

Perth and Kinross Council
Planning & Development Management Committee – 24 September 2019
Report of Handling by Head of Planning & Development (Report No. 19/268)

PROPOSAL:	Formation of a battery storage facility, vehicular access and associated works
LOCATION:	Land 130 Metres South East of Coupar Angus Substation, Pleasance Road, Coupar Angus

Ref. No: [19/00513/FLM](#)
Ward No: P2 - Strathmore

Summary

This report recommends approval of the application for the formation of an electrical energy storage facility, including up to 15 battery storage containers and associated infrastructure adjacent to Coupar Angus Substation. The proposals are considered to comply with the relevant provisions of the Development Plan with no material considerations apparent which outweigh the Development Plan.

BACKGROUND AND DESCRIPTION OF PROPOSAL

- 1 The site is c.1.21 hectares (Ha), with 0.6 Ha to be permanently developed; along with a new section of associated access track. It is c.250m south-west of the settlement boundary of Coupar Angus, with the surrounding area largely agricultural land (Broad Valley Lowland), with a recently upgraded substation directly west. Local topography is generally level, with a slight slope up and away to the north, or down towards Coupar Angus.
- 2 The project seeks to 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 is 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.
- 3 In physical terms, the proposals are for 17 containerised storage units (dimensions 12.19 x 2.44 x 2.6m) for up to 15 battery units (2 additional units containing spares); 15 x transformer (4) and inverter (1) groupings on skids (skid -footprint consistent with container); an electrical grid compound (40.6 x 29m x <6m); a transfer station (to regulate current); a switchgear container; and a welfare hut.
- 4 The site will be enclosed by a 2m high palisade security fence, with up to four c.6m high security camera and lighting columns. Substantial native species planting is proposed to the boundaries, outwith safety corridors of existing power line infrastructure.

- 5 Access (principally for construction elements) would be via a new junction, off Pleasance Road, to a 175m long new access track, connecting to an existing track serving the existing substation.
- 6 The submission of further information, relating to visualisations and landscaping saw the application re-advertised and neighbours re-notified.

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, concluding that an EIA was not required as the proposal was not considered likely to have significant environmental effects. However, a suite of supporting assessments, presenting environmental information in respect of flooding and ecology were required.

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 initial public exhibition was criticised by objectors as being deficient in detail and room accessibility, which was brought to the attention of the case officer. The Planning Authority recommended a follow up event be undertaken to include full accessibility, provide further technical background and supported the applicants proposal to be present at the event.
- 11 The submitted Pre-Application Consultation (PAC) Report identified that a letter drop to local properties (within a 2 km radius) was undertaken, outlining the consultation event/ public exhibition at Coupar Angus Town Hall. Local ward councillors were also notified, along with the Coupar Angus and Bendochy Community Council. During the event, 60 interested parties attended. A second event was organised, held on the ground floor of the Town Hall, allowing full accessibility. Previous attendees, local councillors and the Community Council were notified in advance. The second event was again attended by c.60 individuals. A number of comments and concerns were reviewed and addressed within the PAC report and the wider planning submission. 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 (NPF)

- 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. Under the Planning etc. (Scotland) Act 2006, this is now a statutory document and a material consideration in any planning application. It provides a national context for development plans and planning decisions as well as informing the on-going programmes of the Scottish Government, public agencies and local authorities.

Scottish Planning Policy (SPP) 2014

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

Planning Advice Notes

- 16 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are also of relevance to the proposal:
- PAN 3/2010 Community Engagement
 - PAN 40 Development Management
 - PAN 51 Planning, Environmental Protection and Regulation

- PAN 61 Planning and Sustainable Urban Drainage Systems
- PAN 73 Rural Diversification
- 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 2014.

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

Perth and Kinross Local Development Plan 2014

- 20 The Local Development Plan (LDP) was adopted by Perth and Kinross Council on 3 February 2014. It sets out a vision statement for the area, which includes 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 recently adopted statement of Council policy and is augmented by Supplementary Guidance.

