finishes can be agreed with the applicant prior to installation. Most of the proposed compound would be finished with permeable surfaces. The finalised colour, finish and materials proposed can be secured by condition.
- 8.24 Landscape and visual impacts are not considered to be significant. The site is located within the Farmed Lowland Plain Landscape Character Type within the coastal triangle formed between Forss Water and the boundary with the expansive Sweeping

Moorland and Flows Landscape Character Type area to the west. This area is host to the industrial/naval/commercial cluster centred around Dounreay and Forss and associated transmission infrastructure. The development would therefore appear as a relatively small addition to the Dounreay complex without disrupting the farmed lowland plains character of the coastal triangle or the LCT overall. Given that the proposal is not out of step with existing development and given its relative scale, visual impacts are expected to be limited while landscaping will provide further screening as it establishes as shown in the visualisations. Details of a screening bund have been submitted, which depict a rather angular, uniform earthwork – a profiled, contoured bund of a more natural appearance is considered more appropriate and will be secured by condition. Consequently, the proposal can be supported on landscape and visual grounds.

# **Natural Heritage**

8.25 The information included with the application includes ecological assessments of the development's likely impacts on designated sites, habitats, protected species, and birds. The development is not situated within any sites designated for ecological interests and NatureScot has confirmed that none, including the nearby North Caithness Cliffs SPA, will be directly or indirectly impacted by the development.

### **Habitats**

- 8.26 Disturbance to any habitats is expected to be minimal, with no formal designations nearby. Biodiversity enhancement measures would be introduced to provide mitigation, in accordance with NPF4 Policy 3(b), which states that "development proposals for national or major development ... will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity". The applicant's proposal would achieve a Biodiversity net gain in excess of 22%, as demonstrated in the submitted Biodiversity Net Gain Assessment, which exceeds The Council's 10% requirement. Its delivery would involve land within the applicant's ownership, but outside the red-line site boundary and can be secured through a condition for a Habitat Management Plan. Enhancement measures include the installation of hedgerows and acid grassland.
- 8.27 A Construction Environment Management Plan (CEMP) is required by condition and is to include a Schedule of Mitigation. A condition to secure an implementable Habitat Management Plan (HMP) for the long term management of restored and enhanced habitats is also proposed. The HMP is proposed to be provided prior to construction commencing on site and will require to be in place for a minimum of 30 years.
- 8.28 The above requirements are consistent with NPF4 Policy 3 b) as supported by The Council's recently adopted Biodiversity Enhancement Planning Guidance (May 2024), which require proposals for major developments to demonstrate that the development will conserve, restore, and enhance biodiversity, including nature networks, so they are in a demonstrably better state than without intervention and are acceptable.

# **Protected Species**

- 8.29 As set out in the submitted Preliminary Ecological Assessment, no evidence or prime habitat was recorded for pine marten, otter, bats, or badger.
- 8.30 The report concludes that there is currently no need to apply for a derogation license for works to proceed as no places of shelter for a protected species were identified. A Species Protection Plan (SPP) should be secured by condition, to ensure any impacts on bats or otter from the proposed development are minimised. Preconstruction surveys should also inform whether additional SPPs are required. Additional planting would provide a degree of biodiversity enhancement, with other mitigation measures proposed.

# **Amenity**

- 8.31 There is likely to be some disruption during the anticipated construction period, particularly as construction materials are being delivered and during works to connect the site to related infrastructure.
- 8.32 Developers and contractors must comply with reasonable operational practices with regard to construction noise so as not to cause nuisance in any case, as required by Section 60 of the Control of Pollution Act 1974, which is regulated by Environmental Health. Working hours on the construction site would usually be restricted to be 07.00 19.00 Monday to Friday, 08.00 13.00 on Saturday with no Sunday of Bank Holiday working. Construction activities that do not generate impacts beyond the site boundary are permissible outwith these hours.
- 8.33 The BESS facility employs inverters, switchgear, transformers and batteries, with the battery storage containers also fitted with air cooling units at low level on the sides of each container. As such, the operation of the facility will create a degree of noise with potential to impact residential amenity. The closest residential property, Curlew Cottage, is however located over 750m away and the applicant has undertaken a noise assessment relating to associated Isauld Farm using a standard noise model. This predicted a noise level lower than the prevailing background noise level, resulting in no realistic significant impact.
- 8.34 The Council's Environmental Health Officer has advised that the proposal is unlikely to breach environmental health legislation but that there is potential for adverse impacts on the amenity of neighbouring residents, which should be mitigated by securing noise limits through conditions. The facility may require upgrades to equipment over time so a standard noise condition is suggested to ensure that noise emissions are limited to the standard 27dB at noise sensitive properties in order to ensure that noise emissions remain within acceptable limits for the lifetime of the development
- 8.35 No further noise mitigation measures are required and it is not considered appropriate to impose conditions to limit construction hours through the planning process. It should be noted however that any subsequent (unexpected) noise complaint against the facility would required to be reviewed to establish if it represented a Statutory Nuisance under the Environmental Protection Act 1990 by

Environmental Health. Environmental Health would then have the option to impose additional obligations on the site's operator to implement noise mitigation measures.

