

Perth and Kinross Council  
Planning & Development Management Committee – 28 July 2021  
Report of Handling by Head of Planning & Development (Report No. 21/115)

**PROPOSAL:** Installation of a 49.9MW energy storage facility comprising 50 battery storage container units, ancillary equipment, erection of a control building, siting of 2 container units for office/store use, formation of boundary treatments, landscaping, parking and associated works

**LOCATION:** Land 90 Metres South West of Noah's Ark Old Gallows Road, Perth

Ref. No: [21/00235/FLM](#)

Ward No: P9 - Almond and Earn

**Summary**

This report recommends approval of the application, subject to a suite of planning conditions. The development is acknowledged to not fully comply with the relevant provisions of the Development Plan. There are however material considerations which outweigh those provisions of the Development Plan and justify a recommendation of approval.

**BACKGROUND AND DESCRIPTION OF PROPOSAL**

- 1 The application site (c.1.1 hectares (ha)) is located directly west of the A9(T) and south of Old Gallows Road, on the site of the former Perth Equestrian Centre. Further to the west are the residential areas of the 'Western Edge'. Additionally, the Burghmuir Substation, which would provide a connection to the electricity grid, is located across the A9 on Old Gallows Road. The Noah's Ark centre is directly east, with the former Glendevon Farmhouse approximately 65m to the south-east. Perth Caravan Park is located to the north. The closest residential properties are 1 and 2 Glendevon Farm Cottages, located 105m north-east.
- 2 The site is considered 'brownfield', reflecting the former use as an equestrian centre, and is primarily characterised by hardstanding with peripheral bunding and disused structures such as floodlights around the edges. The site is allocated within the Perth and Kinross Local Development Plan 2019 (LDP2) as: MU70 'Perth West' (262ha), all identified for mixed uses. The site is also located to the north of a site subject to a recent application for Planning Permission in Principle (reference: 20/00667/IPM), which related to the southern part of 'Perth West'.
- 3 The application seeks planning permission to site the following electrical energy infrastructure elements (and supporting infrastructure) for a 50 year period, all to store and supply electricity of up to 49.9 megawatts (MW) (reflected in submitted plans 3 and 10):

- Up to fifty energy containerised storage units (each unit 12.2m long x 2.44m wide x 2.9m high, positioned on concrete pads up to 0.4m above ground level);
  - Electricity Control/substation building (10m x 10m x up to 4.99m);
  - Two 33 kilovolt (kV) transformers (each unit measuring 5.455m x 4.98m x 4.27m);
  - Up to twenty-five 11kV transformers, each supporting two energy units (each 2.05m x 1.98m x 2.679m max);
  - Boundary fencing, including deer fencing beyond the landscaped boundaries, acoustic fencing and double leaf acoustic access gate. The acoustic fence will be up to 4m in height, faced in timber;
  - Up to five CCTV columns (maximum height of 3.1m);
  - Boundary landscaping on southern and western boundaries, identified as native species, extending to approximately 1,200sqm.
- 4 The main operational site area extends to 7,728sqm, which will be re-surfaced with a membrane and topped with a permeable stone surface before the infrastructure elements are sited.
- 5 In terms of construction and general site access, the intention is to use the existing access from Old Gallows Road, for all traffic. Access is most likely to originate from: the A9, A93 and Perth area.
- 6 The project is described as seeking to directly support the flexible operation of National Grid and decarbonisation of electricity supply, by balancing electricity supply and demand. The intermittent nature of renewable energy creation explained to be such that, depending on site specific conditions, electricity produced can be lost if demand is low or it is not produced during peak demand times. This energy storage facility is identified to have the potential to provide a rapid-response electrical back-up to the Grid.

## **ENVIRONMENTAL IMPACT ASSESSMENT (EIA)**

- 7 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.
- 8 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.
- 9 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
- Flood risk and drainage
- Landscape and visual impact
- Ecology
- Sustainability
- Light and noise impact.