- 21 The principal relevant policies are:

- Policy PM1A &B– Placemaking
- Policy PM3 - Infrastructure Contributions
- Policy PM4 – Settlement Boundaries
- Policy ED3 – Rural Business and Diversification
- Policy TA1B -Transport Standards and Accessibility Requirements
- Policy ER5 – Prime Agricultural Land
- Policy ER6 - Managing Future Landscape Change to Conserve and Enhance the Diversity and Quality of the Areas Landscapes
- Policy EP1 – Climate Change
- Policy EP2 – New Development and Flooding
- Policy EP3 – Water Environment and Drainage
- Policy EP8 - Noise Pollution

Proposed Perth and Kinross Local Development Plan 2 (LDP2)

- 22 The Proposed LDP2 2017 represents Perth & Kinross Council's settled view in relation to land use planning and is a material consideration in determining planning applications. The Proposed LDP2 is considered consistent with the Strategic Development Plan (TAYplan) and Scottish Planning Policy (SPP) 2014. It is now the subject of an Examination Report (published 11 July 2019). This includes the Reporter's consideration of issues and recommended modifications to the Plan, which are largely binding on the Council. It is therefore anticipated that they will become part of the adopted Plan; however, this is subject to formal confirmation. The Council is progressing the Proposed Plan (as so modified) towards adoption which will require approval by the Council and thereafter submission to the Scottish Ministers. It is expected that LDP2 will be adopted by 31 October 2019. The Proposed LDP2, its policies and proposals are referred to within this report where they are material to the recommendation or decision.
- 23 Of particular note to this application and an amendment to the existing LDP is: Policy 49 - Soils

SITE HISTORY

- 24 [16/02230/FLL](#) Saw the erection of a switch-room facility and associated works approved under delegated powers on 9 March 2017
- 25 18/01672/FLL Proposed the formation of an energy storage compound including battery storage containers, ancillary equipment, vehicular accesses, track and associated works. However, this application was returned on 19 November 2018, following a screening which determined the proposal was a 'Major' development and required public consultation to take place.
- 26 [18/00016/PAN](#) A 'Proposal of Application Notice' relating to a 'Major' development comprising: the formation of an energy storage compound including 15 battery storage units, inverters and transformers, a substation, ancillary equipment, store, vehicular access, track and associated works. Decision issued on 6 February 2019 clarifying PAN sufficient.

CONSULTATIONS

- 27 The following parties have been consulted:

EXTERNAL

- 28 **Coupar Angus and Bendochy Community Council** - Detailed objection received, summarised in the representation section below.
- 29 **Dundee Airport** - No objection.
- 30 **Scottish Natural Heritage** -No response.
- 31 **Scottish Water** -No objection.

32 **Scottish Environment Protection Agency** -No objection.

33 **R S P B** - No response.

34 **Perth and Kinross Heritage Trust** - No objection.

INTERNAL

35 **Biodiversity Officer** - No objection, subject to adherence with ecology report, landscaping proposals and suspensive conditions.

36 **Strategy and Policy** - No objection, recommending consideration of Policy 49 of the LDP2.

37 **Structures and Flooding** - No objection, with a caveat that no land raising shall take place within the 1:200 year flood plain and compliance with associated drainage condition.

38 **Community Greenspace** - No response.

39 **Environmental Health (Noise/ Odour)** - No objection subject to compliance with the noise mitigation measures and additional conditional compliance.

40 **Transport Planning** - No objection subject to suspensive condition to ensure construction traffic is appropriately managed.

41 **Development Negotiations Officer** - No objection, clarifying no contributions required.