# **Health and Safety**

- 8.36 The submission includes a project-specific Outline Battery Safety Management Plan that addresses how the risk of fire will be managed on and off site. The document describes the roles and responsibilities for implementing the plan along with the specific design specifications of the BESS facility along with procedures to minimise the risk of fire, fire containment and firefighting. The facility will 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. To that end, the proposed water tanks will provide onsite water, anticipated to be sourced from nearby fire hydrant, for fire suppressant purposes. Additional site security measures such as fencing will also be in place to reduce the risk of fire sabotage and vandalism.
- 8.37 Fully implementable Fire Management and Emergency Response Plans should be ready prior to the delivery of battery equipment to the site, which should be secured by condition the applicant commits to produce these post-consent. With these plans and procedures in place, the applicant has demonstrated that the proposal's significantly adverse impact on human health, safety, and the environment in the highly unlikely event of a battery fire have been duly considered and mitigated against. As such, the proposal complies with NPF4 Policy 23 for Health and Safety. It should be noted however that both plans will be working documents that will require updating from time to time in accordance with best practice and to take account of equipment and conditions on site. The regulation of fire safety, health, and other safety and environmental matters are not, however, matters for the planning service to regulate. Consequently, the ongoing currency of these documents will be the responsibility of the operator in consultation with the relevant agencies including the Scottish Fire and Rescue Service without the involvement of the Planning Authority.
- 8.38 Given the fire risks associated with lithium battery facilities, the Council has consulted the Scottish Fire and Rescue Service (SFRS) who do not respond to individual planning applications. 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 the NFCC 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. This proposal is considered to be in general accordance with the NFCC guidance. A condition is suggested to secure details of the final layout of the proposal, which will be required to reflect best practice in that regard.

# **Traffic and Transport**

- 8.39 Existing access to the site is via a new access track to a new gated junction with the A836 public road. Visibility splays of 215m in either direction from a 4.5m setback can be amply achieved without additional intervention for vehicles entering/leaving the site via the public A836 road. The applicant has demonstrated that this land is within the control of the same landowner and therefore no adjustment to the red line application site boundary is required. A condition is suggested to ensure that visibility splays are maintained in perpetuity, while any additional measures required to keep visibility splays clear of obstruction such as the repositioning of street furniture and signage require the appropriate consents under separate roads legislation.
- A relatively low volume of HGV traffic is anticipated to use the junction during the construction of the BESS while the outline Construction Traffic Management Plan (CTMP) includes control measures to ensure that HGVs will not meet at the junction. No AlL movements will be required. The Transport Planning Team requests further information, although it is considered that the principle of access is unproblematic. The detail of these control measures will require to be set out within the finalised CTMP, which should be controlled by condition.
- 8.41 It is noted that from September 2024, a temporary installation of average speed camera is in place along the A836 road. This is considered to be a positive initiative for general road safety, also ameliorating the application site's access and egress. Indeed, the installed cameras themselves are powered by renewable energy, which allows cameras to be placed in more rural areas. One camera column is currently located east of Reay, with a further column at Forss.

### Flood Risk, Drainage, and Water

- 8.42 SEPA's Flood Map (inc. future flood mapping) does not identify any flood risk in relation to the application site. The Flood Risk Assessment (FRA) submitted with the application explains that the proposed development would comprise "essential infrastructure", in line with NPF4 Policy 22 for Flood risk and water management.
- 8.43 In terms of drainage, percolation tests submitted with the FRA whether any demonstrates that drainage to land soakaways are unlikely to be feasible due to the site's impermeable soil. However, there would be ample potential for a SuDS pond to be formed immediately south of the application site's red-line boundary.
- 8.44 The purpose of the water tanks would be to provide a supply of water to the site for fire suppressant. The applicant advises that water will be supplied from a nearby fire hydrant, which is accepted. In terms of containment and suppressant of water used for fire suppressant, it is proposed to install permeable membranes that will direct spent fire suppressant via lined storm cells to a storage area within the application site's northernmost corner, which can be shut off to prevent spent suppressant entering the water environment and emptied via tanker to be transported to a suitable disposal facility, which is acceptable SEPA has not objected to the application.