### **Pre-Application Consultation**

- 10 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, including an online event with a live presentation and question and answer session, hosted on the applicant's website. The Planning Authority asked that the local Councillors, MSP and MP were also advised of the event, alongside relevant material being made available, both before and beyond the proposed online event, all to give the public the best possible opportunity to have input.
- 11 The submitted Pre-Application Consultation (PAC) Report identified that only two members of public attended the online consultation event and that no written feedback was received. The content and coverage of the community consultation exercise is considered sufficient and proportionate.

### **National Policy and Guidance**

- 12 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**

- 13 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.

### **The Scottish Planning Policy 2014 (SSP) (Revised December 2020)**

- 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
- Supporting Business and Employment: paragraphs 92 – 108
- Delivering Heat and Electricity: paragraphs 152 – 173
- Managing Flood Risk and Drainage: paragraphs 254 – 268.

### **Planning Advice Notes**

16 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 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 plan's 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 1: Locational Priorities
- Policy 7: Energy, Waste and Resources.

## **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.

The principal relevant policies are, in summary;

- Policy 1: Placemaking;
- Policy 7B: Mixed Use Sites;
- Policy 15: Public Access;
- Policy 26: Archaeology;
- Policy 30: Protection, Promotion and Interpretation of Historic Battlefields;
- Policy 33: Renewable and Low Carbon Energy;
- Policy 35: Electricity Transmission Infrastructure;
- Policy 39: Landscape;
- Policy 40: Forestry, Woodland and Development;
- Policy 41: Biodiversity;
- Policy 53: Water Environment and Drainage;
- Policy 55: Light Pollution;
- Policy 56: Noise Pollution;
- Policy 60: Transport Standards and Accessibility Standards.

### **LDP2 Allocation**

#### **MU70 Perth West (mixed use)**

- 21 This allocation sees an overall site area of 262 ha, the following uses and quantum of development are specified:

- Up to 3453 dwellings;
- In excess of 25 ha employment land;
- 2 local employment and community focused centres;
- Land set aside for medical centre;
- Land set aside for 2 double stream primary schools;
- Land set aside for cemetery provision.

### **Site History**

- 22 [20/00011/PAN](#) A related Proposal of Application Notice (PoAN) was submitted outlining the formation of an energy storage facility comprising battery storage container units, ancillary equipment, boundary treatments, landscaping and associated works. The proposed approach to consultation was accepted by PKC on 11 December 2020.

## **CONSULTATIONS**

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

## **External**

- 24 **Historic Environment Scotland:** No objection. Advise that account should be taken of local cultural heritage considerations.
- 25 **Transport Scotland:** No objection. Advise that if permission is granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all their necessary permissions are obtained.
- 26 **Methven Community Council:** No response.
- 27 **Scottish Water:** No objection. Advise there is sufficient capacity for clean water supply and foul water discharge.
- 28 **Perth And Kinross Heritage Trust (PKHT):** No objection, subject to an archaeology condition.
- 29 **Scottish Environment Protection Agency:** No objection or comment, clarifying there is no longer a requirement to consult SEPA.
- 30 **Health and Safety Executive:** No objection or comment, clarifying there is no requirement for the HSE to be consulted.

## **Internal**

- 31 **Environmental Health (Contaminated Land):** No objection, advise that records identify no contamination risks.
- 32 **Environmental Health:** No objection, subject to conditions to control noise and light impacts.
- 33 **Transport Planning:** No objection, subject to a condition to control construction traffic.
- 34 **Development Contributions Officer:** Advise that no contributions are required.
- 35 **Biodiversity/Tree Officer:** No objection, subject to conditions relating to landscaping, implementation of landscaping biodiversity protection and mitigation.
- 36 **Structure and Flooding:** No objection, subject to conditional control related to SUDs.
- 37 **Planning & Housing Strategy:** Advise the proposal lies within LDP2 allocated Site MU73, Perth West. Noting that the absence of a masterplan covering the overall allocation is contrary to site specific requirement within LDP2 but consider that this omission can be set aside through weighting of other relevant policy considerations.

