

Perth and Kinross Council
Planning and Placemaking Committee – 11 October 2023
Report of Handling by Head of Planning & Development
(Report No. 23/271)

PROPOSAL: Formation of a 49.99MW battery energy storage compound comprising battery storage units, ancillary buildings and equipment, bogland restoration, landscaping and associated works

LOCATION: Shindour, Feddal Hill Wood, Braco

Ref. No: 22/02231/FLM
Ward No: P7 – Strathallan

Summary

This report recommends approval of the application, subject to a number of planning conditions. The development is considered to comply with the relevant provisions of the Development Plan and there are no material considerations which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 This application seeks detailed planning permission to construct and operate an energy storage facility immediately to the northeast of the existing Beauldy Denny transmission line at the Braco West substation. The site is located in Feddal Forest on Feddal Hill, within an area previously planted with Sitka spruce trees which were felled around 10 years ago by SSE as part of its work on the adjacent electricity sub-station and pylon lines. The site of 0.7 hectares lies some 3.8km to the west of Braco, 6.8km north of Dunblane and the nearest residential property of Bentick Farm is 1.2km to the south.
- 2 The proposed energy storage facility would accommodate up to 50 battery storage units housed within steel shipping containers with associated inverter/transformer units and ancillary structures including a store, office, parking and electrical control building. The area which would be developed extends to 7,329m². The site would be surrounded by landscaping consisting of native trees along with an inner security fence along with a drainage swale. An area to the north of the site would be restored as bog habitat.
- 3 The proposed energy storage facility of 49.9MW would provide rapid-response electrical backup to the electricity grid. It would draw electrical power from the

electricity grid and then store it. The storage of electricity is regarded as a generation activity, however, the electrical power would be drawn power from the electricity grid and stored, for release back into the grid when required.

- 4 The proposed development will be accessed from an existing minor road and forestry track to the south, connecting the site with the B5033 road at the Muckle Burn. The route is 3.9km in length and has been upgraded to accommodate the substation construction traffic and forestry equipment and timber lorries including the provision of passing places.
- 5 The proposed development would be temporary in nature, with consent being sought for an operational period of up to 50 years. After this period the site would be decommissioned and restored to blanket bog.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

- 6 An EIA screening has been undertaken as part of this submission, concluding that an EIA was not required, as the proposal was not considered likely to have significant environmental effects. Nevertheless, a combined suite of supporting environmental information was included in the supporting information, including assessment of the following areas:
 - Transport
 - Ecological Appraisal
 - Sustainability including Carbon Assessment
 - Construction and Environmental Management Plan (CEMP)
 - Peat Management Plan
 - Supporting Statement including Design and Access Statement; Landscape and Visual Impact Assessment; Noise & Lighting Assessment

Pre-Application Consultation

- 7 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. The applicant was therefore required to undertake formal pre-application consultation with the local community. The approach followed current Scottish Government guidance, included a dedicated website for the project and two online events on 27 January 2022 and 17 February 2022 with a live presentation and question and answer session. The Ward Councillors, MSP, MP, and Braco & Greenloaning Community Council were advised of the event, alongside relevant material being made available, both before and beyond the proposed online events, all to give the public the best possible opportunity to have input. Interested parties and landowners within a 500m radius of the site and those that share the access route off the B8033 were contacted directly by the developer.

- 8 The submitted Pre-Application Consultation (PAC) Report identified that a single member of the public attended each of the two consultation events, representing other family members in each case. Each attendee was broadly supportive of the proposal but expressed concerns with regard to potential traffic impact on local roads through the construction phase. The developer has also engaged directly with two other households in the vicinity of the development, following a request for further information and queries regarding the ongoing maintenance of the access route both during and following construction. No submissions or representations have been made to the developer by any members of the public or other consultees. The content and coverage of the community consultation exercise is considered sufficient and proportionate.

NATIONAL POLICY AND GUIDANCE

- 9 The Scottish Government expresses its planning policies through The National Planning Framework, the Scottish Planning Policy, Planning Advice Notes, Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

Planning Advice Notes

- 10 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are 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 69 Planning and Building standards Advice on Flooding
 - PAN 75 Planning for Transport
 - PAN 77 Designing Safer Places

DEVELOPMENT PLAN

- 11 The Development Plan for the area comprises NPF4 (as mentioned above) and the Perth and Kinross Local Development Plan 2 (2019).

National Planning Framework 4

- 12 The National Planning Framework 4 (NPF4) is the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies. This strategy sets out how to improve people's lives by making sustainable, liveable and productive spaces.
- 13 The National Planning Framework 4 (NPF4) was approved by the Scottish Parliament on 11 January 2023. NPF4 has an increased status over previous NPFs and comprises part of the statutory development plan.

