

**ANGUS COUNCIL**

**DEVELOPMENT STANDARDS COMMITTEE – 19 NOVEMBER 2024**

**PLANNING APPLICATION – LAND 200M WEST OF TEMPLETON FARM,  
TEMPLETON, BIRKHILL**

**GRID REF: 335717 : 735025**

**REPORT BY SERVICE LEADER – PLANNING & SUSTAINABLE GROWTH**

**1. ABSTRACT**

- 1.1 This report deals with planning application no. [24/00095/FULM](#) submitted on behalf of Fig Power Ltd for the construction and operation of a battery energy storage system with a maximum storage capacity of up to 49.9 megawatts (MW) with associated works on land 200 metres (m) west of Templeton Farm, Templeton, Birkhill. 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 49.9MW with associated works on land 200m west of Templeton Farm, Templeton, Birkhill. A plan showing the location of the site is provided at Appendix 1.
- 3.2 The application site measures around 1.2 hectares (ha) and consists of agricultural land sited immediately adjacent to the west of Templeton Road, where there is an intermittent row of trees between the site and the road. The U325 public road runs along the southern site boundary. The site is surrounded by agricultural land on all sides (beyond Templeton Road to the west and the U325 to the south).
- 3.3 The proposal involves the formation of a compound measuring around 6400sqm which would extend approximately 145m alongside Templeton Road, and around 44m east along the U325. The compound would contain 22 battery units, with an adjacent row of 11 associated converters and inverters units surrounded by louvered noise insulation panels as necessary. The battery storage units would be 6m long, 2.4m wide, and 2.9m high rectilinear metal clad structures with an appearance similar to that of a shipping container. The compound would also contain an onsite substation and control room, an auxiliary transformer, parking for three vehicles, CCTV and lighting columns. The substation/ control room would be roughly 3m high and the CCTV and lighting columns would be roughly 5m high. The compound would be enclosed by 3m high security fencing painted green. Vehicular access and egress would be taken from a single new junction formed on Templeton Road and a loop road would be formed around the infrastructure to allow vehicles to leave in a forward gear.
- 3.4 The application has been amended to provide an alternate access point which is closer to the main compound, and to include additional landscaping.

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

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

- 4.1 A Proposal of Application Notice (ref: [23/00213/PAN](#)) in respect of a battery energy storage system up to 49.9MW with associated works on land 200m west of Templeton Farm, Templeton, Birkhill was considered by committee at its meeting on 16 May 2023 ([Report No. 138/23](#) refers). Committee noted the key issues identified in Report 138/23 and also highlighted consideration should be given to the venting of gas from containers and issues associated with potential impact on local recreational path networks.
- 4.2 A screening opinion has been adopted under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 which confirms that a battery storage facility of this nature at this location does not require environmental impact assessment and does not require submission on an environmental impact assessment report (ref: [23/00258/EIASC](#)).

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

- 5.1 The following documents have been submitted in support of the application:
- Pre-application Consultation Report
  - Planning Statement
  - Design and Access Statement
  - Landscape and Visual Appraisal, including Appendices 7.1 and 7.2 and associated comments
  - Noise Impact Assessment
  - Transport and Access Statement
  - Construction Traffic Management Plan
  - Preliminary Ecological Appraisal
  - Construction Environmental Management Plan
  - Preliminary Contamination Risk Assessment (Phase 1)
  - Drainage Strategy
- 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 in relation to road traffic matters subject to planning conditions requiring provision of a suitable access and visibility splays and no objection in relation to flood risk subject to a condition for suitable drainage and culvert provision.
- 6.2 **Angus Council – Environmental Health** – no objection in terms of potential land contamination or amenity impacts subject to planning conditions which regulate noise during the construction and operation of the development, secure noise mitigations measures and which regulate vibrations level associated with construction works.
- 6.3 **SEPA** – no objection.
- 6.4 **Aberdeenshire Archaeological Service** – no objection.
- 6.5 **SSEN** – no objection.

6.6 **Transport Scotland** – no objection.

6.7 **Scottish Water** – no objection.

