

Perth and Kinross Council
Planning and Placemaking Committee – 25 January 2023
Report of Handling by Head of Planning & Development
(Report No. 23/2)

PROPOSAL: Formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, boundary treatments, bund, landscaping and associated works

LOCATION: Land 170 metres south of Newhouse Farm, Perth

Ref. No: [22/01071/FLM](#)

Ward No: P9 – Almond and Earn

Summary

This report recommends approval of the application which proposes the formation of an electrical energy storage facility, including up to 56 storage containers, an additional control building and associated works such as landscaping, bunding, and vehicular access all on land west of the A9 on the western side of Perth. The proposal is genuinely 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 application site is c.1.8 hectares (Ha) in area and currently comprises grazing land with a tree belt to the east side with access road beyond. It is proposed to develop a storage compound contained within a security fence and landscape bund. The balance land comprises the site access, landscaped areas and proposed drainage. The site is located approximately 170 metres South of Newhouse Farm and 100 metres north of the Noah's Ark Caravan Park. Other than the existing caravan park, golf driving range and children's activities centre further to the south, the wider area comprises: agricultural and treed areas to the west; the A9 Trunk Road is to the east, beyond are established residential areas on the western edge of Perth City. Access is to be via Old Gallows Road, off an existing private access, which is also designated as a public right of way, 'Ruthven Park Path'. Overall local topography slopes gently down from north to south.
- 2 In physical terms, the energy storage facility would see 56 containerised storage units (each L.13m x w.2.5m x h.2.6m) and housing battery units, inverters, transformers and control equipment; a Control Building measuring 13m x 6m x 3.4m; together with associated equipment such as power converters and cooling units. In addition, engineering operations are required, including levelling of the ground to form a platform, formation of a landscape

bund and access road/junction, as well as onsite water storage/drainage infrastructure.

- 3 The facility will be enclosed on the east, south and north by a 3m high compound fence, comprising a weldmesh style fence with barbed wire at the top. Fencing on the west side of the compound will comprise a solid timber acoustic fence. All of the compound fences will be painted dark green in colour unless otherwise agreed. Twenty-two CCTV cameras on eleven 4m tall poles would provide security coverage. External lighting is to be provided for periods of maintenance but will not be on otherwise.
- 4 A significant planting and a landscaping scheme is proposed, enhanced by a landscape bund along the northern boundary – all to assist in mitigating the visual impact and aid in drainage management.
- 5 The site has been selected both due to its proximity to an electrical substation, approximately 420m to the south and across the A9 Trunk Road; and its relative containment in landscape terms, minimising wider visual amenity impacts. The land is identified as being prime agricultural land and therefore is important in terms of soil quality within Perth and Kinross. The formal soil classification is Class 2. However, because the site is located within the Perth Settlement Boundary as set out within the LDP2 2019 the development is in compliance with Policy 50. This is discussed in more detail below.

Environmental Impact Assessment

- 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 for a development of similar scale and type to this application, (Reference 20/01482/SCRN), 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 have been 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. No comments were received in relation to the siting or design of the facility. Very limited feedback and or participation resulted from the consultation process.
- 10 The Pre-Application Consultation (PAC) Report submitted with this application noted that two webinars were run in August 2020 and June 2021 and that information was also available online, via a project website. 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 2014

- 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. This is a statutory document and 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.

Revised Draft National Planning Framework 2022

- 13 The revised draft 4th National Planning Statement (NPF4) was published on 8 November 2022. The principal policies of this document set out to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. The outcomes of this policy discussion are net zero carbon emissions and nature positive places. This development proposal accords with the principal intentions of this document.

The Scottish Planning Policy 2014 (SSP)

- 14 The Scottish Planning Policy (SPP) sets out national planning policies which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. The SPP 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.
- 15 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

- 16 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 75 Planning for Transport
 - The Future of Energy in Scotland: Scottish Energy Strategy (December 2017)

Development Plan

- 17 The Development Plan for the area comprises the TAYplan Strategic Development Plan 2016-2036 and the Perth and Kinross Local Development Plan 2019.

