

Perth and Kinross Council
Planning and Placemaking Committee – 14 September 2022
Report of Handling by Head of Planning & Development
(Report No. 22/218)

PROPOSAL:	Formation of an up to 49.99MW energy storage compound comprising battery storage units, ancillary buildings, landscaping and associated works
LOCATION:	Land 60 metres north of Abernethy Cemetery, Newburgh Road, Abernethy

Ref. No: [22/00746/FLM](#)

Ward No: P9 – Almond and Earn

Summary

This report recommends approval of the application, subject to conditions. It proposes the formation of a 49.9MW energy storage compound comprising 20 battery storage units, ancillary buildings, landscaping and associated works including vehicle access on land South of the Jamesfield Farm Shop. The proposal is considered as a minor departure to the Development Plan with there being material considerations in this case which justify such a departure from the relevant policy.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is c.1.6 hectares (Ha) in area and is located within an existing agricultural field situated between the A913 Public Road (Abernethy Road) and the Jamesfield Farm Shop, approximately 1 kilometre (km) east of Abernethy. Two local businesses are located near to the development, the farm shop c.100m to the north, whilst the Jamesfield Garden Centre is located approximately 200m to the north-west. Other than these businesses, there is an existing electrical substation, c.150m to the west. The development itself would comprise: a storage compound contained within a security fence (c.5,645 square metres (m²)). The balance land (c.7,867m²) comprises two site accesses and landscaped areas. The wider land use beyond the immediate surrounds is largely agricultural. Local topography is generally level, with a slight slope down to the north, whilst south of Abernethy Road there is a more significant rise.
- 2 More specifically, the proposal comprises: 20 containerised storage units containing the batteries (dimensions 12.2 x 2.44 x 2.9m); a modular site office and separate container, of the same dimensions; two electrical control room buildings (dimensions 8.0 m x 6.5 x 2.84m and 10.0 x 10.0 x 2.84m). Otherwise, the compound will be enclosed with security fencing (green or grey in colour) and see CCTV, mounted on poles all measuring up to 3m in height.

Parking and access are also proposed, off both Abernethy Road and the local access road serving the Jamesfield Garden Centre, Farm Shop, etc.

- 3 The development proposed is similar in nature, general form and functionality to that proposed by Planning Application 22/00832/FLM, a separate agenda item before this Committee. That development is to be located approximately 100m to the north-east and also enables energy storage and transfer. Neither application is linked in operational terms, however, both proposals have advanced an operational need to be near to the existing Abernethy Substation, which is indicated to have capacity for the unconstrained import and export of electrical energy. Both developments also offer carbon saving to support the move to a greater reliance of renewable energy. The site subject of the subject application has no planning history.
- 4 Significant planting set out in a landscaping scheme is proposed to assist with visual integration into the wider surroundings.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 5 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.
- 6 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.
- 7 An EIA screening has been undertaken. The proposal being a Schedule 2 development in terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. In the case of these regulations, prohibition is given to the granting of planning permission to "EIA development" unless an environmental impact assessment has been undertaken. In this case the Council has adopted the opinion that it is not EIA development, and that sufficient information has been submitted with the application to enable a determination in consideration of all relevant environmental matters. These environmental aspects requiring further consideration, are namely: Noise, Landscape and Visual Amenity, Ecological Values, Transportation and Drainage matters. These are examined in more detail within the appraisal section of this report.

PRE-APPLICATION CONSULTATION

- 8 The proposal 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 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 and included within the Pre-Application Consultation (PAC) Report submitted with this application.

- 9 The PAC Report notes that three online public events were held, as permitted by the relevant regulations. These online events were held on 16 December 2021, 1 February 2022 and 31 March 2022, with notice provided to local MPs and MSPs and the Abernethy Community Council. Twelve interested parties engaged with the consultation process, 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, proportionate and in line with the aforementioned regulations.

NATIONAL POLICY AND GUIDANCE

- 10 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)

- 11 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 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.
- 12 The draft NPF4 which is currently out for consultation sets out that battery energy storage facilities are supported in principle, subject to further onsite considerations.

