



Town and Country Planning (Scotland) Act 1997 Appeal Decision Notice

Decision by Keith Bray, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2310
- Site address: land 410M SW of Platchaig House, Kilmorack, Beaully, IV4 7AL
- Appeal by Caulternich Battery Storage Ltd against the decision by The Highland Council
- Application for planning permission 23/03113/FUL dated 29 June 2023 granted by notice dated 17 December 2024
- The development proposed: construction and operation of an energy storage facility with capacity of up to 49.9MW comprising up to 36 energy storage modules, control building, electrical equipment, access, landscaping, and fencing
- Application drawings: location plan, EW/05/T01A, EW/05/T03F, EW/05/T04F (dated January 2022), EW/05/T05C, EW/05/T06, EW/05/T07, EW/05/T09D, EW/05/T13 and EW/05/T14C
- Date of site visit by Reporter: 28 February 2025

Date of appeal decision: 12 June 2025

Decision

I allow the appeal and grant planning permission subject to 26 conditions listed at the end of the decision notice. Attention is drawn to the 3 advisory notes at the end of the notice.

Preliminary matters

The proposal falls within the threshold for Schedule 2 (table, section 3 a) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. As a consequence, I issued a screening direction on 7 March 2025 which concluded that the proposal is not EIA development.

The appeal relates to a resubmitted application. However, I do not compare it with the earlier application. I consider it on its merits. The proposal is classed as a 'Major Development.'

Reasoning

Development plan

1. I am required to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. The development plan for the site comprises the 2023 National Planning Framework 4 (NPF4), the 2012 Highland Wide Local Development Plan and the 2024 Inner Moray Firth Local Development Plan 2. In addition, the adopted supplementary guidance of relevance are Developer Contributions and Flood Risk and Drainage Impact Assessment.

2. Where there is incompatibility between a provision of NPF4 and any other part of the development plan, whichever of them is the later in date is to prevail.
3. Having regard to the provisions of the development plan I consider that the main issues in this appeal are the principle of the use, landscape and visual impact, amenity, transport, and access, as well as other development plan matters. The main policies of relevance are: NPF4 policies 1, 3, 4, 5, 7, 11, 13, 14, 22, 23 and 29, Highland wide policies 28, 29, 51, 56, 57, 58, 61, 64, 65, 66, 69, 72 and Inner Moray Firth policy 2.

Principle of the use

4. I understand that because the proposed scheme exports electricity (with an export capacity of up to 49.9 Megawatts), the development should be treated as generating/distribution transmission infrastructure for policy purposes and not as a renewable energy project. Such a project is classed as 'essential infrastructure' by NPF4. The intent of NPF4 policy 11 supports battery storage and the principle of the use is specifically supported in part a, iii of the policy. There are no questions raised over the technology within NPF4, and battery storage is not regarded as an experiment; as characterised in some of the representations. NPF4 support is given in order to facilitate the deployment of renewable energy which in turn would help decarbonise the electricity network. The appellant estimates that between 2,160 and 3,370 tonnes of carbon dioxide equivalent per annum would be saved together with a reduction in the curtailment of renewable energy generation e.g. from wind farms. Although the principle of battery storage as essential infrastructure is supported in policy 11 (and through policy 29 part a, v), there are a range of impacts which the policy asks to be assessed in part e). I discuss these later.
5. NPF4 policy 11(c) also indicates that support is only given where energy proposals maximise net economic impact, including local and community socio-economic benefits such as employment, and associated business and supply chain opportunities. As far as I am aware there is no guidance on how to measure the maximisation of economic benefits. That said, the submitted evidence shows me that employment, business, and supply chain opportunities would occur during construction. That is a matter on which the council agrees. Therefore, the proposal would not appear to be in conflict with policy 11(c) in terms of construction benefits. Once operational, the site would only be accessed for maintenance purposes and operated remotely. The lasting economic benefits for the area are therefore not clear in terms of employment. However, as there is no guidance on the implementation of policy 11(c), I do not consider that there are clear grounds to say the proposal is incompatible with it or require a detailed local employment scheme (as proposed by the council).
6. Highland wide policy 67 concerns itself with renewable energy developments. As the appeal is not a renewable energy proposal, it is more suited to assessment under policy 69 concerning electricity transmission infrastructure. However, I consider that the more up-to-date NPF4 policy 11 is the main development plan policy as far as energy infrastructure is concerned.
7. The representations criticise the size and scale of the facility in terms of its small contribution to the energy system. However, NPF4 policy 11 does not require battery storage schemes to be of a particular scale.
8. The loss of agricultural land and croft land has been raised in representations. In that regard, the appeal site is mapped as category 3.2 soils. These soils are not regarded as prime agricultural land in the definitions of NPF4. In addition, the site does not contain

peatland. Therefore, the location is not in conflict with NPF4 policy 5 on soils, including the use of agricultural land. Furthermore, the site is not identified as locally important for agriculture or locally important croft land in the local development plans.

9. Highland wide policy 41 is said in representations to be relevant. However, I do not consider that essential infrastructure for the transmission system falls into the category of general business and industry which is to be directed to particular strategic sites.

10. Alternative locations have been sought by many of the representations. In this regard, I acknowledge that there may be the potential to use alternative and more concealed sites. However, NPF4 policy 11 does not ask to identify the best possible site in a particular area or ask that site selection is to be justified. I must therefore assess the proposal based on its merits. In addition, although mentioned in the council's submissions, I have not identified a sequential policy test or a locational justification test in the relevant development plan policies relating to essential infrastructure.