# **Decommissioning and Reinstatement**

8.45 It is understood that BESS facilities have a limited operational lifetime, generally within the region of 50 years. While there is no suggestion to limit the lifetime of this development by condition, it is appropriate as well as required under NPF4 Policy 11 e) and HwLDP Policy 67 to condition an outline Decommissioning and Reinstatement Plan (DRP) prior to the commencement of development on site. The DRP shall inform measures to safeguard and guarantee finances, prior to the commencement of development, to effectively implement the DRP in the event the operator or owner is no longer solvent, which should also be secure by condition. The strategy and financial safeguard would also require to be reviewed at regular intervals.

### **Other Material Considerations**

- 8.46 Following a screening of the proposal under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the application is assessed as not an EIA development. It is noted here that an objection to the application asserts that the entirety of the project has not been properly screened under the regulations by virtue that the grid connection, with potential to require OHL, was not included within the screening. Notwithstanding that the grid connection is anticipated to be via underground cabling, in the event that OHL would be required, the development in its entirety is not considered to achieve the thresholds for EIA development when assessed against the Schedule 3 Criteria.
- 8.47 It should also be noted that it is not within The Council's gift to delay the determination of this application because there is no specific national or local guidance related to BESS proposals.

## **Non-Material Considerations**

8.48 It is not within the scope of this assessment to require specific work to be undertaken to produce "an OS based plan, for an area comprising a radius of 25km centred on Thurso, on which should be shown (site boundary) and labelled (project/site name) every known existing and proposed renewable energy related projects". The Planning Service is satisfied with the level of relevant information submitted to allow determination of the application to be made.

# Matters to be Secured by Legal Agreement

8.49 None. A financial guarantee to cover all decommissioning and site restoration works will require to be in place prior to the commencement of development and is covered by condition.

### 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. 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 away from the public road and residential properties and well screened from other locations. As such, landscape and visual impacts are well within acceptable limits. Moreover, the proposal will result in appropriate biodiversity net gain through screening and eventual restoration. The development is considered acceptable.

- 9.2 All relevant matters have been taken into account when appraising this application in so far as they relate to material planning considerations.
- 9.3 It is considered that the proposal accords with the principles and policies contained within the Development Plan, which is acceptable in terms of all other applicable material considerations subject to the conditions suggested below.

### 10. IMPLICATIONS

- 10.1 Resource: Not applicable
- 10.2 Legal: Not applicable
- 10.3 Community (Equality, Poverty and Rural): Not applicable
- 10.4 Climate Change/Carbon Clever: the proposal has potential to contribute to climate change and carbon net-zero targets
- 10.5 Risk: Not applicable
- 10.6 Gaelic: Not applicable

### 11. RECOMMENDATION

### Action required before decision issued N

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

- (1) Permission is hereby granted for the erection and operation of a Battery Energy Storage System (BESS) facility, with the following elements approved under this permission:
  - Up to 17 battery storage cabinets up to 3m in height each;
  - Power converters and transformers;
  - Control building housing switching and electrical gear;

- Store building;
- Fencing;
- CCTV;
- Landscaping and biodiversity enhancement;
- Area of hardstanding;
- Parking for maintenance vehicles;
- Access track and junction with private access track;
- Water tanks: and
- SuDS.
- (2) Prior to the final commissioning of the development hereby approved, all elements of the development that relate to Part (1) above, and as approved in writing by the Planning Authority under Condition 3 below, along with site drainage and flood mitigation infrastructure, site security measures, and fire safety measures including the means of containment of fire suppressant materials shall be constructed and installed in full, made available for use, and thereafter maintained for this use for the lifetime of the development.
- (3) In the event of the Development not storing and supplying 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 shall immediately notify the Planning Authority in writing of that situation and shall, if the Planning Authority direct in writing, decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority in accordance with an approved Decommissioning, Restoration, and Aftercare Plan, which shall be based on the principles of the Decommissioning, Restoration, and Aftercare Strategy approved under Condition 4 of this permission and updated according with the relevant guidance and best practice at the time. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity.
- (4) At the time of the development's decommissioning, the development shall be decommissioned, the site restored, and aftercare undertaken in accordance with the approved Decommissioning, Restoration, and Aftercare Plan.

**Reason**: In order to clarify the terms of the planning permission and ensure the development proceeds as approved. To secure the decommissioning and removal of the development in an appropriate and environmentally responsible manner along with the restoration of the site in the interests of safety, amenity, and environmental protection.