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
- Policy 33A Renewables and Low Carbon Energy
- Policy 33B Repowering and 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 53 Water Environment and 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 for Nature, Development Management and Wildlife Guide Supplementary Guidance, April 2022

Site History

- 25 [21/00018/PAN](#) A Proposal of Application Notice was accepted on 7 January 2022 for the formation of a battery energy storage compound, comprising: battery storage units; ancillary buildings and equipment; landscaping; and associated works
- 26 [22/00002/PAN](#) A Proposal of Application Notice was accepted on 11 February 2022 for the Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works

CONSULTATIONS

- 27 As part of the planning application process the following bodies were consulted:

- 28 **Scottish Water:** No objection. Advice provided that no public sewer and water supply options are available.
- 29 **Perth and Kinross Heritage Trust:** No objection. Subject to a condition that the development sees an agreed archaeological watching brief undertaken prior to work commencing. Further comment provided as to potential impacts on the setting of a nearby scheduled monument. Suggestions offered for screening and softening of impact.
- 30 **Abernethy Community Council:** No comments.
- 31 **Scottish Environment Protection Agency:** No objections. Ask that the applicant be made aware of relevant standing advice.
- 30 **Nature Scotland:** No objection or comments.
- 32 **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.
- 33 **Network Rail:** No objection or comments.

INTERNAL

- 34 **Biodiversity Officer:** No comments.
- 35 **Structures and Flooding:** No objection. Advise the development falls below the threshold for consultation. Ask that an informative note is attached to any planning permission directing the applicant to the Council's [Supplementary guidance on Flood Risk and Flood Risk Assessments 2021](#).
- 36 **Environmental Health (Noise/ Odour):** No objection, subject to a condition regarding plant and or equipment noise during construction.
- 37 **Environmental Health (Private Water Supply):** No objection, subject to a condition requiring a pre-survey check and safeguarding investigation of private water and wastewater infrastructure prior to works commencing. Request informative notes in respect of existing wayleaves and obligations under the Water Scotland Act 1980.
- 38 **Transport Planning:** No objection, subject to a condition to ensure construction traffic is appropriately managed.
- 39 **Development Contributions Officer:** No objection, clarifying that no contributions are required.

Representations

- 40 Two objections have been received, 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

41 The matters raised are addressed in the Appraisal section of this report below

ADDITIONAL STATEMENTS

42

Screening Opinion	Not EIA Development
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Supporting Statement Submitted.
Report on Impact or Potential Impact	<ul style="list-style-type: none"> • Ecological Assessment • Noise Assessment • Pre-Application Consultation Report • Supporting Statement with Design Access Statement

APPRAISAL

43 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

44 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. The site has no planning history, and accordingly is advanced in this instance as a minor departure to the LDP2, specifically Policies 1B and 50. The proposal is

located on Prime agricultural land, whereby such developments will not be permitted unless it is necessary to meet a specific established need, such as a major infrastructure proposal, and only when there are no other suitable sites available on non-prime land.

- 45 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.
- 46 In this case the applicant does acknowledge the temporary loss of prime agricultural land as well as the corresponding loss of arable use over the life of the facility. However, it is advanced that the locational need for the development close to the existing electrical substation, in addition to any carbon offsetting potential, outweigh those impacts on landscape values and agricultural use. The location in this case being chosen due to its proximity to the Abernethy substation, which will enable easy connection to the grid network, but also accounting for the fact that this substation has unconstrained capacity to import and export the electrical energy required. Notwithstanding the conflict with Policies 1B and 50, Policy 33B specifically encourages low carbon energy solutions where specific grid connection or the use of established infrastructure can occur. The planning balance in this case is considered to rest with supporting the development proposed, given the site-specific reasoning for this major infrastructure proposal. Furthermore, consideration must be had to the finite lifespan of this facility. Whilst the overall operational life will be some 50 years, minimal disturbance to the site will be required, allowing the pre-existing land use to resume afterwards. This matter along with consideration of any soil disturbance is discussed further below.

Design and Layout

- 47 The design and layout proposed essentially reflects the physical and engineering requirements, with infrastructure details consistent with industry standards. In physical terms, the development will essentially see built form contained below 3m in height. The tallest built structures being the electrical control rooms and the battery storage containers, both just under 3m. Remaining built elements will vary in height but predominantly around 3m, including perimeter fencing and CCTV poles. All aspects within the storage compound will be enclosed behind a security fence, painted grey or green, and additional landscaping is also proposed.
- 48 Having regard to the overall scale and height of built structures, horizontal massing is more significant than vertical impacts. This aspect is further considered in the landscape and visual impact sections below. Conditions are recommended to control physical separation between containers / structures as well as the colour / finish of materials.