- 14 In this instance the primary policies relevant seek to encourage, promote and facilitate development that meet with the six overarching spatial principles, which include: local living, compact urban growth and the creation of sustainable and liveable places. This development proposal accords with the principal intentions of this document.
- 15 The Council's assessment of this application has considered the following policies of NPF4:
- 16 The principal relevant policies are, in summary;
- Policy 1: Tackling the Climate and Nature Crisis
 - Policy 2: Climate Mitigation and Adaptation
 - Policy 3: Biodiversity
 - Policy 4: Natural Places
 - Policy 5: Soils
 - Policy 6: Forestry, Woodland and Trees
 - Policy 7: Historic Assets and Places
 - Policy 11: Energy
 - Policy 13: Sustainable Transport
 - Policy 18: Infrastructure First
 - Policy 22: Flood Risk and Water Management
 - Policy 23: Health and Safety

Perth and Kinross Local Development Plan 2 2019

- 17 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.
- 18 The principal relevant policies are, in summary:
- Policy 1A: Placemaking
 - Policy 1B: Placemaking
 - Policy 26B: Scheduled Monuments and Archaeology: Archaeology
 - 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 33B: Repowering and Extending Existing Facilities
 - Policy 35: Electricity Transmission Infrastructure
 - Policy 39: Landscape
 - Policy 40A: Forestry, Woodland and Trees: Forest and Woodland Strategy
 - Policy 41: Biodiversity

- Policy 51: Soils
- Policy 53A: Water Environment and Drainage: Water Environment
- Policy 53C: Water Environment and Drainage: Surface Water Drainage
- Policy 54: Health and Safety Consultation Zones
- Policy 55: Nuisance from Artificial Light and Light Pollution
- Policy 56: Noise Pollution
- Policy 60B: Transport Standards and Accessibility Requirements: New Development Proposals

OTHER POLICIES

19 Statutory Supplementary Guidance

- [Supplementary Guidance - Developer Contributions & Affordable Housing](#) (adopted in 2020)
- [Supplementary Guidance - Placemaking](#) (adopted in 2020)

Site History

- 20 [05/01911/FUL](#) Planning Permission for construction of 275/33kv electricity substation, associated building and temporary storage areas, site huts, upgrading/widening works to existing private access road and improvements to junction where access road meets the B8033. Approved April 2006
- 21 [13/01036/FLL](#) Planning Permission for formation of a temporary works compound and topsoil storage area. Approved July 2013
- 22 [14/01758/FLL](#) Planning Permission for permanent retention of temporary access track constructed as part of Beauly-Denny overhead power line. Approved December 2014
- 23 [15/00470/FLL](#) Planning Permission for erection of substation control building, formation of access road and associated works. Approved June 2015
- 24 [16/01719/PN](#) Prior Notification for formation of a forestry track. Approved November 2016.
- 25 [17/01810/FLL](#) Planning Permission for formation of an energy storage facility, vehicular access, and associated works. Approved November 2017.
- 26 [20/00013/PAN](#) Proposal of Application Notice for formation of an energy storage facility comprising control building, battery storage container units, ancillary equipment, parking, boundary treatments, landscaping, and associated works. Approved February 2021.
- 27 [21/00756/FLM](#) Formation of a 49.9MW energy storage facility comprising 50 battery storage container units, control building, ancillary equipment, parking,

access track, boundary treatments, landscaping and associated works. Approved December 2021.

- 28 [21/00020/PAN](#) Formation of a battery energy storage compound comprising battery storage units, ancillary buildings and equipment, landscaping and associated works. Approved February 2022.

CONSULTATIONS

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

External

- 30 **Scottish Environment Protection Agency:** No objection following submission of additional information. Condition recommended regarding peat management.
- 31 **NatureScot:** No objection.
- 32 **Scottish Water:** No objection.
- 33 **Transport Scotland:** No objection, subject to planning conditions in respect of a Construction Traffic Management Plan (CTMP).
- 34 **Scottish Forestry:** No response.
- 35 **Braco and Greenloaning Community Council:** No response.

Internal

- 36 **Planning and Housing Strategy:** No objection, subject to condition.
- 37 **Community Greenspace:** No response.
- 38 **Transportation and Development:** No objection, subject to condition.
- 39 **Structures and Flooding (Structures):** No objection.
- 40 **Biodiversity/Tree Officer:** No objection following submission of additional information. A number of biodiversity maintenance and enhancement conditions are recommended.
- 41 **Environmental Health (Noise Odour):** No objection. Planning conditions are requested in respect of controlling noise levels and hours of construction operations.

Representations

42 None.

ADDITIONAL STATEMENTS

43

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment under Habitats Regulations	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	<ul style="list-style-type: none">• Ecological Appraisal• Habitat Assessment• Habitat Management Plan• Draft Peat Management Plan Carbon Assessment• Supporting Statement including Noise, Lighting, Transport, Heritage and Landscape and Visual Impact

APPRAISAL

44 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 Development Plan comprises NPF4 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 Developer Contributions and Placemaking.

Principle

45 National and Local Planning Policies support the shift from fossil-fuels to renewable and low carbon energy sources. The principal policy considerations are NPF4 Policy 11 Energy which supports all forms of renewable, low-carbon and zero emissions technologies including battery storage, Policy 11a (iii) refers. LDP Policy 33A supports new proposals subject to an assessment of individual and cumulative effects of developments on amongst other factors the natural and built heritage, the amenity of neighbouring uses and traffic generation. LDP

Policy 33B specifically encourages low carbon energy solutions where specific grid connection or the use of established infrastructure can occur.

