

Agenda Item	6.7
Report No	PLN/019/25

HIGHLAND COUNCIL

Committee: North Planning Applications Committee
Date: 12 March 2025
Report Title: 24/00561/FUL: Ecocel Energy (Storage) Ltd
Land 500M East Of Glengolly Farmhouse, Thurso
Report By: Area Planning Manager - North

Purpose/Executive Summary

Description: Proposed development of a battery energy storage system with a capacity of 49.9MW comprising storage containers, control building, transformers, fencing, CCTV, access, landscaping and associated works on land

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 up to 49.9MW, comprising:
- Up to 40 steel battery storage containers sited on suitable foundations above ground level, with the cabinets measuring up to 12.2m (l) x 2.44m (w) x 2.9m (h);
 - Up to 20 power converters and a transformer, measuring a comparable size to a battery storage cabinet;
 - 1 cable control building, 1 welfare building and 1 office building, 2 storage containers for maintenance, each measuring up to 12.2m (l) x 2.4m (w) x 2.9m (h);
 - A palisade fence and landscape earth bund;
 - Area of hardstanding, landscaping and biodiversity enhancement;
 - Parking for maintenance vehicles;
 - A new access track and junction leading to/from the public B874 road; and,
 - Sustainable Urban Drainage Systems (SUDS).

A 4.5m earth bund would be created on three sides of the site, screening it from the River Thurso. This, along with new planting outside the perimeter security fence, would provide partial screening of the site when viewed from nearby locations. The development would be secured by a 2.4 metre palisade security fence.

- 1.2 It is anticipated that the facility would contribute to National Grid's Balancing Services Programme. The Balancing Services Programme's 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. This is also subject to the provisions of this Order and regulations 60 to 63 of the Conservation (Natural Habitats, and c.) Regulations 1994, which may be pertinent should an underground connection be proposed under the River Thurso Special Area of Conservation, which if deemed to cause any likely significant effect, would require a separate planning consent.
- 1.3 No Major Pre-application advice appears to have been sought. The applicant served a Proposal of Application Notice (PAN) in September 2023 (23/04766/PAN). The applicant undertook two public consultation events on 20 November 2023 and on 11 December 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;
- Planning Design and Access Statement;
- Landscape and Visual Impact Assessment (and Montages);
- Social Value Charter Statement;
- Battery Safety Management Plan;
- Preliminary Ecological Appraisal;
- Flood Risk Assessment and Drainage Strategy;
- Transport Statement;
- Biodiversity Enhancement Cover Letter;
- BNG Tool;
- Response to Objections.

2. SITE DESCRIPTION

- 2.1 The development is an existing greenfield site within the grounds of Glengolly Farm, Thurso. The total site area covers a total area of approximately 4.53ha. The site is bounded to the north, east and west by land owned by the Applicant primarily used in farming and to the south by further fields. Access to the site is from the B874 to the west. The main trainline to and from Thurso runs along the eastern boundary of the site within the land ownership of the Applicant. The nearest residential property, 'The Krae', is located 375 metres to the west. The site falls within Landscape Character Type (LCT) 143 Farmed Lowland Plain, as identified and mapped by NatureScot. The application site would meet Core Path CA13.21 (Thurso to Glengolly roadside link) at its junction with the public road. There are no natural or landscape designations covering the site, however the River Thurso Special Area of Conservation (SAC) is located 50 metres to the east, and the Flow Country World Heritage Site approximately 9.75km to the south-west. Dunnet Head Special Landscape Area is around 9.5km to the north-east and outwith the proposal's influence.

3. PLANNING HISTORY

- | | | | |
|-----|------------|--|----------------------------|
| 3.1 | 06.12.2023 | 23/04766/PAN: Development of a Battery Energy Storage System with a capacity of 49.9MW consisting of battery storage containers, electrical control building, transformers, security fencing, CCTV, access, landscaping and associated works | Case reported to committee |
| 3.2 | 06.03.2024 | 24/00273/SCRE: Battery energy storage facility comprising a compound of battery and electrical equipment, access track, landscaping and ancillary works | EIA not required |

4. PUBLIC PARTICIPATION

- 4.1 Advertised: John O'Groat Journal, Schedule 3 Development / Unknown Neighbour
 Date Advertised: 15 March 2024
 Representation deadline: 29 March 2024

