



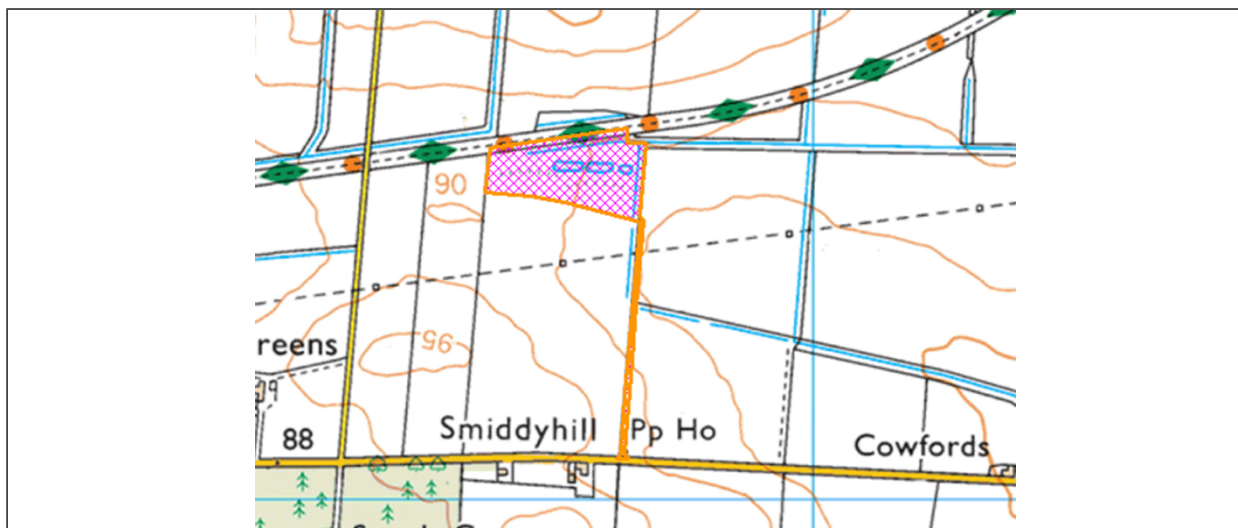
Buchan Area Committee Report 18 March 2025

Reference No: [APP/2024/1770](#)

Full Planning Permission For Installation of 49.9MWh Battery Energy Storage System (BESS), Substation and Associated Works at North East of Smiddyhill, Strichen, Fraserburgh

Applicant: Muirden Energy, Muirden Farm, Turriff, AB53 4NH
Agent: Muirden Energy, Muirden Farm, Turriff, AB53 4NH

Grid Ref: E:397630 N:855316
Ward No. and Name: W04 - Central Buchan
Application Type: Full Planning Permission
Representations: 0
Consultations: 9
Relevant Proposals Map: Aberdeenshire Local Development Plan 2023
Designations: Accessible Rural Area
Complies with: Yes
Development Plans:
Main Recommendation: Approve



NOT TO SCALE

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1. Reason for Report

- 1.1 The Committee is able to consider and take a decision on this item in terms of Section B.8.1 of Part 2A List of Committee Powers and Section C.2.1 of Part 2C Planning Delegations of the Scheme of Governance as the application is for major development.
- 1.2 The Monitoring Officer within Business Services has been consulted in the preparation of this report and had no comments to make and is satisfied that the report complies with the Scheme of Governance and relevant legislation.

2. Background and Proposal

- 2.1 This application seeks full planning permission for the installation of 49.9 MWh battery energy storage system (BESS), substation and associated works at north east of Smiddyhill, Strichen, Fraserburgh.
- 2.2 The site lies approximately 2.5 km east of Strichen, and approximately 1.9 km west of New Leeds, and occupies approximately 2.5 hectares of land.
- 2.3 The planning history of the proposed development includes a section of the site granted for a 25MW BESS storage facility (planning reference APP/2018/0526), initially for a 30 year temporary period, with a subsequent extension to 40 years granted through a Section 42 application (planning application reference APP/2022/2112).
- 2.4 The proposal constitutes a major development under The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, as an energy generating development in excess of 20MW. It should be noted that although the development would not generate electricity, it is treated as a generating station for the purposes of determining the type of development as a major category of development as expressed under the terms of the letter issued by the Chief Planner dated August 2020.
- 2.5 The proposed site layout comprises a single point of vehicle access off the public road, and consists of the following key components:
 - i. Battery Storage Units – 20 battery storage containers, each housing lithium-ion battery cells for energy storage. The material will be in steel, and green in colour.
 - ii. Power Conversion Systems (PCS) – 10 PCS units that include inverters and transformers to convert and regulate energy flow. The material will be in steel, and white in colour.
 - iii. Hardstanding Areas – to provide stable surfaces for equipment installation, access, and maintenance.
 - iv. Substation – a dedicated substation to manage the connection to the Strichen Grid Supply Point. The material will be in steel, and green in colour.