## Representations

- 38 One representation was received, issues raised are summarised as follows:
- Proposal considered directly contrary to the current Local Development Plan, with the site allocated for housing and related uses.
- 39 This representation is addressed in the Appraisal section of the report.

## ADDITIONAL STATEMENTS

Screening Opinion	EIA Not Required
Environmental Impact Assessment (EIA): Environmental Report	Not Required
Appropriate Assessment	AA Not Required
Design Statement or Design and Access Statement	Submitted
Report on Impact or Potential Impact eg Flood Risk Assessment	Preliminary Ecological Appraisal Report (PEAR) Other statements submitted as part of a Planning Statement

## APPRAISAL

- 40 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 and the Scottish Government's Scottish Energy Strategy: The future of energy in Scotland (December 2017) (SES).

### Principle and Site Selection

- 41 It is appropriate to first consider the LDP2 allocation. As noted above, including in the representation, the application site lies within and forms part of the allocated site MU70 Perth West, which is allocated for mixed use development. In this context the application site itself constitutes less than 0.5% of that overall MU70 allocation. The allocation detail in LDP2 sets out appropriate land uses and, while not specifically mentioned, an energy storage facility is considered to remain compatible and broadly in accordance with the MU73 allocation.
- 42 The allocation detail within LDP2 also intimates that a comprehensive masterplan for the whole of MU70 is required, however such a document is not available at this point. This technically makes the application as submitted a departure from the development plan. A comprehensive masterplan document

could also include for the proposed development of a battery storage unit. The implications of this departure and what this means for site MU70 must be considered alongside other material considerations.

- 43 The LDP team advise that the current Noah's Ark recreation area is identified as a potential future 'strategic node' within the MU70 site, critical to the wider site's connectivity with Perth along Old Gallows Road. This may include for a principal spine road connecting the northern and southern areas of Perth West, routed in the vicinity of the application site. On this the indicative masterplan framework, prepared to inform the Main Issues Report for LDP2, identified this node area as including for a local centre with civic space, with the main spine road passing through. However, that masterplan framework was not ultimately adopted as Supplementary Guidance and as such is not a significant material consideration. The placemaking, visual and amenity impacts of the proposed energy storage site are however important considerations, to ensure the proposed development is compatible with and not prejudicial to any proposed land uses at Perth West.
- 44 In addition, elsewhere in LDP2, Policy 7B promotes the integration of employment generating opportunities with housing and allows for a range of uses to be developed on a mixed-use site, provided they are compatible with the amenity of adjoining uses.
- 45 The proposed energy storage facility and the other surrounding uses proposed at Perth West would all form part of the same mixed-use development. All uses therefore require to be compatible with each other. In this context the principle of the proposed development is considered a compatible use and compliant with LDP2 Policy 7B.
- 46 Of further relevance to the development proposed in this application, Policy 33 further sets out that: *"Proposals for the utilisation, distribution and developments of renewable and low-carbon sources of energy will be supported"* subject to siting and land use compatibility criteria.
- 47 The Plan's key objectives in respect of achieving 'low-carbon' include:
  - ensuring that development and land uses make a positive contribution to helping minimise the causes of climate change; and
  - promotion of the sustainable development of electricity generation from a diverse range of renewable and low-carbon energy technologies.
- 48 While 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.
- 49 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.

- 50 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 Burghmuir substation, which offers a nearby grid connection. The development also provides an opportunity to effectively reuse a brownfield site.
- 51 The proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO<sub>2</sub> reduction targets, supporting the strategic principles of SES. Specifically, electricity would be drawn from the Grid at times of low demand, stored and released back as required. When demand is higher, greater generation from non-renewable sources is required. Energy storage facilities such as that proposed could help reduce reliance on non-renewable resources, decreasing CO<sub>2</sub> emissions.
- 52 In conclusion it is accepted that there is a specific, locational need for the proposed development due to the proximity to Burghmuir substation. This development addresses LDP2 Policy 33 and national policy objectives for development of this type to help make more efficient use of the energy generated by renewables. In principle, it is accepted that the development can be integrated within the wider Perth West development and would not be prejudicial to a suitable masterplan framework coming forward. Both these factors represent robust material considerations in respect of supporting a departure from the site-specific requirements of the MU70, in respect of a comprehensive masterplan.