11. There are also no site specific planning policies or proposals for the appeal site contained in the Inner Moray Firth Local Development Plan 2. The site is in an area described as 'Hinterland.' I find this is only of specific relevance to housing proposals despite representations to the contrary. Similarly, policy 36 of the highland wide plan relates to housing in the wider countryside outwith the Hinterland and is therefore not engaged.

12. Based on the above, I consider that the proposal gains support from development plan policy, in principle. I find that it has specific support from NPF4 policy 11 as it would contribute to the resilience of the energy network by allowing renewable energy sources to generate for longer. In turn, this would contribute to tackling climate change as sought in NPF4 policy 1 and as articulated in representations supporting the project. Although other representations raise questions over the need for the facility, there is no specific development plan requirement to assess the overall need for battery storage.

Landscape and visual impacts

13. The site is not located in a national or local landscape designation. It lies in the Open Farmed Slopes Landscape Character Type which has been described for me in the submissions. The council considers the proposal would have significant detrimental impacts on landscape character and from visual effects. This is said to be contrary to Highland wide policy 28 which seeks sensitive siting and high quality design, in keeping with local character and which avoid significantly detrimental effects. I acknowledge that many representations are concerned about the impact on a rural landscape which they value.

14. As reflected in the council's committee report, I consider that the design of the infrastructure is utilitarian in style. In an attempt to mitigate this, cut and fill techniques are proposed along with additional landscaping and bunding. A gabion basket retaining wall would be landscaped on its outside, around the perimeter of the layout, to provide external screening for the wall. A three metre high acoustic fence would run around the site between the gabion basket wall and the battery storage units. Additional planting and wild grasses would be used as part of the proposed landscaping scheme; including a hedgerow and screen planting of native species along the road side.

15. I find that the existing character of the landscape around the site is open and undulating fenced agricultural fields, set within a patchwork of wooded areas. The appeal site is at the eastern edge of fields, bounded on one side by woodland and the public road, and on the other three sides by the open field. With a footprint of around 80 metres by 100

metres the proposal is akin to a football pitch in size. In that respect, it is my view that the scale of the proposal would not overwhelm the more expansive field pattern of the landscape in the area. It would reduce the sense of openness in and around the site. However, when travelling north and south on the Torgormack Road, the open field pattern would only be interrupted for a limited period of time. I do not consider that the character of the surrounding area would be significantly changed. This is because of the low height of the infrastructure when seen at a distance in the landscape and the overall scale of the site footprint in the wider landscape. It is also because tree cover and mature woodland would continue to dominate the landscape structure to the south and north west of the site. The proposal would also have no significant impact on the wooded elements of the wider landscape character. As a consequence of the above, I find landscape impact would be focused on the site itself and not the massive impact on landscape character envisaged by those making representations.

16. Although the gabion baskets and wooden acoustic fence boundary are alien to the area, the landscaping proposed would draw the ground level to the top of the gabion wall around the edge of the site. Together with the proposed northern bunding, this would ensure that the perimeter wall would not be obviously seen at a distance. That said, the gate and access to the site, along with other infrastructure would be obvious from the road side when passing the site. That would be a stark visual contrast to the surrounding landscape and visually intrusive when seen from the public road in the immediate vicinity of the site resulting in a short lived detrimental visual change.

17. In terms of views from a distance, I find that the visual impacts would be far less distinct, with views of the proposal largely masked by the undulation in the fields and/or the proposed landscaping and bund. Although I agree with Kilmorack Community Council that the number of viewpoints chosen (where the proposal would be seen) was relatively small, when I was moving around the area, at a distance of 300 metres or more from the site, I did not consider that the scale and prominence of the proposal would generate visual impacts that would draw your eye or be visually jarring. This is represented in the visualisations provided by the appellant and that was my impression in locations and views not covered by the appellant's material. While the infrastructure may be seen (in part) from a small number of elevated houses to the north of the site, I consider that given the distance involved and the existence of nearby mature woodland and intervening landforms, the proposal would not be visually dominant or clearly detrimental in a persons view of the local scenery. As a result, I am not convinced that the development would be highly visible from elevated houses that look towards the site. This is also because the infrastructure on the site would be mostly concealed from view. In addition, there would be limited wider visibility due to the existing land form and landscape structure e.g. from properties at Kilmorack.

18. The closest residential properties are houses 170 metres to the north of the site and the houses around Caulternich Farm which are around 225 metres to the southeast. I consider that these properties are the dwellings which I should assess for impacts on living conditions in terms of residential visual amenity. While the appellant has not carried out a detailed assessment at each property, after reading the submissions and carrying out my site inspections in the area, my conclusions are set out below.

19. The main orientation of houses around Caulternich Farm face away from the site in a south easterly direction. In addition, there would be a significant screening effect from the landform, the bend in the road towards the site and the mature woodland to the east. Therefore, impact on the daily living conditions arising from visual effects in these houses would in my view be negligible.

20. The two properties 170 metres to the north of the site would have oblique views of the site in their main outlooks to the south east. Visual effects would be experienced during construction. However, this would be a temporary situation. Once landscaping and planting is carried out, and contrary to those making representations, I consider that the residual visual effects would be a minor visual impact and not near the order of effects that would make a property an unpleasant place to stay.

21. In terms of the general appearance of the proposal, I agree with those making representations that the infrastructure would not be visually appealing. However, I consider the appellant has put in place mitigation, as I have described above, to minimise that as much as is possible to maintain the general appearance of open farmland slopes other than when passing directly by the site where the gabion wall and gated entrance would be in view. That said, over time the hedgerow style planting proposed would minimise that to a degree.