- v. Access Tracks – approximately 700 metres of internal access roads, connecting the site to the C10B road and facilitating vehicle movement within the site.
- vi. Security Infrastructure – a 3m-high acoustic barrier fence for noise mitigation and site security, along with CCTV cameras installed at key points for continuous monitoring.
- vii. Welfare Unit – for on-site staff, including rest areas and sanitation. The material will be in steel, and yellow in colour.
- viii. Drainage and Flood Management – a sustainable drainage system (SuDS) will be implemented to manage surface water runoff.
- ix. Landscaping and Biodiversity Enhancements – planting schemes and habitat creation measures are proposed to enhance biodiversity and mitigate the visual impact.

2.6 The site location is shown on the relevant location/site plan on the list of drawings submitted, and the site as identified on the “Map” tab on the public access page for this application. The proposed development is also shown on the submitted plans.

2.7 Relevant planning history:

On the site

ENQ/2024/1720 Installation of 49.9MWh Battery Energy Storage System (BESS), Substation and Associated Works. EIA Opinion provided, EIA not required, 18 February 2025.

ENQ/2024/1093 Installation of a 49.9MWh Battery Energy Storage System (BESS) and Associated Infrastructure. Proposal of Application Notice. Decision: Pre-application consultation accepted, 8 August 2024.

Overlapping part of the site

APP/2022/2112 Application for Installation of 25MW Energy Storage Compound and CCTV, Formation of Access Road and Erection of 3m High Fencing Without Compliance with Condition 1 (Cessation Date) of full planning permission reference APP/2018/0526. Granted, 16 February 2023. The above application remains extant, although at the time of writing this report has not been lawfully implemented. This granted planning permission for a temporary period of 40 years from the date of final commission.

APP/2018/0526 Installation of 25MW Energy Storage Compound and CCTV, Formation of Access Road and Erection of 3m High Fencing. Granted, 25 May 2018.

2.8 In support of the application the following information and reports has been submitted accompanying the application:

Landscape and Visual Assessment (LVA) Methodology and Glossary prepared by Muirden Energy LLP 31/10/2024 (Appendix A).

The LVA identifies, predicts, and evaluates the potential landscape and visual effects of the proposed development. Following best practice guidelines, it includes desk-based studies and site surveys within a 5km study area. The document outlines the LVA methodology and findings, providing an overview of technical guidance and best practices, defining the study area, and detailing desk-based and site survey work. It assesses potential effects during construction, operation, and decommissioning phases, evaluating landscape character, sensitivity to change, and magnitude of change. Visual effects are assessed using Zone of Theoretical Visibility (ZTV) analysis and viewpoint analysis, considering cumulative effects. The document also includes methodologies for producing ZTVs, baseline photography, and visualisations, and concludes with a glossary of terms and abbreviations.

Viewpoint Analysis prepared by Muirden Energy LLP 31/10/2024 (Appendix B). Defines the scope of the LVA by identifying the outer distance from the proposed development where the greatest visual effects are likely.

Design and Access Statement prepared by Muirden Energy LLP 31/10/2024. Evaluates the site's context, relevant policies, and design principles guiding the development. Details public consultation activities and their influence on the final design. Key aspects include the layout of battery units, access tracks, security measures, and measures to minimise environmental impact and enhance biodiversity.

Ecology Report prepared by SAC Consulting 31/10/2024. Aimed to identify significant wildlife species, habitats, or features that may be affected by the development and to propose measures to avoid, mitigate, and compensate for any negative impacts, including potential biodiversity enhancement.

Fire Safety Statement Technical Note prepared by WSP 14/01/2025. Discusses the fire safety aspects of the site.

Flood Risk Assessment and Drainage Strategy prepared by Kaya Consulting 31/10/2024. Assesses flood risk and drainage strategy, evaluates potential flood risks from various sources, including fluvial, surface water, and groundwater, and proposes mitigation strategies. Includes a drainage strategy.

Heritage Impact Statement prepared by Muirden Energy LLP 31/10/2024. Assesses cultural heritage context and potential impacts on the historic environment. Details the methodology used for the assessment, such as desk-based surveys and walk-over surveys. Concludes that the development will overall have a negligible impact on the historic environment.

Noise Impact Assessment Version 4.1 (ref. N6457-327) prepared by Muirden Energy LLP 15/01/2025. Aims to ensure noise levels are within acceptable limits to avoid adversely affecting nearby residents.

Noise Level Test Report prepared by Trina Storage. Recommendation for parameters of noise levels.

Noise Measurement Inspection Report Acoustic Environmental Test prepared by SMA Solar Technology 10/12/2020. Overview of the sound power.

Outline Battery Management Plan Addendum prepared by Muirden Energy LLP 15/01/2025.

Provides information on the safety and compliance of the Lithium Iron Phosphate batteries, and adherence to safety standards, and fire safety measures.

Outline Battery Safety Management Plan prepared by Muirden Energy LLP 31/10/2024. This report summarises the key risks associated with a Battery Energy Storage Systems and outlines how risks are mitigated through design and operation.