Timeous representations: 1 general comment from the Royal Society for the Protection of Birds

Late representations: 1 objection from one household

4.2 Material considerations raised in objections are summarised as follows:

- Cumulative impact of the proposed and surrounding development on local community and environment.
- Fire risk concerns and the impact of this on the surrounding area.
- Wildlife, protected species and nature impact caused by cumulative number of similar developments.
- Security concerns.
- Lack of benefit to local community or environment, not guaranteed to provide jobs in Caithness area and no long-term employment opportunities.
- Environmental impact from construction activities.
- Lack of compliance with the 2017 Environmental Impact Assessment Regulations due to not including the grid connection as part of the application, although it is part of the overall scheme.
- Lack of appropriate guidance and input from appropriate regulators such as SFRS, and need for a more comprehensive fire risk assessment to be submitted.
- No details of biodiversity enhancement as required by Policy 3 of NPF4.
- Visual impact of the proposal
- No evidence of benefits on the global climate and adverse effect on nature.
- The proposal fails to fully comply with NPF4 policies 3, 4, 11, 14, 18, 25, and 29.
- Potential flood risk due to proximity to River Thurso;
- Feasibility of potential connection route queried (crossing an SAC);
- Health and Wellbeing Impacts
- Request for a plan which details both this application and all renewable development within a 25km radius;
- Lack of clear Government / Council guidance or policies;.
- impact of construction traffic
- impact on tourism
- Energy benefits associated with the proposal

4.3 Non-material considerations raised in objections:

- Request for any consideration of BESS applications by the Planning Authority to be paused pending the development of new policy and guidance relating to BESS applications.
- The issues relating to the additional need for substations.

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

5. CONSULTATIONS

- 5.1 **Caithness West Community Council (Host)** offers support but is concerned by fire and possible flooding from the River Thurso.
- 5.2 **Forestry Officer** does not object to the application. The proposed development does not appear to impact on existing trees or woodland and no soft landscaping is proposed.
- 5.3 **Environmental Health Officer** does not object to the application. Conditions and Informatives requested to be attached to any permission.
- 5.4 **Flood Risk Management Team** does not object to the application. The latest drainage layout plan and drainage strategy report has been reviewed, and they remain content with the proposed drainage strategy. The site is on ground significantly higher than the River Thurso and the risk of fluvial flooding is therefore low. The proposed drainage strategy will be managed through SUDS which is appropriately sized and accommodates the 1 in 200 year rainfall event plus climate change.
- 5.5 **Transport Planning Team** did not object, subject to conditions and Informatives being attached. The Transport Planning Team's comments are considered in more detail in the main body of the report. Transport Planning have requested conditions are attached to ensure of appropriate access surfacing to the edge of the public road, in addition to any layout changes to the access being fully submitted for approval with the planning authority. Transport Planning have also requested full details of a Construction Traffic Management Plan to be submitted for approval prior to any development commencing on site. Relevant conditions are proposed to cover the required aspects.
- 5.6 **NatureScot** objected, unless recommended conditions are attached. Information relating to an Appropriate Assessment was also provided. The application is located in proximity to the River Thurso SAC, and therefore NatureScot advised conditions should be attached to ensure the application complies with the NFFC BESS guidance, in addition to the provision of an Emergency Response Plan (ERP) that outlines impacts to the protected area with a BESS fire along with appropriate mitigation measures to be agreed by both NatureScot and the Highland Council prior to works commencing. NatureScot also advised that their appraisals undertaken mean the applicant is required to demonstrate that any substances related to a fire event are prohibited to enter the SAC, with the effects of the proposal being considered in combination with other plans and projects which have the potential to impact on the River Thurso SAC.
- 5.7 **Scottish Fire and Rescue Service** were consulted, however, has not provided project-specific comments, providing a copy of the National Fire Chiefs Council guidance.
- 5.8 **Scottish Environmental Protection Agency (SEPA)** does not object to the application, which falls below its consultation thresholds. The development appears to be located out with the area at risk of flooding from the River Thurso and so it has no objection on fluvial flood risk grounds. CAR authorisation is required for water

extraction from River Thurso for firefighting purposes. Information has now been provided to suggest that the SUDS basin is sized to hold the expected volume of firewater required to treat the facility and that access to the basin is outlined. While it is confirmed that the SUDS basin will have an impermeable membrane liner we could not locate any information to suggest the rest of the site will be impermeable; Drawing KI:2242_102_0013 Rev 07 suggests that the site will have a compacted aggregate access track and crushed rock surface.