TAYplan Strategic Development Plan 2016-2036

- 18 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 for the area as set out in the plans 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.”

- 19 The following sections of the TAYplan 2016 are of particular importance in the assessment of this application –
- Policy 7: Energy, Waste and Resources of TAYplan is of particular importance in the assessment of this application.

Perth and Kinross Local Development Plan 2

- 20 The Local Development Plan 2 (2019) (LDP2) sets out a vision statement for the area and states that, *“Our vision is of a Perth and Kinross which is dynamic, attractive and effective which protects its assets whilst welcoming population and economic growth.”* It is the most recent statement of Council policy and is augmented by Supplementary Guidance.
- 21 The principal relevant policies are, in summary.
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 2: Design Statements
 - Policy 6: Settlement Boundaries
 - Policy 14A: Open Space Retention and Provision: Existing Areas
 - Policy 15: Public Access
 - Policy 17: Residential Areas
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - Policy 30: Protection, Promotion and Interpretation of Historic Battlefields
 - Policy 32: Embedding Low & Zero Carbon Generating Technologies in New Development
 - Policy 33A: Renewable and Low Carbon Energy: New Proposals for Renewable and Low-Carbon Energy
 - Policy 33C: Renewable and Low Carbon Energy: Decommissioning and Restoration of Existing Facilities
 - Policy 35: Electricity Transmission Infrastructure
 - Policy 39: Landscape
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 41: Biodiversity
 - Policy 42: Green Infrastructure
 - 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 and Light Pollution
 - Policy 56: Noise Pollution
 - Policy 57: Air Quality
 - Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

Other Policies

- 22 Perth & Kinross Council Supplementary guidance on Flood Risk and Flood Risk Assessments, March 2021
- 23 Landscape Supplementary Guidance, February 2020.

- 24 Placemaking Supplementary Guidance, February 2020.
- 25 Planning for Nature – Development Management and Wildlife Supplementary Guidance, April 2022.
- 26 Renewable & Low Carbon Energy Supplementary Guidance (Draft).

SITE HISTORY

- 27 [20/00006/PAN](#) A Proposal of Application Notice was submitted on 8 July 2020 advising of a potential development proposal for the formation of a battery energy storage system, comprising the siting of container units, installation of a substation, erection of fencing, landscaping and associated works. This PAN was notified to Members at the September 2020 Committee.
- 28 [20/01482/SCRN](#) An environmental Screening Opinion request was received on the 13 October 2020, relating to the Installation of a battery/energy storage facility up to 49.99 Megawatts (MW). A response was issued on the 30 November 2020 confirming the development was not EIA Development.
- 29 **21/00467/FLM** A detailed Major Planning Application was submitted on the 23 March 2021 for the formation of a battery energy storage facility comprising siting of container units, erection of a meter building, erection of fencing, landscaping and associated works. This application was subsequently withdrawn, to allow more pre-application consultation to be carried out.
- 30 [21/00007/PAN](#) A Proposal of Application Notice was submitted on 23 March 2021 advising of a potential development proposal for the formation of a battery energy storage system, comprising the siting of container units, installation of a substation, erection of fencing, landscaping and associated works. This PAN was notified to Members at the June 2021 Committee.

CONSULTATIONS

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

External

- 32 **Health and Safety Executive:** No Objection. Advise the development is not in proximity to a major hazard site or major accident hazard pipeline.
- 33 **Historic Environment Scotland:** No Objection. Advise the proposed access into the development crosses the Battle of Tippermuir designation. However, as this is an existing private track which is not required to be upgraded no further commentary or objection is provided.
- 34 **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 8 and 9).

