

ANGUS COUNCIL

DEVELOPMENT STANDARDS COMMITTEE – 12 MARCH 2024

PLANNING APPLICATION – LAND 500M SOUTHEAST OF BALWYLLO FARM, DUN, BY  
MONTROSE

GRID REF: 365932 : 758875

REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH

**1. ABSTRACT**

- 1.1 This report deals with planning application no. [23/00754/FULM](#) submitted on behalf of Whirlwind Energy Storage for the construction and operation of a battery energy storage system with a maximum storage capacity of up to 49.99 megawatts (MW) consisting of up to 40 containerised battery units, associated power conversion units, two switch rooms and other associated equipment sited within a fenced compound with perimeter landscaping on land 500M southeast of Balwyllo Farm, Dun, by Montrose. This application is recommended for conditional approval.

**2. RECOMMENDATION**

- 2.1 It is recommended that the application be approved for the reason and subject to the conditions given in Section 10 of this report.

**3. INTRODUCTION**

- 3.1 The application seeks full planning permission for the construction and operation of a battery energy storage system with a maximum storage capacity of up to 49.99 megawatts (MW) consisting of up to 40 containerised battery units, associated power conversion units, two switch rooms and other associated equipment sited within a fenced compound with perimeter landscaping on land 500M southeast of Balwyllo Farm, Dun, by Montrose. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site measures around 2.2 hectares and consists of agricultural land sited immediately adjacent to (and west of) an electrical distribution site. The U444 public road runs along the southern site boundary, and the site is surrounded by agricultural land to the north, west, and south beyond the public road. The Caledonian railway line is located around 230m to the south and Bridge of Dun Station is around 470m to the southeast.
- 3.3 The proposal involves the formation of a compound which would extend approximately 164m alongside the U444, and around 50m north into the field (8,200sqm). The compound would be enclosed by 3m high acoustic timber fencing painted green and surrounded by a planting belt. The compound would have two access points onto the U444 public road, one at the east and one at the west of the site. The site would be laid out with two rows of battery units (20 in each row) finished in a light grey and/or green powder coated finish, with associated inverters also in two rows of 20. The battery storage units would be 12m long rectilinear metal clad structures with an appearance similar to that of a shipping container. The battery storage units would be elevated 0.4m above ground level and would be 2.9m high. The compound would also contain a store, office, parking for three vehicles and switch rooms at its east side adjacent to the electrical distribution site. The switch rooms would each be 2.8m high buildings with a 30sqm footprint. The office and store

would have a similar size, scale and appearance to the battery storage containers.

3.4 The application has been subject of notification and publicity as required by legislation.

#### **4. RELEVANT PLANNING HISTORY**

4.1 A Proposal of Application Notice (Application Ref: [23/00014/PAN](#)) in respect of an energy storage facility, associated highway access, boundary treatments and landscaping on land at Balwyllo Farm, Dun, Montrose was considered by committee at its meeting on 14 February 2023 ([Report No. 21/23](#) refers). Committee noted the key issues identified in Report 21/23.

#### **5. APPLICANT'S CASE**

5.1 The following documents have been submitted in support of the application:

- Pre-application Consultation Report
- Planning Statement (incorporating a Design and Access Statement)
- Surface Water Drainage Strategy
- Flood Risk Assessment
- Noise Assessment
- Ecological Appraisal
- Biodiversity Enhancement Assessment
- Draft Construction Environmental Management Plan
- Clarification on management of contaminated water

5.2 The information submitted in support of the application is available to view on the [Public Access](#) system and is summarised at Appendix 2.

#### **6. CONSULTATIONS**

6.1 **Angus Council – Roads** – no objection subject to planning conditions requiring suitable visibility splays and a Construction Traffic Management Plan.

6.2 **Angus Council – Environmental Health** – no objection in terms of amenity subject to planning conditions which regulate noise during the construction and operation of the development and to control external lighting.

6.3 **SEPA** – no objection.

6.4 **Aberdeenshire Archaeological Service** – no objection.

6.5 **SSEN** – no objection indicating that the proposed site does not pose an undue operational risk from a potential fire in the unlikely event that the battery storage units go on fire and their fire suppression measures fail.

6.6 **Natural Gas Transmission** – no objection.

6.7 **Scottish Fire and Rescue, Scottish Water, Community Council** – no comments received.

#### **7. REPRESENTATIONS**

7.1 4 representations have been received in objection to the proposal. The letters are provided at Appendix 3 and are available to view on the council's [Public Access](#) website.