- 5.9 **Scottish Water** did not object and provided a standard response, which draws attention to live infrastructure within the application site.
- 5.10 **Network Rail**: an initial holding objection, owing to the absence of a Battery Safety Management Plan, was withdrawn in February 2025 on appraisal of additional submitted information. Conditions relating to DSEAR information, surface water drainage and lighting were requested to be attached to any permission granted.

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 sets 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.

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 (Mar 2013)
 - 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;
 - l) 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 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 does not fall within the relevant classifications (Classes 1, 2 and 3.1) recognised as prime agricultural land in terms of NPF4 Policy 5(b).
- 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 Policy 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 targets and on reduction of greenhouse gas emissions targets, the development's impacts, including cumulative impacts, must be suitably addressed and mitigated against.
- 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. HwLDP Policy 64 (Flood Risk) requires development proposals to avoid areas susceptible to flooding and promote sustainable flood management.

- 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. This document outlines the Scottish Government's support for co-locating BESS facilities with onshore wind to balance electricity demand and supply, enhance energy system resilience, and alleviate grid pressures. It highlights that on-site battery storage facilitates more locally focused energy provision while helping to reduce costs for 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 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 or 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 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 Highland 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 Social Value Charter 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 fund; 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 Statement has regard to the above requirements.

- 8.20 The applicant also advises of its aim to utilise local contractors for the proposed development's construction, landscaping and maintenance. 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. A condition is proposed to secure a Local Employment Scheme to maximise socio-economic benefits for construction contractors as well as specialists for site landscaping / habitat management. Compliance with NPF4 Policies 11 and 25 is therefore capable of being demonstrated, as they relate to maximising socio-economic benefits and building community wealth.

Siting, Design, Landscape and Visual Impact

- 8.21 The site has been selected for its proximity to existing grid infrastructure with the anticipated connection point being Thurso South electricity distribution station located 1.5km to the application site's south-east. The cabling route would be determined after a detailed cable survey, although utmost care should be taken as cables would require to traverse the River Thurso SAC. Being close to existing infrastructure improves efficiency while minimising connection costs and materials required.
- 8.22 The site further benefits by being sited some 400 metres from public roads and residential properties and is not located within 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 and a security fence will be minimal at around 3 metres. Steel battery container units would be prefabricated and finishes can be agreed with the applicant prior to installation. The majority of the proposed compound would be finished with permeable (compacted aggregate and crushed rock) surfaces. The finalised colour, finish and materials proposed can be secured by condition.
- 8.23 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 several industrial/commercial developments and associated infrastructure, namely the highly visible JGC Engineering site, SGN's Thurso depot, SSE's Thurso South substation, the Far North Railway Line, as well as a series of private dwellings associated with Glengolly which exert a considerable 'skyline' impact. The development would therefore appear as a relatively minor addition to the local landscape 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

submitted LVIA montages. Details of a screening bund have been submitted, which depict a rather angular, uniform earthwork – this proposed to be softened by an envelope of new native tree planting. Full details of the bund can be secured by the suggested condition. Consequently, the proposal can be supported on landscape and visual grounds.

Natural Heritage

- 8.24 The information included with the application includes ecological assessment 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 River Thurso SAC, will be directly or indirectly impacted by the development. Under the Conservation (Natural Habitats, and c.) Regulations 1994, all competent authorities must consider whether any plan or project could affect a European site before it can be authorised or carried out. This includes considering whether it will have a 'likely significant effect' on a European site, and if so, they must carry out an 'appropriate assessment'. A competent authority must not authorise a plan or project unless it can show beyond reasonable scientific doubt – through an appropriate assessment – that the plan or project will not adversely affect the integrity of a European site. Notification to Scottish Ministers is required if a likely significant effect is identified. NatureScot notes that the adjacent railway line acts as a buffer between the application site and the SAC designation. Surface water run-off management and compliance with SEPA guidance also provide sufficient mitigation to ensure no significant impact to the Salmon populations of the SAC site.
- 8.25 In response to the designation of the river Thurso as an SAC officers had raised concerns about the adequacy of the measures initially proposed. Following extensive discussions between the Planning Authority, applicant, SEPA and NatureScot this has resulted in additional measures being proposed for additional storage which is set out later in the report. This will be reinforced by condition. On this basis the Planning Authority is satisfied that the mitigation proposed is acceptable and an Appropriate Assessment has been added to the report under Appendix 2.