- 35 **Methven Community Council:** No comments.
- 36 **Scottish Water:** No objection. No comments provided.
- 37 **NatureScot:** No comments.
- 38 **Perth and Kinross Heritage Trust:** No objection – subject to a condition requiring pre-commencement approval and of an archaeological program of works. Condition 15)

Internal

- 39 **Environmental Health (Noise, Lighting):** No objection – subject to conditions regarding construction noise, external lighting and a dust management plan. (Conditions 3-6 and 14)
- 40 **Conservation Team:** No objections or concerns in respect of the Perth Centre Conservation area, located some 3.3 km to the southeast.
- 41 **Transport Planning:** No objection – subject to a condition to secure a Construction Transport Management Plan. (Condition 7)
- 42 **Structures and Flooding:** No objection. Concerns initially raised regarding the design and any potential water discharge therefrom. However, this has been resolved via: clarification that any discharge would not exceed existing greenfield level; and the recommendation of safeguarding conditions requiring all drainage works onsite to be quantified and agreed prior to development commencing. Conditions 18 and 19 are recommended.
- 43 **Development Contributions Officer:** No objection.
- 44 **Biodiversity/Tree Officer:** No objection. Initial concerns were raised in respect of the Preliminary Ecological Appraisal Report, specifically that the timing of the survey, which was out of field season and thereby had the potential to miss botanical interests and breeding birds. In addition, it was identified further survey work may be required. However, those concerns are now resolved through the provision of additional information and photographs of the site. Conditions are recommended to secure the mitigation measures outlined in the submitted supporting ecological reports, the provision of native planting onsite as well as bird and bat boxes within the site. (Conditions 11-13).
- 45 **Community Greenspace:** No comments.
- 46 **Development Plan:** No comments.

Representations

- 47 None.

ADDITIONAL STATEMENTS

48

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	Phase 1 Ecological Survey – Information to support a Habitat Regulations Appraisal Submitted
Design and Access Statement	Submitted
Report on Impact or Potential Impact	<ul style="list-style-type: none"> • Noise Assessment • Pre-Application Consultation Report • Construction Environmental Management Plan • Preliminary Ecological Appraisal • Supporting Statement

APPRAISAL

- 49 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 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 involves considerations of the Council's other approved policies and supplementary guidance, namely Flood Risks and Flood Assessment and Planning for Nature and Wildlife.

Principle

- 50 The location is a peripheral agricultural area on the edge of Perth, policy considerations seeking to assess its suitability in principle are: Policies 1A, 1B, Placemaking; Policy 14A Open Space Retention; Policies 32, 33A, 33B and 35 Renewables, Low Carbon Energy and Energy Transmission; Policies 39, 40 and 41 Biodiversity and Landscape; Policy 50 Prime Agricultural Land and Policy 53C Water and Drainage.
- 51 The development does raise a minor conflict in terms planning policy on account of the site occupying prime agricultural land and in forming the new vehicle access, which will require the removal of a small number of trees from within an area of amenity open space. Both of these matters have been considered against the applicable policies 14A and 50 within the LDP2 2019 and are deemed to align. In the case of utilisation of prime agricultural land, the development falls within the Perth Settlement Boundary and as such does not require to demonstrate an established need argument justifying the site.

The use of this land within the settlement boundary for development is otherwise expected by the development plan. In terms of the removal of trees from within amenity open space, justification is accepted where the proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource. In this case only a small number of trees are to be removed to facilitate the access. These will be replaced within further compensatory landscape planting. There will be no wider impact to amenity.

- 52 In itself 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 Scottish Energy Strategy. 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, decreasing CO2 emissions. Whilst the development does in this case occupy prime agricultural land and will result in the removal of trees from amenity ground, an important consideration in this case is the locational necessity of a development of this nature. The development requires proximity to a suitable electrical substation with electrical connection capacity. In addition, this site is well contained in landscape terms meaning any wider landscape impacts or impacts to visual amenity are significantly minimised. Overall, the planning balance is considered in favour of supporting the Scottish Energy Strategy and its wider intentions.