# 3. Final Layout, Design, and Specifications

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

- a. the make, model, design, power rating, sound power level of the batteries, the dimensions of the battery storage cabinets and ancillary infrastructure, control building, storage and office facilities to be installed, and show separation distances between battery storage units which shall comply with the prevailing fire safety legislation and best practice guidelines at the time of installation; and,
- b. the external colour and/or finish of the storage containers, buildings, and ancillary infrastructure on site, which shall have a dark-neutral, non-reflective, semi-matte finish.
- c. Dimensioned plans (and swept path) showing access and turning within the site to enable safe access/egress in a forward gear.
   Dimensioned plans showing the parking layout and a statement justifying the parking provision during construction.
- (2) No element of the development shall have any text, sign or logo displayed on any external surface, save those required by law under other legislation.
- (3) Thereafter, the storage cabinets, buildings, and ancillary infrastructure shall be installed and operated in accordance with these approved details and, with reference to part (b) above, the storage containers, buildings, and ancillary infrastructure shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the development is decommissioned.

All cables between the storage containers, buildings, 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.

# 4. Decommissioning, Restoration, and Aftercare

- (1) 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. The strategy shall outline measures for the decommissioning of the development along with the 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 as well as the treatment of ground surfaces, and, the management and timing of the works and environmental management provisions which shall include, but not be limited to, the following:
  - a) site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
  - 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;
- 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.

**Reason**: To ensure the decommissioning and removal of the development, along with the site's restoration in an appropriate and environmentally responsible manner in the interests of safety, amenity, and environmental protection.

### 5. Financial Guarantee

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 information, 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 the implementation of the Decommissioning, Restoration, and Aftercare Plan at the time of the development's decommissioning.

# 6. **Drainage**

No development shall commence until details of the final drainage design (including final ground levels and discharge rates information) have been submitted to, and approved in writing by, the Planning Authority, which shall include measures for the testing of a spent fire suppressant water and where necessary its containment and disposal, as well as calculations to demonstrate that all storm events up to the 1 in 200 year plus climate change storm event shall be managed from within the application site boundary. Thereafter, the development shall be constructed in accordance with the approved details, which shall be made available for use prior to the development's first occupation and maintained in perpetuity.

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

# 7. External Lighting

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

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

# 8. Habitat Management Plan (HMP)

(1) No Development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by, the Planning

Authority. The HMP shall set out the proposed habitat management of the site including full details of biodiversity enhancement measures.

- (2) The HMP shall provide for the maintenance, monitoring, and reporting of the habitat within the HMP area.
- (3) 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.
- (4) 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 within 12 months of following ground works commencing on site and shall remain in place for a minimum of 30 years.
- (5) GIS shapefiles of HMP areas shall be supplied with the HMP to the Planning Authority prior to the commencement of works.

**Reason**: To ensure that the development secures positive effects for biodiversity in accordance with NPF4 and to allow the Planning Authority to map areas of compensation and enhancement.

# 9. **Biodiversity Net Gain**

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 the interests of Biodiversity Net Gain.

# 10. Species Protection

- (1) No development or Site Enabling Works shall commence until preconstruction ecological surveys are undertaken, which shall be undertaken at the appropriate time of year and no more than 3 months prior to works commencing on site, and a report of the survey has been submitted to, and approved in writing by, the Planning Authority. The surveys shall cover the application site including an appropriate buffer from its boundary.
- (2) In the event that works are intended to be carried out within the main bird breeding season, March through August inclusive, surveys for ground nesting birds shall be undertaken no more than 24 hours prior to any works commencing on site including site clearance works.
- (3) 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 interest of protecting ecology, protected species including nesting birds, and their habitats.

# 11. Construction Environment Management Plan (CEMP)

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 any temporary site construction compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- details and implementation and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
- d) details of the method of construction and erection of the structures and any underbuilding/platforms;
- e) details of pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
- f) details of temporary site illumination during the construction period;
- g) details of timing of works;
- h) 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, nonreflective finish with details of the chemical properties of any and all imported stone provided;
- i) details of routeing of onsite cabling;

- j) details of emergency procedures and pollution response plans;
- k) siting and details of wheel washing facilities;
- 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;
- m) 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;
- n) a Species Protection Plan;
- o) details of areas on the site designated for the storage, loading, offloading, parking and manoeuvring of heavy duty plant, equipment and vehicles; and,
- p) details of how the best practicable measures will be implemented to reduce the impact of construction noise at noise sensitive locations.