Landscape

- 49 Landscape and or placemaking policy within LDP2 requires that a development should be compatible with its setting and wider character. In this case the proposal sits within Broad Valley Lowlands (Tayside Landscape Character Type). This land use mainly comprises settled lowland agricultural valleys with fertile soils dominated by arable crops. The site is currently visible in open views across the strath, the Tay and towards the Sidlaw Hills Local Landscape Area. Potential landscape receptors include a group of houses to the east, intermittent views by vehicles and walkers along the A913 (Abernethy Road - also a core path) and visitors to Jamesfield complex.
- 50 A description of landscape and visual impacts along with a description of mitigation proposals and visualisations have been provided in support of the application. High detail photographic renders showing the likely appearance of the development in its setting. The proximity to Abernethy Road has a significantly higher potential landscape impact than the consented/proposed development further north (refs: 17/00951/FLL and 18/02336/FLL, which are proposed to be superseded by 22/00832/FLM). It is accepted that the local topography drops down and away northwards from the roadside and accordingly the impact on views towards the Sidlaw Hills, across the Tay and further to the north, would remain relatively unimpacted. Furthermore, proposed planting will soften the landscape impact over time. In addition, views northward from the public road (which is also a core path) present an already developed and cluttered immediate landscape, containing: an existing wind turbine, electricity pylons, substation, garden centre and farm shop. In addition, consideration must also be given to the consented energy storage installations to the northeast of this proposed development. Consequently, concern is raised in representations that the development if approved, will further erode the landscape setting at this location, at odds with the pre-existing landscape character type.
- 51 As discussed above, it is considered that any landscape and or land designation impacts arising would be outweighed by the operational and locational need to position the development in proximity to the nearby substation. That is, there is an established need and site-specific reasoning for this major infrastructure development to be positioned in this location. For this reason, and in considering the proposed landscaping, combined with other mitigation such the screen fence and ensuring the external finishes of the development are acceptable, it is not considered that there would be unacceptable impacts on landscape or visual amenity. Particular note is made of the fact that the limited height of the development will see views from the public realm north to the Sidlaw Hills and to the Garden Centre will not significantly impacted. Conditions are recommended to ensure the delivery of the landscape mitigation as proposed. (Conditions 8 and 9.)
- 52 The proposal is considered to accord with Policies 1A, 1B and 39 of the LDP2. Although the development has impacts on the wider landscape character it is not considered that it will look wholly out of place in this setting, particularly noting the consented energy storage facilities to the north-east, the existing substation to the west and wind turbine also to the north.

Residential Amenity

- 53 The nearest residential receptors are more than 250m away, to the east 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. However, the Jamesfield Farm Shop as well as the Jamesfield Garden Centre are both located within 150m of the main site compound. Therefore, some direct impacts, particularly during construction is inevitable.
- 54 The Council's Environmental Health team (EH) have reviewed the submitted noise impact assessment, including any modelling results, and have no objection. Potential noise sources include: air conditioning units; inverter cooling fans; switchgears; transformer and 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. However, some impacts to local businesses as discussed may occur during construction. However, ongoing noise and nuisance impacts are considered very limited and unlikely to impact these sites in any significant way due to the low operational noise from the facility.

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. In this regard two access points are proposed to this development, one from the road serving Jamesfield complex and a second directly from the A913. No concerns or further comments are raised by Transport Planning and or Transport Scotland with respect of impacts to the local and or trunk road networks, subject to conditions relating to a Construction Traffic Management Scheme (CTMS) and further agreement for the passage of abnormal loads on the road network. Conditions are therefore recommended to this effect, particularly noting the need for further agreement for any signage, traffic management and or abnormal loads.
- 58 Overall, no significant road and or transport impacts are identified, and it is concluded, subject to conditions 5-7, that the development conforms with Policy 60B.

Drainage and Flooding

- 59 Policy 52 requires development to appropriately consider flooding and drainage. In this respect the site is not within an identified SEPA flood risk location and the Council's Flood Hazard and Structures Team does not raise any objection. The applicant is directed to the Council's Supplementary Guidance on Flood Risk and Flood Risk Assessments 2021 where applicable.
- 60 The proposals are thus considered to satisfy policy 52 of LDP2.

Natural Heritage and Biodiversity

- 61 LDP2 Policies 39 and 41 are relevant considerations in respect of potential biodiversity impacts or opportunities arising from the development. In this respect the proposed Landscape Plan includes largely native species and contains a number of positive elements, making a likely valuable contribution to biodiversity. No adverse comment has been made by the Council's biodiversity officer.
- 62 A preliminary ecological assessment has been provided which does not raise any significant concerns with the development proposed or the impacts to the site. Accordingly, subject to the delivery of landscaping as proposed the development is considered to accord with Policies 39 and 41 of the LDP2.

Archaeology

- 63 The development proposal has been reviewed by the Perth and Kinross Heritage trust who have not raised any objection to the development subject to the imposition of an archaeological watching brief, to be imposed by condition. Subject to the implementation of this condition and addressing any matters raised in this investigation the development is considered to comply with Policy 26B of the LDP2.