- 46 The proposal is located on class 5 carbon rich soils. Policy consideration includes NPF4 Policy 5 which allows development proposals for essential infrastructure where there is a specific locational need and no other suitable site, and the generation of energy from renewable sources on valued soils and there is secure provision for restoration only. National policy aligns with LDP Policy 51: Soils.
- 47 Whilst the proposal is not itself categorised as a renewable energy generator, its role in enabling better and more efficient use of energy and renewable technologies is acknowledged. This approach accords with the above objectives, in terms of minimising the causes of climate change through assisting with the efficient use of the energy generation from renewables and enabling the temporary storage of surplus energy generated from a diverse range of technologies.
- 48 LDP2 Policy 33A implicitly supports the principle of energy storage as a means of assisting grid balancing, subject to several criteria. Relevant to this site are visual amenity, noise, and landscape impact. Overall, it is considered that the proposal will contribute towards meeting carbon reduction and renewable energy generation targets.
- 49 In terms of the specific locational need for an energy storage facility, it is accepted that available site locations are largely dependent on proximity to existing grid infrastructure. In this case the principal site selection reason is its proximity to the existing Braco West substation, which offers a nearby grid connection.
- 50 The proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO₂ reduction targets. 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. Energy storage facilities such as that proposed could help reduce reliance on non-renewable resources, decreasing CO₂ emissions. The application supports the move to a greater reliance of renewable energy. There is an established need and site-specific reasoning for this essential infrastructure development to be positioned in this location.
- 51 In conclusion it is accepted that there is a specific, locational need for the proposed development due to the proximity to Braco West substation. This development addresses the objectives of NPF4 Policy 11 and LDP2 Policies 33 and 51 for development of this type to help make more efficient use of the energy generated by renewables.

Design and Layout

- 52 The proposed design and layout primarily reflect the physical and engineering requirements to deliver and service an energy storage facility of this scale. The specification of the development is consistent with industry standards and other approved battery storage sites in Perth and Kinross. In physical terms, the structures and engineered boundary treatment are primarily below 3m in height (with the exception of the control building roof which reaches a height of 4.99m to ridge). The resultant horizontal massing is therefore more significant than vertical impacts.
- 53 These visual impacts are further considered in the Landscape and Visual Amenity section below. Internally within the site, separation between each container is maintained for installation and maintenance purposes. The final detailing, colour and material finishes of the proposed infrastructure, including landscape boundary details are proposed to be controlled via conditions (Conditions 9 and 20). Subject to verification of this final detail, the proposed development is considered consistent with NPF4 Policy 14 and LDP2 Policy 1.

Landscape and Visual Amenity

- 54 There is no specific landscape policy in NPF4, however, Policy 4(a) states that development proposals which have an unacceptable impact on the natural environment will not be supported. In terms of the LDP2, Policies 1 and 39 require developments to contribute positively to the quality of the surrounding built and natural environment and to not conflict with maintaining and enhancing the landscape qualities of Perth and Kinross.
- 55 LDP2 Policy 39 also seeks to safeguard and enhance landscape character and green infrastructure. In this instance, the proposed design is largely set by technical requirements, type of equipment and infrastructure required for electricity storage. Given the rural landscape and location the visual impact of the proposal is largely minimal as it will be surrounded by a coniferous tree plantation and is less intrusive when compared to the adjacent substation.
- 56 In association, LDP2 Policy 1B requires consideration to be given to a proposal's visual impact and landscape setting. In terms of enhancement and mitigation, LDP2 Policy 40 supports planting of new trees and woodlands and new landscape planting around the perimeter of the site is proposed.
- 57 The visual impact during construction will be temporary and the proposed design, existing and proposed woodland planting is considered robust and appropriate mitigation for the resultant visual impact, subject to further conditional control (Condition 9) to secure the detailing and timing for delivery, satisfying the terms of NPF4 Policy 4 and LDP2 Policies 1 and 39.

Residential Amenity

- 58 In respect of residential amenity, NPF Policy 14 aligns with LDP2 Policy 55 which seeks to avoid proposals which result in lighting with obtrusive and/or intrusive effects. Additionally, NPF Policy 23 aligns with LDP2 Policy 56 which sets a presumption against siting of development proposals involving elevated levels of noise in the locality of existing or proposed noise sensitive land uses. The context sees the closest residential properties of Tamano and Bentick Farm over 1km south east of the proposed site.

Lighting

- 59 The applicant has confirmed within the Supporting Statement that there will be no permanent lighting within the site and that the only lighting will be motion-sensitive lighting at the entrances to the various buildings and storage units. They will also be downward facing to minimise light spillage. Environmental Health have no adverse comments on this aspect of the proposal and no condition has been requested. Therefore, the proposal is considered to comply with NPF4 Policy 14 and LDP2 Policy 55.