REPRESENTATIONS

42 A total of 102 representations were received, from 77 individual addresses, with 71 objecting and 6 in support (including the Coupar Angus and Bendochy Community Council, a number of follow up comments were also received following re-advertisement). These are summarised under the following category headings:

Objection Comments

- Contrary to development plan policy
- Inappropriate land use
- Agricultural land
- Visual impact
- Road safety concerns with unsuitable access
- Noise impact
- Battery safety
- Flood risk
- Excessive height
- Light pollution

- Listed building impact – mention in cultural heritage stuff
- No local benefits.
- Public consultation process flawed and meaningless.
- Out of character

Support Comments

- Enhances character of area through supporting renewable energy
- Opportunity for Coupar Angus to be involved in 21st Century sustainability.
- Resulting in environmental improvements
- Supporting economic development
- Employment opportunities

- 43 These representations are addressed in the Appraisal section below. However, the source of some representation has been questioned, with one highlighted by a family member as being from a person deceased for c.2 years. Matters such as fire risk/battery safety are not material planning considerations, but have been commented on.

ADDITIONAL STATEMENTS

44

Environment Report	Not Required
Screening Opinion	Undertaken – No EIA required.
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not Required
Design Statement / Design and Access Statement	Submitted
Reports on Impact or Potential Impact	Submitted, including: flood report, ecology report, landscape strategy and visual impact assessment.

APPRAISAL

- 45 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2014. The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this includes considerations of the Council's other approved policies and supplementary guidance as set out and specifically Scottish energy strategy (SES) (December 2017), the future of energy in Scotland.

Principle

- 46 Located within a peripheral rural area on the edge of Coupar Angus, policy considerations seeking to assess its suitability in principle are: Policy ER1 Renewable and Low Carbon Energy Generation; Policy EP1 - Climate Change, Carbon Reduction and Sustainable Construction; and ER5 Prime Agricultural Land, which is discussed further in the appraisal section.
- 47 Policy ER1 supports the utilisation, distribution and development of renewable sources of energy, where factors such as: impact on landscape character; and residential amenity will be considered. Policy EP1 supports proposals which contribute to mitigating and adapting to climate change, to meet targets to reduce carbon emissions.
- 48 In these regards the proposal would provide essential energy balancing services to the National Grid, actively contributing towards Scotland's CO₂ reduction targets, supporting the strategy principles of the SES. 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 reduce reliance on non-renewable resources, decreasing CO₂ emissions. The principle of a development for a proposal of this nature and scale at this location is considered acceptable as set out further in the following sections.

Site Selection

- 49 A search for potential sites saw 147 substations in Scotland investigated. Each sites designations (SSSI etc.) and the associated environmental constraints were reviewed and the search narrowed to 46 sites across Scotland, 7 in Perth and Kinross. Further refinement saw Coupar Angus identified as a principal candidate. Detailed micro siting saw land adjacent to Coupar Angus substation selected, primarily to reduce cabling costs and due to the availability of land, making the scheme viable and its relative geographical association with residential receptors. The site selection process is considered competent and consistent with the site selection assessment of energy storage facilities elsewhere within Perth and Kinross, where proximity to existing electrical infrastructure is an important factor. However, the overall acceptability of the site must also be reviewed in relation to visual and landscape impact; and impact on neighbouring amenity.

Design and Layout

- 50 The design and layout reflects the physical and engineering requirements. Infrastructure details are consistent with industry standards. In physical terms, apart from elements making up and the proposed security columns, structures are below 3m in height, thus horizontal massing is more significant than vertical impacts. This is further considered in the landscape and visual impact sections below. Separation between each container is a minimum of 3m, for installation and maintenance purposes. The final colour finish of the containers and proposed security fence can be controlled by condition 10.