22. In addition to the above, the battery units are to be a matt white, green or grey colour. As other buildings are proposed as dark green, a planning condition could be attached to secure the most suitable colour for the battery units to ensure that the siting and design impacts are muted. A planning condition could also control the final appearance of the control room building. I also consider that the three metre high CCTV security camera poles would not lead to an adverse visual impact given the level of landscaping and screening proposed.

23. Using my landscape and visual impact findings above in a development plan policy assessment, I recognise that NPF4 Policy 11 e) (ii) expects localised landscape and visual impacts to occur. I do not find conflict with that element of the policy because it advises that where impacts are localised and, or appropriate design mitigation is applied (as I have found to be the case for this appeal) such effects will generally be considered to be acceptable. I acknowledge that these findings do not demonstrate that the proposal is designed to improve the quality of a rural area and therefore I realise that there is a tension with NPF4 policy 14 in that regard.

24. Highland wide policy 61 requires developments to be designed to reflect landscape characteristics and qualities. This includes consideration of appropriate scale, form, and pattern of the proposal. Although my findings indicate that existing landscape characteristics would not be enhanced, I consider that only landscape impacts of a localised nature would occur. They would not be dominant or generate wider impacts on the character of the landscape type. The policy also asks that cumulative landscape impacts are considered. In that respect, the type of infrastructure that representations are concerned about are generally not seen in the same view as the proposal apart from overhead lines. While there would be a cumulative impact in terms of the series of projects that you may observe separately while travelling around the area, it is my view that the appeal proposal's contribution to that would be small given its relative scale.

25. Highland wide policy 28 requires sensitive siting and high quality design to integrate into the character of the surrounding area. It also seeks to safeguard residential amenity. My assessments above indicate that significantly detrimental impacts would not occur for these issues, with the exception of localised views from the public road directly alongside the site. In addition, the level of impact that I have found would not be in conflict with NPF4 policy 29 b) which asks proposals to be suitably scaled and sited/designed to be in keeping with local character.

26. Although Highland wide policy 29 requires new development to make a positive contribution to the visual quality of a place, the nature of essential energy infrastructure means that would be unlikely to be possible. However, I see the general focus for that particular policy is residential development, as reflected in paragraphs 18.6.2 and 18.6.3 of the plan.

Amenity

27. With regard to noise from construction work, the council's advisors indicate that such noise can be managed by setting working hours within planning conditions. Once in operation, noise from the likes of air conditioning units would also be generated. The proposed acoustic perimeter fencing is offered to combat that, along with using low noise fans. The council's environmental health advisor is content that noise would be at acceptable levels and proposes planning conditions, including a noise mitigation scheme and compliance monitoring. Such conditions would mean that if noise exceeded a prescribed limit, a scheme of mitigation would be implemented so that noise does not exceed the limit. Despite the wide range of concerns raised in representations, often citing a 'buzz' sound from other existing infrastructure in the area, I have seen no evidence to indicate that noise would reach unacceptable levels at nearby residential properties, including cumulatively. Although assessments have been based on assumptions (because the specific equipment to be installed has not been finalised), I see no evidence to doubt the ability to control noise.

28. Representations are also concerned about potential for light pollution. Although there would be no permanent lighting on site, lights would be activated during routine or unplanned visits using movement sensitive lighting. They would be downward facing to minimise light-spill outside the site. These are all matters that could be controlled by planning conditions, including the sensitivity of the lighting to activation by passing wildlife. As a consequence, I do not consider that light pollution would be a significant matter. In addition, I am not aware of development plan protection for 'Dark Skies' in the area.

29. Battery storage is not a direct fit with the types of hazardous or unacceptable developments envisaged in NPF4 policy 23 (health and safety). However, concerns are raised in representations about the risks of a lithium-ion battery fire, including impacts on air quality. As discussed above, battery storage is, in principle, supported by NPF4 policy 11. Such support, together with a lack of policy requirements to consider fire risk, indicates to me an acceptance of any risks associated. It is therefore my conclusion that the proposal, as far as NPF4 is concerned, should not be regarded as a hazard for policy 23. That said, I discuss fire related matters in the material considerations section below.

30. As a result of my amenity findings above, and with the implementation of planning conditions, I consider that the proposal complies with highland wide policy 72 and NPF4 policy 23 in terms of noise, light, and air pollution impacts.

Transport and access to the site

31. I recognise that concerns have been raised about transportation impacts and potential conflicts (particularly during construction) along local roads including the safety of school children awaiting transport. I am also aware that, as well as local residents and businesses using vehicles, the area is used by those on foot, cycling or on horseback. Indeed, I observed a number of cyclists during my site inspections.

32. The vehicular site access is proposed from a public road; the U1506 Kilmorack to Broallan road. Up to eight construction traffic movements per day are forecast (including up to four HGV movements). I do not consider that this level of movement is particularly high in overall numbers. The appellant's swept path analysis also shows that HGVs can arrive and depart from the site safely.

33. Construction traffic would use a route from the A831 in Wester Balblair via Craigscurrie (using the U1480 Altyre Road and the U1492 Craigscurrie Road). These are roads which I experienced driving on during my site inspection. Based on that visit, together with reading the representations, I am aware that a significant part of the route includes single track roads which are constrained in their nature. The availability of passing places is particularly limited. In addition, after considering the advice of the council's advisors, I agree the Caulternich Road turn off from the A831 would not be suitable for construction traffic.

34. The council recognises that local roads are in poor condition and a range of improvements would be needed to accommodate construction traffic. In this regard, the council's advisors set out a range of requirements to allow traffic to be accommodated but do not raise safety based objections. I agree that the requirements could be addressed by using suspensive conditions. However, there is concern in the representations about the use of suspensive conditions. Representations would prefer to see improvements made before consent is obtained. In that regard, the use of suspensive conditions is a standard and accepted practice in such scenarios and where the road works are carried out before construction of a proposal. Planning conditions could also include a requirement for a construction traffic management plan to manage the timing and routes for construction traffic. In addition, the council's advisors do not advise against the proposal based on cumulative use of the route by other projects. I have seen no evidence to say that cumulative transport impacts on the route could not be managed.

