

Perth and Kinross Council
Planning and Placemaking Committee – 14 September 2022
Report of Handling by Head of Planning & Development
(Report No. 22/217)

PROPOSAL:	Formation of a 49MW battery energy storage facility comprising battery storage units, ancillary buildings, vehicular access, landscaping and associated works
LOCATION:	Land 140 Metres North-East of Jamesfield Organic Centre, Newburgh

Ref. No: [22/00832/FLM](#)

Ward No: P9 – Almond and Earn

Summary

This report recommends approval of the application which proposes the formation of a 49MW electrical energy storage facility, including up to 26 battery storage containers and associated infrastructure, including landscaping and vehicle access north-east of Jamesfield Farm Shop. The proposal is considered to comply with the relevant provisions of the Development Plan with no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is c.0.86 hectares (Ha) in area and largely comprises a storage compound contained within a security fence. The remainder is an access and landscaped areas. All located approximately 140m to the west of the Jamesfield Garden Centre and 80m to the south west of the Jamesfield Farm Shop, close to Abernethy. There is also an existing electrical substation located c.60m to the south west of the site access off the garden centre/farm shop access road. The wider land use beyond the immediate surrounds is in agricultural use. Local topography is generally level, with a slight slope up to the north, whilst to the south the ground rises more steeply beyond Abernethy Road.
- 2 In September 2017, planning permission (Ref: 17/00951/FLM) was granted at this location for a similar 30 MW battery storage facility, vehicular access and associated works. The applicant referred to this development as 'phase 1'. Subsequently, in March 2019, a second planning permission (Ref: 18/02336/FLL) was granted for an additional 19 MW battery storage facility immediately to the north of phase 1 and referred to as 'phase 2'. Both permissions remain extant with works relating to phase 1, namely the access constructed in September 2021. This application now seeks to combine these phases 1 and 2 into a single development, with minor revisions to the site layout.

- 3 In physical terms, the proposals are for 26 containerised storage units containing batteries (10.3 x 1.75 x 3m); 13 transformer units, each 3.5m high; two switch rooms and a Distribution Network Operator (DNO) switchgear room (electrical equipment storage), each 4m high and three auxiliary transformers to a height of 1.7m. In addition, a laydown area is indicated close to the entrance of the compound, where there would be two storage containers of 2.8m in height.
- 4 The battery storage facilities would be enclosed by a 2.4m palisade fence in a green colour. Security cameras and lighting columns, up to 4m in height are also be proposed along the inside of the perimeter fence.
- 5 A significant planting and landscaping scheme is also proposed, to assist with integration of the facility into the wider surroundings.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 An EIA screening has previously been undertaken, concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects. However, a suite of supporting assessments, presenting environmental information in respect of archaeological, drainage, noise, ecology, traffic and transport and landscape visual impact were required.

PRE-APPLICATION CONSULTATION

- 9 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity proposed being in excess of 20MW. The applicant was therefore required to undertake formal pre-application consultation with the local community. Public concerns raised as part of this process identified noise, landscaping and flood risk as being matters not addressed by the consultation events. These matters have been responded to in writing by the agent and included within a Pre-Application Consultation (PAC) Report submitted with the application.
- 10 The PAC Report notes that two online public events were held, as permitted by the relevant regulations. These online events were held on 10 February and 23 March 2022 both at 6pm, with notice provided to local MPs and MSPs and

Council Members as well as to Abernethy Community Council. Three interested parties attended the events, and a number of comments and concerns were reviewed and addressed within the PAC report and wider planning submission. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the aforementioned regulations.

NATIONAL POLICY AND GUIDANCE

- 11 The Scottish Government expresses its planning policies through: The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

National Planning Framework (NPF)

- 12 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. Under the Planning etc. (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy (SPP) 2014

- 13 The current SPP was published in June 2014 and sets out national planning policies, which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. It promotes consistency in the application of policy across Scotland, whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
 - The preparation of development plans;
 - The design of development, from initial concept through to delivery; and
 - The determination of planning applications and appeals.
- 14 The following sections of the SPP will be of particular importance in the assessment of this proposal:
 - Sustainability: paragraphs 24 – 35
 - Placemaking: paragraphs 36 – 57
 - Promoting Rural Development: paragraphs 74 – 91
 - Supporting Business and Employment: paragraphs 92 – 108
 - Delivering Heat and Electricity: paragraphs 152 – 173
 - Valuing the Natural Environment: paragraphs 193 – 218
 - Managing Flood Risk and Drainage: paragraphs 254 – 268

Planning Advice Notes

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are also of relevance to the proposal:

- PAN 3/2010 Community Engagement
- PAN 40 Development Management
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- PAN 75 Planning for Transport
- The Future of Energy in Scotland: Scottish Energy Strategy (December 2017)

DEVELOPMENT PLAN

- 16 The Development Plan for the area comprises: the TAYplan Strategic Development Plan 2016-2036; and the Perth and Kinross Local Development Plan 2014.