**Reason**: To ensure that construction works are undertaken in accordance with applicable standards in the interests of environmental protection, amenity, and safety.

# 12. Construction Traffic Management Plan (CTMP)

- (1) No development shall commence on site until a finalised Construction Traffic Management Plan has been submitted to, and approved in writing by, The Council in consultation with Transport Scotland. The construction traffic management plan shall be based on the Outline CTMP and 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;
  - 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 including details of traffic management proposals to prevent HGVs meeting on the private access to the site or at its junction with the public road. In addition, 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 condition surveys of the site access and construction traffic routes along with the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
- 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
- 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.
- (2) In the event that Abnormal Indivisible Loads (AIL) are required, prior to the delivery of any AIL to the site, the CTMP shall be updated to include the proposed route for any AIL on the public road network along with any accommodation measures required, including the removal of street furniture, junction widening, and traffic management measures.

Thereafter the approved CTMP shall be implemented in full prior to development commencing and remain in place until the development is complete.

**Reason**: in the interest of road safety and to mitigate any impacts of construction traffic and the delivery of abnormal loads on the public road network.

### 13. Site Access

No development shall commence until full details including fully dimensioned and annotated plans of the site access junction with the A836 public road have been submitted to, and approved in writing by, the Planning Authority, showing (but not limited to):

- i. carriageway and verge widths;
- ii. the location of gates (which shall have a minimum of 15 metres from the carriage way and open away from the public road) and bell mouths;
- iii. any amendments to the public road drainage arrangements; and,
- iv. visibility splays of 215m x 4.5m (the X dimension and Y dimension respectively) in each direction formed from the centre line of the junction, which at no time shall anything obscure visibility between a driver's eye height of 1.05m positioned at the X dimension and an object height of 0.60m anywhere along the Y dimension.

Thereafter, the approved access arrangements shall be completed in full and made available for use prior to the first occupation of the development and maintained for this use in perpetuity.

**Reason**: in the interests of road safety and in accordance with the applicable standards.

# 14. Fire Risk Management and Emergency Response Procedures

Prior to the first commissioning of the development hereby approved the following documents shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Scottish Fire and Rescue Service:

- i. a complete and fully implementable Fire Risk Management Plan; and,
- ii. a complete and fully implementable Fire Emergency Response Plan.

The developer shall thereafter undertake any review and amendment to both documents as may be required from time to time, in consultation with the relevant agencies.

**Reason**: In order to provide the Planning Authority sight of onsite management practices and procedures as they relate to fire risk management and fire emergency response, and to ensure the ongoing currency of both plans in the interests of human health, safety, amenity, and environmental protection.

# 15. Water Supply

No development shall commence until full details of the water supply to serve the development for the suppression of fire have been submitted to, and approved in writing by, the Planning Authority. These details shall demonstrate:

 a) confirmation from Scottish Water that sufficient capacity is reserved at its water treatment plant to serve the development;

Or.

b) that the development can be sufficiently served by a private water supply through an appraisal specifying the means by which a water supply shall be provided and thereafter maintained to the development. This appraisal, which shall be carried out by an appropriately qualified person(s), shall demonstrate that the sufficiency of any other supply in the vicinity of the development, or any other person utilising the same source or supply, will not be compromised by the proposed development. The development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

**Reason**: To ensure that an adequate water supply can be provided to meet the requirements of the proposed development and, where relevant, without compromising the interests of other users of the same or nearby private water supplies.

### 16. Noise

- (1) The development shall proceed in strict accordance with the approved Noise Impact Assessment. Mitigation measures identified in the assessment shall be in place prior to the commencement of operation and thereafter maintained in perpetuity.
- (2) In the event that there are any changes to the equipment or noise mitigation measures that could result in the development resulting in increased noise levels prior to the development becoming operational, a revised noise impact assessment shall be submitted to, and approved in writing by, the Planning Authority. Thereafter the development shall proceed in accordance with the approved revised assessment
- (3) Any noise originating from the operation of the development when measured and/or calculated as an LZeq, 5min, in the 100Hz one third octave frequency band, shall not exceed 30 dB, when measured and/or calculated as at the curtilage of any noise-sensitive premises.
- (1) The Night Time Rating Level of noise arising from this development as determined in accordance with BS4142 'Methods for Rating and Assessing Industrial and Commercial Sound' shall not exceed 23dB(A) at the curtilage of any noise-sensitive receptor unless the measured background level is higher.
- (2) All plant, machinery and equipment associated with the development shall be so installed, maintained and operated such that any associated operating noise does not exceed NR20 when measured or calculated within any noise-sensitive premises with windows open for ventilation purposes throughout the lifetime of the development.