35. I am also aware, after using the local road network, that diversions could be put in place to use alternative routes during construction if that were ever required. This could minimise waits and disruption and help in emergency situations. In addition, the availability of other routes in the area could mitigate any short-term adverse recreational access impact for those walking along roads and for cyclists or horse riders.

36. Having considered the nature of the transport matters above, and with planning conditions available to secure mitigation, I see no significant impact arising or conflict with transport related policies: highland wide policy 56 and NPF4 policy 13. Given the limited traffic associated with the operation of the facility, I do not consider there is a need to control post construction activity.

37. Finally, the council suggest a condition requiring a 'Wear and Tear Agreement' before construction related traffic starts. I am aware that the appellant could enter into a separate wear and tear agreement either by voluntary agreement or imposed through Section 96 of the Roads (Scotland) Act 1984 by the council. Therefore, there is no need to duplicate that by adding a planning condition.

Other development plan matters

38. There are no cultural heritage or natural heritage designations on the site. The council say that the wider area has an interest recorded in terms of archaeology. Therefore, it requests a condition to require a written scheme of investigation, and this has been accepted by the appellant. The setting of listed buildings or scheduled monuments in the local area would not be affected due to the distances involved and screening effects of

existing topography and vegetation. I therefore consider the proposal is acceptable in terms of policy 4 and 7 of NPF4 and highland wide policy 57 in terms of built/cultural heritage (subject to a planning condition) and natural heritage designations/assets.

39. Despite concerns being raised, the evidence (which includes the ecological appraisal and advice of the council's ecology officer), does not suggest the appeal site holds any particular ecological value nor would any areas of trees be lost. Disturbance to important species (including osprey, red kites, peregrine falcon, bats, pine martin, red squirrel, and badger) is not a concern for the council's advisors or any body with a wildlife remit. In my view there is therefore no need to plan for avoidance. I am also not aware that other biodiversity or nature networks would be impacted. I also have no evidence to suggest that the proposal (and its' biodiversity enhancement) is not based on an understanding of the existing characteristics of the site and its surroundings.

40. Planning conditions could secure a pre-development site walkover survey, the proposed biodiversity enhancement measures (e.g. species rich grassland and native tree/shrub planting) and could be supported by a habitat management plan, together with the implementation of an open ditch and 'green roofs' (sedum) on three buildings. I consider that these biodiversity measures are not direct mitigation, and in the absence of any other Scottish government advice on metrics to achieve 'significant biodiversity enhancements', I am content the proposal as a 'Major Development' has demonstrated the site would be in an overall better state than the existing situation as far as biodiversity is concerned and that the enhancement can be secured. I consider that the proposal is therefore acceptable in terms of policy 3 and 4 of NPF4 and Highland wide policies 28, 51 and 58, and Inner Moray Firth policy 2 (in terms of impact on and enhancement of nature, protected species, biodiversity, and trees).

41. Although the effectiveness of habitat management plans is called into question by the Kilmorack Community Council, there is no evidence to suggest that the appellant's proposals could not work as nature based solutions. In addition, The Highland Council's Biodiversity Enhancement Planning Guidance specifically supports management plans. I also do not consider that the proposal is of such scale and impact that local community benefits for biodiversity or nature networks need be a significant consideration in relation to NPF4 policy 3 b) v.

42. Subject to planning conditions (including as recommended by SEPA for an open watercourse design) and the implementation of sustainable drainage works, I foresee no unacceptable impacts on the water or drainage related environment, including from flooding. This is because the previously culverted watercourse is to be redirected and opened, and because a revised drainage arrangement was presented to the satisfaction of the council's advisors. I also understand that water for welfare purposes would be transported to site and a chemical toilet utilised. The proposal is therefore unlikely to result in significant environmental or health problems relating to water. In my view, compliance with NPF4 policy 22 and Highland wide policies 64, 65 and 66 would be achieved.

43. In terms of NPF4 policy 31, given the nature of the works and lack of public access to the site, it would not be appropriate to secure a developer contribution for public art.

44. I also understand that a battery energy storage scheme would have a temporary lifetime. The council suggests that could be around fifty years. However, it does not suggest a time limit, despite that being allowed for by NPF4 policy 11 part f). The appellant indicates that the lifetime of the infrastructure would be limited, and the site could be reversed at the

end of its lifetime, which it suggests as up to forty years. I therefore consider it is appropriate to condition the proposal on that basis.

45. Both NPF4 policy 11 part e) and the local development plan seek decommissioning and reinstatement plans. Representations have also been made on the lack of restoration details and the need for a planning obligation agreement to secure it. I consider that a planning condition would be sufficient to secure the necessary safeguards where plant was not operational and to secure final decommissioning and restoration. This would include financial security to implement the plans. In this regard, I am aware that planning conditions are extensively used to ensure that satisfactory restoration is achieved for projects.

46. I do not consider that NPF4 policy 18 is directly relevant as the proposal is not infrastructure required to be delivered by virtue of the local development plan.

47. There is no connection between the proposal and community wealth building as outlined in NPF4 policy 25. However, given the wording of the policy, a lack of connection does not mean that a proposal must be considered in conflict with the policy.