Landscape and Visual Impact

- 51 Safeguarding and enhancing landscape character and green infrastructure is considered via LDP Policies PM1, NE4 and ER6. In this instance, the proposed utilitarian design is largely set by the type of equipment and infrastructure required for electricity storage, thus some landscape and visual impact inevitable. Due to the current lack of defined boundaries and screening, as well as the site's prominent location at an entry point to Coupar Angus, it is especially important to ensure robust landscaping and associated green infrastructure, providing screening from key viewpoints, softening the immediate and cumulative landscape impact, whilst also improving biodiversity opportunities. In line with Policy ER6, the cumulative visual impact of the new proposal and the existing sub-station should also be taken into account.
- 52 A landscape visual impact assessment (LVIA) was requested, along with a fully detailed structural landscape plan. These were key in assessing if the proposals could be successfully accommodated visually.
- 53 Existing landscape features would be supplemented by robust and comprehensive native planting (plan 19/00513/34). These proposals are considered sufficient to satisfactorily accommodate the development in the landscape. Following establishment, it is not considered that there would be unacceptable impact on landscape or visual amenity, as set out in photomontages (plan 19/00513/38).
- 54 The proposal is therefore considered to accord with policies PM1, NE4 and ER6 of the LDP.

Residential Amenity

- 55 The closest residential properties (grouping of 5) are approximately 250m to the north east (including Tweedside Cottages, Tweedside Bungalow, Pleasance Farm and The Firs), with further residential properties approximately 500m (off Pleasance Road and within Abbey Gardens).
- 56 Environmental Health initially raised concerns of the potential of noise impact on residential properties. Noise sources include: air conditioning units, inverter cooling fans, switchgears, transformer and background reactor noise. This can see: a steady hum from transformers; instantaneous noise events from switchgears; and reactor noise with a higher tonal content.
- 57 A noise impact assessment (NIA)(19/00513/27) assesses the potential impact on nearby residential properties and sets out associated mitigation recommendations.
- 58 Based on the proposed mitigation measures outlined in the NIA (including lowering AC units and housing inverter units to reduce noise transmission) and subject to conditions 2, 3, 4 and 5, the proposal is considered to comply with

Policy EP8 of the LDP, with no likely unacceptable impact on the amenity of residential properties.

Lighting

- 59 The impact of artificial lighting has been raised as a concern by objectors. However, the use of lighting is to be minimal and primarily for security purposes. Condition 6 can control spillage and limit operation.

Public Health

- 60 Wider public health concerns are set out in representations, including: potential fire risk from batteries; and poisonous gas emissions, etc. Such impacts are controlled by separate legislation however, and not material planning considerations. Notwithstanding, the associated risks were not identified in the submission as adverse in relation to managing wider environmental considerations. Condition 7 can require written approval of an Operational Environmental Management Plan (OEMP), setting out how such matters are to be addressed. A number of best practice safety features and environmental mitigation factors are already set out within the application background and an OEMP will formalise and collate these elements as part of an approved transparent document (considering associated risks of air or liquid pollution events, to future proof and mitigate them). As such, it is considered that the proposal will have no likely adverse impact on the local and wider environment, or public health.

Roads and Access

- 61 LDP Policy TA1 requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. Objections concerning the ability of the existing road network to cope with the proposals were received.
- 62 However, the existing operation of the substation facility is not considered to cause any road capacity issues. It is however acknowledged that the present road layout and narrow pinch points, sees potential for issues during the development phase, due to the size of vehicles. As such a Construction Traffic Management Scheme (CTMS) can be required via condition 8, to ensure access requirements are accommodated, including potential construction movements via alternative routes: to avoid Precinct Street.
- 63 In relation to non-motorised users, a core path to the west (COUP/139), c.300 metres away. However, this is not directly impacted, but should be considered within the CTMS.
- 64 Subject to compliance with condition 8, the proposal is considered to remain in accordance with Policy TA1B and CF2 of the LDP.

Drainage and Flooding

- 65 Policies EP2 and EP3C, require development to appropriately consider flooding

and drainage. In this regard, objections refer to part of the site sitting within a flood risk area.

- 66 However, both SEPA and the Structures and Flooding team are satisfied that the development is unlikely to be impacted by significant flooding. With all principal infrastructure elements situated out with the functional floodplain, and there unlikely to be any flood risk elsewhere. No land raising within the functional floodplain is proposed and condition 17 can control this, to safeguard the storage and conveyance function.
- 67 The proposals are thus considered to satisfy LDP Policies EP2 and EP3.