TAYplan Strategic Development Plan 2016-2036

- 17 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision states that:

“By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”

- 18 Policy 7: Energy, Waste and Resources of TAYplan is of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2019

- 19 The Local Development Plan 2 (LDP) was adopted by Perth and Kinross Council on 29 November 2019. It sets out a vision statement for the area, which includes that, *“By 2036, the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit and where businesses choose to invest and create jobs.”* It is the most recently adopted statement of Council policy and is augmented by Supplementary Guidance.

- 20 The principal relevant policies are:

- Policy 1A and 1B Placemaking
- Policy 2 Design Statements
- Policy 5 Infrastructure Contributions
- Policy 8 Rural Business and Diversification
- Policy 26B Scheduled Monuments and Archaeology: Archaeology
- Policy 33A Renewables and Low Carbon Energy: New Proposals for Renewable and Low Carbon Energy
- Policy 33B Repowering and Existing Facilities: Repowering and Extending

- Existing Facilities
- Policy 35 Electrical Transmission
- Policy 39 Landscape
- Policy 41 Biodiversity
- Policy 47 River Tay Catchment Area
- Policy 50 Prime Agricultural Land
- Policy 51: Soils
- Policy 52 New Development and Flooding
- Policy 53A Water Environment and Drainage: Water Environment
- Policy 53C Water Environment and Drainage: Surface Water Drainage
- Policy 55 Nuisance from Artificial Light Pollution
- Policy 56 Noise Pollution
- Policy 60B Transport Standards and Accessibility Requirements

Other Policies

- 21 Perth and Kinross Flood Risk and Flood Risk Assessments – Developer Guidance, June 2021
- 22 Perth and Kinross Supplementary Guidance: Landscape, February 2020
- 23 Perth and Kinross Supplementary Guidance: Placemaking Guide, March 2020
- 24 Perth and Kinross Planning Planning for Nature, Development Management and Wildlife Guide Supplementary Guidance, April 2022

SITE HISTORY

- 25 [17/00951/FLL](#) Full Planning Permission was granted on 18 September 2017 for the Installation of an energy storage facility, formation of vehicular access, erection of fence and associated works.
- 26 [18/02336/FLL](#) Full Planning Permission was approved on 7 March 2019 for the Installation of an energy storage facility, erection of fence and associated works.
- 27 [22/00004/PAN](#) A Proposal of Application Notice relating to a “major application “ was submitted on the 15 February 2022 for the Formation of a battery energy storage facility comprising battery storage units, ancillary buildings, storage containers, landscaping, erection of fencing and associated works.
- 28 22/00382/SCRN A Screening Opinion was issued by the Planning Authority on 12 April 2022 for the Installation of a 49MW battery energy storage facility, formation of vehicular access, erection of fence, landscaping and associated works.

CONSULTATIONS

- 29 The following parties have been consulted:

EXTERNAL

- 30 **Scottish Water** - No objection. Advisory note that no public sewer and water supply options are available.
- 31 **Perth and Kinross Heritage Trust** - No objection. Advise that the site has already been investigated for archaeological records, with none found.
- 32 **Abernethy Community Council**: No response.
- 33 **Scottish Environment Protection Agency**: No comments.
- 34 **Nature Scotland**: No comments.
- 35 **Transport Scotland**: No objection, subject to conditions regarding the need for further approval of signage, traffic control measures and abnormal sized loads with respect to the use of the Trunk Road. (Conditions 6 and 7).

INTERNAL

- 36 **Biodiversity Officer** - No objection, subject to a condition regarding the implementation of proposed landscaping. (Condition 9).
- 37 **Development Plans** – No objection. The site is identified as prime agricultural land. However, the principle of the development is established through the previous granting of planning permission.
- 38 **Structures and Flooding** – No objection. Informative note requested to direct the applicant to the Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021.
- 39 **Environmental Health (Noise/ Odour)** - No objection, subject to a condition regarding plant and or equipment noise during construction. (Conditions 2 and 3).
- 40 **Transport Planning** - No objection, subject to a condition to ensure construction traffic is appropriately managed. (Condition 5).
- 41 **Development Contributions Officer** - No objection, clarifying that no contributions are required.