48. In relation to NPF4 policy 29, the Kilmorack Community Council argue that a project specifically designed to provide energy to a distant market cannot contribute to a vibrant and sustainable rural community. However, I find that policy 29 specifically supports essential infrastructure (in part a, v) and I have already concluded above that the landscape character impact would be limited in relation to part b) of the policy.

49. The council considers that there is no basis on which to seek developer contributions in this case. I also see no basis on which to require contributions.

50. Finally, I appreciate that those making representations are concerned about the cumulative impact of energy infrastructure on the community, including from a landscape and visual perspective. A range of energy infrastructure projects are cited which have potential to impact the community; including battery storage, sub-station works and upgraded overhead lines. I have already addressed cumulative landscape/visual, and transportation matters above. Beyond these matters, I am not aware of evidence of other types of cumulative impacts which would have an unacceptable harmful effect. Although NPF4 policy 11 e) part xiii requires an assessment of cumulative impacts, I do not have evidence to show that they would generate a significant level of harm.

51. I am not aware that the adopted supplementary guidance put to me in submissions (e.g. flooding and drainage, and developer contributions) require additional or specific consideration.

Development plan conclusions

52. NPF4 policy 11 is the main policy for the assessment of this proposal as I consider it to be essential energy infrastructure. That policy supports battery energy storage subject to an assessment of a range of factors. The factors of relevance for this proposal are the amenity of communities and individual dwellings, landscape and visual impacts, traffic matters, the historic environment, hydrology, biodiversity, trees, decommissioning/restoration, and cumulative impacts. I have considered all of these factors above. My conclusion is that, with planning conditions to secure mitigation, the proposal would not create unacceptable or significant harms across these factors. Similarly, and again based on all of my conclusions above, I consider that the proposal should not be judged as significantly detrimental across the relevant criteria of the Highland wide sustainable design

policy 28. In relation to the wording of that policy, I do not consider that the use of a brownfield site is a prerequisite, nor do I consider that the second, third, eleventh, twelfth or thirteenth criteria are directly relevant to a battery energy storage proposal.

53. NPF4 policy 11 states for significant landscape and visual impacts, that where such impacts are localised and, or appropriate design mitigation has been applied, such effects will generally be considered to be acceptable. I consider that even if the visual effects were to be considered significant for this case, the impacts are localised around the site.

54. I am also aware that policy 11 states that significant weight is to be placed on the contribution to renewable energy generation targets and on greenhouse gas emissions reduction targets. It is my view that such weight favours the appeal as it can support the deployment of low carbon generation and a transition to a low carbon economy. I consider this factor outweighs potential uncertainty surrounding compliance with NPF4 policy 11(c), policy 14 and the localised landscape and visual impacts arising from the siting and design of the proposal.

55. I have identified no other policy conflicts and therefore consider the proposal should be assessed as being in line with the development plan when it is considered as a whole.

Material considerations

56. The submissions by the appellant in relation to energy strategy documents highlight to me the national policy impetus behind electricity grid development which contributes to decarbonising electricity supply and addressing climate change by facilitating renewables. However, representations raise questions over the need for more battery storage. In that regard, I am not aware of any limit or target placed for battery storage within current policy.

57. While the proposal benefits from a secure grid connection at Wester Balblair and is in reasonable proximity to that connection point, a grid connection is not part of the appeal proposal that I am to assess. In addition, I also do not consider any route for undergrounding of cables because it does not form part of the appeal proposal. Therefore, the concern from Kilmorack Community Council that the appellant has no control over the land for the connection is not for me to consider.

58. As reflected above, the site selection process has also been raised in representations. However, I do not consider that site selection in itself should be a significant material consideration. This is because my assessment should focus on the proposed site and its impacts. It is not for me to identify the area's most suitable site.

59. The proposal is said to represent farm diversification to secure the long-term viability for Caulternich Croft. While that may be the case, it represents the affairs of a private business and is therefore of limited significance to my considerations.

60. Based on my earlier findings above, I have not identified any significant conflict with the council's Biodiversity Enhancement Planning Guidance of May 2024.

61. Although raised in representations, I have no evidence to show that a proposal of this scale would have a meaningful impact on food security in the UK.

62. The prospect of a fire is a significant concern for many making representations, including impacts on air quality from toxic gases/fluids and contamination. As far as I am aware from the evidence, there has been one documented incident of a fire with a 2018 UK

battery energy storage system near Liverpool in 2020. While there is no objection from the Scottish Fire and Rescue Service, including on the matters of low water pressure, adjacency to existing tree cover and the width of existing public roads, I discuss a number of fire related matters below.

63. The appellant says that technology has moved on and the appeal proposal consists of smaller modular cabinets (compared to 2018) with venting and fire suppression which would comply with the necessary certifications. In that regard, I accept the project is expected to be designed and operated to minimise fire risk and be following the latest standards; along with remote 24/7 monitoring. The appellant also plans to enter into a Fire Response Plan with Scottish Fire and Rescue Service. However, based on my experience, I do not consider that the specific matters of fire risk and the fire safety standards of battery energy storage systems are directly planning considerations. There is no evidence to support that. Therefore, a fire response plan is, in my view, not necessary as a planning condition in terms of the conditions circular (Planning Circular 4/1998: the use of conditions in planning permissions). These matters, as far as I am aware, would be for the appellant and the Scottish Fire and Rescue Service in the context of existing fire regulations and not for the planning authority to regulate through planning conditions.

64. That said, where fire related matters impact on issues that are within the scope of planning considerations (such as access, layout, and the appearance of a development), then they can be in-directly relevant to a planning decision. In that regard, the UK National Fire Chiefs Council draft guidance of July 2024 provides some relevant advice. Although marked as draft, it is said to supersede previously published guidance. Nevertheless, I do recognise it is not a set of mandatory recommendations. However, the appellant and the council also consider it of relevance to the proposal.

