

Perth and Kinross Council  
Planning and Placemaking Committee – 1 June 2022  
Report of Handling by Head of Planning & Development  
(Report No. 22/111)

<b>PROPOSAL:</b>	Formation of a battery storage system with associated work and infrastructure of up to 49.9 MW
<b>LOCATION:</b>	Land 130 Metres South East of Coupar Angus Substation Pleasance Road Coupar Angus

Ref. No: [22/00195/FLM](#)  
Ward No: P2 - Strathmore

### **Summary**

This report recommends approval of the application which proposes 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) in area, with approximately 0.54Ha forming the substations and equipment compound, contained within a security fence. The balance comprises the access and landscaped areas. All located c.250m south-west of the settlement boundary of Coupar Angus, and surrounded largely by agricultural land (Broad Valley Lowland), other than the recently upgraded substation directly west and properties to the north of the northern section of the access. Local topography is generally level, with a slight slope up to the north.
- 2 In September 2019, Planning Permission (Ref: 19/00513/FLM) was granted at this location for a similar battery storage facility, vehicular access and associated works. Subsequently, after that development commenced in early 2021, as a result of various factors and resultant design modifications (i.e. more efficient plant and equipment), the developer chose to depart from the consented design. This saw the development then being undertaken begin to depart from the approved design. Initially in June 2021 a non-material variation to the approved development was submitted (Ref: 21/01186/FLL), but the Planning Authority subsequently confirmed that those changes, although relatively minor when considered individually, overall constituted a materially different development and accordingly a new application for planning permission was required. This application now seeks planning permission for

the revised development scheme, thus some of these preliminary elements are retrospective.

- 3 In physical terms, the proposals are for 15 containerised storage units (dimensions 12.19 x 2.44 x 2.6m), housing 15 battery units; 15 Power Conversion Systems (PCS) and transformers on skids; a District Network Operator (DNO) substation; a medium voltage (MV) substation; LV Room, Emergency Diesel Generator; welfare and parts storage facilities; security alarm, cameras; and access track. The access track (approximately 70m in length) culminates at a new junction onto Pleasance Road. Supporting infrastructure including a temporary construction compound is also required.
- 4 The battery storage facility will be enclosed by a 3m high palisade security fence, with a 3m high acoustic fence along the northern perimeter. Security cameras and lighting columns, also up to 3m in height will also be proposed along the perimeter fence.
- 5 A significant planting and a landscaping scheme is proposed to assist integrate the proposed development into the wider surroundings.

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

- 6 Directive 2011/92/EU (as amended) requires the 'competent authority' (in this case Perth and Kinross Council) when giving a planning permission for particular large-scale projects to do so in the knowledge of any likely significant effects on the environment. The Directive therefore sets out a procedure that must be followed before 'development consent' can be given.
- 7 This procedure, known as Environmental Impact Assessment (EIA), is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. The EIA Report helps to ensure that the importance of the predicted effects, and the scope for reducing any adverse effects, are properly understood by the public and the relevant competent authority before it makes its decision.
- 8 An EIA screening has previously been undertaken, 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, noise, ecology, traffic and transport were required.

### **PRE-APPLICATION CONSULTATION**

- 9 The proposed development is a 'Major' development, in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, due to the potential energy storage capacity proposed being in excess of 20MW. The applicant was therefore required to undertake formal pre-application consultation with the local community. Public concerns raised as part of this process identified noise, landscaping and flood risk as being matters not addressed by the consultation events. These matters have been responded

to in writing by the agent and included within a Pre-Application Consultation (PAC) Report submitted with this application.

- 10 The PAC Report notes that a letter drop to local properties (within a 1 km radius) was undertaken, outlining that consultation events were held online, as permitted by the relevant regulations. These online events were held on the 1<sup>st</sup> and 16<sup>th</sup> of December between 4:30 and 6:30pm, with an additional event on the 11<sup>th</sup> of January 2022. As the Coupar Angus Community Council was disbanded in 2020 additional invites were provided to neighbouring community councils, local MPs and MSPs and Council Members. A total of 19 interested parties attended the events and a number of comments and concerns were reviewed and addressed within the PAC report and wider planning submission. The content and coverage of the community consultation exercise is considered sufficient and proportionate and in line with the aforementioned regulations.

## **NATIONAL POLICY AND GUIDANCE**

- 11 The Scottish Government expresses its planning policies through: The National Planning Frameworks, the Scottish Planning Policy (SPP), Planning Advice Notes (PAN), Creating Places, Designing Streets, National Roads Development Guide and a series of Circulars.