6.8 No comments have been received from **Scottish Fire and Rescue Service, Strathmartine Community Council, or Dundee City Council.**

## 7 REPRESENTATIONS

7.1 Four 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:

- Development type unsuitable for the area
- Loss of prime agricultural land
- Landscape and visual impacts
- Proximity to houses, adverse amenity impacts, and safety concerns
- Impacts upon water pipe in vicinity of the site
- Impact on property value
- No benefit to Scottish people

## 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. NPF4 Policy 9 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 allows development of prime quality agricultural land where it is a proposal for generation of energy from renewable sources and where there is 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 excess energy generation. During periods of imbalance the batteries would discharge power back to the grid. This would help to deliver decarbonisation by reducing the degree to which renewable generation needs to be 'curtailed' (turned off) and reducing the need to source power from fossil fuel generation. The information indicates that this type of development can only be located in proximity to points on the electricity network which are able to provide capacity for the import and export of electricity. The proposed development would connect to a nearby electrical distribution station and there is a locational justification for siting the proposed development in such a location.
- 8.8 Development plan policy requires consideration of landscape and visual impact. ALDP 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. NPF4 policy recognises that renewable energy development may give rise to significant landscape and visual impacts. It states that where impacts are localised and/ or appropriate design mitigation has been applied, they will generally be considered to be acceptable. 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 Dundee/ Tealing sub-category of the Dipslope Farmland landscape character type (LCT) and is located on agricultural land close to Templeton Wood. Guidance describes this subcategory as a settled area of elevated lowland arable farmland set between the Sidlaw hills and Dundee where landform is gently rolling or undulating, falling south and east from the Sidlaw Hills towards Dundee and the Firth of Tay. The escarpment of the southern edge of the Sidlaws rises abruptly along the northern edge of this sub-area and land use consists of large or medium rectilinear arable fields and woodland blocks. Development should avoid areas over-looked from the Sidlaws within 2km; should seek to reinforce established field patterns; and use existing woodland as a landscape structure within which to locate development.
- 8.10 The supporting information includes viewpoints and visualisations from locations predominantly within 1km of the site. It suggests that the proposed energy storage

project would represent a modern development with a very localised visual impact. It is indicated that the development would affect a small area and it is suggested that the project would be viewed in combination with the commercial operations at Templeton Christmas Tree Farm. It suggests that from most viewpoints to the south and east it would be screened by existing woodland, buildings and topography. 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 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 electricity pylons and there are other man-made features in the surrounding landscape, including sizeable structures associated with Templeton Farm. The compound would cover a relatively small area of ground at around 6400sqm which is broadly comparable to the area occupied by Templeton Farm to the east. The plans indicate that the proposed planting 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 be broadly compatible with guidance provided by the landscape character assessment, and it would not have a significant impact on the wider Dipslope Farmland landscape character type, and impacts associated with it would be localised.
- 8.12 In considering residential receptors, Minard and Dalvattan Cottages are the closest dwellings with the building at Minard around 70m to the east of the closest part of the compound. Those properties have main elevations that face north, but they are offset from the development. Minard has garden area to its west where there would be clear views of the compound at a distance of around 50m, but it also has garden ground to the south where the compound would be obscured by the dwelling. Dalvattan has garden ground to its east and south. Views of the compound would be available from the garden area to the east. The compound and its associated development would be a prominent feature visible on approach to the properties and from some garden areas. There would also be oblique views of the development from within these properties. In general terms the development would detract from the visual amenity the occupants currently enjoy. However, the proposal would only occupy a small arc of view from these properties and given the nature and scale of the development, it would not make either property an unsatisfactory or undesirable place to stay. Impact associated with the proposal would be comparatively modest in comparison to the visual impact associated with Templeton Christmas Tree Farm which sits to the east. Furthermore, landscaping is proposed to screen the development and while this would not fully obscure the development, it would provide additional mitigation as it matures.
- 8.13 There would be views of the development from other residential property in the area, but those properties are at greater distance to the proposed development than Minard and Dalvattan Cottages. The visual amenity of those properties would be adversely affected by the development, but to a lesser extent than would be experienced at the closest properties and not be at a level that would make them an unsatisfactory or undesirable place to live.
- 8.14 In addition, there would be views of the proposed development from the café at Templeton Christmas Tree Farm. However, the development would occupy a small arc of view to the west of the café, and the café is located within the commercialised/ semi-industrialised Christmas tree farm complex. Those visiting the café will do so in the knowledge of its commercialised setting and may therefore have reduced sensitivity to further landscape change.
- 8.15 Available information, including visualisations submitted in support of the application suggest that the development would be an obvious feature when viewed from the local road network in proximity of the site. However, given the scale and nature of the

development, along with the surrounding landscape context, impacts associated with the development would reduce significantly with distance. The proposal would also have some adverse impact on the visual amenity of those using the area for recreational purposes. Core Path 222 'Blairfield Road to Templeton Road' terminates on the opposite side of Templeton Road from the development, Core Path 223 'Blairfield Road' is roughly 575m to the southwest, and Core Path 218 'Dronley Railway' is roughly 550m to the northeast of the site. There would be varying visibility of the development from sections of those routes, but reasonably significant areas would remain largely unaffected, and there would remain significant opportunity for persons to take recreational access in the wider area in a manner that would be unaffected by the proposed development. Impacts would be localised and would not be unacceptable having regard to development plan policy.