7.2 In summary terms, the following issues are raised as objection:

- Loss of prime agricultural land.
- Landscape and visual impact.
- Impact on amenity through noise, light pollution.
- Impact on natural environment including protected sites, protected species and ecology.
- Impact on cultural heritage.
- Impact on tourism.
- Impact on roads and traffic.
- Safety concerns associated with battery storage.

## 8. PLANNING CONSIDERATIONS

8.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning decisions be made in accordance with the development plan unless material considerations indicate otherwise.

8.2 In this case the development plan comprises: -

- [National Planning Framework 4](#) (NPF4) (2023)
- [Angus Local Development Plan](#) (ALDP) (2016)

8.3 The development plan policies relevant to the determination of the application are reproduced at Appendix 4 and have been taken into account in preparing this report.

8.4 The ALDP was adopted in September 2016 while NPF4 was adopted on 13 February 2023. Planning legislation indicates that where there is any incompatibility between the provisions of the national planning framework and a provision of a local development plan, whichever of them is the later in date is to prevail.

8.5 The site is located outwith a development boundary and is not allocated or otherwise identified for development in the ALDP. Policy DS1 in the ALDP states that outwith development boundaries proposals will be supported where they are of a scale and nature appropriate to their location and where they are in accordance with relevant policies of the ALDP. Policy 9 in NPF4 states that proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the Local Development Plan. Development plan policy relating to soils is supportive of proposals for renewable energy development where the development is supported by a bond to secure site restoration. NPF4 Policy 5 seeks to minimise the amount of disturbance to soils on undeveloped land. Similarly, ALDP Policy PV20 indicates that design and layout should minimise land required for development proposals on agricultural land and should not render any farm unit unviable.

8.6 NPF4 Policy 1 indicates that when considering all development proposals significant weight will be given to the global climate and nature crises. NPF4 Policy 2 encourages development which minimises emissions and adapts to the current and future impacts on climate change. NPF4 Policy 11 seeks to encourage, promote and facilitate all forms of renewable energy development including energy storage. It identifies a number of impacts and suggests that project design and mitigation should demonstrate how they are addressed. It states '*in considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.*' ALDP Policy PV9 states that proposals for renewable and low carbon energy development will be supported in principle where they meet a number of identified criteria relating to (amongst other things) amenity, landscape and visual impact (including cumulative impacts with other development), impact on the natural and

built environment, access, grid connection, aviation and telecommunications, the water environment, decommissioning and site restoration. Scottish Government guidance on energy storage indicates that *if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production, can provide energy on demand off-grid in a variety of ways.* UK government has also published guidance on planning for renewable and low carbon energy and that includes guidance on battery storage which focuses on fire safety and recommends consultation with the relevant local fire and rescue service and due cognisance of guidance produced by the National Fire Chiefs Council.

- 8.7 The information submitted indicates the project is intended to import and store electricity from the grid when there is an excess of generation. During periods of imbalance the batteries would discharge power back to the grid, which helps to deliver decarbonisation by reducing the degree to which renewable generation needs to be 'curtailed' (turned off) by storing excess generation and reducing the need to source power from fossil fuel sources. It is indicated that the development would equate to a saving of between 2,160 and 3,370 tonnes of carbon dioxide in its first year of operation and the equivalent to offsetting the carbon impacts from the annual electricity use of between 2,430 and 3,800 homes (excluding heating). The information indicates that this type of development can only be located at points on the electricity network which are able to provide capacity for the import and export of electricity. The proposed development would connect to the adjacent Bridge of Dun electrical distribution station located immediately to the east and there is a reasonable locational justification for siting the proposed development in this location.
- 8.8 Development plan policy requires consideration of landscape and visual impact. Policy indicates that the capacity to accept new development in the landscape will be considered in the context of the Tayside Landscape Character Assessment (TLCA) and relevant landscape capacity studies, formal designations, and special landscape areas. Proposals for renewable and low carbon energy development will be assessed on the basis of no unacceptable adverse landscape and visual impacts having regard to landscape character, setting within the immediate and wider landscape, and sensitive viewpoints, and public access routes. Additionally, the council has produced and adopted supplementary guidance that deals with renewable and low carbon energy development.
- 8.9 The application site lies within the Lowland Basin landscape character type (LCT) and is located on low lying land close to Montrose Basin. TLCA guidance describes the settlement and land use within the Lowland Basin LCT (outwith Montrose) as being limited to a scatter of farmsteads, generally located on slightly higher ground along the A934 and A935 corridors to the south and north of the basin. It describes the landscape as being of medium scale, with an enclosed character. The landscape guidelines encourage the use of screening to address the interface between settlement and surrounding countryside.
- 8.10 The supporting information includes viewpoints and visualisations from locations within 1km of the site. It suggests that the proposed energy storage project will represent a modern development with a very localised visual impact. It is suggested that the project would be viewed in combination with, and would be visually subservient to, the existing Bridge of Dun substation and associated transmission line. It suggests that from most viewpoints in the area the project would be screened by existing woodland, topography and field boundaries, and opines that the proposal would have a clean and organised appearance. It predicts that landscape and visual effects of the proposal would not be harmful to the host landscape or to the amenity of any sensitive receptors.
- 8.11 The site is relatively flat and lies at a low level in the surrounding landscape (6.5m