### **Design and Layout**

- 53 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 4m in height (with the exception of two 33kw transformers and the control building roof). The resultant horizontal massing is therefore more significant than vertical impacts. These visual impacts are further considered in the Landscape Impact 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 11 and 16). Subject to verification of this final detail, the proposed development is considered consistent with LDP2 Policy 1.

### **Residential Amenity**

- 54 In respect of residential amenity, LDP2 Policy 55 relates, this seeks to avoid proposals which result in lighting with obtrusive and/or intrusive effects.

Additionally, Policy 56 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 (1 & 2 Glendevon Farm Cottages) some 183m away, both are within the applicant's ownership. Compatibility of future land uses within the MU70 allocated in site also needs some consideration.

- 55 Generally, the potential for impacts on neighbouring residential amenity arising from proposed development should include noise, odour and artificial lighting. In this case the potential for impacts from noise would arise from mechanical noise generating sources including air conditioning units, inverter cooling fans, switchgears, transformer and background reactor noise, resulting in potential for:
- a steady hum from transformers;
  - instantaneous noise events from switchgears; and
  - reactor noise with a higher tonal content.
- 56 The applicant has not submitted a detailed Noise Impact Assessment to support the application but does refer to the potential noise sources within the supporting statement. Recommendations within the supporting statement includes installing 4 metre acoustic fencing around the perimeter of the compound, to ensure compliance of Noise Rating (NR) 30 during the daytime and NR 20 evening within nearby neighbouring properties. However, PKC Environmental Health (EH) advise that these levels would be more relevant and achievable within areas where the background levels are generally very low. As such, with the proposed development being located on the western edge of Perth, EH suggest that higher ratings, of NR 35 daytime and NR 25 night-time, are more appropriate. This reflects the location and proximity to the A9 and the related road traffic noise (Condition 3). In respect of lighting, this is proposed to be limited to sources within the site compound and Environmental Health recommended this be subject of further control (Condition 7).
- 57 Overall, Environmental Health have, subject to planning conditions, raised no concerns over the potential for adverse noise and lighting impact on residential properties (Conditions 3 – 7). The proposal is therefore considered to comply with LDP2 Policies 55 and 56, with no unacceptable impact on the amenity of residential properties or compatibility with future land uses identified in site allocation MU70 anticipated.

### **Landscape Impact and Visual Amenity**

- 58 LDP2 Policy 39 seeks to safeguard and enhance landscape character and green infrastructure. In this instance, the proposed utilitarian design is largely set by technical requirements, type of equipment and infrastructure required for electricity storage, including high acoustic fencing required to offset any adverse noise impacts. This context making calculated landscape and visual impact inevitable. In association, 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.

- 59 As mitigation a belt of landscape planting, extending to 1200sqm, is proposed around the western and southern boundaries of the site to enhance the existing landscape amenity whilst mitigating the visual effects of the required acoustic fence. The full detail of this landscaping scheme and its delivery can be secured (Condition 10). This identified landscape buffer is considered appropriate and proportionate along these boundaries.
- 60 To ensure no conflict or ongoing compatibility issues associated to the proposed development, with respect to the visual amenity for future land uses on the MU70 site, it is considered appropriate to also secure additional landscaping to the northern and eastern boundaries. This additional landscaping would allow for visual mitigation, as providing for a landscape buffer and screen with associated ecological benefits. This approach is supported by PKC's Biodiversity Officer. It is highlighted that the adjacent land required is in the same ownership, which ensures that this matter can be addressed (Condition 11).
- 61 Subject to the proposed conditions, the proposals are therefore considered to satisfy the terms of LDP2 Policies 1, 39 and 40.