Noise

- 60 Within the applicants Supporting Statement it states that the proposed energy units will be acoustically enclosed to attenuate noise and meet the day and night-time requirements for the nearest residential properties. The potential noise emissions at the closest receptors of Tamano and Bentick Farm are over 1km away and given the distance and forest landscape/topography the predicted impact will not exceed any background levels. Operational vehicle movements will be limited to occasional maintenance visits. Environmental Health agree but recommend a standard noise condition is applied and is in line with similar applications in the area (Condition 7).
- 61 In terms of installation impact, this will be temporary. Environmental Health recommend construction works shall be limited to Monday to Friday 0700 hours to 1900hours and Saturday 0800 hours to 1300 hours with no noisy works out with these time or at any time on Sundays or bank holidays. (Condition 8).
- 62 Overall, Environmental Health have, subject to planning conditions, raised no concerns over the potential for adverse noise and lighting impact on residential properties (Conditions 7 and 8). The proposal is therefore considered to comply with LDP2 Policies 55 and 56, with no unacceptable impact on the amenity of residential properties.

Roads and Access

- 63 NPF4 Policy 13 aligns with LDP2 Policy 60 which requires local road networks and accessibility requirements are sufficient and capable of absorbing traffic

generated by development, and also that satisfactory access is provided. Neither Transport Scotland nor PKC Transport Planning have raised concerns in relation to transport or access arrangements, either during construction or during operation.

- 64 It is recognised that the access route off the B8033 road to the proposed site and existing substation also provides access to five residential properties. The access route already serves the existing substation and, following installation of the battery storage facility, the traffic impact will be minimal.
- 65 Both Transport Scotland and Transport Planning recommend that construction traffic be controlled to ensure suitable arrangements and routes are in place (Conditions 4 and 5). Subject to compliance with these conditions, the impact on the residents that share the access road will be minimised. The proposals are considered to be in accordance with NPF4 Policy 13 and LDP2 Policy 60.

Drainage and Flooding

- 66 In respect of the flood risk and drainage, there are no flooding concerns identified within the site. The requirements for sufficient surface water and SUDs detailing can also be addressed in advance of development commencing (Condition 19). The proposals are therefore considered to satisfy NPF Policy 22 and LDP2 Policy 53.

Biodiversity and Woodland

- 67 NPF4 Policies 1, 3, 4 and 6 and LDP2 Policies 38, 40 and 41 are all relevant considerations in respect of potential biodiversity impacts or for identifying opportunities arising from the development. It is noted that the proposed development is on a recently felled commercial forestry plantation. Whilst we usually require compensatory planting for trees lost in development, it is important that no further tree planting takes place in the bog restoration area. Any tree restocking will impact the drainage and water availability to the site and the peatland restoration areas. NPF4 Policy 6 and LDP2 Policy 40 is therefore complied with.
- 68 NPF4 Policy 3 and LDP2 Policy 41 seeks to protect and enhance all wildlife and habitats. It advises that planning permission will be granted where evidence is provided to show there is no adverse effect on ecological interests. The applicant has submitted an Ecological Appraisal and Habitat Survey which have been assessed by the Councils Biodiversity/Tree Officer and ensure there will be no adverse impact on protected species and reptiles. A number of conditions have been recommended to ensure compliance with NPF4 Policy 3 and LDP2 Policy 41. (Conditions 12, 13, 15, 16, 17,18).

Soil and Peatland

- 69 NPF4 Policy 5 and LDP2 Policies 33A and 51 are relevant considerations in respect of protecting carbon rich soils, restoration of peatlands and to minimise disturbance of soils from development. Development is only permitted in certain circumstances. To address this policy full information on the peat must be provided. A draft peat management plan (PMP) has been provided as part of the submitted draft Construction and Environmental Management Plan (CEMP). This includes a peat survey.
- 70 The draft PMP outlines that the site is underlain by peat and peaty soils which are likely to have supported blanket bog habitat prior to being drained and subsequently planted for commercial forestry. The draft PMP outlines that the remaining peat within the site is shallow and degraded, and the peat depth survey of the site indicates that peat depths are between 0.5m and 1m across the majority of the site. The draft PMP identifies the extent of peat to be excavated as a result of construction work, and how the excavated peat will be reused within the site, namely in relation to the proposed bog restoration to the north of the site. Further detailed information – through a finalised PMP – should identify the finalised methods to be used to prevent or minimise the volumes of extracted peat during the construction process.
- 71 Carbon-rich soils are those with any surface organic (peaty or peat) layer. Peat in the Scottish soil classification is soil with more than 60% organic carbon and exceeding 50cm in thickness.
- 72 The proposed development is located on Class 5 soil (defined in the Carbon and Peatland 2016 Mapping) which has little or no hazard of erosion and is mainly used for pasture, forestland, and food for wildlife. In class 5 we are often looking at forested sites where the land has been subject to disturbance through drainage, furrowing, nutrient enrichment added at the time of tree planting and then subsequent drying out as trees mature and then, in this case, clear felling and replanting. Ecologically speaking the site may still be underlain with a carbon-rich soil and that could be classed as peat and may even be quite deep in parts but it's no longer functioning as an ecologically intact peatland habitat. Restoration to a functioning peatland may not be possible.
- 73 In terms of Classes 1 and 2 we are concerned with which would be considered to be of high conservation value and restoration potential. If we consider the **mitigation hierarchy** (referred to in NPF4 policy 5a (i)) avoidance, minimisation, restoration and offset. Just based on the mapping alone the proposal has avoided areas of peatland in Classes 1 and 2. Section 3.2 in the Applicant's Habitat Survey describes the Carbon and Peatland 2016 map being used to avoid Class 1 and 2 peatlands. The subsequent sections go on to describe the habitats found in the wider survey area. The habitats found on the construction site are '*other coniferous woodland*' (figure 5). Some wet heath is located just outwith the red line occupying an old forest ride. The site does not contain any