Habitats

- 8.26 Disturbance to any habitats is expected to be minimal, with no formal designations nearby, therefore the proposed development would be acceptable in this instance. 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 42%, as demonstrated in the submitted Biodiversity Net Gain Assessment, which exceeds The Council's 10% requirement. Enhancement measures include the installation of trees, native species and a suitable meadow seed mix; delivery of the proposed measures can be secured by condition.
- 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 Highland 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, or badger. A building within the survey area was assessed to possess moderate bat potential but does not stand to be affected by the proposed development.
- 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 other species from the proposed development are minimised. Pre-construction surveys should also inform whether additional SPPs are required. Additional tree/shrub 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 regarding 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 or 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, 'The Krae', is however located 375m to the west. A submitted Noise Impact Assessment predicted a noise level only slightly higher 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 30dB at noise sensitive properties 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 be required to be treated as a Statutory Nuisance complaint 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 project-specific Battery Safety Management Plan Advice 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 tank will provide onsite water, anticipated to be sourced from River Thurso, 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. With these plans and procedures in place, the applicant has demonstrated that the proposal's potential significantly adverse impacts on human health, safety, and the environment in the 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 formal 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 has been provided 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 finalised 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. The applicant has furthermore committed to include additional spent firewater attenuation tanks within the proposed development, providing ancillary capacity in the event of the proposed SUDS basin ever reaching capacity and thus preventing harmful spillage of potentially contaminated spent firewater – inclusion of these details is also secured via an attached condition.

Traffic and Transport

- 8.39 Existing access to the site is via a track through Glengolly Farm, connecting to the B874 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 B874 road. The applicant has demonstrated that this land is well 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.
- 8.40 A submitted Transport Statement sets out a relatively low volume of HGV traffic anticipated to use the junction during the construction of the BESS, while a Construction Traffic Management Plan (CTMP) required by condition would include control measures to ensure that HGVs will not meet at the junction. No AIL movements will be required, aside from bringing a mobile crane into the site. It is considered that the principle of access is unproblematic. The detail of these control measures will require to be set out within a CTMP, which should be controlled by condition.
- 8.41 The proposed BESS compound would site approx.. 40 metres from the Far North Railway Line – Network Rail has been consulted and despite initially lodging a holding objection, Network Rail is content with the level of information submitted by the applicant and has withdrawn its objection. Conditions and Informatives are attached to ensure that the proposed scheme exerts no negative impact on its adjacent railway line. This is considered to be acceptable.

Flood Risk and Drainage

- 8.42 SEPA's Flood Map (inc. future flood mapping) only identifies a minor area at 10% annual risk of surface water flooding in the application site's south-east corner. Proposed site regrading would mitigate this. 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. SEPA did not object to the application as set out above. NPF4's Glossary offers a wide-ranging definition of 'essential infrastructure', including "all

forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission electricity grid networks and primary sub stations". The application site has been furthermore selected for operational reasons, given its proximity to Thurso South electricity distribution station.

- 8.43 Drainage Layout Plan KIL2242_102_0003 REV 05 depicts a fire-fighting water tank, connected to a mains water supply, on the northern side of the BESS compound. The purpose of the water tank would be to provide a supply of water to the site for fire suppressant. Water would also be drawn from the nearby River Thurso in the event of a fire, subject to CAR approval. In terms of containment of spent firewater, it is proposed to direct spent fire suppressant to an impermeable SUDS basin within the application site's eastern side. The proposed tracks/roads will be formed by permeable materials, however, the proposed scheme allows for any residual surface water treatment for the road runoff that will be treated via filter drains and the downstream SUDS Basin. The SUDS basin would have a shut off valve 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.
- 8.44 The proposed impermeable SUDS basin would encompass an area of 876 square metres, reaching a maximum depth of 1.2 metres – this would result in a total stated SUDS basin volume of approximately 750 cubic metres. The minimum attenuation requirements in the event of a fire are 228 cubic metres of storage (based on 1900 litres per minute for two hours). In the unlikely event of a fire, the proposed SUDS basin is therefore considered to be able to attenuate spent firewater for a period of approximately 6.5 hours. Drainage layout plan KIL2242_102_0003 REV 05 illustrates that the SUDS basin would include a shut-off valve to be closed in the event of a fire to contain run-off within the SUDS basin where it would await testing for contamination. Based on the test results, an appropriate disposal method would be determined, which may include on-site treatment and controlled release, or tankering the water for off-site disposal. Off-site disposal would use a fleet of 30m³ tankers to transport the waste water to the treatment facility. The SUDS basin would be surrounded on three sides by a dedicated access track facilitating tanker access for contaminated firewater extraction purposes. Provision would be made to discharge run-off into the River Thurso, via a penstock, should tested water be found to be uncontaminated. In the interest of maximising spent firewater retention on site, an amended drainage plan is to be secured via condition, with the applicant having confirmed in writing agreement to provide 12 hours of spent fire water retention (1,368 cubic metres of storage) via the addition of two underground storage tanks which would only be utilised in the event the SUDS basin reaches capacity. The proposed arrangements are considered to be acceptable and can be secured by an attached condition.