AOD) with higher ground to the north towards the Balwylo and the A935 public road. The site is adjacent to an existing electrical distribution station which is surrounded by metal palisade fence. Adjacent to the electrical distribution station is a large electrical transmission pylon, with an overhead line (OHL) extending north. There are also smaller scale OHLs connected to the distribution station and extending east, south and west. The Caledonian Railway line is around 230m south of the site and descends from an elevated embankment above the public road to the southwest before dropping to a lower level to the east towards Bridge of Dun Station. There are a collection of warehouse style buildings at the railway sidings 230m to the south of the site, including a 107m long warehouse. The landscape in and adjacent to the site is flat and open, with mature trees to the north and northwest at Balwylo, and to the southeast towards Bridge of Dun Station.

- 8.12 The battery storage compound would cover an area of around 8,200sqm. The proposed 3m high acoustic fencing surrounding the site would be the most obvious component of the development in the landscape. The introduction of the fenced compound would change the agricultural and open character of the site into a developed industrial character. The site would however be seen in the context of the existing electrical distribution station and pylons and there are other horizontal man-made features in the surrounding landscape. The plans indicate that the proposed planting belt surrounding the site could reduce the significance of the impact over time, but in locations close to the site the battery storage compound would be an obvious and permanent change in landscape. The development would not however have a significant impact on the wider Lowland Basin landscape character type and impacts are localised.
- 8.13 Available information, including visualisations submitted in support of the application suggest that the development would be an obvious feature along sections of the U444 public road between Mains of Dun and Bridge of Dun to the east and southeast which forms part of a circular cycle route round Montrose Basin. The development would also be a prominent feature along low-lying sections of the U444 between Balwylo and Bridge of Dun to the west and southwest; and on a relatively small section of the A935 between Balwylo and Dunmill (around 1.2km). Beyond those routes, visibility of the development would be more restricted as a result of topography, buildings and mature trees.
- 8.14 There would be limited views of the development from residential receptors. Balwylo Farmhouse is the closest dwelling at around 300m northwest of the site, but there is a mature woodland belt between that property and the proposed development. There would be views of the development from Balwylo Cottages, their garden ground and on approaches, but that property is located around 460m north (on the north side of the A935) and at that distance the impact would be insignificant. Similarly, properties to the south (Station Cottages – 400m), southeast (Three Chimneys – 480m) and east (Mill of Dun, Mains of Dun – 860m) are such that their orientation, intervening landscape features or distance would ensure that impacts would not be significant. In most views the development would be seen against a backcloth of landform, woodland or against the existing electricity distribution station.
- 8.15 The applicant's assessment of landscape and visual impact is generally reasonable. The proposed battery storage development would introduce a new element into the landscape and the landscape in the local area is of some value. Both landscape and visual impact would be greatest in the immediate proximity of the development where it would be an obvious new feature. In landscape terms, the development would result in change from arable land to land containing modern industrial structures. However, the proposal would be sited adjacent to existing electrical infrastructure. It would be sited such that it would avoid steeply sloping land, and while it would be visible and noticeable from surrounding higher land such as the A935 to the north, it would incorporate tree planting to screen and soften the development and would be seen against a landscape backcloth from those areas. The nature of the development

is such that the magnitude and significance of impact would reduce with distance and therefore the apparent extent of landscape impact would be reasonably localised. While the development would be in situ for a considerable period of time (identified as 50 years), it is temporary and reversible, and a condition is proposed that would secure its removal and site restoration.