### **Natural Heritage and Biodiversity**

- 62 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. A Preliminary Ecological Appraisal Report (PEAR) was submitted with the application, which has been reviewed by PKC's Biodiversity Officer. The PEAR is considered in accordance with best practice. The site itself is brownfield, with various previously developed areas, including hardstanding, with otherwise rough grassland and some scrub. There is no evidence of protected species and the habitats present are extremely common locally and regionally. The PEAR proposes various mitigations, and it is accepted that, subject to planning conditions to deliver these, the proposal complies with LDP2 Policy 41 (Conditions 13 & 14).

### **Roads and Access**

- 63 LDP2 Policy 60 requires that local road networks and accessibility requirements are sufficient and capable of absorbing traffic generated by development, and also that satisfactory access is provided. This matter was highlighted by Committee at the PoAN stage. Neither Transport Scotland nor PKC Transport Planning have raised concerns in relation to transport or access arrangements, either during construction or during operation. However, it is recommended that construction traffic be controlled to ensure suitable arrangements and routes are in place (Condition 2). Subject to compliance with this condition, the proposals are considered to remain in accordance with LDP2 Policy 60.

### **Drainage and Flooding**

- 64 In respect of the water environment 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 15). The proposals are therefore considered to satisfy LDP2 Policy 53.

### **Waste Collection**

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

### **Conservation Considerations**

- 66 In relation to relevant cultural heritage policy considerations, specifically Policy 26 and 30 regarding above and below ground conservation considerations, HES and PKHT have been consulted. They advise that in general the inter-visibility will be limited and not considered to cause adverse impact on the setting of listed buildings or associated cultural heritage assets in the wider area. The location is, however, considered archaeologically sensitive, being on the periphery of key cultural heritage receptors. HES refer to this location and the relationship with the Battle of Tippermuir (BT39), whilst PKHT additionally refer to a Cist Burial site (MPK 15392) located 50 metres south. HES advise that there is no national significant impact via the proposals but, consistent with the policy intention of Policy 30, the installation of interpretation panel material, with a consistent approach to interpretation across the battlefield and wider Perth West MU70 site welcomed. To ensure no adverse impact on qualifying interests, PKHT recommend that a programme of archaeological work is undertaken (Conditions 8 and 9). Subject to these conditions the proposals are considered to remain compliant with Policy 26 and 30 of LDP2.

### **Developer Contributions**

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

### **Economic Impact**

- 68 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**

- 69 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.

- 70 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 should the energy storage facility (as approved) not be in use for a continuous period of 12 months (Condition 17).

## **PLANNING OBLIGATIONS AND LEGAL AGREEMENTS**

- 71 None required.

## **DIRECTION BY SCOTTISH MINISTERS**

- 72 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**

- 73 To conclude, the application must be determined in accordance with the adopted Development Plan unless material considerations indicate otherwise. In this respect, the proposal is considered to comply with the approved TAYplan 2016 and broadly complies with LDP2. It is accepted that the proposed development does not include a comprehensive masterplan for the entire MU70 site allocation, thus is a departure from LDP2. However, it is acknowledged that this requirement would be disproportionate to this scale of development, where the proposal is otherwise considered to be compatible with both existing and any future neighbouring land uses, subject to enhanced boundary landscape treatment. The proposal will directly contribute towards meeting carbon reduction and renewable energy generation targets. Account has been taken of the relevant material considerations and is considered appropriate to justify overriding the adopted Development Plan in this respect.
- 74 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.

## **Roads and Access**

2. 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: In the interests of road safety.

## **Residential Amenity**

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. Noise from the battery storage compound shall not exceed 5dB(A) Leq above the background (LA90), including any relevant penalties for tonality, impulsivity, intermittency, or other sound characteristics, when measured at any residential property in accordance with BS4142:2014.