Design and Layout

- 53 The design and layout essentially reflects the physical and engineering requirements, with infrastructure details consistent with industry standards. In physical terms, the development will see structures contained below 4m in height. The tallest visible elements will be the 4m tall CCTV poles, with the containers housing the electrical infrastructure being between 2.6 and 3.4 m high. Engineering works will be required to create the development platform as well as the landscape and drainage retention bund. All built development within the storage compound will be enclosed behind a security fence and additional landscaping. Having regard to the overall scale and height of built structures horizontal massing is considered more significant than vertical impacts. This aspect is further assessed in the Landscape and Visual Amenity sections below. Physical separation between each container is observed and colour/finishes can be controlled by Conditions 1 and 10.

Landscape and Visual Amenity

- 54 Safeguarding and enhancing landscape character and green infrastructure is considered via LDP Policies 1A, 1B and 33. In this instance, as said above, the proposed utilitarian design is largely set, thus some landscape and visual impact inevitable. Therefore, it is especially important to ensure robust landscaping and associated green infrastructure provides screening 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 along with the existing caravan park and nearby farm buildings should also be taken into account.

- 55 Although a separate landscape visual impact assessment (LVIA) was requested, this detail has been incorporated into the design statement and other aspects of the supporting submissions. In conjunction with a site visit these documents were key in assessing if the proposals could be successfully visually accommodated. Specifically extensive existing landscape features will be supplemented by robust and comprehensive native planting around the site perimeter along with a landscape bund at the northern boundary. Although a planting schedule has been provided within the supporting statement it is recommended this detail be secured through condition to allow for further reviews and modification. The proposed planting, along with the particular site characteristics, of being set down within a hollow and contained from wider view on all sides, is considered sufficient to satisfactorily accommodate the development in the landscape terms, particularly as any vegetation matures. Some intermittent impacts on views from the public right of way to the immediate west will be unavoidable as formation of the access track to the site will require an opening in the existing landscaping. However, such impacts will be noted only directly fronting the access and not in the wider setting. It is not considered that the development will result in any unacceptable impacts on landscape or visual amenity.
- 56 It is noted that the established pine plantation along the western site boundary is designated amenity open space within the LDP2 2019. Policy 14A supports development of open amenity space only where the proposed development involves a minor part of the site which would not affect its continued use as a recreational or amenity resource. In this case the removal of existing vegetation is required to form the access track and any visibility splays. The resulting vegetation loss extends to the minimum width of the vehicle track only and the amenity space lost is limited so as not to conflict with the intent of Policy 14A. Replacement planting within the site will exceed the number of trees lost. As noted above the loss in amenity space will be minimal and only observed as walkers pass directly in front of the site access, so as not to unacceptably affect its recreational or amenity value.
- 57 The proposal is therefore considered to accord with policies 1A, 1B, 14B and 33.

Residential Amenity

Noise

- 58 The closest residential properties are Newhouse Farm, 1 - 5 Newhouse Cottages, Coach House, and 47 to 67 Robertson Road. To the north of the site are a number of new build properties at the former Auction Mart site, (Ref Planning Permission 18/01038/AMM). The closest property is approximately 230 metres away. The applicant has submitted a noise impact assessment (NIA), 'Noise Assessment, Newhouse Farm' dated June 2022 by Logan PM Energy Project Management. The NIA follows best practice with modelling undertaken for noise calculations using worst case scenario projections. The

report considers both external noise levels in the vicinity of dwellings, and levels within rooms, assuming windows open for ventilation. Baseline noise measurements were also recorded.