Conservation Considerations

- 68 In relation to above and below ground conservation considerations, there is no indication of any significant designations locally. Otherwise, due to the low lying topography and existing/ proposed planting, inter-visibility will be limited and not considered to cause any adverse impact on the setting of any listed buildings or the wider conservation area of Coupar Angus.

Natural Heritage and Biodiversity

- 69 LDP Policy NE3 is a relevant consideration in respect of potential biodiversity impacts or opportunities arising from the development. The submitted Preliminary Ecological Appraisal (plan 19/00513/20) provides satisfactory information and mitigation proposals. The Landscape Masterplan includes largely native species and has been described as an exemplar, making a likely valuable contribution to biodiversity, consistent with the Perth and Kinross Forestry and Woodland Strategy.
- 70 Subject to conditions 11- 14 and compliance with the ecological appraisal, the proposal is considered to accord with policy NE3 of the LDP.

Developer Contributions

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

Economic Impact

- 72 In the short term, construction will create jobs with scope for local employment. Beyond this local employment opportunities are limited. However, there is a clear fit between Scottish Government aims of promoting a transition to a low carbon economy and this proposal. The proposal would also support local renewable energy generation, by helping balance fluctuations of intermittent energy generation. It also represents a significant inward investment in rural Perthshire, assisting in the creation of a national grid asset of regional significance for the Perth and Kinross Area.

Loss of Prime Agricultural Land

- 73 Policy ER5 sets out that development outwith settlements shall not be permitted on prime agricultural land, unless necessary to meet a specific need such as: a major infrastructure proposal, and that there is no other suitable site available on non-prime land. ER5 states that renewable energy generation may also be permitted on prime agricultural land, provided appropriate restoration proposals are implemented when the use ceases.
- 74 Whilst the site comprises prime agricultural land (LCA Class 2). The reasons for selecting the location are clearly set out and considered reasonable, highlighting the proximity of the existing substation as beneficial, reducing the need for long transmission cables and increasing the efficiency of the storage facility.
- 75 It is also clarified that there are no peat or carbon rich soils present and the layout and design minimises land take, with no farm unit rendered unviable. Measures to manage, protect and reinstate soils have been set out to be incorporated into the development, which will be appropriately covered by condition 16, all satisfying the objective terms of Policy 49 of LDP2, which is a material consideration.
- 76 Overall, the loss of this prime agricultural land is nominal and considered acceptable, when balanced against the wider benefits of the proposed development. As such material considerations outweigh the preference of ER5.

Lifespan of Facility

- 77 The lifespan of the facility is not specified. As such, condition 19 can require that should the energy storage facility not be in use for a continuous period of 12 months, that the site is then decommissioned and re-instated to its original condition.

LEGAL AGREEMENTS

- 78 None required.

DIRECTION BY SCOTTISH MINISTERS

- 79 None.

CONCLUSION AND REASONS FOR RECOMMENDATION

- 80 The application must be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise.
In this respect, account has been taken of the Local Development Plan and associated material considerations, with the proposal assessed to only conflict with Policy ER6. There are however, sufficient material considerations to support a policy departure; particularly in relation to other wider policy grounds.

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

RECOMMENDATION

Conditions and Reasons for Recommendation

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

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

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

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

- 3 Noise from the hereby approved development shall not exceed 33dB LA_{eq,(15 min)}, including any relevant penalties for tonality, impulsivity, intermittency or other sound characteristics, when measured at any residential property in accordance with BS4142 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas.

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

- 4 Noise mitigation measures outlined in Section 7.1 and Appendix 3 of the hereby approved Noise Impact Assessment undertaken by ARCUS - dated March 2019 (Plan reference 19/00513/27) , shall be implemented prior to the hereby approved development being brought into use.