- 8.16 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 in an area where the landscape has been modified by human activity and where there are other commercial operations. It would generally be sited in a manner that has regard to the guidance provided by the landscape character guidance, it would incorporate landscaping to help reduce visual impact. 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 (40 years), it is temporary and reversible, and a condition is proposed that would secure its removal and site restoration.
- 8.17 In respect of cumulative impacts, there are other developments within the wider area that contribute to cumulative landscape and visual impacts including electricity pylons adjacent to the site, residential development, commercial and agricultural buildings, and commercial woodland. However, 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.
- 8.18 The proposal has the potential to impact on amenity, both during its construction and operation. Noise assessment information has been submitted which indicates that operational noise generated by the development would necessitate mitigation through the acoustically treated louvres to electrical infrastructure where necessary. 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. Limited details have been provided regarding site lighting and therefore a condition is attached to prevent proposed lighting from adversely affecting the amenity of neighbouring land.
- 8.19 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 during the construction phase. Issues regarding the capacity of the road network to accommodate development traffic are discussed below. However, construction is anticipated to last for a period of around 8-months with an average of 6 two-way HGV movements per day throughout this period. Vehicular activity associated with the operation of the development would be limited. Short-term impacts associated with construction activities are not unusual and the vehicle movement associated with this development should not reduce residential amenity to any unacceptable extent.

- 8.20 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.
- 8.21 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.
- 8.22 The proposal is supported by a preliminary ecological appraisal which considers potential impacts upon habitats and protected species. The submitted information identifies that there are designated sites within around 3.7km of the application site, but with limited connectivity there is no potential for adverse impact upon those 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. Submitted information suggests that the proposed landscaping would enhance the biodiversity value at the site.
- 8.23 In terms of protected species, the submitted information suggests there is no evidence of protected species located within the site. However, it acknowledges that the site may be used as a foraging resource. The supporting information suggests no trees would be affected by the development and that the application site is of negligible ecological value. It predicts the proposal is unlikely to produce negative impacts on protected species but recommends general mitigation measures to prevent disturbance of species if encountered during works. The site is currently used for arable farming, and this limits its biodiversity value. 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 landscaping 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.
- 8.24 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.
- 8.25 The site itself is not subject to any built or cultural heritage designation and the applicant's assessment identifies 3 listed building within proximity to the site (within 500m), all of which are category B listed and two of which are bridge structures. The applicant's assessment predicts no negative impacts upon those listed buildings. While there are other built and cultural heritage interests in the wider area, given the nature of the designations, the separation distances and intervening topography, buildings, and planting, impacts of the development on the setting of built and cultural heritage interests would not be unacceptable. Furthermore, the archaeology service has considered the proposal and offers no objection. The proposal would not result in any unacceptable impact upon heritage interests in the area.
- 8.26 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 8-months with an average of 6 two-way HGV movements per day associated with that process. The submitted information indicates that construction vehicles would access the site from the A90, onto the A923 (known as Coupar Angus Road) and finally using Templeton Road. The submitted Transport Statement indicates the proposal would not result in a

material increase in vehicle movement which would impact on the operation of the road network. It is indicated that vehicular activity associated with the operation of the battery storage development would be limited to occasional maintenance visits described as an average of a single vehicle every 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 the provision of suitable visibility splays where the site access meets the public road. A condition is also attached to ensure the proposal is carried out in accordance with the construction traffic management plan.