Pre-Application Consultation Report prepared by Muirden Energy LLP 31/10/2024. Details the community consultation process undertaken before the submission of the planning application.

Transport and Access Assessment prepared by Muirden Energy LLP, 31/10/2024.

Outlines the delivery and transportation plan for construction materials, service vehicles, and battery components, assessing the potential impacts on the public road network and road safety.

2.9 The following is a list of revised drawings:

Figures 1a 6.0 Site Layout; 1b 4.0 Site Entrance Plan; and 1c 2.0 Site Layout –minor amendment to siting of 8 Power Converting Systems and 4 BESS containers.

Figure 4 2.2 Substation Floor Plan – detail on the floor plan of the substation.

3. Representations

3.1 No valid letters of representation have been received.

4. Consultations

Internal

4.1 **Environment and Infrastructure Services (Archaeology)** advised that it has no comment.

4.2 **Environment and Infrastructure Services (Built Heritage)** has advised that the proposal is acceptable, noting the proposal will have no impact on the setting of any listed building, conservation area or designed landscape

- 4.3 **Environment and Infrastructure Services (Contaminated Land)** in its initial response sought information from the applicant. On receipt of additional information it advised that there is no indication of any past use which might have caused contamination, and advised it has no further comment to make.
- 4.4 **Environment and Infrastructure Services (Environmental Health)** has advised it has no objections subject to conditions relating to noise, in respect of noise levels, and additional information regarding the acoustic barrier.
- 4.5 **Environment and Infrastructure Services (Flood Risk and Coastal Protection)** in its initial response sought information from the applicant relating to future maintenance if the proposed drainage system, impact on existing field drainage, and the permeability of access tracks. On receipt of additional information it advised it had no further comment to make.
- 4.6 **Environment and Infrastructure Services (Natural Heritage)** provided detailed comment on ecology, biodiversity enhancement, and core path/right of way,

Ecology – survey of the site plus 100 metre buffer. No evidence of protected species on site, and of the breeding species all are common farmland species found throughout Aberdeenshire. Much of the site is neutral grassland, but there lies adjacent areas of marshy grassland, swamp, and pond habitats, which could be vulnerable to damage during construction phase. Recommend - breeding bird informative, and temporary fencing/barrier erected to protect the sensitive wetland habitats on site during development erected under the supervision of an ecologist.

Biodiversity enhancement – in principle the proposed landscaping, with biodiversity enhancement benefits, is welcomed. However Beech and Midland thorn are not native to this part of Scotland, it is preferred if these were removed from the planning mix although note they comprise a small portion. Recommend – condition implementing the landscaping scheme.

Core path/right of way – site lies adjacent to Formartine and Buchan Way, but the development does not directly affect the route, and the proposed landscaping will provide screening.

- 4.7 **Environment and Infrastructure Services (Roads Development)** as advised that although visibility splay lengths of 100m have been shown in each direction along the public road, this service would require the visibility splays to be 4.5m by 120m. The proposed access junction at the public road should be upgraded to fully accommodate all construction traffic. Additionally, the first 10 metres from the northern edge of the public carriageway will need to be constructed in hardstanding. Nonetheless, this service does not have concerns regarding the information submitted in the Transport and Access Statement, Planning Statement, Car Parking plan, Site Layout plan, and the

Temporary Construction Compound Layout plan. Overall, Roads Development has no objections to the proposed development, subject to conditions.

- 4.8 **Environment and Infrastructure Services (Waste Management)** has no objection. It made some recommendations for the applicant to consider, including designated space for waste/recycling containers, the use of large industrial skips, and allocating indoor storage for waste, and to familiarise themselves with the Waste (Scotland) Regulations 2012.

External

- 4.9 **Scottish Environmental Protection Services (SEPA)** has advised that the application falls below the thresholds for which it provides site specific advice. BESS developments do not fall under the Control of Major Accident Hazards (COMAH) legislation.

5. Relevant Planning Policies

5.1 National Planning Framework 4 (National Planning Framework 4)

Scotland's fourth National Planning Framework (National Planning Framework 4) is a long term plan looking to 2045 that guides spatial development, sets out national planning policies, designates national developments and highlights regional spatial priorities. It is part of the development plan, and so influences planning decisions across Scotland.

On 13 February 2023 (0900am) Scottish Ministers adopted and published National Planning Framework 4 (National Planning Framework 4), meaning that it is in force and National Planning Framework 3 and Scottish Planning Policy are superseded from that date and time. This will also have the effect that all strategic development plans and any supplementary guidance issued in connection with them cease to have effect on that date. As such the Aberdeen City and Shire Strategic Development Plan 2020 has now ceased to have effect. The National Planning Framework 4 now forms part of the development plan along with the Aberdeenshire Local Development Plan 2023.