- 59 The NIA states that the battery units incorporate mitigation within their design, including noise attenuation cowls fitted to vents and low-noise multi-bladed fans on the air conditioning units. The site design also includes a significant planted landscape bund that will act to reduce noise emission beyond its boundaries. Taking the locations to north, west and south where houses might in future be built, external noise levels would be a maximum of 44dB LAeq due to the battery facility, well below the target level of 55dB LAeq, and well below existing road noise. The facility is thus considered compatible with the future residential use of the surrounding land. Consequently, no objection is raised by environmental health on noise matters. Conditions are recommended in terms of construction operation hours and noise levels permitted by plant equipment. Conditions 3- 5)

Air Quality

- 60 In terms of Air Quality and Dust, particularly during construction activities, the application site is within Perth's Air Quality Management Area which was declared for exceedance in the annual mean for Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀). Therefore, during the construction stage of the development, the applicant needs to control and minimise dust from all construction activities such as excavation works for the formation of bunds, trenches, and access tracks. A condition is recommended that the applicant submit a Dust Management Plan for agreement prior to development commencing. (Condition 14).
- 61 Owing to compliance with the recommended condition set out by EH it is considered that the development will comply with Policy 33 of the LDP, with no likely unacceptable impact on the amenity of residential properties.

Lighting

- 62 The impact of artificial lighting has been noted as a matter of concern. However, the use of lighting is to be minimal and primarily for security and or staff maintenance purposes on an intermittent basis. Condition 6 can control spillage and limit operation.

Roads and Access

- 63 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. The development proposes to access from Old Gallows Road via an existing private track. No concerns are raised by Transport Planning with respect of impacts to the local road network, subject to a condition relating to a Construction Traffic Management Scheme (CTMS). Nor have any concerns been raised by 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 7 – 9 and 16).

- 64 Overall, no significant road and or transport impacts are identified, and it is concluded subject to conditions regarding construction traffic management, that the development conforms with Policy 60B. For the avoidance of doubt, specific consideration regarding the use of and access over Old Gallows Road Bridge by emergency vehicles has been considered by both Transport Planning and Transport Scotland in their assessments of this application. No concerns are raised. The existing bridge does not have any weight limits and exceeds the minimum width required for emergency vehicles.

Drainage and Flooding

- 65 The site itself is outwith any identified surface water or fluvial flooding area as identified by the SEPA Flood Risk Maps. However, the proposed onsite SUDs scheme will be required to discharge into an area of known surface water flooding. Consequently, further information was requested by the Council's Flood Risk Officer, pertaining to the functionality of the retention basin and discharge from this location. The applicant has subsequently confirmed that the retention pond allows for 248m³ of storage, not including inflow pipes and ditches/swale that are also to be present. Whilst detailed design work has not been completed it is also confirmed that should greater storage capacity be necessary; this would readily be achievable such as through infiltration trenches or by creating storage elsewhere. It is also confirmed that the soils onsite are freely draining and no significant area of building or hardstanding will be required, thereby minimising the volume of water to be retained.
- 66 Despite the need for more detailed design work to be undertaken, the Flooding and Structures Team are satisfied there is sufficient capacity within the site area to accommodate the necessary retention required. A safeguarding condition is recommended to require the provision of technical drainage design details to be submitted and approved prior to development commencing. (Condition 18). A further condition, (Condition 19), is also recommended to limit any discharge from the retention basin to existing greenfield rate calculations (i.e. not greater than those prior to any development) in order to ensure any further impacts on the known surface water flooding area are managed. Such details are also to be confirmed before any other works onsite may commence.
- 67 Subject to recommended safeguarding conditions as stated, the development is considered to accord with Policies 52 and 53C of the LDP2 2019.

Heritage Conservation Considerations

- 68 It is confirmed that the site lies within an area considered to be archaeologically sensitive. As it is greenfield and does not appear to have been developed in the past there is potential for unknown buried archaeological remains to survive. Particularly there are known areas of interest in the surroundings. To the north are potential prehistoric pit circles (MPK 2183) and to the west, enclosures (MPK6103 & 2219) that suggest prehistoric activity in the vicinity. The Battle of Tippermuir (BTL39) also took

place to the south, with the existing private access track passing through this designation.

69 Despite the known areas of interest no objection is raised by Historic Environment Scotland or Perth and Kinross Heritage Trust. However, a suspensive condition is recommended for a programme of archaeological works to ensure the development does not destroy significant archaeological remains. (Condition 15).