### **National Planning Framework (NPF)**

- 12 NPF3 is a long-term strategy for Scotland and is a spatial expression of the Government's Economic Strategy and plans for development and investment in infrastructure. 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**

- 13 The current SPP was published in June 2014 and sets out national planning policies, which reflect Scottish Ministers' priorities for operation of the planning system and for the development and use of land. It promotes consistency in the application of policy across Scotland, whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:
- The preparation of development plans;
  - The design of development, from initial concept through to delivery; and
  - The determination of planning applications and appeals.
- 14 The following sections of the SPP will be of particular importance in the assessment of this proposal:
- Sustainability : paragraphs 24 – 35
  - Placemaking : paragraphs 36 – 57

- Promoting Rural Development: paragraphs 74 – 91
- Supporting Business and Employment: paragraphs 92 – 108
- Delivering Heat and Electricity: paragraphs 152 – 173
- Valuing the Natural Environment: paragraphs 193 – 218
- Managing Flood Risk and Drainage: paragraphs 254 – 268

### **Planning Advice Notes**

- 15 The following Scottish Government Planning Advice Notes (PANs) and Guidance Documents are also of relevance to the proposal:
- PAN 3/2010 Community Engagement
  - PAN 40 Development Management
  - PAN 51 Planning, Environmental Protection and Regulation
  - PAN 61 Planning and Sustainable Urban Drainage Systems
  - PAN 73 Rural Diversification
  - PAN 75 Planning for Transport
  - The Future of Energy in Scotland: Scottish Energy Strategy (December 2017)

### **DEVELOPMENT PLAN**

- 16 The Development Plan for the area comprises: the TAYplan Strategic Development Plan 2016-2036; and the Perth and Kinross Local Development Plan 2014.

#### **TAYplan Strategic Development Plan 2016-2036**

- 17 TAYplan sets out a vision for how the region will be in 2036 and what must occur to bring about change to achieve this vision. The vision states that:
- “By 2036 the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit, and where businesses choose to invest and create jobs.”*
- 18 Policy 7: Energy, Waste and Resources of TAYplan is of particular importance in the assessment of this application.

#### **Perth and Kinross Local Development Plan 2019**

- 19 The Local Development Plan 2 (LDP) was adopted by Perth and Kinross Council on the 29<sup>th</sup> November 2019. It sets out a vision statement for the area, which includes that, *“By 2036, the TAYplan area will be sustainable, more attractive, competitive and vibrant without creating an unacceptable burden on our planet. The quality of life will make it a place of first choice where more people choose to live, work, study and visit and where businesses choose to invest and create jobs.”* It is the most recently adopted statement of Council policy and is augmented by Supplementary Guidance.

20 The principal relevant policies are:

- Policy 1A and 1B Placemaking
- Policy 2 Design Statements
- Policy 5 Infrastructure Contributions
- Policy 6 Settlement Boundaries
- Policy 8 Rural Business and Diversification
- Policy 27A Listed Buildings
- Policy 33A Renewables and Low Carbon Energy
- Policy 33B Repowering and Existing Facilities
- Policy 35 Electrical Transmission
- Policy 39 Landscape
- Policy 40 Forestry, Woodland and Trees
- Policy 41 Biodiversity
- Policy 47 River Tay Catchment Area
- Policy 50 Prime Agricultural Land
- Policy 52 New Development and Flooding
- Policy 53 Water Environment and Drainage
- Policy 55 Nuisance from Artificial Light Pollution
- Policy 56 Noise Pollution
- Policy 60B Transport Standards and Accessibility Requirements

## **SITE HISTORY**

- 21 [16/02230/FLL](#) Erection of a switch-room facility at the adjacent sub-station approved on 9 March 2017
- 22 18/01672/FLL Formation of an energy storage compound including battery storage containers, ancillary equipment, vehicular accesses, track and associated works. 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.
- 23 [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. PKC confirmed on 6 February 2019 that the approach set out in the PAN was accepted.
- 24 [19/00513/FLM](#) Detailed planning permission for the formation of a battery storage facility, vehicular access and associated works was approved on 24<sup>th</sup> September 2019.
- 25 [21/00015/PAN](#) A 'Proposal of Application Notice' relating to a 'Major' development comprising: Formation of battery energy storage system with associated work and infrastructure of up to 49.9 MW saw PKC confirm on the 18<sup>th</sup> November 2021 that the approach set out in the PAN was accepted.