- 8.27 The development also has potential to impact on recreational access and those using networks in the area for recreational purposes. As noted earlier in this report there are core paths in this area, but none would be directly impacted by the proposal. There would be intermittent visibility of the development from sections of core path. However, impacts would reduce as landscape planting matures. There would be no direct impact on core paths and impacts on recreational access in the area are not unacceptable and the character and amenity of recreational routes in the area would not be unacceptably reduced by the development.
- 8.28 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 flooding on SEPA flood maps, but there is an area of land to the west in the region of an existing field drain which is identified as being at risk from surface water flooding.
- 8.29 The submitted information suggests the field drain to the west of the site would be culverted in the region of the new access. Drainage information indicates that the development should incorporate sustainable drainage features on site to offset the slight increase in surface water runoff rates and to ensure discharge to the existing field drain is controlled to a greenfield rate. In addition, it is indicated that a drainage system would be provided which would direct any contaminated run-off from a fire event to a separate storage area. A condition is proposed to secure details of such a system. 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, but conditions are proposed to ensure suitable detailed drainage provision and capacity within the proposed culvert. There is no evidence to suggest that the proposal would give rise to any significant adverse impact on the water environment subject to the proposed conditions.
- 8.30 The information submitted suggests the proposal would connect to the grid via an underground cable to the nearby electrical distribution station. SSEN has been consulted in respect of potential for impact on its infrastructure and has no objection to the proposal.
- 8.31 Published information indicates that the site comprises prime quality agricultural land (class 3.1). The applicant has revised the proposal to reduce the extent of the access track and approximately one-third of the main body of the site which would be used as a construction laydown area would be returned to greenfield land for the operational phase of the development. The area of prime land that would be affected by the proposal is relatively small, and development plan policy is clear that the loss of agricultural land will be supported where proposals constitute renewable energy development and there is secure provision for site restoration. Arrangements for site restoration at the end of the 40-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 proposal does not give rise to significant issue in terms of other relevant development plan policy considerations.
- 8.33 In this case, the proposal is not entirely consistent with all aspects of the development plan, but it attracts significant support from and is compatible with other elements, and particularly those that deal specifically with renewable energy development. There is no question that it would give rise to some adverse landscape and visual impact, and it would have some detrimental impact on the occupants of the closest residential properties. However, that is generally the case for most development of this nature, and development plan policy recognises that such impacts are to be expected and will generally be considered acceptable where they are localised and/ or appropriately mitigated. Consultation bodies have raised no objection to the proposal and suggest that impacts can be appropriately mitigated by planning conditions. The development plan provides strong support for proposals that provide for all forms of renewable, low carbon and zero emissions technology, including battery storage. This development would provide a source of power supply to help balance energy demand in the grid and would make a 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.
- 8.34 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.
- 8.35 Third parties suggest this is not a suitable type of development for the area. However, as discussed above, development of this nature must be located at locations where it has potential to connect to the grid, and the applicant has identified that this location has that potential. As indicated above, development plan policy allows for loss of prime quality agricultural land for renewable energy related development and the amount of land affected by this proposal is small. The proposal does not give rise to significant conflict with development plan policy, and it is that policy which must be used to determine suitability of a location.
- 8.36 Issues regarding landscape and visual impact are addressed above. Again, issues regarding those matters must be considered in the context of relevant policy and guidance. The proposal is broadly compatible with relevant landscape guidance, impacts would be appropriately mitigated, and resultant impacts would be localised.
- 8.37 Issues regarding the potential impact of development on residential amenity are discussed above. For the reasons set out, the impacts associated with the development are not unacceptable having regard to relevant policy and guidance. Conditions are proposed to mitigate noise impact associated with the development and to ensure provision of appropriate landscaping to help screen the infrastructure.
- 8.38 Issues related to safe operation of battery storage facilities are largely governed by other legislation. However, guidance produced by the National Fire Chiefs Council suggests that a minimum distance of 25m should generally be sought between battery energy storage facilities and occupied buildings, unless other mitigation measures such as blast walls are provided. In this case the proposal significantly exceeds that recommended distance. The Scottish Fire and Rescue Service has been consulted and 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 There is Scottish Water infrastructure within the site, but Scottish Water has offered

no objection to the proposal. There is no reason to consider the proposal would result in any unacceptable impacts upon Scottish Water infrastructure at the site.