Private Water Supply

- 64 The development is for an energy storage compound in a rural area with private water supplies (including Jamesfield Borehole Supply) understood to serve properties in the vicinity. Whilst no specific impacts to private water supply are identified, a safeguarding condition is considered reasonable and sufficient to resolve any matters which may arise. 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.

- 65 Condition 10 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.

Developer Contributions

- 66 There has been comment 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.

Economic Impact

- 67 In the short term, construction will create jobs with scope for local employment. Beyond this local employment opportunities are limited. However, there is a clear fit between Scottish Government aims of promoting a transition to a low carbon economy and this proposal. The proposal would also support local renewable energy generation, by helping balance fluctuations of intermittent energy generation. It 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.
- 68 It is clear the development has benefits in renewable energy generation, and in this case, it is considered that those benefits are sufficient to outweigh the tension with Policies 1B and 50.

Loss of Prime Agricultural Land and Soils

- 69 In this case the site is identified as prime agricultural land and the development of it therefore conflicts with Policy 50 which seeks to protect such land resources. Furthermore, Policy 51 seeks to ensure high quality soils are not damaged or eroded. It is considered in this instance that there are material circumstances which meet a specific need justifying the support of this major infrastructure proposal. Whilst objection is raised that this proposal promotes the excessive occupation of prime land impacting the productive potential of the land over the life of the facility, it is considered the planning balance in this case sits with Policy 33B of the LDP2, which provides specific encouragement to use existing infrastructure and promotes grid connection in support of this type of proposal. Given the specific locational need justification provided it is unlikely that this proposal will lead to further and excessive use of prime land elsewhere within Perth and Kinross. Nor is it obvious that the development could be located on non-prime land and still reasonably be connected to the substation.
- 70 Whilst justification for the development location is accepted this does not exclude a developer from overly damaging or impacting high quality soils at this site. Particularly further regard must be had with respect to the future decommissioning of the facility, to allow its previous land use to recommence at that time. Impacts to soils from this development relate specifically to compaction and or removal from the site. 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 and which avoids further damage. This may for example within landscaped areas, thereby protecting those soil properties for later reuse (Condition 11).

Lifespan of Facility

- 71 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.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 70 None Required.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 71 The application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered a minor departure from the Development Plan, specifically Policies 1B and 50 of LDP2. However, material considerations allow this to be outweighed in this instance and justify an approval recommendation.
- 72 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 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 Councils Transport Planning team. 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 local or 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 the Councils Transport Planning team. 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, DNO Switchgear, perimeter fencing 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. Prior to the commencement of the development hereby approved, a detailed landscaping and planting scheme for the site shall be submitted to and approved in writing by the Planning Authority. The scheme shall include details of the height and slopes of any mounding or recontouring of the site, full details of all hard landscaping proposals including materials and installation methods and, species, height, size and density of trees and shrubs to be planted. The scheme as subsequently approved shall be carried out and completed within the first available planting season (October to March) after the completion or bringing into use of the development, whichever is the earlier, and the date of Practical Completion of the landscaping scheme shall be supplied in writing to the Council as Planning Authority within 7 days of that date. The scheme as agreed and implemented shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

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 appropriately managing prime quality soils and minimising the long-term impacts of developing the site in accordance with Policy 51 of the LDP2.

Archaeology

12. Development shall not commence until the developer has secured the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Council as Planning Authority, during development work. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. The name of archaeological organisation retained by the developer shall be given to the Planning Authority and Perth and Kinross Heritage Trust in writing not less than fourteen days before the commencement date provided in the Notice of Initiation of Development.

Reason – To ensure archaeological monitoring is carried out to safeguard and record any archaeological remains within the development area.

Facility Lifespan

13. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, and or at the end of life for the development (50 years from the commencement of electricity storage) it shall be deemed to have permanently ceased to be required. In either 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 as a minor departure to the Development Plan as there are material circumstances that would justify a departure from relevant policies 1B and 50 of the LDP2.

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 developer is advised to contact Sophie Nicol, Historic Environment Manager (Tel: 01738 477027) Perth and Kinross Heritage Trust, to discuss terms of reference for work required.
11. 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.
12. 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.
13. The applicant is advised that, in terms of Sections 56 of the Roads (Scotland) Act 1984, he/she/they must obtain from the Council, as Roads Authority, consent to open an existing road or footway prior to the commencement of works. Information on junction types, requirements for Vehicular Access consents (VA1) and application forms are available at www.pkc.gov.uk/vehicleaccess. Advice on the disposal of surface water should be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

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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