65. In terms of layout, the proposed on-site water storage for firefighting has a capacity of 500,000 litres. This exceeds the volume required by the National Fire Chiefs Council's guidance. Fire fighting water would be captured in the proposed emergency waste-water storage system with the same capacity. It would intercept and contain contaminated water and not allow it into the water environment down stream. I have no evidence to support the council's concern that the contaminated water tank valve is at risk in the event of a power failure. The council also says that there is no information about how tankers would load; so that contaminated water can be collected. However, I am not aware of specific guidelines or requirements in that respect.

66. The site has significant separation from surrounding buildings, greater than the 30 metre minimum distance in the National Fire Chiefs Council guidance. In terms of overall layout, I also understand from the appellant that battery containers would be installed at separation distances recommended by the National Fire Chiefs Council guidance. The appellant has said the proposed configuration of battery groups is typical of current UK BESS projects. There would be a minimum 6 metre separation between battery packs, with each pack installed with 4 battery containers. There is a 2 metre clearance space around each pair of containers. The appellant has indicated that relocation of the control room building was required to achieve a 6 metre separation from the closest battery container. That said, the council is concerned because the first version of the national fire chief's guidance requires a minimum separation distance of 6 metres between each battery unit. However, the 2024 draft National Fire Chiefs Council guidance points to different design approaches that may lead to different spacing requirements, and it does not specify a minimum distance in terms of layout. The changing nature of spacing standards is also reflected in the UK Department for Energy Security and Net Zero, Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems of March 2024. The appellant

has also stated that separation has been designed to prevent spread of fire between units. I therefore do not consider that it is for me, in light of the guidance, to reach a planning judgement on the adequacy of spacing for battery units in terms of the overall layout.

67. With regard to vehicular access within the site, an additional drawing (EW-05-T17) illustrates a swept path for a fire appliance (up to 7.9 metres long). It shows an appliance can enter and leave at the northern end of the site. It does not show me that the proposed battery layout would allow fire appliances to move, manoeuvre and turn throughout the site in order to gain close access to all battery pack areas. However, I have assumed from the drawing that a fire appliance could move south through the middle of the battery array along the 6.4 metre gap and then reverse out again. That would bring a fire appliance into close proximity (30 metres) of all battery units.

68. The site layout also includes a second emergency access point (as per the National Fire Chiefs Council guidance) on the western boundary of the site. I asked the appellant how fire fighting vehicles were to access and move around the site when using the secondary access and to address the fact that any potential route to the secondary access appears to lie outwith the planning application site boundary. In response the appellant refers me to Drawing EW-05-T17. However, that drawing does not show how appliances enter, turn, and move around the site from the secondary access. The appellant says that it has control of the field in which the proposal is located and therefore there would be no impediment to accessing the site from the west. However, that does not answer the question of how a fire appliance would physically access that alternative access. The plans do not show any form of access from the public road to the secondary access. Therefore, there is no evidence to show me that the secondary access would be of practical use as proposed.

69. I understand that the site hardstanding could be constructed and maintained as a suitable running surface for fire appliances and that is a matter which could be addressed by a planning condition.

70. The appellant has also confirmed that a change to the landscaping scheme layout would be required to ensure a 10 metre clearance distance between battery containers and vegetation which could pose a fire risk. In my view, the layout for that could be addressed by a planning condition to secure a revised landscaping plan.

71. The 3 metre acoustic fence appears to sit on top of the gabion wall on the eastern side of the site on plan EW/05/T04F. However, a planning condition could secure an amended plan in that respect.

72. In more general terms, I consider that a variety of matters raised in representations, including objections of Kilmorack Community Council, have been addressed in the sections above. In addition, I am not aware of evidence to suggest a proposal of this scale would have a negative impact on tourism or visitor dependent local businesses. I am also not aware the site is located on a promoted route or would be seen from any such route.

73. There are also a range of matters raised in representations which I do not consider are directly material to my planning assessment, but which are nevertheless concerns of those making representations. These are:

- perceived public consultation shortcomings for the planning application;
- any need for the de-crofting of the site;
- scarcity of lithium/other minerals and any damage from mining such minerals;

- the ability to insure the project;
- potential for the devaluation of local properties;
- calls for a different UK energy strategy;
- the lack of co-ordination for all battery storage applications in Highland;
- the legal standing of the appellant company;
- financial gain/profit for private interests or a multinational energy company;
- level of government subsidies to energy companies;
- the potential for wild fires in the wider area more generally;
- the local community simply not wanting the development to happen;
- any lack of community financial benefit offered;
- the need to accept the council's democratic decision on the proposal; and,
- a lack of evidence from other landowners demonstrating alternative sites not available.

74. I am also aware of the council's 'Social Values Charter for Renewables Investment' of June 2024. However, I consider that the implementation of such a charter is a matter between the council and a developer, and it is not for my planning assessment.

Conclusions on material considerations

75. I have identified two particular layout issues which give a level of conflict with the draft National Fire Chiefs Council guidance. The first is fire appliances manoeuvring within the site from the main entrance and the second is that the secondary emergency access presents itself to me as being impractical to operate.

76. I have considered whether planning conditions could address these matters. In that regard, I consider that a planning condition would be appropriate to secure a vehicular access to the secondary entrance. This is because the land outside of the site is in the control of the applicant to the extent that is required to enable the developer to comply with the condition. The conditions circular makes it clear that a condition may be imposed regulating the development or use of land under the control of the applicant even if it is outside the appeal site. I am aware that separate consents would be required. However, that would be a matter for the appellant to address before the appeal site became operational. Support for the necessity of the condition is provided by the National Fire Chiefs Council guidance that a secondary access is seen as a preference. A second access is also seen as a 'likely' requirement in the UK Health and Safety Guidance for Grid Scale Electrical Energy Storage Systems.