- 8.16 In respect of cumulative impacts, there are other developments within the wider area that contribute to cumulative landscape and visual impacts including the existing electrical distribution station and associated electricity pylons adjacent to the site, the railway and associated infrastructure, and agricultural buildings. There is a solar farm with planning permission (ref: [23/00590/FULL](#)) at Arrats Mill, around 750m west of the proposed site. That development is not yet constructed, but the raised embankment provided by the Caledonian Railway limits the locations where there would be intervisibility between that development and the development proposed in this application; or where they would be seen in combination. There is an application for planning permission for an 49.9MW energy storage facility (ref: [24/00038/FULM](#)) located around 450m to the east/northeast of this application site (to the south of the A935 near Mill of Dun). That application was recently submitted, and cumulative impacts can appropriately be considered when that application is determined. Overall, it is considered that the cumulative impact of existing and approved development in the surrounding area is not such that it substantially changes the landscape character of the wider area, and it does not give rise to unacceptable visual impact in association with the development proposed. The proposal does not give rise to unacceptable cumulative impacts in relation to other relevant matters.
- 8.17 The proposal has the potential to impact on amenity, both during construction and operation of the development. A noise assessment has been submitted which indicates that operational noise generated by the development would necessitate mitigation through the provision of a 3m acoustic fence. The environmental health service has reviewed the noise information and has recommended planning conditions which seek to mitigate amenity impacts associated with the construction and operational phases of the development. Artificial lighting within the site would be limited to motion activated lights within the screened compound. The environmental health service has reviewed the artificial lighting proposal and has recommended a planning condition to ensure that it does not adversely affect the amenity of neighbouring land.
- 8.18 The proposal would result in additional vehicle movements across the public road network, and that would have some impact on the amenity of the occupants of property in the vicinity of the development site, particularly during the construction phase. Issues regarding the capacity of the road network to accommodate development traffic is discussed below. However, construction is anticipated to last for a period of around 9-months with an average of 4.4 daily HGV deliveries during the peak construction period (month 6) reducing to a maximum 2.4 HGV vehicles per day during the remaining construction process. Vehicular activity associated with the operation of the development would be limited. Short-term impacts associated with development proposals are not unusual and, subject to appropriate mitigation, the vehicle movement associated with this development should not reduce residential amenity to any unacceptable extent.
- 8.19 Overall while the proposal would give rise to some impacts on amenity, particularly during the construction phase, it is considered that, subject to the proposed conditions, those impacts could be mitigated to ensure that they do not unacceptably affect the amenity of occupants of nearby property.
- 8.20 Development plan policy seeks to safeguard natural heritage interests, including designated sites and protected species. The site is not designated for any natural heritage reasons. The application site is currently used for crop production.

- 8.21 The proposal is supported by an ecological appraisal which includes a habitat survey, protected species survey and a biodiversity enhancement assessment. The submitted information identifies that the River South Esk SAC (380m south), and Montrose Basin SPA and SSSI (480m southeast) are located within 2km of the site. It indicates that the proposal is not connected to these sites and would have no impact on any designated species for these and other sites. Having regard to available information, there is no evidence to suggest that the proposal would result in any unacceptable direct or indirect impacts upon sites designated for their natural heritage value subject to an appropriate construction environmental management plan.
- 8.22 In terms of protected species, the submitted information suggests there was no direct evidence found of protected species located within the site. However, it acknowledges that the site may be used as a foraging resource. The supporting information suggests the location of the proposed development is on an area of arable field and a narrow strip of modified grassland field edge. It predicts that impacts on protected species are negligible if the appropriate mitigation is undertaken. The site is currently used for arable farming, and this limits its biodiversity significance. There is no evidence to suggest that the proposal would have any significant adverse impact on important habitats or protected species. Post-construction, and subject to the mitigation and habitat enhancement measures proposed, the site would provide some biodiversity enhancement. Available information suggests that natural heritage interests would not be adversely affected, and the proposal would not have an unacceptable impact on protected species, subject to appropriate mitigation measures as detailed in the proposed conditions.
- 8.23 Development plan policy seeks to safeguard built and cultural heritage interests including listed buildings, conservation areas, historic gardens and designed landscapes, scheduled monuments and local archaeological sites. These matters are addressed in the supporting information which considers the potential impacts of the development on a range of heritage interests and concludes that the development would not have any material effect on the setting of cultural heritage features.
- 8.24 The site itself is not subject to any built or cultural heritage designation and the applicant's assessment identifies eight designated heritage assets within a 1km radius of the site including six listed buildings and two scheduled monuments. The scheduled monuments are around 550m west and 650m north of the proposed site and are noted for prehistoric settlement. The applicant's assessment predicts no intervisibility between those monuments and the application site. House of Dun is a mid-18th century designed landscape comprising several category A listed buildings, fine gardens, parkland, woodland and a Wellingtonia avenue grown from the original seeds first introduced into the UK. At its closest point that designed landscape is around 1.1km from the site and the separation distance, topographical difference, and mature peripheral planting around the designed landscape ensure that its setting and the setting of the listed buildings within it would not be materially affected by the proposal. Bridge of Dun is a category A listed building and there would be views from the higher points on the bridge towards the proposed development through the railway siding buildings serving the Caledonian Railway. Having regard to the separation distance, the back clothed nature of views of the development from that location, the existence of the railway buildings, and the existence of other electrical infrastructure in the landscape, impacts of development on views to and from the bridge would not be significantly affected by the proposed development. Impacts on other listed buildings in the surrounding area would not be significant as a result of distance and/or intervening buildings, trees or topography. The proposal would not result in any unacceptable impact upon heritage interests in the area.
- 8.25 Development plan policy seeks to ensure that proposals do not give rise to unacceptable impacts on the road network or on recreational access. Construction of the development is anticipated to last for a period of around 9-months with a