Policy 1 Tackling the climate and nature crisis

Policy 2 Climate mitigation and adaptation

Policy 3 Biodiversity

Policy 4 Natural places

Policy 7 Historic assets and places

Policy 11 Energy

Policy 14 Design, quality and place

Policy 18 Infrastructure first

Policy 22 Flood risk and water management

Policy 23 Health and safety

5.2 Aberdeenshire Local Development Plan 2023

On 13 January 2023 the Aberdeenshire Local Development Plan 2023 was adopted (LDP 2023).

Policy P1 Layout, Siting and Design

Policy P4 Hazardous and Potentially Polluting Development and Contaminated Land

Policy E1 Natural Heritage

Policy E2 Landscape

Policy HE1 Protecting Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings)

Policy C2 Renewable Energy

Policy C4 Flooding

Policy PR1 Protecting Important Resources

Policy RD1 Providing Suitable Services

6. **Discussion**

- 6.1 The main considerations in relation to the proposal relate to the principle of development, layout, siting and design and any impact on the landscape as a result of the proposed BESS and technical matters such as access and servicing and potential amenity impacts.

Principle of Development

- 6.2 The Aberdeenshire Local Development Plan (LDP 2023) and the National Planning Framework 4 (NPF4) both encourage, promote, and facilitate energy related development. As the move to renewable energy increases, the need for battery storage will increase to retain excess energy and subsequently distribute this energy to the grid when required.
- 6.3 Policy 11 of the National Planning Framework 4 (NPF4) in Scotland supports the development of renewable, low-carbon, and zero-emissions technologies, which includes Battery Energy Storage Systems (BESS). Specifically, Policy 11(a)(iii) mentions battery storage as a key component. This policy aims to facilitate the transition to a more sustainable energy system by encouraging the integration of technologies that can store and manage renewable energy. This is crucial for balancing supply and demand, especially with the increasing reliance on intermittent renewable sources like wind and solar power. However, it's important to note that while Policy 11 supports such developments, they must still be of appropriate layout, siting and design and consider other relevant policies within NPF4 and the LDP 2023.
- 6.4 Policy C2 of the LDP 2023 also supports the development of Battery Energy Storage Systems. This policy focuses on renewable energy and low-carbon developments, which includes BESS as a crucial component for managing

and storing energy produced from renewable sources. The policy aims to facilitate the integration of such technologies to enhance energy security and support the transition to a low-carbon economy.

- 6.5 Furthermore, the proposal would comply with Policy 1 (Tackling the climate and nature crisis) and Policy 2 (Climate mitigation and adaptation), which emphasise the importance of addressing the climate and nature crises in all planning decisions. As the proposal involves a development dependent on storing renewable energy, such developments that contribute positively to the global climate emergency and nature crisis will be supported under these policies. BESS sites will help balance the intermittent nature of renewable energy sources like wind and solar power.
- 6.6 Under previous permissions granted on the site, the principle of development was already established by the granting of a 25MWh BESS storage facility (application reference APP/2018/0526) for a period of 40 years from date of commission. The proposed increase in energy storage capacity under this planning application, currently being assessed, would not materially alter the principle of development based on its previous history.
- 6.7 In summary, the Development Plan supports the principle of battery energy storage development, recognising the contribution it can make to achieving national targets on renewable energy and transmission.

Period of Permission and Site Restoration

- 6.8 The Planning Service has adopted an approach for battery energy storage developments whereby permission is granted for a temporary period of 40 years, with a cessation date applied by condition, in line with the time limits set for other renewable energy developments. This term is reasonable and defines the duration of the development, before which site restoration must be undertaken. The condition contains provisions for the use of the site ceasing prior to the expiration of 40-year period, for example, should the operator withdraw from the site. In this case, site restoration would be required if the site does not generate electricity for a continuous period of 6 months. This would subsequently trigger site restoration and aftercare. The application of this temporary consent with a cessation date is supported by NPF4 Policy 11, which notes that permissions for energy development proposals may be time-limited.
- 6.9 Further consideration is the need to secure suitable site restoration once the use of the site for battery energy storage ceases. Policy C2 notes that in all cases, conditions, bonds, or other legal agreements may be imposed to remove visible renewable energy structures whenever the planning permission expires, or the project ceases to operate for a period agreed with the applicant and included as a condition on the planning permission. Policy 11 requires applications to demonstrate the quality of site restoration plans, including the measures in place to safeguard or guarantee the availability of

finances to effectively implement those plans. Therefore, there shall be no commencement of development unless and until a decommissioning, restoration, and aftercare strategy has been submitted to and approved in writing by the Planning Authority. To accompany these requirements, another condition covering financial security is proposed, requiring the developer to provide details of a financial guarantee to the Planning Authority prior to the commencement of development. The financial guarantee must be granted in favour of the Council and will ensure the availability of funds for site restoration under any circumstances. These aspects, subject to conditioning, comply with NPF4 Policy 11 and ALDP 2023 Policy C2.