70 The proposal is considered to satisfy Policies 26B and 30 of the LDP2 2019

Natural Heritage and Biodiversity

71 LDP2 Policies 39, 40 and 41 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 a number of positive elements, making a likely valuable contribution to biodiversity, consistent with the Perth and Kinross Forestry and Woodland Strategy.

72 The Council's Biodiversity Officer has reviewed the development proposal and despite raising initial concerns, notably in respect of the level of ecological information submitted, is now satisfied that the development can proceed subject to enhancement conditions. It is noted that the site is an existing grazed paddock with limited ecological value, the exception being the existing habitat and trees at the site periphery. As this habitat is largely to be unimpacted, much of the development, particularly the further native planting will offer an enhancement opportunity for this location. The Biodiversity Officer has therefore recommended in addition to the native planting and shrubs, that bat roosting and bird nesting boxes be placed as part of the landscape enhancement and or within any existing woodland habitat areas within the site. Conditions are therefore recommended that the mitigation measures of the preliminary ecological appraisal, dated 26 November 2020 and the supplementary letter dated 29 November 2022 are adopted and implemented, that landscaping details be submitted and agreed, and that bird and bat boxes be placed around the site. Subject to conditions noted the proposal is considered to accord with policies 39, 40 and 41 of the LDP2 2019.

73 Commentary with respect of the bat roosting potential within the existing smaller sheds onsite, which are to be removed to make way for the development proposed, has also been provided by the Council's Biodiversity Officer. Based on the site photographs the officer is satisfied the shed does not have bat roost potential and no further survey is required. The structure does not meet the survey triggers in the PKC Bat Survey Guidance.

Loss of Prime Agricultural Land and Impacts on Soils

74 Policy 50 sets out that development outside 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. In this case the site identified as prime agricultural land, however it is located within the Settlement of Perth. Accordingly, the proposal does not conflict with Policy 50. However, and notwithstanding this point, even if the site was outside the identified settlement, it is considered that there are material circumstances which meet a specific need justifying support of this major infrastructure 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.

- 75 Policy 51 seeks to ensure high quality soils are not damaged or eroded. Particularly further regard must be had with respect to proposed engineering works to be undertaken and in considering 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 and damage 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 maybe for example within the landscaped bund, thereby protecting those soil properties for later reuse (Condition 20).

Lifespan of Facility

- 76 The lifespan of the facility is not specifically stated. However, based on the expected lifespan of similar facilities approved within Perth and Kinross and the expected battery life, a lifespan of approximately 50 years is anticipated. As such, Condition 17 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 use.

Developer Contributions

- 77 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

- 78 In the short term, construction will create jobs with scope for local employment. Beyond these 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.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

79 None.

DIRECTION BY SCOTTISH MINISTERS

80 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 81 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.
- 82 Accordingly, the proposal is recommended for approval subject to the following conditions.

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.

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

Reason – This is a Planning Permission in terms of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

Noise

3. All 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 25 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.

4. 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.

5. The hours of construction activity shall be restricted to between 0700 hours and 1900 hours Monday to Saturday only, with no construction activity permitted on Sundays.

Lighting

6. 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.

Road Safety

7. 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.

8. The proposed route for any abnormal loads on the trunk road network must be approved in writing prior to any such movements being undertaken. Where any abnormal loads are required to be undertaken in implementing the development hereby approved, a written program of those movements shall be submitted to the Council as Planning Authority for approval in consultation with Transport Scotland. Thereafter, any such movements shall be undertaken in accordance with the agreed program of movements, including any mitigation measures required. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved and should be included with any written program of works.

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

9. 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, to be approved in writing by the Council as Planning Authority for approval in consultation with Transport Scotland. The approval any such management consultant shall be agreed prior to the placement or implementation of any signage and or traffic control measures.

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

External Finishes

10. Prior to the commencement of the development hereby approved, details of the specification and colour of the proposed external finishing materials to be used 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 and Landscaping

11. 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.