maximum of 4.4 HGV deliveries on average per day associated with that process. The submitted planning statement indicates that construction vehicles would access the site from the A935 (Breachin to Montrose) using an 850m section of the U444 from Balwyllo. The planning statement suggests that the applicant will carry out a survey of the relevant stretch of the U444 prior to commencing construction to identify whether any repair or improvement works to the route are required to accommodate construction traffic associated with the project; and will also ensure that any damage caused to the public highway during construction is repaired and reinstated following completion of the construction activities. Vehicular activity associated with the operation of the battery storage development would be limited to occasional maintenance visits described as one or two visits per month. The roads service has considered the information submitted and has offered no objection in respect of road traffic and pedestrian safety subject to planning conditions to secure a construction traffic management plan and the provision of suitable visibility splays where the site access meets the public road.

- 8.26 The development also has potential to impact on recreational access and those using networks in the area for recreational purposes. The proposal would have no direct impact on any core paths and there are no core paths located in the vicinity of the site. Part of the Montrose Basin Cycle Route is located 300m southeast of the site and as noted earlier in this report there would be intermittent visibility of the development from sections of that route (the U444 public road) between Bridge of Dun and Mains of Dun. HGV construction traffic would not utilise that route to access the site. Impacts on the Montrose Basin Cycle Route are not considered to be significant or unacceptable and the character and amenity of recreational routes in the area would not be unacceptably reduced by the development.
- 8.27 Development plan policy seeks to safeguard the water environment and seeks to ensure developments are not adversely affected by flooding or increase flood risk in the surrounding area. The development plan also seeks to ensure that appropriate drainage arrangements are in place. The site is not within areas identified as being at risk of river or coastal flooding on SEPA flood maps, but there are parts of the site which are identified as being at risk from surface water flooding.
- 8.28 The applicant's flood risk assessment indicates that the site is located outwith the modelled extents of flooding from the River South Esk for all return periods. It indicates that the development will incorporate drainage systems to attenuate surface water from areas of hardstanding reducing the overall risk of surface water flooding. The assessment recommends that the finished floor level of the battery units in the south of the site are raised by 300mm to mitigate for potential pluvial flood depths. The assessment indicates that the development is classified as essential infrastructure, and the development has been assessed as having low to negligible risk from all flooding sources. The drainage strategy indicates that cellular storage would be used to attenuate surface water within the site. It is also indicated that the development would incorporate an interception system to contain any contaminated run-off in the event of a fire. Any water or other liquids used to douse a fire would be diverted to an underground storage tank via a valve which would be operated by the fire service in the event of an incident.
- 8.29 Both SEPA and the council's roads service in its capacity as flood prevention authority have been consulted on the proposal and neither has offered objection. Conditions are proposed to ensure implementation of measures to protect the development from flooding and to safeguard the water environment. There is no evidence to suggest that the proposal would give rise to any significant adverse impact on the water environment.
- 8.30 The information submitted suggests the proposal would connect to the grid via an underground cable to the adjacent electrical distribution station. SSEN and National Gas Transmission has been consulted in respect of potential for impact on their



infrastructure but neither party has any objection to the proposal.