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

- 5 In the event of a justified noise complaint being received by the Council the operator shall, at its own expense, employ a consultant approved by the Planning Authority to carry out a noise assessment to verify compliance with conditions 2 and 3. 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 2 and 3 a scheme of noise mitigation shall be included with the noise assessment, specifying timescales for the implementation of the scheme and shall be submitted to the Planning Authority within 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved scheme and timescales.

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

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

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

- 7 Prior to the operation/commissioning of the development, an Operational Environmental Management Plan (OEMP) shall be submitted for the written approval of the Planning Authority, in consultation with SEPA. Thereafter, all operations associated with the development shall be carried out in accordance with such approved OEMP.

Reason - In order to ensure the development does not impact negatively on the environment during its operational life.

- 8 Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of the following:
- a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
 - b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
 - c) arrangements for liaison with the Roads Authority regarding winter maintenance;
 - d) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
 - e) 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;
 - f) arrangements for cleaning of roads affected by material deposited from construction activities associated with the development;

- g) 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;
- h) details of information signs to inform other road users of construction traffic;
- i) arrangements to ensure that access for emergency service vehicles are not impeded;
- j) monitoring, reporting and implementation arrangements; and
- k) arrangements for dealing with non-compliance.

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

Reason - In the interests of road safety.

- 9 Prior to the development hereby approved being completed or brought into use, the vehicular access shall be formed in accordance with Perth & Kinross Council's Road Development Guide Type C Figure 5.7 access detail, and of Type B Road construction detail.

Reason - In the interests of road safety; to ensure an acceptable standard of construction within the public road boundary.

- 10 Prior to the commencement of the development hereby approved, details of the recessive, natural colour of the proposed external finishing materials to be used for the fence and structures 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.

- 11 The conclusions and recommended action points within the supporting biodiversity survey (plan 19/00513/20) 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.

- 12 No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interests on site. Any

such written confirmation should be submitted in advance to the local planning authority.

Reason - In the interests of employing best practice ecology and to ensure there is no adverse impact on any protected species as identified under the Wildlife and Countryside Act (1981).

- 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. These 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 closed off at the end of each working day.

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

- 14 The detailed landscaping and planting scheme which is hereby approved shall be implemented as part of the site development programme, prior to the commissioning of the energy storage facility and thereafter maintained.

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

- 15 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 implementation of the proposed planting scheme.

- 16 Prior to the commencement of works on the development, the applicant shall submit for the written approval of the Planning Authority a soil management plan. The plan as approved shall be strictly adhered to.

Reason - To ensure that prime agricultural land soil is not unnecessarily sterilised or lost and in the interests of Policy 49 of LDP2.

- 17 For the avoidance of doubt, parts of the site are located within the 1/200 (0.5% AEP) flood extent, with a medium to high risk of flooding. Such areas must not be raised above existing ground levels. This applies to the entirety of the site.

Reason - Ensure no displacement of floodwater to the rest of floodplain.

- 18 Storm water drainage from all impermeable surfaces shall be disposed of by means of suitable Sustainable Urban Drainage Systems which meet the requirements of best management practices.

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

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

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

B JUSTIFICATION

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

C PROCEDURAL NOTES

None.

D INFORMATIVES

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period (see section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2 Under section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the planning authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the planning authority written notice of that position.
- 4 An application for Building Warrant may be required.
- 5 The applicant should be advised that in terms of Section 56 of the Roads (Scotland) Act 1984 he must obtain from the Council as Roads Authority consent to open an existing road or footway prior to the commencement of works. Advice on the disposal of surface water must be sought at the initial stages of design from Scottish Water and the Scottish Environmental Protection Agency.

- 6 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild birds while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 7 The applicant is reminded that, should any protected species be present a licence may be required from Scottish Natural Heritage to disturb a protected species. Failure to obtain a licence may constitute a criminal act under the Habitats Regulations and penalties are severe for non-compliance.

Background Papers: 102 letters of representation
Contact Officer: Callum Petrie 01738 475353
Date: 12 September 2019

DAVID LITTLEJOHN
HEAD OF PLANNING & DEVELOPMENT

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