priority peatland habitats and with the influence of afforestation and subsequent forestry operations the site does not support peatland habitats.

- 74 NatureScot guidance on advising on peatlands specifies that if the proposed development avoids priority peatlands habitats but the soils are still carbon-rich or 'peat' then are they able to mitigate the impacts on this soil resource. NatureScot guidance suggests; -

Impacts on peatland can be reduced by:

- *conducting detailed habitat surveys and peat depth surveys;*
- *avoiding deeper peat and sensitive habitat;*
- *carefully planning drainage on the site and ensuring good maintenance of mitigation measures on site.*

- 75 Disturbance of carbon rich soils, as set out in LDP2 Policies 33A and 51 should be avoided. A Peat Survey and Draft Peat Management Plan have been submitted and assessed by the Council, SEPA and NatureScot. Probing the soil they have found depths of peat/carbon rich soil varying between 20 cm – 110 cm. So, some deeper peat soils will be impacted.

- 76 LDP2 Policy 51 also states that the Council is committed to ensuring that development avoids disturbance to, and the loss of, carbon rich soils, including peatland, which are of value as carbon stores. Development will only be permitted on areas of carbon-rich soils, including peatland, where it has been clearly demonstrated that there is no viable alternative, or where the economic and social benefits of the development would outweigh any potential detrimental effect on the environment. Where exceptions allow for development that would disturb carbon rich soils, development should be informed by:

- an appropriate peat survey and management plan;
- any disturbance or excavation be minimised; and
- an assessment of the likely effects of the development on carbon dioxide emissions, and suitable mitigation measures implemented to
- minimise carbon emissions (with details of both submitted as part of the application);
- details setting out how the development could contribute towards local or strategic peatland habitat enhancement or restoration

- 77 In offsetting the loss of peat, LDP2 Policy 51 then requires development to implement appropriate peat management measures, adopt best practice when moving, storing, and reinstating peat and consider the opportunity to re-use peat necessarily excavated from the site. These requirements are proposed to be secured via Condition 14 to addresses restoration, decommissioning and a quantification of carbon loss and to demonstrate that the long term benefit will be a significant biodiversity enhancement.

- 78 Similarly, NPF4 Policy 5 intent is *'to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development'*. And Policy 5d indicates that where carbon-rich soils could be impacted assessments are needed, which in this case the Applicant has done. The habitats survey, the peat depth plan and their Draft Construction and Environmental Management Plan and Peat Management Plan include an assessment of peat and options for reuse of the peat which has been identified as bog restoration to the north of the site.
- 79 The remaining surplus peat (88m³) is proposed for use in ditch blocking and bog restoration within the area of recently felled plantation immediately to the north of the site. Surplus peat will be used to block existing drains within the area, in combination with sleeper dams and coir matting, to assist with the re-wetting of the area. Bog restoration is welcomed but restoration to a fully ecologically functioning bog could take a very long time, however, if the ground can be sufficiently re-wetted through blocking of drainage, as noted above, this does give a chance of sphagnum species re-establishing and it is these key species that, through time and their own very slow decomposition, form peat. Monitoring to check the restoration is being effective will be required. This, however, can be controlled through condition. The applicant should refer to established guidance on forest to bog restoration in preparing their detailed Peat Management Plan and CEMP (required under Conditions 11 and 14).
- 80 NPF4 does place more of a spotlight on soils and carbon-rich soils but across Scotland carbon-rich and peat soils can be found that no longer support the peat forming vegetation they used to, particularly true of afforested sites which can often be found on sites with underlying carbon-rich soils. Sites like these that do not support the peatland habitats anymore are not priority peatland habitats and are not nationally significant. It might be possible to restore them but it may take longer to do so given that the habitats and species associated with peat formation are no longer present.
- 81 The applicant has used the mitigation hierarchy in their approach and is proposing compensation. If the bog restoration is successful in rewetting some of the site to the north it is likely that this would offer a biodiversity benefit in diversifying the type of habitats found locally which currently is a coniferous forest with a very limited range of habitats. NPF4 Policy 5 and LDP2 Policies 33 and 51 have been satisfied.