- 8.31 Available information indicates that the agricultural land within the site is sub-prime (class 3.2). Development plan policy, including NPF4 which sets out national planning policy, is clear that the loss of agricultural land will be supported where proposals constitute renewable energy development or essential infrastructure and there is secure provision for site restoration. Arrangements for site restoration at the end of the 50-year operational lifespan of the development (including a suitable financial guarantee for those works) could be secured by planning condition. There is no evidence to suggest that the viability of a farm unit would be adversely affected by the proposal. The proposal does not give rise to any significant issues in respect of the policy approach to the use of agricultural land.
- 8.32 The proposed development would give rise to some localised landscape and visual impacts. However, policy generally recognises that some impact may be expected in association with development proposals and the key test is whether those impacts are so significant as to be unacceptable. In reaching a conclusion in relation to those matters it is necessary to consider the proposal in the round, having regard to all relevant policies and the overall aims and objectives of the development plan. In this respect, the development plan provides strong support for proposals that provide for all forms of renewable, low carbon and zero emissions technology (including battery storage), and the development is largely compatible with development plan policies. The most significant landscape and visual impacts would affect a relatively small area and would be subject to mitigation. The development would provide a source of power supply capable of meeting the electricity needs of between around 2,430 and 3,800 homes per year (excluding heating) and that would make reasonable contribution towards reducing carbon emissions. Policy requires that this is given significant weight. In these circumstances, it is concluded that the application is compatible with the development plan subject to the proposed planning conditions.
- 8.33 In addition to development plan policy, it is relevant to have regard to other material considerations, including the planning matters that have been raised in the letters of representation.
- 8.34 While the land within the site is in productive agricultural use, available information suggests that it is not prime quality land. In any case, development plan policy is supportive of the use of agricultural land for this type of development and there is a reasonable locational justification for the development being sited adjacent to existing electrical infrastructure.
- 8.35 The proposal would result in some landscape and visual impact mainly as a result of the large expanse of acoustic fencing required to mitigate noise emissions. Mitigation is proposed through tree planting and the applicant proposes to paint the fence dark green to blend in with surrounding fields. The site is not subject to any special landscape designation and impacts are predominantly localised.
- 8.36 The representations raise concerns with regards to adverse impacts upon amenity including visual, noise, and light pollution. Issues regarding these matters are addressed above and impacts are not considered to be unacceptable for the reasons set out. While there will be some additional activity during the construction phase, such activity would not significantly affect the amenity of occupants of nearby housing. Levels of HGV movements would not be particularly significant, and measures are proposed to mitigate any road safety issues.
- 8.37 There is no evidence to suggest that the development would significantly affect protected sites or species, important habitats, or the wider biodiversity interests in the area. The planting proposed would provide some enhancement to biodiversity in comparison to the areas of existing cultivated agricultural land. Similarly, while there are numerous cultural heritage assets in the surrounding area, the above assessment

concludes that none would be adversely impacted upon to any significant degree. Some parties have suggested that the proposal might adversely affect tourism in the area, but no evidence to support that proposition has been provided and the development would be co-located with existing electricity infrastructure and a reasonably discrete area.

- 8.38 Concerns have been raised regarding fire risk associated with the battery storage system. However, information has been submitted by the applicant to demonstrate how fire safety would be managed on the site, and the Scottish Fire and Rescue Service has been consulted and raised no objection. SSEN is also satisfied that the separation distance between the batteries and their electrical infrastructure is sufficient and has offered no objection. A planning condition is proposed which requires approval of a fire and safety management plan, including details of measures to minimise potential for discharge of any untreated water from the battery containers or batteries arising because of an emergency situation.
- 8.39 In conclusion, this proposal provides for the generation of renewable energy and associated infrastructure that would meet the electricity needs of between around 2,430 and 3,800 homes per year (excluding heating). This would support mitigation of climate change. National and local planning policy is generally supportive of development proposals that provide for renewable energy generation. In this case relevant consultation bodies have raised no objection to the application in relation to impacts on amenity, built, cultural and natural heritage interests, or other environmental interests, or infrastructure. Adverse impacts associated with the proposal are limited and mitigation is proposed. All adverse impacts must be balanced against the desirability of facilitating a development that would provide a significant contribution towards renewable energy generation. As indicated above, development plan policy at national and local levels provides strong support for renewable energy development.
- 8.40 The development would contribute towards meeting government energy targets and government guidance confirms that schemes should be supported where the technology can operate efficiently, and environmental and cumulative impacts can be satisfactorily addressed. In this case the technology would appear to have potential to operate efficiently, and available evidence suggests that environmental impacts can be satisfactorily addressed.
- 8.41 The matters raised in objection to the application have been considered in preparing this report and where appropriate matters are addressed by proposed planning conditions. The proposed conditions seek to minimise adverse impacts associated with the development.
- 8.42 The proposed development would provide a source of renewable energy generation in a manner that would not give rise to unacceptable impacts on infrastructure, amenity, built and natural heritage interests (including landscape), or other environmental interests subject to appropriate mitigation. There are no material considerations that justify refusal of planning permission.

## **9. HUMAN RIGHTS IMPLICATIONS**

- 9.1 The recommendation in this report for grant of planning permission, subject to conditions, 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 this report justifying this recommendation in planning terms, 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.