REPRESENTATIONS

- 42 Two objections have been received, with concerns summarised as follows:
- Traffic and Transport Impacts, including impacts on the use of private land
 - Impacts on soils and agricultural land
 - Landscape Impacts
 - Impacts on amenity
 - Noise Impacts
 - Artificial Light

- Impacts on private water supply
- Flooding and Drainage
- Site decommissioning

- 43 The matters raised are addressed in the Appraisal section below, with the exception of comments reflective of impacts resulting from the use of private land to access this site. This is a private civil matter between the applicant and the landowner and cannot be addressed by the Council.

ADDITIONAL STATEMENTS

44

Environment Report	Not Required
Screening Opinion	Undertaken – Not EIA development.
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not required
Design Statement	Submitted
Reports on Impact or Potential Impact	<ul style="list-style-type: none"> • Archaeological Evaluation • Landscape and Planting Report • Landscape and Visual Assessment • Preliminary Ecological Appraisal • Noise Impact Assessment • Battery Fire Safety Management Plan • Drainage Strategy • Construction Traffic Management Plan (CTMP) • Transport Statement

APPRAISAL

- 45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this includes considerations of the Council's other approved policies and supplementary guidance as set out and specifically Scottish Energy Strategy (SES) (December 2017), the future of energy in Scotland.

Principle

- 46 The location is a peripheral rural area east of Abernethy, policy considerations seeking to assess its suitability in principle are: Policies 1A, 1B, Placemaking,

Policy 8 Rural Diversification, Policy 33A and 33B Renewables and Low Carbon Energy, Policy 50 Prime Agricultural Land and Policy 51 Soils. Furthermore, and a significant material consideration is the existing approved planning permissions for two battery energy storage facilities, which occupy much of the site.

- 47 The proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO₂ reduction targets, supporting the strategy principles of the SES. Specifically, electricity would be drawn from the Grid at times of low demand, stored and released back as required. When demand is higher, greater generation from non-renewable sources is required and energy storage facilities such as that proposed could reduce reliance on non-renewable resources, thus decreasing CO₂ emissions. Whilst the development does in this case occupy prime agricultural land, conflicting with the general aim of Policy 50 of LDP2 which seeks to avoid developing prime agricultural land, unless necessary to meet a specific established need. In this respect, the proximity to the electricity grid/connection, gives site specific reasoning for this major infrastructure proposal. Additionally, it is important to account for the important consideration of the extant approved Planning Permissions (17/00951/FLL and 18/02336/FLL). Taking these two factors together sees the development justifiable in this case. However, careful consideration would be required if further intensification was proposed, and additional land take required. The changes from those previously approved developments are otherwise considered acceptable, as set out below.

Design and Layout

- 48 The design and layout essentially reflect the physical and engineering requirements, with infrastructure details consistent with industry standards. In physical terms, the development will essentially be contained below 4m in height. The tallest visible built structures being the switch rooms, DNO Switchgear buildings and the CCTV poles - all c.4m above ground level. Remaining built elements will vary in height but not above this height. The development within the storage compound will be enclosed behind a security fence and landscaping. In these regards the overall scale and height of built structures horizontal massing is more significant than vertical impacts. These aspects are further considered in the landscape and visual impact sections below. Otherwise, physical separation between each container and colour/finishes can be controlled by Conditions 1 and 8.

Landscape and Visual Impact

- 49 Safeguarding and enhancing landscape character and green infrastructure is considered via LDP Policies 1 and 33. In this instance, as said above the proposed utilitarian design is largely set, thus some landscape and visual impact will result. Therefore, it is especially important to ensure robust landscaping and associated green infrastructure provides mitigation from key viewpoints, softens the immediate and cumulative landscape impact, whilst also improving biodiversity opportunities. In line with Policy 33, the cumulative visual impact of the proposal and the existing sub-station should also be taken into account.

- 50 A landscape visual impact assessment (LVIA) was requested, along with a fully detailed structural landscape plan. These were key in assessing if the proposals could be successfully accommodated visually.
- 51 Existing landscape features will be supplemented by robust and comprehensive native planting (plan 22/00832/22) along the site perimeter. The proposed planting is considered sufficient to satisfactorily accommodate the development in the landscape, particularly as any vegetation matures. Some short-term impacts on views over the and across the site may be evident in the interim. Following establishment, it is not considered that there would be unacceptable impact on landscape or visual amenity, with photomontages contained within the landscape and visual impact assessment indicating the predicted situation.
- 52 The proposal is therefore considered to accord with Policies 1 and 33.