For the purposes of this condition, "noise-sensitive premises" includes, but is not necessarily limited to, any building, structure or other development the lawful use of which a) falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions), or 9 (Houses) of The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended), or b) is as a flat or static residential caravan.

**Reason**: in the interest of amenity.

# 17. Record Keeping

The Operator shall, at all times after the first commissioning of the development, record information regarding the details of power stored and generated, 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.

**Reason**: To ensure end of life decommissioning of the site.

# 18. Socio-Economic Benefit

Prior to the Commencement of Development, a Local Employment Scheme for the construction of the development shall be submitted to and agreed in writing by the Planning Authority. The submitted Scheme shall make reference to the supporting Socio-Economic Benefits Statement (dated August 2024).

The Scheme shall include the following:

- a) details of how the initial staff/employment opportunities at the development will be advertised and how liaison with the Council and other local bodies will take place in relation to maximising the access of the local workforce to information about employment opportunities;
- b) details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative;
- c) a procedure setting out criteria for employment, and for matching of candidates to the vacancies;
- d) measures to be taken to offer and provide college and/or work placement opportunities at the development to students within the locality;
- e) details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the development;
- f) a procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Council; and
- g) a timetable for the implementation of the Local Employment Scheme.

Thereafter, the development shall be implemented in accordance with the approved scheme.

**Reason:** In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio-economic benefits of the development to the wider community. To make provision for publicity and details relating to any local employment opportunities.

# 19. **Archaeology**

No works in connection with the development hereby approved shall commence unless an archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the written scheme of investigation will be provided throughout the implementation of the programme of archaeological works. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be occupied or brought into use unless a Post-Excavation Research

Design (PERD) for the analysis, publication and dissemination of results and archive deposition has been submitted to and approved in writing by the planning authority. The PERD shall be carried out in complete accordance with the approved details.

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

# 20. Screening Bund

No development shall commence until full details of the approved bund, including plans, elevations, cross-sections, finished ground levels, and surfacing, have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt, the bund shall be contoured and profiled. Thereafter, the bund shall be constructed in full in accordance with the approved details prior to the first occupation of the development and maintained as such in perpetuity.

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

### REASON FOR DECISION

All relevant matters have been taken into account when appraising this application. It is considered that, subject to the conditions suggested below, 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. The granting of 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

### Mud and Debris on Road

Please note that it 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 <a href="mailto:env.health@highland.gov.uk">env.health@highland.gov.uk</a> 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: <a href="https://www.nature.scot/professional-advice/protected-areas-and-">https://www.nature.scot/professional-advice/protected-areas-and-</a>

species/protected-species

Signature: Dafydd Jones

Designation: Area Planning Manager - North

Author: Craig Simms

Background Papers: Documents referred to in report and in case file.