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 None.

Non-Material Considerations

8.47 The request to pause determination of the application until further policy / guidance is produced is not a competent stance for the Planning Authority to take. Proposals must be determined in light of the provisions of the Development Plan and other relevant material planning considerations at the present time.

Matters to be Secured by Legal Agreement

8.48 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.

8.49 It is noted that the Transport Planning Team, having been consulted, have recommended that any permission issued includes a requirement for the Developer to enter into a formal Wear and Tear Agreement with Highland Council, in accordance with Section 96 of the Roads (Scotland) Act 1984. Any such agreement is likely to require a Road Bond or some other form of financial security to protect the Council from any such extraordinary expenses.

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. 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. Whilst the site is hydrologically connected within the catchment of the River Thurso Special Area of Conservation, the potential of pollution to arise from the proposal has been adequately mitigated through the enhanced drainage provisions which have been secured by officers during the assessment of the application. This mitigation ensures that the proposal would not result in any residual likely significant adverse effects for the protected species interest of Atlantic Salmon within the river.

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: 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 40 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 bund and biodiversity enhancement;
- Area of hardstanding;
- Parking for maintenance vehicles;
- Access track and junction with public road;
- Firefighting water tank; and
- Impermeable SuDS basin.

(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.

- d. 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);
 - 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.

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. The final drainage design shall incorporate a SUDS basin and an additional underground storage tank to provide a further 760 cubic metres of fire water storage. 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 and to protect the integrity of the River Thurso SAC .

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.

Any lighting associated with the development including any floodlighting must not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains.

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; to ensure any lighting associated with the development does not interfere with the safe operation of the rail network.

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 pre-construction 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;
- c) 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, non-reflective 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;
- l) 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, off-loading, 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 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 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 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
 - i) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping local Community Councils 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 bellmouths;
- iii. the first 6m of the access from the edge of the local public road to be surfaced with a bound bituminous material;
- iv. any amendments to the public road drainage arrangements; and,
- v. 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) Noise arising from within the operational land of the site, hereby permitted, 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.
- (4) The Rating Level of noise arising from the use of plant, machinery or equipment installed or operated within the operational land of the site, hereby permitted, must not exceed the current background noise levels at noise sensitive premises. The Rating Level should be calculated in accordance with BS 4142: 2014+A1:2019 Methods for rating and assessing industrial and commercial sound.
- (5) 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.

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 Social Value Charter Statement (dated December 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. **Compliance Monitoring**

Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a noise sensitive location, the site operator shall, at its expense, employ an independent consultant to assess the level of noise in terms of compliance with Noise Condition 16 (3-4). The site operator shall submit the report of the independent

consultant's assessment for the approval of the Planning Authority within 2 months of receiving the written request.

Reason: in the interest of amenity.

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. 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.

21. **Micro-siting**

All infrastructure shall be constructed in the locations shown in Drawing No. KIL2242_102_0013_Rev 07 – Indicative Infrastructure Layout except as adjusted by micro-siting of no more than 10 metres from the original position shown on Drawing No. KIL2242_102_0013_Rev 07 – Indicative Infrastructure Layout. No infrastructure can be moved outside of the fence line shown on Drawing No. KIL2242_102_0013_Rev 07 – Indicative Infrastructure Layout regardless of the micro-siting allowance.