Residential Amenity

- 53 The nearest residential receptors are more than 250m away, to the east of the site and are unlikely to be significantly impacted due to the physical distance of separation, low vertical height of the development proposed, minor undulations in local topography and through proposed landscaping by the applicant. However, the Jamesfield Farmshop as well as the Jamesfield Garden Centre are both located within 150m of the main site compound. Although some screening of the development exists from these locations due to existing farm polytunnels some direct impacts, particularly during construction is inevitable.
- 54 PKC Environmental Health (EH) have reviewed the supporting Noise Impact Assessment, including any modelling results, and have not raised any objections with the conclusions drawn, notably that the previous noise restrictions related to the existing permissions can be achieved. Potential noise sources include; air conditioning units, inverter cooling fans, switchgears, transformers, background reactor noise, and construction noise. EH advise a condition setting acceptable limits to all approved plant and or equipment noise output.
- 55 Compliance with the recommended condition see it considered that the development will comply with Policy 33 of the LDP, with no likely unacceptable impact on the amenity of residential properties.

Lighting

- 56 The impact of artificial lighting has been noted as a matter of concern in representations. However, the use of lighting is to be minimal and primarily for security purposes. Condition 4 can control spillage and limit operation to acceptable levels.

Roads and Access

- 57 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided.

Concern is raised that the adjoining garden centre would see use of its carpark to facilitate access to the site. Comment made that this carpark is busier than in 2018 (when the previous planning permission was last assessed) and as such the use of this space is seen as a safety concern, particularly during construction periods.

- 58 The proposal is to access via the road serving Jamesfield Organic Centre, through the carpark and to the dedicated site access. However, no concerns are raised by Transport Planning, in relation to impacts on the local road network, subject to a condition relating to a Construction Traffic Management Scheme (CTMS). Nor have any concerns been raised the Transport Scotland relative to the use of the Trunk Road, subject to conditions that further agreement may be required for any signage, traffic management and or abnormal loads (Conditions 6 and 7).
- 59 Whilst the use of the parking area to provide site access may see issues requiring of careful mitigation, particularly during the construction period, the identified route appears to be over private ground ownership and falls out with the locus of the Roads Authority. Consequently, it would be for the applicant to negotiate any required right of access over this ground and management of vehicle movements separately from the planning process, as impacts on the parking area are not a material planning consideration.
- 60 Overall, no unsurmountable road and or transport impacts are evident, and subject to a condition regarding construction traffic management, that the development confirms with Policy 60B.

Drainage and Flooding

- 61 Policy 52 requires development to appropriately consider flooding and drainage issues. In this regard, objection raises concerns in respect of drainage impacts beyond the site, as limited details were initially provided of drainage arrangements.
- 62 The applicant has subsequently provided a Drainage Strategy which sets out that the development (including access road) is designed to see free drainage, sufficient to accommodate a 100-year event plus 30% freeboard. No formal runoff from the site is proposed.
- 63 Otherwise, the site is not within a SEPA identified flood risk area and the Council's Flood Hazard and Structures Team do not raise any objection. However, the applicant would be directed to the Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021.
- 64 The proposals are thus considered to satisfy Policy 52 of LDP2.

Natural Heritage and Biodiversity

- 65 LDP2 Policies 39 and 40 are relevant considerations in respect of potential biodiversity impacts or opportunities arising from the development. In this respect the Landscape Plan includes largely native species and contains

several positive elements, making a likely valuable contribution to biodiversity, consistent with the Perth and Kinross Forestry and Woodland Strategy.

- 66 The Councils biodiversity officer has reviewed the proposals and raises no objection, subject to conditions on delivery of the proposed landscaping. As such, subject to Condition 10, the proposal is considered to accord with policies 39 and 40 of the LDP2.