## 10. CONCLUSION

- 10.1 It is recommended that the application be approved for the following reason, and subject to the following condition(s):

### **Reason(s) for Approval:**

The proposed development would provide a source of renewable energy generation in a manner that would not give rise to unacceptable impacts on infrastructure, amenity, built and natural heritage interests (including landscape), or other environmental interests subject to appropriate mitigation. The necessary mitigation can be secured by planning conditions and the proposal complies with development plan policy subject to the stated planning conditions. There are no material considerations that justify refusal of planning permission.

### **Conditions:**

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of its grant.

*Reason: In order to clarify the duration of this permission in accordance with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended) and to ensure that it will lapse if not implemented within that period.*

2. The battery storage facility and associated infrastructure hereby approved shall be removed from the site no later than 50 years after the date when electricity is first generated unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of electricity generation shall be provided to the Planning Authority within one month of that date.

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

3. No development in connection with the planning permission hereby approved shall take place until the following details have been submitted to and approved in writing by the Planning Authority: -

- (a) Details of a bond or other financial provision which will be put in place to cover all decommissioning and site restoration costs. This shall include provision for the regular review of the bond value. No work shall commence on the site until the developer has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory. The developer shall ensure that the approved bond or other approved financial provision is in place throughout the operational life of the development hereby approved.

- (b) A scheme of decommissioning and restoration of the application site including aftercare measures. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a

similar form of development) the scheme shall be implemented within 12 months of the final date electricity is generated at the site and in any case before the expiry of the time period set by condition 2 of this planning permission.

(c) A Construction Environmental Management Plan (CEMP). The submitted CEMP shall include: -

- Site working hours;
- Mitigation measures to prevent pollution and siltation of watercourses;
- Mitigation measures for dust and machinery emissions arising from the construction/decommissioning phases, including a dust complaint investigation procedure;
- Mitigation measures for noise and vibration impacts and a noise and vibration complaint investigation procedure;
- A Site Waste Management Plan (SWMP) including details for the management of pollution prevention monitoring and mitigation measures for all construction activities;
- Adherence to good practise in protecting the environment and ecology;
- Procedures for monitoring compliance and dealing with any breach of the approved plan.

Thereafter, the approved CEMP shall be fully implemented upon commencement of the development and remain in place for the duration of the construction of the development hereby approved.

(d) A Construction Traffic Management Plan (CTMP). The CTMP shall consider arrangements for the following:

- the type and volume of vehicles to be utilised in the delivery to the site of construction materials and solar array components associated with the construction and erection of the development.
- details of HGV movements to and from the site.
- assessment of the suitability of the Balwylo - Burnhead U444 public road for use by construction vehicles. The assessment shall include details of swept path analyses and include a DVD video route survey.
- proposals for the survey and repair of the Balwylo - Burnhead U444 public road, as required throughout the construction and decommissioning phases.
- any proposed accommodation works / mitigating measures affecting the public roads in order to allow for delivery loads, including carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street furniture.
- the restriction of delivery traffic to the agreed routes.
- the timing of construction traffic to minimise impacts on local communities, particularly during refuse collection, at weekends and during community events.
- a code of conduct for HGV drivers to allow for queuing traffic to pass.
- liaison with the roads authority regarding winter maintenance.
- contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns.
- a dust and dirt management strategy, including sheeting and wheel cleaning prior to departure from the site.
- arrangements for the cleaning of the Balwylo – Burnhead Road when affected by material deposited from construction traffic associated with the development.

- the location, design, erection and maintenance of warning/information signs for the duration of the works at site accesses and crossovers on private haul roads or tracks used by construction traffic and pedestrians, cyclists or equestrians.
- contingencies for unobstructed access for emergency services.
- co-ordination with other major commercial users of the public roads on the agreed routes in the vicinity of the site.
- traffic management, in the vicinity of temporary construction compounds.
- arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan.
- procedures for dealing with non-compliance with the approved plan.

Thereafter the development shall be carried out in accordance with the approved plan.