Landscape and Visual Impact

- 6.10 In considering matters of visual amenity and landscape impact, the key policy considerations are NPF4 Policy 4 Natural Places and ALDP 2023 Policies E1 Natural Heritage, E2 Landscape, and P1 Layout, Siting, and Design. These policies aim to protect the natural environment and landscape. To assess the effects of changes on the landscape and to evaluate appropriate mitigation measures, a LVA was undertaken.
- 6.11 The LVA assessed the visual effects of the proposed development on views from nearby transport routes and recreational paths. The analysis included minor roads to the south, east, west, and north of the site, considering visibility during the construction, operation, and decommissioning phases. The assessment found that visibility is generally limited due to the topography, vegetation, and existing structures, confirming the assessment as per Landscape Character Types (LCTs).
- 6.12 The proposed development has been evaluated to have limited landscape and visual effects on the Undulating Agricultural Heartland LCT which the development was assessed against. The findings discussed that during the 18-month construction phase, dynamic changes will occur, but the effects on the landscape elements were found to be minor and primarily affecting areas within 300-500 metres of the site, without significant detriment. It is expected that by year one of operation, the development will have a more settled appearance, with native trees and hedgerows reducing the visual impact. In subsequent years, by approximately year 15, the landscaping plantings will have grown to be well established, further diminishing the visual effects of the development to negligible levels. During decommissioning, all visible structures would be subject to being removed, and the site reinstated to its original condition, with residual effects ranging from moderate to negligible. Overall, in consideration of the LCT and the proposed development as discussed within the LVA, the site will integrate into the landscape over time, ensuring minimal long-term impact and enhancing biodiversity in line with Policy E1 Natural Heritage and Policy 3 Biodiversity.
- 6.13 Mitigation measures identified in the LVA reports recommend vegetation planting, which will further reduce visual impacts over time. This has been reviewed and accepted by the Natural Heritage team, stating that the biodiversity enhancement measures are adequate for the site and will provide

screening of the development. The development will not directly affect the Formartine & Buchan Way, and the proposed landscaping will provide screening, with the Natural Heritage team commenting that, “there are no concerns with this proposal in terms of ongoing use of the route.” The LVA also discussed the Formartine and Buchan Way, proposing appropriate landscaping mitigations. Additionally, the fencing surrounding the site will enhance measures to reduce the visibility of the site.

- 6.14 The overall visual effects assessed range from negligible to minor, with mitigation measures ensuring minimal long-term impacts. The LVA concluded that the proposed development will have limited landscape and visual effects, primarily affecting areas within 185 metres of the site. The proposed mitigation measures, including vegetation planting, will reduce these effects over time. The development will not significantly impact designated landscapes or nearby settlements. The overall effects are localised and will notably diminish as the vegetation matures, integrating the development into the landscape further and enhancing biodiversity. The development aligns with NPF4 Policies 3 Biodiversity and 4 Natural Places, and ALDP 2023 Policies E1 Natural Heritage, E2 Landscape, and P1 Layout, Siting, and Design, ensuring minimal long-term impact on the landscape and visual environment.

Siting, Layout and Design

- 6.15 The impact on neighbouring residential properties has been assessed, including the nearest property being approximately 360 metres west of the site, alongside other houses situated further away, including those sited 500 metres to the north, 570 metres to the southwest, and the two houses 450 metres to the south. In regard to Policy P1 and Policy 14 of the ALDP 2023 and NPF4, both policies seek to ensure that energy developments do not have a detrimental impact on the character or environmental quality of nearby properties. This includes factors such as physical impact, overshadowing, overlooking, overbearing, and other privacy and amenity issues on a case-by-case basis. In regard to these policies and aims, the proposed development is envisaged not to cause any detrimental impact regarding amenity issues, including noise. Meanwhile, other amenity factors, while also evaluated, were found not to be significant to affect any of the mentioned properties due to their location, the topography of the land, and the distances between the sites. Additionally, the measures to be adopted on the site to control noise, as reviewed by the Environmental Health team, confirm acceptable noise levels from the site and its capability to not cause disturbance subject to conditions.
- 6.16 The assessment aligns with policies contained within NPF4 and ALDP 2023, ensuring that the development is sustainable and respects the character of the local landscape, as well as neighbouring residential properties. The minimal and manageable impacts of the proposed development demonstrate compliance with these principles. Similarly, NPF4 focuses on sustainable development and the careful consideration of landscape impacts, which is reflected in the site assessment and mitigation measures outlined by the submitted supporting documents. The development’s integration into the

existing landscape and its limited visual impact support the goals of both local and national planning policies.

