

ANGUS COUNCIL

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 6 AUGUST 2019

LAND EAST OF CRUDIE ACRE COTTAGE, ARBROATH - CONDITIONS

REPORT BY THE DIRECTOR OF LEGAL AND DEMOCRATIC SERVICES

ABSTRACT:

This Report sets out proposed conditions for planning application No 18/00810/FULL following on from the decision of the Development Management Review Committee, at its meeting on 16 July 2019, to grant planning permission for construction of a battery electricity storage facility comprising containerised battery storage units, inverters and transformers, DNO substation, client switchgear container, electrical grid compound, welfare and parts storage containers and ancillary development including formation of access track, security fencing, CCTV and landscaping, at Land East of Crudie Acre Cottage, Arbroath.

1. RECOMMENDATIONS

It is recommended that the Committee approves the proposed conditions as set out in the Appendix to this Report.

2. ALIGNMENT TO THE ANGUS LOCAL OUTCOMES IMPROVEMENT PLAN

This Report contributes to the following local outcomes contained within the Angus Local Outcomes Improvement Plan 2017-2030:

- Safe, secure, vibrant and sustainable communities
- An enhanced, protected and enjoyed natural and built environment

3. CURRENT POSITION

At its meeting on 18 June 2019, the Development Management Review Committee considered an application for a review of the decision taken by the planning authority in respect of the refusal of planning permission for construction of a battery electricity storage facility comprising containerised battery storage units, inverters and transformers, DNO substation, client switchgear container, electrical grid compound, welfare and parts storage containers and ancillary development including formation of access track, security fencing, CCTV and landscaping, application No 18/00810/FULL, at Land East of Crudie Acre Cottage, Arbroath (Report 201/19 to the Development Management Review Committee refers). The Committee agreed to hold a site visit and to reconvene after the site visit to discuss the application further.

On 16 July 2019, the Committee visited the site and met to discuss the application further. Following consideration of the case, the decision of the Review Committee was to uphold the appeal and grant planning permission subject to conditions. Having consulted with the Service Leader - Planning and Communities, it is recommended that the Committee approve the conditions as detailed in the Appendix to this Report.

4. FINANCIAL IMPLICATIONS

There are no financial implications arising directly from the recommendations in the Report.

5. HUMAN RIGHTS IMPLICATIONS

The recommendation in this report to approve the conditions for application No 18/00810/FULL, has potential implications for neighbours in terms of alleged interference with privacy, home or family life (Article 8) and peaceful enjoyment of their possessions (First Protocol, Article 1). For the reasons referred to elsewhere in relation to this appeal, it is considered that any actual or apprehended infringement of such Convention Rights, is

justified. The conditions constitute a justified and proportional control of the use of the property in accordance with the general interest and have regard to the necessary balance of the applicant's freedom to enjoy his property against the public interest and the freedom of others to enjoy neighbouring property/home life/privacy without undue interference.

6. CONSULTATION

In accordance with Standing Order 48(4), this Report falls within an approved category that has been confirmed as exempt from the consultation process.

NOTE: No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973, (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above Report.

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List of Appendices:

Appendix – Proposed Conditions in respect of planning application No. 18/00810/FULL

PLANNING PERMISSION FOR CONSTRUCTION OF A BATTERY ELECTRICITY STORAGE FACILITY COMPRISING CONTAINERISED BATTERY STORAGE UNITS, INVERTERS AND TRANSFORMERS, DNO SUBSTATION, CLIENT SWITCHGEAR CONTAINER, ELECTRICAL GRID COMPOUND, WELFARE AND PARTS STORAGE CONTAINERS AND ANCILLARY DEVELOPMENT INCLUDING FORMATION OF ACCESS TRACK, SECURITY FENCING, CCTV AND LANDSCAPING, AT LAND EAST OF CRUDIE ACRE COTTAGE, ARBROATH - CONDITIONS

PLANNING APPLICATION NO 18/00810/FULL

Conditions:

1. Prior to the commencement of any works in connection with the planning permission hereby approved, the following details shall be submitted to and approved in writing by the Planning Authority:

(i) Precise details of the location and type of boundary enclosures. Thereafter, only the approved boundary enclosures shall be erected and the acoustic fence shall be completed prior to the commencement of the use hereby approved;

(ii) A scheme for the provision and maintenance of landscaping including planting plans; schedules of plants noting species (including some heavy standard planting), plant sizes and proposed numbers/densities. All planting indicated on the approved plans shall be carried out no later than the first planting season following the commencement of construction of the access track or compound, whichever occurs first, and any plants or trees which within a period of ten years from the end of that planting season die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species;

(iii) Precise details of the external finishes for all buildings, structures, plant and machinery. For the avoidance of doubt, the colour scheme shall be recessive;

(iv) A scheme detailing all external lighting proposed. For the avoidance of doubt, all external lighting shall comply with the Institute of Lighting Professionals Guidance Notes on the Reduction Of Obtrusive Light and in particular lighting shall have an upward light ratio of no more than 0% and a vertical light spill level, as measured in the centre of any habitable room window, of less than or equal to 10 lux between 0700-2300 and less than or equal to 2 lux between 2300-0700. Thereafter only the approved lighting scheme shall be implemented.

Reason: To ensure the provision and implementation of suitable boundary enclosures, landscaping and external finishes in order to integrate the development it into the local landscape, in the interests of the visual amenity of the area and in accordance with Policy DS3 and Policy PV6 of the Angus Local Development Plan (2016). In order to safeguard the amenity of occupants of neighbouring light sensitive property and in accordance with Policy DS4 of the Angus Local Development Plan (2016).

2. Prior to the commencement of development visibility splays shall be provided on each side of the proposed access at its junction with the classified Arbroath to Hillend road giving a minimum sight distance of 70 metres in each direction at a point 2.4 metres from the nearside channel line of the classified Arbroath to Hillend road. Within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050mm above the adjacent road channel level.

Reason: in order to ensure suitable visibility is provided at the junction of the access track with the public road in the interests of road safety.

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 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with windows slightly open, when measured and/ or calculated and plotted on a rating curve chart.

Reason: In order to safeguard the amenity of occupants of neighbouring noise sensitive property from an unacceptable level of noise, in accordance with Policy DS4 of the Angus Local Development Plan (2016).

4. The battery storage containers hereby approved shall have a Finished Floor Level of 34.56m AOD and shall be raised from the ground using 300mm high steel supports resting on 300 mm concrete plinths at each corner of the container and as detailed in the Flood Risk Assessment Battery Electricity Storage Facility, Arbroath, For Coronation Power dated August 2018, by Arcus Consultancy Services.

Reason: In order to ensure that the infrastructure proposed is located outside of the 1 in 200 year plus climate change floodplain in accordance with Policy PV12 of the Angus Local Development Plan (2016).

5. The development shall be carried out in accordance with Sections 4.1 – 4.2 (page 6) of the document "Preliminary Ecological Appraisal Report Battery Electricity Storage Facility East of Crudie Acre Cottage, Arbroath, For Coronation Power, August 2018", Prepared By Arcus Consultancy Services and dated August 2018 including the following:-

- vegetation clearance during the bird nesting season should be avoided. If this is not possible vegetation clearance should be immediately preceded by a nesting bird survey, carried out by a suitably qualified ecologist. If a nest is identified, the associated scrub/tree shall not be cleared until an experienced ecologist has confirmed that the nest is not in use.
- vegetation clearance shall be undertaken in accordance with agreed Reasonable Avoidance Measures (RAM). These RAMs include (but are not limited to) (i) tool-box talks to all site workers; (ii) pre-vegetation clearance check by an experienced ecologist; (iii) strimming of tall ruderal/grassland vegetation; and (iv) hand-dismantling of potential refugia sites.

Reason: In order to protect breeding birds, reptiles and amphibians, in accordance with Policy PV5 of the Angus Local Development Plan (2016).

Advisory Notes

1. The verge crossing at the proposed access shall be formed and constructed in accordance with the standards of Angus Council. An application form can be downloaded at: https://www.angus.gov.uk/transport_and_streets/roads_and_pavements/building_new_roads/apply_for_road_construction_consent