- 26 21/01186/FLL A Non-Material Variation, in relation to changes to the layout of 19/00513/FLM, was sought. On the 16 July 2021 this application was returned as it was determined the changes proposed were material and a new application for detailed planning permission would be required.

## **CONSULTATIONS**

- 27 The following parties have been consulted:

### **EXTERNAL**

- 28 **Dundee Airport** - No objection. No other Comments Provided
- 29 **Scottish Water** - No objection. Informative noted in respect of drinking water and connection to sewer systems.
- 30 **National Grid:** - No objection. The development is located outside of the High Risk zone for National Grid Gas Transmission.
- 31 **Perth and Kinross Heritage Trust** - No objection and no additional comments made
- 32 **RSPB** – No comments.

### **INTERNAL**

- 33 **Biodiversity Officer** - No objection, subject to conditions regarding: the implementation of biodiversity survey action points; a pre works check for protected species; and the implementation of proposed landscaping.
- 34 **Strategy and Policy** – No comments.
- 35 **Structures and Flooding** - No comments.
- 36 **Community Greenspace** - No comments.
- 37 **Environmental Health (Noise/ Odour)** - No objection subject to conditions regarding noise, external lighting and an external complaint procedure.
- 38 **Transport Planning** - No objection subject to a condition to ensure construction traffic is appropriately managed.
- 39 **Development Contributions Officer** - No objection, clarifying that no contributions are required.

## **REPRESENTATIONS**

- 40 One objection has been received, with concerns summarised as follows:
- Noise Impacts

- Landscape impacts
- Flooding and Drainage.

41 The matters raised are addressed in the Appraisal section below.

### **ADDITIONAL STATEMENTS**

Environment Report	Not Required
Screening Opinion	Undertaken – Not EIA development.
Environmental Impact Assessment	Not Required
Appropriate Assessment	Not required
Design Statement	Submitted
Reports on Impact or Potential Impact	<ul style="list-style-type: none"> <li>• Flood Risk Assessment</li> <li>• Landscape and Visual Appraisal</li> <li>• Preliminary Ecological Appraisal</li> <li>• Noise Impact Assessment</li> <li>• Design and Access Statement</li> <li>• Construction traffic Management Plan</li> </ul>

### **APPRAISAL**

42 Sections 25 and 37(2) of the Town & Country Planning (Scotland) Act 1997 (as amended) require the determination of the proposal to be made in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. The adopted Development Plan comprises the TAYplan Strategic Development Plan 2016–2036 and the Perth and Kinross Local Development Plan 2 (2019). The relevant policy considerations are outlined in the policy section above and are considered in more detail below. In terms of other material considerations, this includes considerations of the Council's other approved policies and supplementary guidance as set out and specifically Scottish Energy Strategy (SES) (December 2017), the future of energy in Scotland.

#### **Principle**

43 The location is a peripheral rural area on the edge of Coupar Angus, policy considerations seeking to assess its suitability in principle are: Policies 1A, 1B, Placemaking, Policy 8 Rural Diversification, Policy 33A and 33B Renewables and Low Carbon Energy and Policy 50 Prime Agricultural Land. Furthermore, and of significant material consideration in the assessment of this application is the previous approval of planning permission for the development of a battery energy storage facility, which overlaps the majority of the site area.

- 44 In itself 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 strategy principles of the SES. Specifically, electricity would be drawn from the Grid at times of low demand, stored and released back as required. When demand is higher, greater generation from non-renewable sources is required and energy storage facilities such as that proposed could reduce reliance on non-renewable resources, decreasing CO<sub>2</sub> emissions. An important consideration is that the principle of a development for a proposal of this nature and at this location has already been established through the granting of Planning Permission 19/00513/FLM. The changes from that previously approved development are otherwise considered acceptable, as set out below.

### **Design and Layout**

- 45 The design and layout essentially reflect the physical and engineering requirements, with infrastructure details consistent with industry standards. In physical terms, the development will be contained below 4m in total height. The tallest visible built structure will be the substation building which will be 3.9m at its roof pitch above ground level. Remaining built elements will be approximately 3.3m in height above ground level. All built development within the storage compound will be enclosed behind a security fence and an acoustic fence up to 3m in height. Having regard to the overall scale and height of built structures horizontal massing is more significant than vertical impacts. This aspect is further considered in the landscape and visual impact sections below. Physically separation between each container is a minimum of 3m and colour/finishes can be controlled by condition 9.