Private Water Supply

- 67 The development is for an energy storage compound in a rural area where there are private water supplies (including Jamesfield Borehole Supply) understood to serve properties in the vicinity. Whilst no specific impacts to private water supply are obvious, a safeguarding condition is recommended requiring that the applicant confirm the location of private water and wastewater infrastructure and any required protective measures are put in place prior to works commencing. This will ensure both that the new development has an adequate and consistently wholesome supply of water (should that be required) and to maintain water quality and supply in the interests of residential amenity. In addition to ensure the private water supply or septic drainage systems of neighbours of the development remain accessible for future maintenance. Otherwise, it should be noted that once the development is operational Perth and Kinross Council Environmental Health Services will have statutory duties detailed in the Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017 to monitor the water quality. Further informative notes relative to existing wayleaves and compliance with the Water Scotland Act 1980 are also recommended to be appended to any positive decision notice.

Developer Contributions

- 68 There has been comment in representations that no local benefits would result from the development. However, in planning policy terms, no developer contributions are triggered for this type of development. As a result, the planning authority cannot require the provision of money or infrastructure, not clearly required as a result of the development.

Archaeology

- 69 The development proposal has been reviewed by the Perth and Kinross Heritage trust who have not raised any objection to the development, noting the previously consented schemes and previous site assessment undertaken. The development is considered to accord with Policy 26B of the LDP2.

Economic Impact

- 70 In the short term, construction will create jobs, with scope for local employment. Beyond this there is a clear fit between Scottish Government aims of promoting a transition to a low carbon economy and this proposal. Support for local renewable energy generation would also result, by helping balance fluctuations of intermittent energy generation. The development also represents a

significant inward investment in rural Perthshire, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross area.

Loss of Prime Agricultural Land and Soils

- 71 Policy 50 sets out that development out with settlements shall not be permitted on prime agricultural land, unless necessary to meet a specific need such as: a major infrastructure proposal, and that there is no other suitable site available on non-prime land. Policy 51 seeks to protect soils from damage such as erosion or compaction. Developments located on areas of good quality agricultural soils must minimise impact to the soil resources and or consider opportunities for re-use of the soils.
- 72 In this case the site identifies as prime agricultural land and the development does conflict with Policy 50. However, given that the development can proceed in its current approved form, and there is no further land take proposed by this application, the breach of the policy is largely outweighed by the material circumstance. Having regard to any impacts on soils, compaction and or the removal of high-quality soil from the development site is recognised as factors in this instance. Although the applicant has not stated intentions to overly compact and or excavate soil from the site, an additional safeguarding condition is recommended, requiring soils which are excavated to be reused or repurposed in a suitable way onsite which avoids further damage, for example within landscaped areas, thereby protecting those soil properties for later reuse. (Condition 11).

Lifespan of Facility

- 73 The lifespan of the facility is confirmed to be approximately 50 years. As such, Condition 12 can require that should the energy storage facility not be in use for a continuous period of 12 months or at the conclusion of this term, that the site is then decommissioned and re-instated to its original condition.

LEGAL AGREEMENTS

- 74 None required.

DIRECTION BY SCOTTISH MINISTERS

- 75 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 76 The application must be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and associated material considerations, with the proposal not assessed to conflict with the development plan in this case.
- 77 Accordingly, the proposal is recommended for approval subject to the following conditions:

A RECOMMENDATION

Conditions and Reasons for Recommendation

General

1. The development hereby approved must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed by this decision notice.

Reason – To ensure the development is carried out in accordance with the approved drawings and documents.

Noise

2. All hereby approved plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 35 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with all windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

3. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with Condition 2. The assessment will be carried out to an appropriate methodology agreed in writing with the Planning Authority. If the noise assessment shows that the noise levels do not comply with Condition 2 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme, and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

Lighting

4. All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of residential property and that light spillage beyond the boundaries of the site is minimised. In association, the operation of the lighting shall be controlled so as to only be triggered by motion within the security fenced boundaries of the site.

Reason – In the interests of residential amenity; to ensure a satisfactory standard of local environmental quality.

Roads and Transport

5. Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of the following:
- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
 - (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
 - (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
 - (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
 - (i) details of information signs to inform other road users of construction traffic;
 - (j) arrangements to ensure that access for emergency service vehicles are not impeded;
 - (k) co-ordination with other significant developments known to use roads affected by construction traffic;
 - (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
 - (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
 - (n) monitoring, reporting and implementation arrangements;
 - (o) arrangements for dealing with non-compliance; and
 - (p) details of HGV movements to and from the site.

The TMS as approved shall be strictly adhered to during the entire site construction programme all to the satisfaction of the Council as Planning Authority.

Reason – In the interests of road safety.