77. With regard to the lack of clarity on the manoeuvrability of a fire appliance from the main entrance, it requires to be balanced against my development plan assessment and the national energy policy support for grid development which contributes to decarbonising electricity supply. I also take into account the fact that Fire and Rescue Scotland has not objected to the proposal and that the overall scale of the battery array is limited and based in a location remote from built up areas. After considering all of this, I conclude that a lack of clarity on the full extent of manoeuvrability of a fire appliance within the site is not of such weight to persuade me to set aside my development plan assessment.

Overall conclusions

78. I conclude, for reasons set out above, that the proposal accords overall with the relevant provisions of the development plan and that there are no material considerations which would still justify refusing to grant planning permission. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

79. In relation to the council's proposed conditions, I have made a number of changes to improve their precision. In addition, I have amended the council's proposed condition 6 in light of requirements already in place in proposed condition 3, and to improve precision and remove ambiguity. I have deleted wording in proposed condition 5 to bring it into line with proposed condition 6 with regard to recycling; as recycling of batteries is to be addressed by other regulations. (It is also likely that the battery units would be repurposed in the first instance.) I find that SEPA has not asked to be consulted on general drainage proposals or on decommissioning and have therefore removed reference to SEPA in conditions 3 and 8. I also consider there is no need for the council's proposed condition 14 as the route for construction traffic would be approved through the transportation management plan in proposed condition 19. I have replaced proposed condition 14 with a condition which limits the consent to 40 years which reflects the appellant's position and acceptance of the need for decommissioning.

80. Based on my earlier conclusions, I have also removed condition 20 requiring a fire risk management and emergency response plan. A condition concerning the surfacing of the hardstanding replaces it. I have simplified proposed condition 21 and related it to the appellant's plans for water. Conditions have also been added requiring revised drawings and the availability of a vehicular access to the secondary access gate. As reflected earlier in my decision, I have removed the requirement for a local employment scheme, although that does not preclude it from being implemented on a voluntary basis.

81. I did not specifically consult the appellant on my use of a condition for vehicular access to the secondary access nor do I consider that any prejudice would occur. This is because I had already raised the issue of the access in my request for further written submissions and because the appellant had said to me in response that it has control of the adjacent field and that there would be no impediment to accessing the site from the west. I consider the condition is reasonable (in terms of the conditions circular tests) because the access is justified in terms of guidance and is a proportionate burden given that the appellant has proposed the secondary access within its planning application. The approach is specifically supported in paragraph 61 of Annex A of the conditions circular.

Keith Bray
Reporter

Conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of grant of this permission.

Reason: Section 58 of the Town and Country Planning (Scotland) Act 1997 requires a condition on permissions limiting their duration. Three years is the default period set by law and there is no material reason indicating that a different period should be set.

2. No development shall commence unless and until a Decommissioning, Restoration, and Aftercare strategy has been submitted to, and approved in writing by, the Planning Authority. 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 decommissioning 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.

3. Six months in advance of the end of this planning consent (as in condition 14), or in the event that the development is no longer operational for a period of 2 years, or the operator, leaseholder and / or landlord advises that the development is no longer going to be operated, whichever is earliest, a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

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

The development shall be decommissioned, the site restored, and aftercare undertaken in accordance with the approved plan.

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

4. 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 Strategy approved under Condition 2 of this permission have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the bond must be able to be called upon by The Highland Council and be enforceable against the operator and landowner and/ or leaseholder; and,

(2) Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (1) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal / recycling, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the Planning Authority; and,

(3) Documentary evidence that the guarantee, bond, or other financial provision approved under parts (1) and (2) above is in place has been submitted to, and confirmation in writing that the financial provision is satisfactory has been issued by, the Planning Authority.

(4) Thereafter, the Operator, and Leaseholder and/or Landowner, shall:

- a) ensure that the guarantee, bond, or other financial provision is maintained throughout the duration of this permission; and,
- b) pay for the guarantee, bond, or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the development is decommissioned and the site restored.

(5) Each review shall be:

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

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

Reason: To ensure that there are sufficient funds to secure the implementation of the Decommissioning, Restoration, and Aftercare Plan at the time of the development's decommissioning.

5. In the event that any battery installed and commissioned fails to store electricity and release it to the public network when required on a commercial basis for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, such battery will be deemed to have ceased to be required. If deemed to have ceased to be required, the battery, battery storage container and its ancillary equipment will be dismantled and removed from the site within the following 3 month period, and the ground reinstated to match the surrounding open areas within the site.

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

6. In the event of the development not storing electricity on a commercial basis for the grid network for a continuous period of 12 months from 50% or more batteries installed and commissioned from time to time, the operator must notify the Planning Authority and shall decommission the development and reinstate the site in accordance with the Decommissioning, Restoration and Aftercare Strategy as approved under Condition 2 of this permission.

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

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

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

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

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

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

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

8. No development shall commence until details of the final drainage design have been submitted to and received the approval in writing of the Planning Authority. For the avoidance of doubt, this will include measures for the testing of a spent fire suppressant water and its containment and disposal, as well as calculations to demonstrate that surface

water discharge from the site will be limited to pre-development greenfield rates for a range of storms up to and including the 1 in 200 year plus climate change return period event. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity.

Reason: To guard against contaminated water entering the environment, and in order to ensure the site is adequately drained.

9. 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, motion sensitivity activation, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare, or light spillage outwith the site boundary. Thereafter only the approved details shall be implemented.