Cultural Heritage

- 6.17 NPF4 Policy 7 states that development proposals with a potentially significant impact on historic assets or places must include an assessment based on the cultural significance of the asset or place. This assessment should identify the likely visual or physical impact, including cumulative effects, and provide a basis for managing these impacts. NPF4 Policy 11 requires energy development proposals to address impacts on the historic environment. ALDP 2023 Policy HE1 states that development adversely affecting the character, integrity, or setting of listed buildings, scheduled monuments, or other archaeological sites will be resisted.
- 6.18 The predicted impacts of the proposed development, as discussed in the Heritage Impact Statement, include both direct and indirect effects on historic and cultural heritage sites within 500 metres of the application site boundary. Direct impacts were assessed as minimal due to the relatively small area of land required for the development. The indirect impacts, assessed using Historic Environment Scotland (HES) guidance, were also deemed negligible due to existing screening and the character of the surrounding area. Specific assets, including West Cockmuir enclosure, Mormond Hill cairn, White Cow Wood stone circle, Hunter's Lodge, and Strichen House Doocot, were assessed to not be significantly impacted by the proposed development. Nonetheless, mitigation measures to further protect visual and landscape amenity by reducing the site's influence on existing culturally important features in the surrounding area were adopted. These mitigations include new vegetation planting to reduce visual impacts. Overall, as no significant impact is envisaged, the development is expected to have a negligible impact on the historic environment, with no significant effects on known or unknown historic assets.
- 6.19 It is noted that the assessment carried out was in line with appropriate legislation and guidance, as described in section 2 of the Heritage Impact Statement. In reviewing the submitted statement, appropriate consultation on the impact of the development was also sought. The Council's Built Heritage and Archaeology teams, in summary, raised no concerns. The Built Heritage team stated that the proposed battery storage plant and associated infrastructure will not impact the setting of any listed building, conservation area, or designed landscape. This assessment was based on the evaluation of the surrounding landform and the distance of the site from any historic assets. The proposal, is in compliance with Policy 7 and Policy HE1, as it will not undermine important views of a nationally designated historic asset or impinge on their immediate surroundings.

Ecology and Landscaping

- 6.20 NPF4 Policy 4 Natural Places and ALDP 2023 Policy E1 Natural Heritage are applicable to assessing protected species impact. Both policies seek to protect, restore, and enhance natural assets, including protected species.

NPF4 Policy 4 Natural Places states that development proposals likely to have an adverse effect on species protected by legislation will only be supported where the proposal does not conflict with the Habitats Directive and Habitats Regulations discussed by NatureScot in regard to the Conservation (Natural Habitats, &c.) Regulations 1994. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of the development, and potential impacts must be fully considered prior to the determination of any application.

- 6.21 In addition, NPF4 Policy 11 Energy states that project design and mitigation should demonstrate how biodiversity impacts, including impacts on birds, are addressed. This is reiterated by other policies including ALDP 2023 Policy E1, which requires the submission of an ecological investigation where there is evidence to suggest that a habitat, geological features, or species of importance may exist on or adjacent to an application site.
- 6.22 In support of the application, an Ecology Report prepared by SAC Consulting was submitted. The results indicate that there are no statutory protected areas within the development site boundary, nor are there any areas of ancient and semi-natural woodland within or adjoining the site. The statutory protected areas within 10km of the site include the following: Kirkhill SSSI (4.6km SE) and Philorth Valley SSSI (8.5km NE) for geological interest, Rora Moss SSSI (6.5km SE) and Turclossie Moss SSSI and SAC (9km W) for Raised Bog habitats, and Loch of Strathbeg SSSI and SPA (7.5km E) for coastal and freshwater habitats, as well as breeding and wintering birds.
- 6.23 As for site location, the landscape is described as uncultivated ground with neutral grassland, dominated by coarse grasses and species-poor vegetation, along with man-made ponds featuring swamp vegetation and marshy grassland. The surrounding area is predominantly arable fields. It has been assessed that there is potential habitat for otters and water voles within the site through the ditches, however, no evidence was found during investigations. The site is characterised as suitable habitat for Badgers and foraging habitat for bats, but no roost sites were identified. Six species of passerines were recorded breeding, all of conservation concern, with minimal displacement expected. The proposal is to be sited on the footprint of the site where the species-poor neutral grassland is located.
- 6.24 As previously discussed, biodiversity enhancement measures for the development are to be adopted through planting native shrubs around the development boundary, creating additional small ponds, and using perennial wild-flower mixes within the site to enhance habitats and reduce visual impact. The assessment and overall results of the report ensure that the development aligns with environmental policies and minimises impact on local wildlife and habitats, thus demonstrating compliance with NPF4 Policy 4 and Policy 11, and ALDP 2023 Policy E1.

Noise and Amenity

- 6.25 Under NPF4 Policy 11 Energy and Policy 23 Health and Safety, and ALDP 2023 Policy P4 Hazardous and Potentially Polluting Developments and Contaminated Land, any new development, including energy proposals, must demonstrate how impacts on communities and individual properties, such as noise, are addressed appropriately.
- 6.26 Through the submitted Noise Impact Assessment and supporting information, the development meets NR20 and NR25 criteria for internal noise levels during both day and night, with no significant effects anticipated, as confirmed by the Environmental Health team. The inclusion of a 3 metre high perimeter acoustic barrier in the design ensures compliance with noise standards without the need for additional mitigations. Therefore, considering the findings and recommendations, the Planning Service is satisfied that noise generation is acceptable, subject to conditions, and accords with NPF4 Policy 11 and Policy 23, and ALDP 2023 Policy P4.