6. The proposed route for any abnormal loads on the trunk road and local road networks must be approved by the relevant roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved. The details of any abnormal load movements required, including any accommodation measures necessary, shall be

submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and the Transport Planning. Any request for approval shall be submitted at least two months prior to the proposed load movement.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

7. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered to the development hereby approved must be undertaken by a recognised Quality Assured traffic management consultant. The details of any temporary traffic control measures shall be submitted to and agreed in writing by the Planning Authority, in consultation with Transport Scotland and Transport Planning. Any request for such approval shall be submitted at least two months prior to the proposed temporary control measures being implemented.

Reason – To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network

External Finishing Colour

8. Prior to the commencement of the development hereby approved, details of the recessive colour of the proposed external finishing materials to be used for the hereby approved development components (i.e. battery storage containers, transformers, customer switch rooms, DNO Switchgear etc) shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason – In the interests of visual amenity; to ensure a satisfactory standard of local environmental quality.

Biodiversity

9. The detailed landscaping and planting report (plan 22/00832/22) which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

Reason – In the interests of visual amenity and to ensure the satisfactory implementation of the proposed planting scheme.

Private Water Supply

10. Prior to the commencement of the development hereby approved, details of the location and measures proposed for the safeguarding and continued operation, or replacement, of any septic tanks and soakaways, private water sources, private water supply storage facilities and/or private water supply pipes serving

properties in the vicinity, sited within and running through the application site, shall be submitted to and approved in writing by the Council as Planning Authority. The subsequently agreed protective or replacement measures shall be put in place prior to the development being brought into use and shall thereafter be so maintained insofar as it relates to the development hereby approved.

Reason – In the interests of protecting any existing private water infrastructure and to ensure the development compliance with the Water Scotland Act 1980.

Soil Management

11. All soils excavated in the course of the development hereby approved shall be retained onsite and repurposed unless otherwise approved in writing by the Council as Planning Authority. Prior to the development hereby approved commencing, a Soil Management Statement shall be submitted to the Planning Authority for approval in writing, this Statement shall set out the extent of any excavation works to be undertaken and how soils shall be reused and or managed onsite. All excavation and repurposing of soil shall then proceed in accordance with the agreed statement.

Reason – In the interests of soil protecting and management in accordance with Policy 51 of the LDP2.

Facility Lifespan

12. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, then it shall be deemed to have permanently ceased to be required. In such an event the development shall be decommissioned, and the relevant parts of the site reinstated within such timescale as agreed in writing by the Council as Planning Authority.

Reason – To ensure the facility is removed from the site at the end of its operational life, and to protect the character of the countryside, the visual amenity of the area and nature conservation interests.

B JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no other material considerations that would justify a departure from the relevant policies.

C PROCEDURAL NOTES

None.

D INFORMATIVES

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period

(see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
4. An application for Building Warrant may be required.
5. The applicant is advised to refer to Perth & Kinross Council's Supplementary guidance on Flood Risk and Flood Risk Assessments 2021 as it contains advice relevant to your development.
6. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.
8. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
 - Displayed in a prominent place at or in the vicinity of the site of the development.
 - Readily visible to the public.
 - Printed on durable material.
9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at developmentmanagement@pkc.gov.uk. Please be aware that a fee is payable in respect of each request made, though there is no limit to the number of conditions that can be discharged in a single request. The Fees Charter is

available on our website www.pkc.gov.uk. The Council has two months to consider the information. You should therefore submit the required information more than two months before your permission expires. We cannot guarantee that submissions made within two months of the expiry date of your permission will be able to be dealt with before your permission lapses.

10. The applicant should ensure that any existing wayleaves for maintenance or repair to existing private water supply or septic drainage infrastructure in the development area are honoured throughout and after completion of the development.
11. The applicant shall ensure the private water supply for the dwellinghouse/ development complies with the Water Scotland Act 1980 (Section 63), The Private Water Supplies (Scotland) Regulations 2006 and The Water Intended for Human Consumption (Private Supplies) (Scotland) Regulations 2017. Detailed information regarding the private water supply, including the nature, location and adequacy of the source, any storage tanks/ pipework and the filtration and disinfection treatment proposed to ensure provision of an adequate and consistently wholesome water supply shall be submitted to Perth and Kinross Council Environmental Health in line with the above Act and Regulations.

Background Papers: 2 letters of representation

Contact Officer: Jamie Torrance

Date: 2 September 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

If you or someone you know would like a copy of this document in another language or format, (on occasion, only a summary of the document will be provided in translation), this can be arranged by contacting the Customer Service Centre on 01738 475000.

You can also send us a text message on 07824 498145.
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