12. The conclusions and recommended action points within the supporting Preliminary Ecological Survey dated 26 November 2020, (Document 17) and Supporting Statement dated 29 November 2022, prepared by Overland Environmental Ltd, (Document 20), submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development, to the satisfaction of the Council as Planning Authority. A written statement confirming and or setting out the physical means of compliance with these mitigation points shall be submitted to the Council as Planning Authority prior to works commencing onsite.

Reason – In the interests enhancing biodiversity and to ensure the satisfactory implementation of mitigation measures to protect habitat onsite.

13. Prior to the completion or occupation of the development hereby approved, whichever is the earlier, 10 bird nesting boxes and 10 bat roosting boxes shall be provided within the site as part of the approved landscape scheme, (Condition 11). The size, type and locations of the nesting and roosting boxes shall be submitted to the Council as Planning Authority for approval prior their

placement onsite. Thereafter, the agreed boxes shall be maintained in a reasonable condition for the life of the development, to the satisfaction of the Council as Planning Authority.

Reason – In the interests enhancing biodiversity and to ensure the satisfactory implementation of mitigation measures to protect habitat onsite.

Dust

14. Prior to the commencement of construction for the development a Dust Management Plan shall be submitted for the written approval of the Planning Authority, in consultation with Environmental Health. The plan shall outline all construction activities that has the potential to cause dust and shall state methods and procedures to minimise the dust.

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

Archaeology

15. 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 a programme of archaeological works is carried out to safeguard and record any archaeological remains within the development area.

Paths

16. The right of way, located within the site access road and shown on approved drawing 22/01071/05 must not be obstructed during building works or on completion of the development. Any damage done to the route and/or the associated signage during building works must be made good before the development is completed or brought into use, whichever is the earlier.

Reason – To ensure that public access is maintained at all reasonable times, to the local path network.

Facility Lifespan

17. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, or 50 years from the date of commencement of development, whichever is sooner, 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.

Drainage

18. Prior to the installation of any drainage works within the development hereby approved, the final technical drainage designs shall be submitted to, and approved in writing by, the Planning Authority in consultation with the Council's Structures and Flooding team. The drainage details as approved shall be carried out in accordance with the agreed scheme and operational prior to bringing into the use of the approved phase of development.

Reason – In order to safeguard any offsite drainage impacts of the development and in the interests of public safety.

19. The discharge volume and rate from the proposed onsite drainage system shall not exceed existing greenfield levels. Compliance with this condition shall be demonstrated through the provision of a drainage report in compliance with Condition 18.

Reason – In order to safeguard any offsite drainage impacts of the development and in the interests of public safety.

Soils

20. 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 Council as 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.

JUSTIFICATION

The proposal is considered to comply with the Development Plan and there are no material circumstances that would justify a departure from relevant policies of the LDP2 2019.

PROCEDURAL NOTES

None.

INFORMATIVES

1. 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.
2. 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.
3. 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.
4. 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 Environment Protection Agency.
5. The presence of protected species, and the extent to which they could be affected by the proposed development, should be established before works commence. Should protected species be identified within the site the developer should ensure that all appropriate measures required to comply with the relevant legislation are carried out.
6. 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.

7. The granting of planning permission does not stop the continued right of public access along the existing core path METH 34/15 Ruthvenpark Path. An order under the Town and Country Planning (Scotland) Act 1997, Section 208 or an amendment of the Core Path Plan under the Land Reform (Scotland) Act 2003 should be sought in advance of any works authorised by this planning permission being commenced. All relevant approvals should be in place prior to any stopping up and diversion of the core path taking place.
8. 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. <https://www.pkc.gov.uk/ldp2floodrisk>
9. No work shall be commenced until an application for building warrant has been submitted and approved.
10. 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. In accordance with 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.

11. Existing buildings or structures may contain nesting birds between 1 March and 31 August inclusive. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning permission for a development does not provide a defence against prosecution under this Act.

Background Papers: None
Contact Officer: Jamie Torrance
Date: 13 January 2022

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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