The Pre-Application Consultation

- 6.27 The Pre-Application Consultation (PAC) conducted under this planning application, reference ENQ/2024/1093, adhered to Scottish Government PAN 3/2010 guidelines. Two public exhibitions were held at Ritchie Hall on 21 August 2024 and 18 September 2024, in which it is reported that there were 34 attendees and 10 questionnaire responses collected.
- 6.28 In support of the application a "Fire Safety Statement Technical Note by WSP and Outline Battery Management Plan Addendum" has been submitted, and it provides in-depth evaluation of the fire safety aspects of the site to inform members of the public. For the avoidance of doubt, the fire safety aspect of the development, and its management, do not fall within the remit of the Planning Service and as such it does not form part of the planning assessment. It is governed by Health and Safety legislation.

Access and Parking

- 6.29 Under ALDP 2023 Policy RD1 Providing Suitable Services and Policy P1 Layout, Siting and Design, the Planning Authority will only support developments that are efficient in terms of resources including considerations related to waste management, water use, heating and electricity, and transport. In this instance, the efficient quality includes suitable provision related to transport, parking and road access, as noted in Policy RD1.
- 6.30 The Transport and Access Assessment submitted in support of the application stated that delivery vehicles will use the trunk road network to reach the site, following a preferred route involving the A952 and C10B. Up to 31 pre-manufactured units, including 20 energy storage units and 11 transformers,

will be delivered using standard articulated HGVs and flatbed trailers. Vehicle movements during the operational phase will be limited to occasional maintenance visits. An indicative estimate of traffic volumes during construction shows the highest level of traffic within the first 9 months from the date of the development commencing.

- 6.31 The Roads Development Service team has advised it is satisfied with the proposal, subject to conditions. In addition, due to the scale of traffic movement anticipated, the Decision Notice shall include a condition requiring a construction traffic management plan to be submitted and approved in writing by Aberdeenshire Council. The proposal, subject to conditions, is in compliance with ALSP 2023 Policy P1 and Policy RD1.

Drainage

- 6.32 Regarding drainage, NPF4 Policy 11 Energy and ALDP 2023 Policy C4 Flooding and RD1 Providing Suitable Services from the LDP 2023 are relevant. Policy C4 states that development should not increase flood vulnerability and should avoid areas of medium to high risk or within the functional flood plain. The application site is located outwith the high, medium and low likelihood flood zones, and is not located in an area at risk of surface water flooding.
- 6.33 As per the submitted Flood Risk Assessment, sustainable urban drainage systems (SuDS) will be used to manage surface water runoff effectively within the development to mitigate against the impacts associated with an increase in the impermeable areas such as increased flows and exacerbated flooding downstream.
- 6.34 In addition, the site has several drainage ditches nearby, with the Den Burn flowing approximately 250 metres to the west. Investigations determined that the site is not at risk of fluvial flooding from the Den Burn due to a local rise in topography that directs any overtopping flows away from the site. It was noted that a catchment area of 2.3 hectares could possibly drain towards the site. As such the development should be designed to safely route this runoff without increasing flood risk to others. Furthermore, approximately 3.7% of the site will be paved with hardstanding for battery storage, transformers, and control buildings. Mitigation measures to reduce and control flood risk have been provided and are described within the drainage strategy in the Flood Risk Assessment. The investigations and assessments were reviewed by the Flood Risk and Coast Protection team, who on receipt of additional information, advised it had no further comments. The application accords with ALDP 2023 Policy P1, Policy RD1, and Policy C4, and NPF4 Policy 11, Policy 18, and Policy 22, as it has been demonstrated through the project design and mitigations considered on how effects on hydrology, the water environment, and flood risk will be addressed for the site.