Carbon Impact

- 82 The applicant has submitted a Peat Carbon Balance Assessment to inform the wider carbon balance of the development project. This has been assessed by the Council's Strategy and Policy team. The summary of this assessment outlines that the retention of all existing peat within the site, and the use of excavated peat to restoring an adjacent area of damaged peatland will result in a significant decrease in current carbon emissions from existing previously afforested peatland, and the proposed peatland restoration will deliver carbon sequestration

within the managed area. In terms of supporting local peatland habitat enhancement/restoration, it is noted that approximately half of the site is proposed for bog restoration.

- 83 The proposed construction of the project will lead to no net increase in carbon emissions. The retention of all existing peat within the site, and the use of excavated peat to restore an adjacent area of damaged peatland will result in a significant decrease in current carbon emissions from the existing previously afforested peatland. The proposed peatland restoration will deliver carbon capture within the managed area. The proposal complies with NPF4 Policy 5 and LDP Policy 51 as it will lead to peatland enhancement.

Health and Safety

- 84 National Grid advised that the access track crosses over their infrastructure. A condition is recommended to ensure that there will be no risk of damage and ensure compliance with NPF4 Policy 23 and LDP2 Policy 54 (Condition 6).

Waste Collection

- 85 There is minimal or no ongoing waste collection requirements anticipated post construction.

Developer Contributions

- 86 No developer contributions are required for this type of development.

Economic Impact

- 87 In the short term, construction will create jobs with scope for local employment. Beyond this, local employment opportunities will be limited. Holistically, 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 directly support local renewable energy generation, by helping balance fluctuations of intermittent energy generation and more widely, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross Area.

Lifespan of Facility

- 88 Infrastructure developments of this nature tend to have a particularly long lifespan and consideration should be given to the long-term maintenance and eventual decommissioning of the proposal, including removal with site restoration when not viable or obsolete.
- 89 The lifespan of the facility has been proposed by the applicant to extend to 50 years. As such, a condition is proposed that places a simple requirement on the operator/landowner that the site will be decommissioned and re-instated at the

end of the 50 year period (Condition 3) and should the energy storage facility (as approved) not be in use for a continuous period of 12 months (Condition 21).

Financial Provision

- 90 Policy 33A(h) and NPF4 Policy 11(e), both of which note that financial implications are to be factored in when considering site restoration plans and to ensure these are financially safeguarded. NPF4 Policy 11(e) XII goes further and states that consideration needs to be given to measures in place to safeguard or guarantee availability of finances to effectively implement those plans. The Agent has confirmed that the applicant has a funded agreement with the landowner to restore the site, so restoration liabilities are covered, therefore, the submission of this information can be secured by condition (Conditions 25 and 26).

Decommissioning and Restoration

- 91 Both the LDP2 and NPF4 require appropriate reinstatement of the site to be undertaken. The submission indicates that the battery energy storage units and associated equipment will be removed from site and the site will be restored to blanket bog, mirroring the area to the north of the site which is to be restored to blanket bog throughout the construction phase of the development. A condition is recommended to ensure that full details of the restoration measures are submitted for the approval of the Planning Authority prior to the works being undertaken (Condition 23). Condition 22 will also ensure that the restoration is carried out in full within an appropriate timescale. These conditions are considered to meet the requirements of the LDP2 and NPF4 in terms of the restoration of the site.

PLANNING OBLIGATIONS AND LEGAL AGREEMENTS

- 92 None required.

DIRECTION BY SCOTTISH MINISTERS

- 93 Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, regulations 30 – 33 there have been no directions by the Scottish Government in respect of an Environmental Impact Assessment screening opinion, call in or notification relating to this application.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 94 To conclude, the application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with NPF4, and the adopted Local Development Plan 2 (2019). Account has been taken account of the relevant material considerations and none has been found that would justify overriding the

Development Plan. The proposal will directly contribute towards meeting carbon reduction and renewable energy generation targets.

- 95 Accordingly the proposal is recommended for approval subject to the following conditions.

RECOMMENDATION

Conditions and Reasons for Recommendation

General

1. 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.

2. 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.

3. The battery energy storage units and ancillary infrastructure shall be removed from the site no later than 50 years after the date when the operation is first brought into use unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of first operation shall be provided to the Planning Authority within one month of that date.

Reason - In order to limit the permission to the expected operational lifetime of the battery storage units and to allow for restoration of the site in the event that the use is not continued by a further grant of planning permission for a similar form of development.

Roads and Access

4. Prior to the commencement of the development hereby approved, the developer shall submit for the further written agreement of the Council as Planning Authority, in consultation with the Roads Authority, a Construction Traffic Management Scheme (CTMS) which shall include 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) monitoring, reporting and implementation arrangements;
- (n) arrangements for dealing with non-compliance; and
- (o) details of HGV movements to and from the site.

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

Reason - To minimise interference with the safety and free flow of the traffic on the access road off the B8033 road.

5. Prior to the commencement of development, a comprehensive Construction Traffic Management Plan shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland.

Reason - To minimise interference with the safety and free flow of the traffic on the trunk road.