Any changes to infrastructure locations outside of the micro-sitting limit is to be approved by the Planning Authority. Upon completion of the construction of the development a final as built plan shall be submitted to the planning authority.

Reason: To enable appropriate micro-siting within the site to enable the developer to respond to site-specific ground conditions, while enabling the planning authority to retain effective control over any changes to layout that may have ramifications for the environment and/or landscape and visual impact.

22. **Battery Safety Management Plan**

No development shall commence until a full Battery Safety Management Plan has been submitted to and approved in writing by the Planning Authority.

The submitted Plan shall include detailed specifications of all points raised in a previously-submitted Battery Safety Management Plan Advice document, received by the Planning Authority on 8 July 2024.

Thereafter the construction of the development shall only be carried out in strict accordance with the approved Plan's specifications.

Reason: In the interests of safety and environmental protection.

23. **Firewater Disposal**

No development shall commence until full details of an appropriate disposal method statement to remove any contaminated spent firewater from the application site has been submitted to and agreed in writing by the Planning Authority. Details shall include a methodology explaining which contamination test results would merit which of a range of disposal methods, as well as full details of each proposed disposal method (e.g. on-site treatment and controlled release, and conveyance from the site via tanker vehicle).

Reason: In the interest of environmental protection, to ensure no compromise to nearby designated sites.

24. **Fire Safety / DSEAR Information**

The applicant must submit all relevant fire safety / DSEAR information once the detailed design has been finalised to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

Reason: In the interests of public safety and the protection of Network Rail infrastructure.

25. **Surface Water Drainage**

No development shall take place on site until such time as a finalised surface and foul water drainage scheme has been submitted to and approved in writing by the Planning Authority.

Any Sustainable Urban Drainage Scheme must not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development.

The development shall be carried out only in full accordance with such approved details.

Reason: To protect the stability of the adjacent railway lines and the safety of the rail network.

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 is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species – Halting of Work

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

Network Rail

The design and construction of the proposed outfall pipe through Underbridge 304/009 must be carried out in full agreement with Network Rail. The developer should be aware that they will have to secure a wayleave agreement with Network Rail to route the pipe under the railway and must contact - easements&wayleaves@networkrail.co.uk

All construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

- Details of all changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, either by [submitting an enquiry on the Network Rail website](#) or by writing to:

Network Rail Asset Protection Engineer, 151 St. Vincent Street, GLASGOW, G2 5NW

E-mail: AssetProtectionScotland@networkrail.co.uk

Further information regarding working on or near the railway can be found on the [Network Rail website](#).

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	000001 REV B	SECTION PLAN
	Plan 2	0000014 REV A	OUTLINE LVIA PLAN
	Plan 3	0000017 REV B	SECTION PLAN
	Plan 4	0000019 REV B	SECTION - SECURITY FENCE DETAIL
	Plan 5	000002 REV B	ELEVATION PLAN
	Plan 6	000003 REV B	SECTION PLAN - CCTV DETAIL
	Plan 7	000004 REV B	SECTION PLAN
	Plan 8	000005 REV B	SECTION PLAN
	Plan 9	000006 REV B	ELEVATION PLAN
	Plan 10	000006 REV B	ELEVATION PLAN
	Plan 11	000007 REV B	SECTION PLAN
	Plan 12	000008 REV B	SECTION PLAN
	Plan 13	000009	LOCATION/SITE LAYOUT PLAN
	Plan 14	KIL2242_102_0010 REV 01	LOCATION PLAN
	Plan 15	KIL2242_102_0011	LOCATION PLAN

Plan 16 KIL2242_103_00 REV 01 SECTION PLAN
Plan 17 KIL2242_207_0001 SECTION PLAN - INDICATIVE
LIGHTING COLUMN DESIGN
Plan 18 KIL2242_102_0 REV 02 LOCATION PLAN
Plan 19 KIL2242_102_0003 REV 05 DRAINAGE LAYOUT PLAN
Plan 20 KIL2242_102_0004 REV 04 SITE LAYOUT PLAN – FIRE
MANAGEMENT
Plan 21 KIL2242_102_0013 REV 07 SITE LAYOUT PLAN –
INDICATIVE INFRASTRUCTURE
LAYOUT