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

5. A continuous acoustic barrier shall be constructed in the location identified in Drawing No. EW/01/04 (Plan 11). Notwithstanding Plan 11, prior to commencement of the development, a detailed scheme for the acoustic barrier shall be submitted for the further approval of the Council as Planning Authority and shall be implemented in full in accordance to approved plan. The detailed plan shall include full material specifications, thickness, heights across the length of barrier and all sound reduction calculations.

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

6. In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ an independent consultant, approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 3 and 4. 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 conditions 3 and 4, noise mitigation measures shall be included with the noise assessment, specifying timescales for implementation of the required mitigation and shall be submitted to the Planning Authority with 28 days of the assessment. The mitigation measures 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.

7. Prior to the installation of any external lighting, a scheme for the details of all external lighting shall be submitted for the written agreement of the Council as Planning Authority. The scheme shall include details of light spill, brightness of the lighting and shall be controlled to only be triggered by motion within the fenced boundaries of the site. The agreed lighting scheme shall be implemented and maintained in full accordance with the agreed scheme.

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

### **Cultural Heritage**

8. Development shall not commence until the developer has secured the implementation of a programme of archaeological work in accordance with a

written scheme of archaeological investigation which has been submitted by the applicant and agreed in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust.

Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented including that all excavation, preservation, recording, recovery, analysis, publication and archiving of archaeological resources within the development site is undertaken. In addition, the developer shall afford access at all reasonable times to Perth and Kinross Heritage Trust or a nominated representative and shall allow them to observe work in progress.

Reason: To safeguard and appropriately record archaeology in the area.

9. In association with condition 8; prior to the commissioning and operation of the development, scope for Battlefield interpretation material (consistent with approach being pursued through the wider Perth West MU70 allocation), shall be investigated and submitted by the applicant for agreement in writing by the Council as Planning Authority, in consultation with Perth and Kinross Heritage Trust. Any agreed interpretation recommendations shall thereafter be undertaken and/or implemented within 6 months of the operation of the development, to the satisfaction of the Council as Planning Authority.

Reason: To ensure appropriate preservation, recording and enhancement of the historic environment.

## **Landscape**

10. Prior to the commencement of the development hereby approved, a detailed boundary landscaping and planting scheme for the site 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.

11. Prior to the commencement of the development hereby approved, and in association with Condition 10, additional enhanced boundary landscape treatment proposals for screen planting beyond the eastern and northern extents of the site boundary (on land within the landowners control) shall be submitted for the written agreement of the Council as Planning Authority. 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: In the interests of visual amenity, biodiversity enhancement and to ensure long term compatibility with the wider MU70 Perth West site designation future land uses.

12. 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.

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

### **Biodiversity**

13. The conclusions and recommended action points within the supporting biodiversity survey submitted and hereby approved shall be fully adhered to, respected and undertaken as part of the construction phase of development. Particular attention is drawn to Section 3: Results, in the submitted Preliminary Ecological Appraisal Report, IMTeco Ltd, June 2021.

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

14. 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.

### **Drainage**

15. 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**

16. 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**

17. 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.

## **B JUSTIFICATION**

The proposal is considered to remain broadly in accordance with the Development Plan and there are no other material considerations which justify refusal of the planning application.

## **C PROCEDURAL NOTES**

None.

## **D INFORMATIVES**

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
2. Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
3. As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country

Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

4. 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. Please send the required information to us at [developmentmanagement@pkc.gov.uk](mailto:developmentmanagement@pkc.gov.uk). Please be aware that the Council has four months to consider the information. You should therefore submit the required information more than four months before your permission expires. We cannot guarantee that submissions made within two months (or four 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, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
7. The applicant is reminded that, should any protected species be present a licence may be required from 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. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development
  - Readily visible to the public
  - Printed on durable material.
9. 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.
10. Trees and scrub are likely to contain nesting birds between 1st March and 31<sup>st</sup> 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.

Background Papers: 1 letter of representation  
Contact Officer: Callum Petrie  
Date: 15 July 2021

**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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