Health and Safety

6. Not less than two months from the date of this planning permission, a detailed scheme for the management of vehicles crossing of the National Grid pipeline at Easting 282178; Northing 709479 and any necessary reinforcement works of that

road and or crossing shall be submitted to, and approved in writing by, the Planning Authority in consultation with National Grid. The scheme shall include the frequency of vehicle movements during both the construction and operational phases of development, specify vehicle weights and set out the technical specification of the reinforcement works to the road or crossing point and their delivery. Thereafter, the scheme shall be implemented in complete accordance with the approved scheme and all reinforcement works complete prior to the commencement of development hereby approved.

Reason - In order to ensure that suitable vehicle crossing arrangements are provided.

Amenity

7. 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 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.

8. Construction work shall be limited to Monday to Friday 0700 hours to 1900 hours and Saturday 0800 hours to 1300 hours with no noisy works out with these times or at any time on Sundays or bank holidays (as identified by Scottish Government).

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

Landscape

9. Prior to the commencement of the development hereby approved, a detailed boundary landscaping and planting scheme shall be submitted for the written agreement of the Council as 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 by the site operator.

Reason - To ensure a satisfactory standard of development and environmental quality and to reserve the rights of the Planning Authority.

10. Any planting failing to become established within five years shall be replaced in the following planting season with others of similar size, species and number to the satisfaction of the Council as Planning Authority.

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

Ecology

11. A minimum of two months prior to the commencement of development, a site-specific Construction Environmental Management Plan (CEMP) which shall include a Construction Method Statement (CMS) shall be submitted to and approved by the Council as Planning Authority in consultation with key stakeholders as deemed appropriate. The CEMP must also include a Pollution Prevention Plan (PPP), Invasive Management Plan (IMP), Site Waste Management Plan (SWMP), Site Access Management Plan (SAMP), Construction Exclusion Zone (CEZ), Construction Traffic Management Plan (CTMP), Environmental Management Plan (EMP). Proposed measures for bog restoration methods, monitoring and ongoing long-term aftercare and maintenance shall be included. Measures to ensure the public road network is kept free from mud or debris shall also be required. The CEMP will remain a live document, any working practices deemed to be having an adverse impact on ecology or the environment will be the subject of revision. All revisions must be submitted to the Planning Authority as soon as reasonably practicable. Thereafter the development shall be fully undertaken in accordance with the agreed CEMP.

Reason - In the interest of protecting environmental quality and of biodiversity. To minimise any associated adverse landscape and visual impact of the above ground elements and protect the character and visual amenity of the immediate and surrounding countryside and associated nature and cultural heritage conservation interests.

12. Prior to the commencement of the development hereby approved, an independent and suitably qualified Ecological Clerk of Works (ECoW) shall be appointed at the developers' expense. Details of this appointment shall be subject to the prior written agreement of the Council as Planning Authority. The appointed person will remain in post for the duration and subsequent restoration of the proposed development. The ECoW shall have responsibility for the following:
 - (a) Overseeing the implementation of the Construction Environmental Management Plan (CEMP) and habitat restoration approved by this permission.

- (b) Authority to stop operations or to alter construction methods should there be any works occurring which are having an adverse impact on the natural heritage.
- (c) Prior to the commencement of development, they shall provide an environmental / ecological toolbox talk for construction staff.
- (d) They will have authority to amend working practices in the interests of natural heritage. Any amendments shall be submitted to the Council as Planning Authority as an addendum to the approved CEMP.
- (e) They shall make weekly visits to the development site at a time of their choosing. No notification of this visit is required to be given to the developer or contractor.
- (f) Within 10 working days of the end of each calendar month, they are required to submit a detailed monthly report for the review of the Planning Authority in consultation with Scottish Environment Protection Agency (SEPA) for the duration of development.
- (g) They shall notify the Council as Planning Authority in writing of any requirement to halt development in relation to this condition as soon as reasonably practicable.

The above shall be implemented throughout the construction, (including re-instatement and de-commissioning of the construction compounds) hereby approved unless otherwise agreed in writing with the Council as Planning Authority. The CEMP shall contain a site-specific Construction Method Statement (CMS) which will provide concise details for the implementation of the CEMP for site operatives.

Reason - To avoid habitat damage and safeguard natural heritage interests.

13. Measures to protect animals from being trapped in open excavations and/or pipe and culverts shall be implemented for the duration of the construction works of the development hereby approved. The measures may include creation of sloping escape ramps for animals, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day and open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

Reason - In order to prevent animals from being trapped within any open excavations.

14. A minimum of two months prior to the commencement of development, a Detailed Peat Management Plan shall be submitted for the written approval of the Council as Planning Authority, in consultation with SEPA and the Council's Biodiversity/Tree Officer, and all work shall be carried out in accordance with the agreed plan.

Reason - In the interests of protection of existing peatland.

15. A minimum of two months prior to the commencement of development, an updated Habitat Management Plan shall be submitted for the written approval of the Council as Planning Authority, in consultation the Council's Biodiversity/Tree Officer, and all work shall be carried out in accordance with the agreed plan.

Reason - In the interests of protecting environmental quality and of biodiversity.

16. The conclusions and recommended action points within the supporting Ecological Appraisal (October 2022) (drawing number 14) and Habitat Survey (October 2022) (drawing number 15) submitted and hereby approved shall be fully adhered to, respected, and undertaken as part of the construction phase of development.