Appendix 1 – Letters of Representation

OBJECTORS

1.	Ian Kelly MRTPI on behalf of Ms Kathrin Haltiner	Dale House, Dale, Westerdale, Halkirk, KW12 6UW	19/07/24 28/08/24
----	--	---	----------------------

SUPPORTERS

2.	Caithness West Community Council	Per Mr David Craig, Sandford House, Achvarasdal, Reay, Thurso, KW14 7RR	22/03/24
----	----------------------------------	---	----------

REPRESENTATIONS

3.	RSPB Scotland	Per Ms Bea Ayling, Conservation Officer, North Highland	27/03/24
----	---------------	---	----------

Appendix 2 : Appropriate Assessment

River Thurso Special Area of Conservation

Application under Regulation 62 of The Conservation (Natural Habitats, &c.) Regulations 1994 for Proposed Battery Energy Storage Scheme, Glengolly , Thurso

24/00561/FUL

CONSIDERATION OF PROPOSALS AFFECTING EUROPEAN SITES

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

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

This means that the Council, as competent authority, has a duty to:

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

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

Screening in Likely Significant Effects

It is evident that the proposal is partly connected with or necessary to site management for conservation, hence further consideration is required.

The proposed development has the potential to have a likely significant effect on Atlantic Salmon. The Council is therefore required to undertake an appropriate assessment of the implications of the proposal on the SAC site.

APPROPRIATE ASSESSMENT

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

Appraisal Summary

The proposal site is close to River Thurso Special Area of Conservation (SAC) protected for its Atlantic Salmon population.

NatureScot has advised that the proposal could affect natural heritage interests of international importance on the site. The proposed battery energy storage system (BESS) is approximately 60m from the River Thurso and is separated from the SAC by the Thurso branch railway line. NatureScot further advised a likely significant effect on Atlantic Salmon of the SAC. As the proposed mitigation measures below are considered to be feasible and would be implemented, then it is concluded that the proposal will not adversely affect the integrity of the SAC site:

The application is located in proximity to the River Thurso SAC, and therefore NatureScot advised conditions should be attached to ensure the application complies with the NFFC BESS guidance, in addition to the provision of an Emergency Response Plan (ERP) that outlines impacts to the protected area with a BESS fire along with appropriate mitigation measures to be agreed by both NatureScot and the Highland Council prior to works commencing. NatureScot also advised that their appraisals undertaken mean the applicant is required to demonstrate that any substances related to a fire event are prohibited to enter the SAC, with the effects of the proposal being considered in combination with other plans and projects which have the potential to impact on the River Thurso SAC.

HIGHLAND COUNCIL APPRAISAL OF THE PROPOSAL

- Parts of the proposal are not connected with or necessary for site management for conservation;
- The proposal is likely to have a significant effect on the site either individually or in combination with other plans or projects; therefore;
- An appropriate assessment of the implications of the proposal in views of the site's conservation objectives is provided below
- The impacts on the river Thurso SAC during construction, operation and de-commissioning have been considered.

The proposed battery energy storage system (BESS) is approximately 60m from the River Thurso and is separated from the SAC by the Thurso branch railway line and is likely to have a significant effect on Atlantic Salmon of the SAC. As the proposed mitigation measures below are considered to be feasible and would be implemented, then it is concluded that the proposal will not adversely affect the integrity of the SAC site. The application is located in proximity to the River Thurso SAC, and therefore conditions have been attached to ensure

Compliance with the NFFC BESS guidance, in addition to the provision of an Emergency Response Plan (ERP) that outlines impacts to the protected area with a BESS fire along with appropriate mitigation measures to be agreed by both NatureScot and the Highland Council prior to works commencing.

NatureScot also advised that their appraisals undertaken mean the applicant is required to demonstrate that any substances related to a fire event are prohibited to enter the SAC, with the effects of the proposal being considered in combination with other plans and projects which have the potential to impact on the River Thurso SAC.

In order to ensure polluted firewater does not enter the SAC a condition has been imposed requiring finalisation of the drainage strategy for the SUDS to accommodate spent firewater containment for up to 12 hours which shall incorporate a SUDS basin and an additional underground storage tank to provide a further 760 cubic metres of fire water storage. 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.

Overall, it can be therefore concluded that while likely significant effects have been identified, there will not be an adverse effect on site integrity of the River Thurso SAC providing the mitigation set out within this appropriate assessment are applied.

The Highland Council, 26 February 2025