### **Landscape and Visual Impact**

- 46 Safeguarding and enhancing landscape character and green infrastructure is considered via LDP Policies 1 and 33. In this instance, as said above the proposed utilitarian design is largely set, thus some landscape and visual impacts are inevitable. In this respect currently defined boundaries and screening is limited, and the site is thus relatively prominent. Therefore, it is especially important to ensure robust landscaping and associated green infrastructure provides screening from key viewpoints, softens the immediate and cumulative landscape impact, whilst also improving biodiversity opportunities. In line with Policy 33, the cumulative visual impact of the proposal and the existing sub-station should also be taken into account.
- 47 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.
- 48 Existing landscape features will be supplemented by robust and comprehensive native planting (plan 22/00195/30) as well as an acoustic screening fence along the northern compound boundary (plan 22/00195/30 and 22/00195/31). 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, with photomontages (plan 22/00195/15) indicating the predicted situation.

- 49 The proposal is therefore considered to accord with policies 1 and 33.

### **Residential Amenity**

- 50 The closest residential properties (grouping of 5) are approximately 250m to the northeast of the compound and immediately north of the northern section of the access (including Tweedside Cottages, Tweedside Bungalow, Pleasance Farm and The Firs), with further residential properties approximately 500m distant (off Pleasance Road and within Abbey Gardens).
- 51 PKC Environmental Health (EH) initially raised concerns on the potential of noise impact on residential properties. Potential noise sources including: air conditioning units, inverter cooling fans, switchgears, transformer and background reactor noise, and in emergency circumstances the use of a diesel generator. A supporting noise impact assessment (NIA) assessed the potential impact on nearby residential properties and sets out associated mitigation recommendations.
- 52 This NIA sees noise from the emergency generator scoped out, due to its highly infrequent and short-term impacts. EH confirmed this is acceptable and that any adverse impacts are covered by statutory nuisance legislation. Furthermore, the recommended noise based conditions are considered to allow for mitigation.
- 53 Based on the proposed mitigation measures outlined in the NIA (including the provision of an acoustic fence) and subject to conditions 2, 3, 4 and 5, EH do not object to the proposal and as such it is considered to comply with Policy 33 of the LDP, with no likely unacceptable impact on the amenity of residential properties.

### **Lighting**

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

### **Roads and Access**

- 55 LDP2 Policy 60B requires that local road networks be capable of absorbing traffic generated by development and that satisfactory access is provided. No public objections have been raised with respect to traffic and access.
- 56 The development proposes a new access off Precinct Street and this access point was previously approved via 19/00513/FLM. Notwithstanding, it is acknowledged that the present local road network 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 7, to ensure construction access requirements are accommodated, including directing movements via alternative routes: such as to avoid Precinct Street.

- 57 Subject to compliance with condition 7 (CTMS) and Condition 8, requiring the formation of a vehicle crossing, the proposal is considered to remain in accordance with Policy 60B of LDP2.

### **Drainage and Flooding**

- 58 Policy 52 requires development to appropriately consider flooding and drainage. In this regard, the objection raises concerns in respect of flooding from a tributary to the Coupar Burn.
- 59 Having regard to the previous planning permission (Ref: 19/00513/FLM) both SEPA and the Structures and Flooding team were satisfied that the development was unlikely to be impacted by significant flooding. With all principal infrastructure elements situated out with the functional floodplain, and there was unlikely to be any flood risk elsewhere. Having regard to this application, which is seeking minor changes to the layout and equipment types only, the supporting flood impact assessment confirms there will be no development within the functional floor plain. Furthermore, no land raising and landscape planting is proposed within the functional floodplain. Consequently, no further consultation was considered required. Condition 14 has been recommended to avoid raising ground within the flood plain to safeguard the storage and conveyance function.
- 60 The proposals are thus considered to satisfy policy 52 of LDP2

### **Conservation Considerations**

- 61 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 conservation area of Coupar Angus.

### **Natural Heritage and Biodiversity**

- 62 LDP2 Policies 39, 40 and 41 are relevant considerations in respect of potential biodiversity impacts or opportunities arising from the development. In this respect the Landscape Masterplan includes largely native species and contains a number of positive elements, making a likely valuable contribution to biodiversity, consistent with the Perth and Kinross Forestry and Woodland Strategy. There are some sections of hedgerow, trees, etc. which may be impacted by the development and conditions are recommended to ensure that impacts on these or protected species, such as birds, are mitigated. (Conditions 11 and 12)

- 63 The Councils biodiversity officer has reviewed the development proposal and raised no objections subject to conditions seeking the adoption of proposed landscaping, recommendations of the preliminary ecological appraisal and the protection of nesting birds. Subject to conditions 10-13 and compliance with the action points noted in the biodiversity survey, the proposal is considered to accord with policies 39-41 of the LDP2.