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

10. No development shall commence until details of a scheme of 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, with all vegetation to maintain a 10m setback from the proposed BESS units; and
- v. a programme for preparation, completion and subsequent ongoing maintenance and protection of all landscaping works, including maintaining a 10m unvegetated setback from all BESS units for the operational lifetime of the development.

Landscaping works shall be carried out in accordance with the approved scheme. All planting, seeding, or turfing as may be comprised in the approved details shall be carried out in the first planting and seeding seasons following the commencement of development, unless otherwise stated in the approved scheme. Any trees or plants which within a period of five years from the completion of the development die, for whatever reason are removed or damaged shall be replaced in the next planting season with others of the same size and species.

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

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

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

12. Prior to the commencement of development, the finalised design details for the new access off the U1506 Caulternich public road shall be submitted to and approved in writing by the Planning Authority. This shall be designed to be suitable to be used by general traffic as a passing place, and appropriate signage shall be installed to indicate its function as a passing place.

Reason: In the interests of road safety and amenity.

13. No other development shall commence at the site until the access has been upgraded in accordance with condition 12.

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

14. All operations on the site shall be discontinued on or before 30 June 2065.

Reason: To reflect the expected life of operations on the site.

15. Prior to the commencement of development, a construction noise and a dust mitigation scheme shall be submitted to and approved in writing by the Planning Authority. Thereafter, all construction works shall be undertaken wholly in accordance with the details thereby approved.

Reason: In the interests of amenity.

16. Prior to the commencement of development, an operational noise mitigation scheme to include details of ongoing monitoring of noise shall be submitted to and approved in writing by the Planning Authority. These should specify:

- i. a maximum Rating level of 27dB (including applicable acoustic penalties) when measured and/or calculated at the curtilage of any noise sensitive property;
- ii. the submission of a Noise Mitigation Scheme to ensure that the noise emissions do not exceed the prescribed limits; and,
- iii. compliance monitoring all to be undertaken at the applicant's expense. If the noise level exceeds the prescribed limit, a scheme of mitigation shall be prepared and implemented to ensure that noise does not exceed the specified levels.

Reason: In the interests of amenity.

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

Reason: To allow the council to monitor the ongoing operation of the development.

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

- a) details of the phasing of construction works;
- b) details of the formation of temporary construction compounds, access tracks and any areas of hardstanding;
- c) details of any temporary site compound including temporary structures/buildings, fencing, parking, and storage provision to be used in connection with the construction of the development;
- d) details of the maintenance of visibility splays on the entrance to the site;
- e) details of the method of construction and erection of the structures;
- f) details of dust management;
- g) details of pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
- h) an assessment of private water supplies (PWS) to ascertain if the site has any potential connectivity with any PWS source, along with details of proposed mitigation measures should any potential connectivity be identified;
- i) details of temporary site illumination during the construction period;
- j) details of timing of works;
- k) 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;
- l) details of routeing of onsite cabling;
- m) details of emergency procedures and pollution response plans;
- n) siting and details of wheel washing facilities;
- o) 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;
- p) details and implementation and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
- q) 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;
- r) details of the location of tree protection fencing;
- s) a Species Protection Plan; and,
- t) details of areas on the site designated for the storage, loading, offloading, parking, and manoeuvring of heavy duty plant, equipment, and vehicles.

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

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

- a) the routing of construction traffic from Wester Balblair via the U1480 Altyre Road and the UJ1492 Craigscurrie Road;
- b) a scheme for the improvement of passing places along the access route, to include implementation before any works commence on site;
- c) scheduling and timing of movements;

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

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

20. No development shall commence until full detail of the site hardstanding construction, as a suitable running surface for fire appliances, has been submitted to, and approved in writing by, the Planning Authority. The development shall not be operated until the site hardstanding has been installed in accordance with the approved specification.

Reason: To allow accessibility throughout the site.

21. 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. The development itself shall not be operated until the water 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.

22. Prior to the commencement of development, a Habitat Management Plan (HMP) shall be submitted to and approved in writing by the Planning Authority, to include a monitoring and maintenance plan for a minimum of 30 years.

Reason: In the interests of biodiversity enhancement.

23. Prior to the commencement of development, a detailed design for the open section of watercourse, to include information about the design principles and channel design development, to be guided by an experienced fluvial geomorphologist, shall be submitted to and approved in writing by the Planning Authority, in consultation with SEPA. This shall include measures for habitat enhancement, be appropriately sized for the flow conditions, and detail the tie-ins to up and downstream culverted sections. The open watercourse shall thereafter be constructed in accordance with the details thereby approved.

Reason: In the interests of biodiversity enhancement, and to help reduce flood risk, in the interests of public health and environmental protection.

24. No development or site enabling works shall commence until pre-construction ecological surveys are undertaken, which shall be undertaken at a time of year agreed with the planning authority 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 and the HMP areas with the report including mitigation measures.

Reason: In the interest of protecting ecology and protected species.

25. Prior to the commencement of development, revised drawings based on EW/05/T04F dated January 2022 and EW-05/T14D showing realignment of the boundary fence on the east side of the site and the landscaping details as agreed through Condition 2, shall be submitted to and approved in writing by the Planning Authority. The development shall thereafter be constructed in accordance with the details thereby approved.

Reason: In the interest of defining the location of the boundary fence and landscaping details within the plans.

26. Prior to the first operational use of the battery energy storage facility, the provision of a vehicular access to the public road for emergency vehicles from the site's secondary vehicle access to the south west of the site boundary shall be available for use.

Reason: To ensure provision of a second emergency vehicle access to the site.

Advisory notes

1. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).