- 8.40 Impact upon property values is not a material planning consideration and cannot be considered in the determination of this application. However, the issues that lie behind this concern, such as impact on amenity, are relevant matters and are discussed above.
- 8.41 Some parties have suggested that the proposal would not provide any benefit to Scottish or local people. However, issues related to financial benefit are not material planning considerations. The application must be assessed having regard to relevant development plan policy. The provision of infrastructure which has potential to assist in reducing reliance on fossil fuels and help address the climate and nature emergencies is a matter of significant public interest.
- 8.42 In conclusion, this proposal provides for the generation of renewable energy and associated infrastructure that would help to mitigate fluctuations in the electricity grid. 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 localised and 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.
- 8.43 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.
- 8.44 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.
- 8.45 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 40 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 confirmation by a suitably qualified independent professional (whose appointment for this task has been approved in writing by the planning authority) that the amount of the guarantee or financial provision so proposed is sufficient to meet the full estimated costs of dismantling, removing and disposing of the batteries, site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs. This shall also 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) An updated Construction Environmental Management Plan (CEMP). The updated CEMP shall make reference to the most recent version of the submitted Noise Impact Assessment and include provision for a silt barrier to prevent pollution and siltation entering into the field drain to the west of the site and the Dighty Burn to the north. 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) Evidence demonstrating that visibility splays at the junction of the proposed access with Templeton Road (U326) 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 Templeton Road (U326). 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.
- (e) The precise details of the siting and external appearance and colour of all buildings, structures including physical noise mitigation measures and perimeter fencing along with the location of all CCTV units and external lighting. Thereafter the buildings, structures, and fencing shall be finished in accordance with the approved details and the noise mitigation measures installed in accordance with the agreed specification prior to the first generation of electricity within the site. Thereafter noise mitigation measures shall be maintained to the satisfaction of the planning authority for the lifetime of the development.
- (f) 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. It shall also make provision for an emergency access point sited and formed in accordance with the requirements of the roads authority, and which shall be used only for emergency access purposes. Thereafter the development shall be constructed and operated in accordance with the approved plan.
- (g) A scheme to provide surface water drainage arrangements at the site. These details must adequately demonstrate that the proposed development will not increase flood risk outwith the site up to and including a 1 in 200 year return period, inclusive of a 39% uplift for climate change. The drainage design must also adequately treat surface water prior to discharging it to the natural environment in accordance with the Simple Index Approach from CIRIA C753 "The SuDs Manual". The drainage must also be attenuated to the greenfield runoff rate and for the avoidance of doubt this must include finalised drawings and calculations. Thereafter the approved scheme shall be provided prior to the generation of any electricity

at the site and maintained in perpetuity for the lifetime of the development.

- (h) Details demonstrating what size of culvert is required to provide suitable capacity for water flow. This must include calculations of how the flow volumes were reached. Thereafter the culvert shall be provided in accordance with the approved details prior to the generation of any electricity at the site and maintained in perpetuity for the lifetime of the development.
- (i) A revised scheme of landscaping which shall also make provision for the retention and maintenance of existing trees adjacent to the site and proposed landscaping within the site 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. For the avoidance of doubt, any landscaping or planting outwith the application site shall be provided before any development commences, unless otherwise first approved in writing by the planning authority. Thereafter the planting shall be provided in accordance with phasing details approved by the planning authority. 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.

*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, drainage, flood risk and biodiversity.*

- 4. 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.*

- 5. 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.*

6. Noise from any activity associated with the operation of the development hereby approved shall not exceed 35 dB L<sub>Ar,Tr</sub> as measured and assessed within the external amenity area of any noise sensitive property and in accordance with BS 4142:2014 methods for rating and assessing industrial and commercial sound.

*Reason: In the interests of safeguarding the amenities of occupants of residential properties.*

7. In the event of a justified noise complaint being received by the planning authority 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 noise limits set by conditions of this permission. 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 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 with 28 days of the assessment. The mitigation scheme shall thereafter be implemented in accordance with the approved details and timescales.

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

8. Vibration levels associated with the construction and decommissioning of the development shall not exceed the following limits: -

- (a) 1mms-1 PPV at existing residential or educational properties
- (b) 3mms-1 PPV at existing commercial or industrial properties

The above vibration limits relate to maximum PPV ground borne vibration occurring in any one of three mutually perpendicular axes. Vibration is to be measured on the foundation or on an external façade no more than 1m above ground level or on solid ground as near the façade as possible.

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

9. 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.*

10. 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.*

11. That except as otherwise provided for and amended by the terms of this permission, the development shall be undertaken in accordance with: -

- the recommendations contained within the Mabbett & Associates Ltd. Drainage Strategy (January 2023) unless where expressly modified by conditions attached to this permission.
- the noise mitigation contained within section 6.1 of the Mabbett & Associates Ltd Noise Impact Assessment Third Issue (August 2024). For the avoidance of doubt, the acoustically treated louvres shall be maintained for the operational life of the development in a manner such that the noise limits identified in Conditions 5 and 6 of this planning permission are not exceeded.
- the Mabbett & Associates Ltd. Construction Traffic Management Plan CTMP (September 2024).
- the mitigation measures identified within the Mabbett Preliminary Ecological Appraisal (January 2023) including the carrying out of a breeding bird walkover survey should the site be in crop at the time of commencement of works and the commence be during the breeding bird season (March – August inclusive).

*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 the water environment, the road network and road safety and biodiversity.*

**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.

**REPORT AUTHOR: JILL PATERSON**  
**EMAIL DETAILS: [PLANNING@angus.gov.uk](mailto:PLANNING@angus.gov.uk)**

**DATE: 11 NOVEMBER 2024**

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