Relevant Plans: Plan 1 - YLM.BESS-GEN-001.1 GENERAL PLAN - FLOOR PLAN

& ELEVATIONS

Plan 2 - YLM-BESS-GEN-001.2 GENERAL PLAN - FLOOR PLAN

& ELEVATIONS

Plan 3 - YLM-BESS-GEN-001.3 GENERAL PLAN - FLOOR PLAN

& ELEVATIONS

Plan 4 - YLM-BESS-GEN-001.4 GENERAL PLAN - FLOOR PLAN

& ELEVATIONS

Plan 5 - YLM.BESS-GEN-001.5 ELEVATIONS

Plan 6 - YLM-BESS-GEN-001.6 ELEVATIONS

Plan 7 - DOUN-BESS-003.2 REV 8 ELEVATIONS

Plan 8 - DOUN-BESS-003.4 REV 6 LOCATION PLAN

Plan 9 - DOUN-BESS-003.5 REV 7 SITE ACCESS PLAN

Plan 10 - DOUN-BESS-003.5 REV 8 SITE LAYOUT PLAN

Plan 11 - DOUN-BESS-003.9 SITE LAYOUT PLAN

Plan 12 - 000001 BIODIVERSITY SITE LAYOUT

**PLAN** 

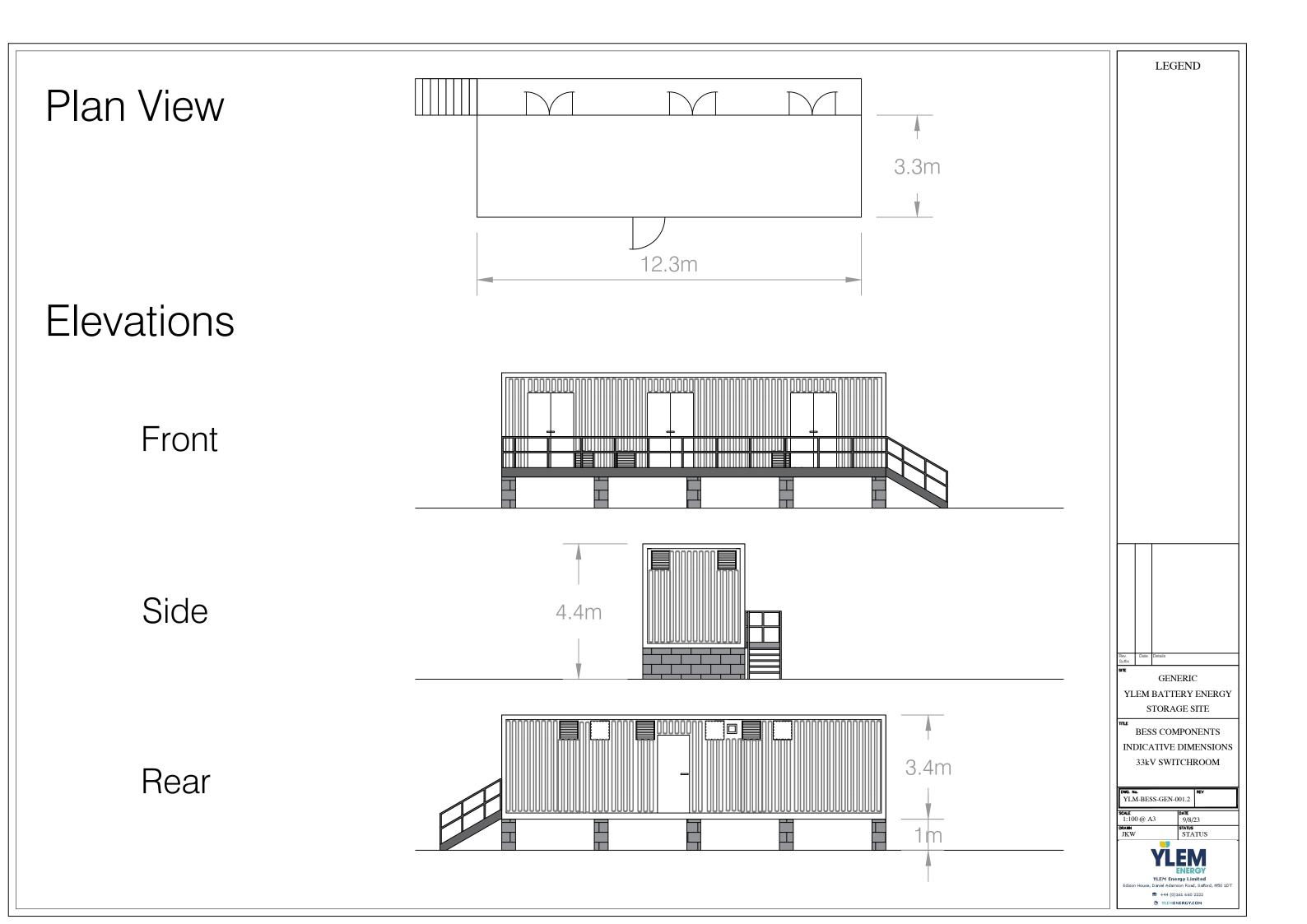
Plan 13 - DOUN-BESS-003.6 REV 1 ELEVATION PLAN (BUND)