### **Developer Contributions**

- 64 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**

- 65 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**

- 66 Policy 50 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.
- 67 Whilst the site comprises prime agricultural land (LCA Class 2). The reasons for selecting the location are clearly set out in supporting documents 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.
- 68 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 and are to be incorporated into the development, which will be appropriately controlled by condition 17, all satisfying the objective terms of Policy 50 of LDP2.
- 69 Overall, the loss of this prime agricultural land has been limited and considered acceptable, when balanced against the wider benefits of the proposed development.

### **Lifespan of Facility**

- 70 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**

- 71 None required

### **DIRECTION BY SCOTTISH MINISTERS**

- 72 None.

### **CONCLUSION AND REASONS FOR RECOMMENDATION**

- 73 The application must be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise. In this respect, account has been taken of the Local Development Plan and associated material considerations, with the proposal not assessed to conflict with the development plan in this case.
- 74 Accordingly the proposal is recommended for approval subject to the following conditions.

## **A RECOMMENDATION**

### **Conditions and Reasons for Recommendation**

#### **General**

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

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

#### **Noise**

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

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

3. Noise from the hereby approved development shall not exceed 33dB LA<sub>eq,(15 min)</sub>, 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 February 2022 (Plan reference 22/00195/16) , 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.

### **Lighting**

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

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

### **Roads and Transport**

7. Prior to the commencement of works associated to the hereby approved development, a Construction Traffic Management Scheme (TMS) shall be submitted for the written approval of the Planning Authority, such TMS shall include details of the following:

- (a) restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;
- (b) timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;
- (c) a code of conduct for HGV drivers to allow for queuing traffic to pass;
- (d) arrangements for liaison with the Roads Authority regarding winter maintenance;
- (e) emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;
- (f) arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;
- (g) arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;
- (h) arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;
- (i) details of information signs to inform other road users of construction traffic;
- (j) arrangements to ensure that access for emergency service vehicles are not impeded;
- (k) co-ordination with other significant developments known to use roads affected by construction traffic;
- (l) traffic arrangements in the immediate vicinity of temporary construction compounds;
- (m) the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;
- (n) monitoring, reporting and implementation arrangements;
- (o) arrangements for dealing with non-compliance; and
- (p) details of HGV movements to and from the site.

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

Reason - In the interests of road safety.

8. 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.

## **External Finishing Colour**

9. 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 hereby approved fence and other structures (i.e. auxiliary generator, battery pack kiosks, battery storage substation, client substation inverter and LV Room, etc.) shall be submitted to and agreed in writing by the Council as Planning Authority. The scheme as agreed shall be implemented prior to the completion or bringing into use of the development, whichever is the earlier.

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

## **Biodiversity**

10. The conclusions and recommended action points within the supporting Preliminary Ecological Appraisal Report, prepared by Arcus Consultancy Services – dated January 2022 (plan 22/00195/25) 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.

11. 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).

12. 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.

13. The detailed landscaping and planting scheme (plan 22/00195/30) which is hereby approved shall be completed within the first available planting season (October to March) after the completion or bringing into use of the

development, whichever is the earlier. The approved scheme shall thereafter be maintained, with any planting which fails to become established within five years being replaced in the following planting season with others of a size and species as previously approved.

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

### **Flooding / Drainage**

14. 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 as identified by the red line shown in drawing 22/00195/02, titled Proposed Site Plan.

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

### **Facility Lifespan**

15. 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 Environment 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.
8. This development will require the 'Display of notice while development is carried out', under Section 27C (1) of the Town and Country Planning Act 1997, as amended, and Regulation 41 of the Development Management Procedure (Scotland) Regulations 2013. The form of the notice is set out in Schedule 7 of the Regulations and a draft notice is included for your guidance. According to Regulation 41 the notice must be:
  - Displayed in a prominent place at or in the vicinity of the site of the development.
  - Readily visible to the public.
  - Printed on durable material.
9. This planning permission is granted subject to conditions, some of which require further information to be submitted to Development Management either before works can start on site or at a certain time. The required information must be submitted via the ePlanning portal if your original application was lodged that way, otherwise send it to us at [developmentmanagement@pkc.gov.uk](mailto: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](http://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.

Background Papers: 1 letter of representation  
Contact Officer: Jamie Torrance  
Date: 19 May 2022

**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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