Reason - In the interests of protecting environmental quality and of biodiversity.

17. Prior to the commencement of the development hereby approved, final details of the proposed boundary fencing for the site shall be submitted for the written agreement of the Council as Planning Authority. For the avoidance of doubt the fencing will be required to be deer proofed. The scheme as subsequently agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

Reason - In the interests of protecting environmental quality and of biodiversity.

18. Prior to the commencement of development, the developer shall provide full written details of a scheme for mitigating any potential effects on reptiles on the site during the construction and operation of the energy storage project. This shall include:

- The deployment and searching of artificial reptile refugia to allow the capture and relocation to a suitable and safe area of reptiles within the site. Such measures to be undertaken during the reptile active period of May to October (inclusive).
- After an agreed period with no reptile captures, the site shall be cleared outward to an agreed methodology from the site centre to allow any remaining/undetected reptiles to disperse into adjacent habitats.
- The site shall then be maintained with no vegetation cover until construction works commence.
- Habitat clearance works shall be undertaken during the reptile's active phase i.e., April - October (inclusive).
- Details of proposals for the creation of reptile hibernacula within the site.

Reason - In the interests of protecting environmental quality and of biodiversity.

Drainage

19. Development shall not commence on site until a detailed sustainable urban drainage system (SUDS) has been submitted for the further written agreement of the Council as Planning Authority, in consultation with SEPA where necessary. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C753) and the Council's Flood Risk and Flood Risk Assessments Developer Guidance and shall incorporate source control. All works shall be carried out in accordance with the agreed scheme and be operational prior to the bringing into use of the development.

Reason - To ensure the provision of appropriate and effective drainage for the site.

Finishes

20. 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.

Project Lifespan and Site Aftercare

21. In the event the hereby approved development fails to store electricity on a commercial basis for a continuous period of 12 months, then it shall be deemed to have permanently ceased to be required. In such an event, the development shall be decommissioned, and the relevant parts of the site brought into an agreed condition 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, to ensure no adverse impact on the visual amenity of the area and a satisfactory standard of local environmental quality.

Restoration

22. The restoration of the site shall be completed in full within 12 months of its decommissioning and shall be undertaken in full accordance with the submitted restoration scheme to be approved under conditions 23 and 24 of this permission and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.

Reason - In the interests of visual and residential amenity.

23. Within 6 months of the date of this decision notice, a detailed decommissioning and restoration scheme for the application site shall be submitted to and approved in writing by the Planning Authority. The scheme shall set out the means for restoring the site to blanket bog following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a similar form of development) the restoration of the site shall be implemented in accordance with the approved details and in accordance with the timescales outlined in condition 22 of this permission and in any case before the expiry of the time period set by condition 3 of this planning permission.

Reason - In the interests of visual and residential amenity.

24. Prior to the commencement of the final restoration and re-instatement of the application site as required by conditions 22 and 23 of this permission a detailed scheme with final contours and an aftercare management plan for the site shall be submitted to and approved in writing by the Planning Authority. Thereafter the approved scheme shall be implemented in full.

Reason - To ensure that final contours and an updated restoration plan and aftercare plan are submitted prior to the site ceasing operation thereby ensuring appropriate restoration in the interests of visual amenity and to minimise impacts on the landscape.

25. Prior to the commencement of any development on site, the following shall be submitted to the Council as Planning Authority:
- a) Details of a bond or other financial instrument which will ensure that sufficient funds are available to meet the cost of implementing the removal of all development granted by this permission and the approved restoration scheme (relating to Conditions 23 and 24).
 - b) Confirmation by an independent Chartered Surveyor (whose appointment for this task has been approved by the Council as Planning Authority) that the amount of the bond or financial instrument is sufficient to meet the cost of the removal of all development granted by this permission and the site's restoration.

Reason - To ensure that at all times there are sufficient funds available to ensure that the removal of all development and site restoration can occur.

26. The approved bond or financial instrument shall be maintained throughout the duration of the operation of the development hereby approved. At five-yearly intervals (as a minimum) from the commencement of the development, an independent review of the approved bond or financial instrument shall be carried out and submitted to the Council as Planning Authority. The Council as Planning

Authority may direct that the approved bond or financial instrument be amended if this is necessary to ensure that funds remain sufficient to cover the removal of all development granted by this permission and the site's restoration.

Reason - To ensure that at all times there are sufficient funds available to ensure that the removal of all development and site restoration can occur.

B JUSTIFICATION

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

C PROCEDURAL NOTES

None.

D 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. Please use the form attached herewith.
2. 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. Please use the form attached herewith.
3. 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.
4. 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.

5. An application for Building Warrant may be required.
6. 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.
7. The applicant is reminded that, should any protected species be present a licence may be required from NatureScot 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. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates. 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.
9. The applicant should take note of the information and advice contained within the consultation response from Scottish Water.
10. The applicant should take note of the information and advice contained within the consultation response from Natural Gas.

Background Papers: No letters of representation.
Contact Officer: Gillian Peebles
Date: 29 September 2023

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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

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