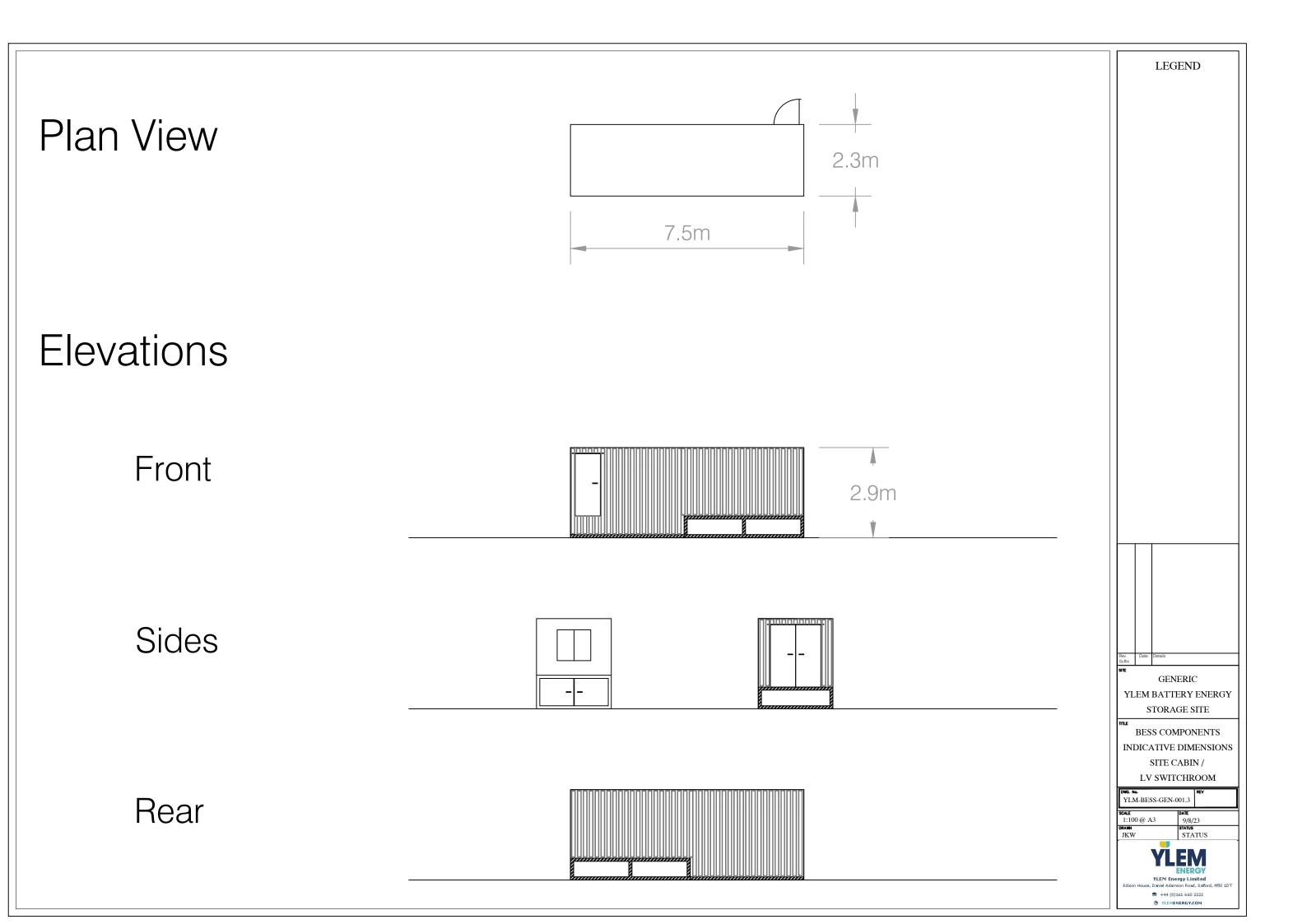
Plan 14 - YLEM1397-11 REV B LANDSCAPING PLAN (SHEETS

1-3)

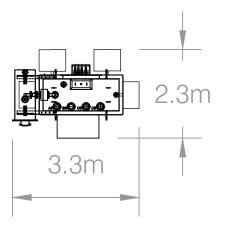
# 7.5m Plan View Elevations Front Side Rear

LEGEND GENERIC YLEM BATTERY ENERGY STORAGE SITE BESS COMPONENTS INDICATIVE DIMENSIONS 33kV DNO SUBSTATION STATUS STATUS



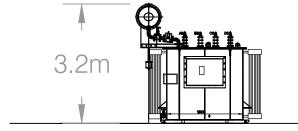


## Plan View

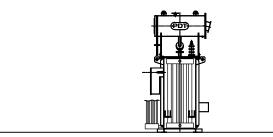


## Elevations

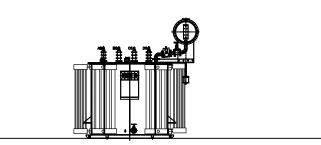
Front



Side



Rear



	_
LEGEND	
Rev. Date Details Suffix	
SIE GENERIC	
YLEM BATTERY ENERGY	
STORAGE SITE	
BESS COMPONENTS INDICATIVE DIMENSIONS	
33kV/415V SITE SUPPLY	
TRANSFORMER	
DWG. No. YLM-BESS-GEN-001.4	
SCALE   DATE   1:100 @ A3   9/8/23   DRAWN   STATUS	
JKW STATUS	
YLEM	
YLEM Energy Limited Edison House, Daniel Adamson Road, Salford, M50 1DT	