- (e) Evidence demonstrating that visibility splays at the westmost site access at its junction with the public road have been provided or are available giving a minimum sight distance of 215 metres in each direction at a point 2.4 metres from the nearside channel line of the Balwylo - Burnhead (A935 - C41) public road. Thereafter within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level.
- (f) Evidence demonstrating that visibility splays at the eastmost site access at its junction with the public road have been provided or are available giving a minimum sight distance of 215 metres in a westerly direction and 90 metres in an easterly direction, each at a point 2.4 metres from the nearside channel line of the Balwylo - Burnhead (A935 - C41) public road. Thereafter within the above visibility splays nothing shall be erected, or planting permitted to grow to a height in excess of 1050 millimetres above the adjacent road channel level.
- (g) The precise details of the external appearance and colour of all buildings, structures and perimeter fencing along with the location of all external lighting. For the avoidance of doubt, both the internal and external faces of the acoustic fence shall be painted in a recessive shade. Thereafter the buildings, structures, and fencing shall be finished in accordance with the approved details prior to the first generation of electricity within the site.
- (h) A fire and safety management plan. The plan shall include detail of the specific siting and spacing of all container units, including battery container units, precise details of the battery technology deployed at the site, and measures to minimise potential for any untreated water from the battery containers or batteries arising because of an emergency situation to leave the site. Thereafter the development shall be constructed and operated in accordance with the approved plan.
- (i) A revised scheme of landscaping which shall provide for an increase in width of the landscaping belt to north, south, and west boundaries of the site and associated details which provide for the retention and maintenance of the landscaping for the duration of the development. The scheme of landscaping shall include the specification of new planting including the quantity, size, species, and positions or density of all trees or hedgerows to be planted, how they will be protected from grazing mammals, and the proposed timescale for planting. Any planting which, within the operational period of the development is removed, uprooted, destroyed or dies or becomes, in the opinion of the planning authority, seriously damaged or defective, shall be replaced with the same size and species as that

originally planted and at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree.

The development shall be undertaken and operated in accordance with the planning permission and the detail approved in relation to relevant planning conditions.

*Reason: In order that the planning authority may verify the acceptability of the specified details in the interests of securing appropriate site restoration, environmental protection, road safety, amenity and biodiversity.*

- Noise associated with the construction and decommissioning of the development including the movement of materials, plant and equipment shall not exceed the noise limits shown in table A below for the times shown. At all other times noise associated with construction/decommissioning operations shall be inaudible at any sensitive receptor. For the avoidance of doubt sensitive receptors includes all residential properties, hospitals, schools and office buildings.

**Table A: Construction Noise Limits Day Time Average Period Noise Limit**

Day	Time	Noise Limit
Monday - Friday	07:00 – 08:00	60 dBA Leq (1hr)
Monday - Friday	08:00 – 18:00	70 dBA Leq (10 hrs)
Monday - Friday	18:00 – 19:00	60 dBA Leq (1hr)
Saturday	07:00 – 08:00	60 dBA Leq (1hr)
Saturday	08:00 – 13:00	70 dBA Leq (5 hrs)

*Reason: In the interests of safeguarding the amenities of occupants of noise sensitive properties during the construction and decommissioning of the development.*

- All plant or equipment shall be so enclosed, attenuated and/or maintained such that any noise therefrom shall not exceed Noise Rating 30 between 0700 and 2300 hours daily, or Noise Rating 20 between 2300 and 0700 hours daily, within any neighbouring residential property, with the windows open at least 50mm, when measured and/ or calculated and plotted on a rating curve chart.

*Reason: In the interests of the amenities of occupants of noise sensitive properties.*

- All external lighting shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised to a degree that it does not adversely affect the amenity of the neighbouring land.

*Reason: In the interests of the amenity of the occupants of nearby sensitive property.*

- That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with: -
  - the Raincloud Balwylo BESS Outline Surface Water Drainage Strategy (September 2023).
  - the source noise mitigation contained within section 6.2 of the Dragonfly Consulting Noise Impact Assessment (DC4271-NR1v2). For the avoidance of doubt, the acoustic barrier shall be maintained for the operational life of the development in a manner such that the noise limits identified in Condition 5 of this planning permission are not exceeded.

- the conclusions and recommendations contained within the Raincloud Balwylo BESS Flood Risk Assessment (September 2023).
- the mitigation measures identified within the IMTeco Ltd Balwylo BESS Ecological Appraisal (September 2023).

*Reason: In order to ensure that the development is undertaken in accordance with the detail upon which the application has been assessed and determined to be acceptable and in order to mitigate impact of the development on biodiversity, archaeological features, and the water environment.*

8. The site accesses shall be designed and constructed to prevent the discharge of surface water onto the public road. If finished ground levels fall towards the public road, a cut-off drain on each access at its interface with the public road verge shall be provided.

*Reason: To prevent the flow of surface water onto the public road in the interests of traffic safety.*

**Advisory notes:**

1. The verge crossing at the proposed accesses must be formed and constructed in accordance with the standards of Angus Council. An application form can be downloaded from the Angus Council website for the purpose.

**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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**DATE: 29 FEBRUARY 2024**

APPENDIX 1: LOCATION PLAN  
APPENDIX 2: SUMMARY OF APPLICANTS SUPPORTING INFORMATION  
APPENDIX 3: LETTERS OF REPRESENTATION  
APPENDIX 4: DEVELOPMENT PLAN POLICIES