Summary

- 6.35 The proposed development aligns with the principles and policies outlined in National Planning Framework 4 (NPF4) and the Aberdeenshire Local Development Plan (ALDP 2023). The principle of development is supported by policies that encourage renewable energy projects, recognising the importance of battery storage in managing and distributing renewable energy. The proposal complies with NPF4 Policy 11 and ALSP 2023 Policy C2, which support the principle of renewable energy technologies and the transition to a low-carbon economy.
- 6.36 The development's layout, siting, and design have been considered to minimise landscape and visual impacts. The submitted LVA concluded that the visual effects would be limited and mitigated over time through vegetation planting and other measures. The proposal addresses potential impacts on cultural heritage, ecology, and local amenities, ensuring compliance with relevant planning policies.
- 6.37 Noise generation from the development is acceptable and complies with NPF4 Policy 11 and Policy 23, and ALDP 2023 Policy P4. Environmental Health team is satisfied with the Noise Impact Assessment and the inclusion of a 3-metre high perimeter acoustic barrier.
- 6.38 Technical matters including access, parking, and drainage have been assessed. The Transport and Access Assessment confirmed that the site can be accessed safely, and the Roads Development team has no objections subject to conditions. The Flood Risk Assessment and drainage strategy demonstrate that the development will not increase flood risk and complies with policies on flood management and sustainable drainage.
- 6.39 The Planning Service has adopted a 40-year permission period for the development, with conditions for site restoration and financial guarantees to ensure the site is restored after the cessation of use. This approach aligns with NPF4 and LDP 2023 on temporary permissions and site restoration.
- 6.40 The proposal, subject to conditions, complies with NPF4 Policy 1 Tackling the Climate and Nature Crisis, Policy 2 Climate Mitigation and Adaptation, Policy 3 Biodiversity, Policy 4 Natural Places, Policy 7 Historic Assets and Places, Policy 11 Energy, Policy 14 Design, Quality and Place, Policy 18 Infrastructure First, Policy 22 Flood Risk and Water Management, and Policy 23 Health and Safety, for the reasons outlined within this report.
- 6.41 The application, subject to conditions, also accords with Aberdeenshire Local Development Plan 2023 Policy P1 Layout, Siting and Design, Policy P4 Hazardous and Potentially Polluting Development and Contaminated Land, Policy E1 Natural Heritage, Policy E2 Landscape, Policy HE1 Protecting

Listed Buildings, Scheduled Monuments and Archaeological Sites (including other historic buildings), Policy C2 Renewable Energy, Policy C4 Flooding, Policy PR1 Protecting Important Resources, and Policy RD1 Providing Suitable Service as outlined above within this report.

7. Area Implications

- 7.1 In the specific circumstances of this application there is no direct connection with the currently specified objectives and identified actions of the Local Community Plan.

8. Implications and Risk

- 8.1 An integrated impact assessment is not required because the granting or refusing of the application will not have a differential impact on the protected characteristics of the applicant or any third parties.
- 8.2 There are no staffing and financial implications.
- 8.3 There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.
- 8.4 No separate consideration of the current proposal's degree of sustainability is required as the concept is implicit to and wholly integral with the planning process against the policies of which it has been measured.

9. Departures, Notifications and Referrals

9.1 Development Plan Departures

None

- 9.2 The application is not a Departure from the valid Development Plan and no departure procedures apply.
- 9.3 The application does not fall within any of the categories contained in the Schedule of the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 and the application is not required to be notified to the Scottish Ministers prior to determination.
- 9.4 The application would not have to be referred to Infrastructure Services Committee in the event of the Area Committee wishing to grant permission for the application.

10. Recommendation

10.1 GRANT Full Planning Permission subject to the following conditions:-

01. In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) this planning permission will lapse on the expiration of a period of 3 years from the date of this decision notice, unless the development is begun within that period.

Reason: Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended).

Reason: To define the duration of the consent.

02. Planning permission is hereby granted for a temporary period only and shall cease to have effect on 9 March 2068 (the cessation date). Prior to the cessation date, the application site shall be cleared of all works and development approved under the terms of this permission (including any subsequent ancillary works, infrastructure, fixtures, fittings and any temporary developments permitted under Class 14 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992) and reinstated in accordance with the agreed restoration scheme submitted to and approved in writing by the planning authority under the terms of condition 5 of this permission.

Reason: To enable the impact of the temporary development on the amenity of the surrounding area to be reviewed and to ensure the appropriate restoration of the site.

03. The developer shall notify the Planning Authority in writing of the Cessation of Operation of the site in the following circumstances:
- i. In the event that the site does not generate or store electricity for a continuous period of more than 6 months. This notification must occur within 12 weeks of the expiry of the 6-month period; or
 - ii. Within 6 months of the end of the operational life of the development as per the notification under condition 2.

Reason: To define the cessation of operation and in order to give effect to the restoration of the development site.

04. The developer shall at all times after the first commissioning of the development to the grid, record information regarding the details of the power stored and exported from the development, inclusive of dates and times of any failures, and retain the information in perpetuity. The information shall be made available to the Planning Authority within one month of any such written request by the Planning Authority. If upon receipt of this information, it is shown that either no Electricity Storage or Transmission has occurred for a period of six months, the use of the site for battery storage will be considered to have ceased (unless otherwise

approved in writing by the Planning Authority), and site restoration must be undertaken in line with Condition 5 of this permission.

Reason: To ensure the continued use of the site and to assess the need for site restoration to be undertaken in the event that the use ceases prior to the cessation date.

05. The development shall be restored in accordance with the following details:
- (i) The Development shall cease to store electricity no later than the date stipulated in Condition 2 of this planning permission, and be reinstated prior to expiration..
 - (ii) There shall be no Commencement of Development unless and until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority. The strategy shall include measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the Development, confirmation of the status of subterranean elements of the development (retention, removal or other such proposal), the treatment of ground surfaces, the management and timing of the works and environmental management provisions.
 - (iii) No later than twelve months prior to decommissioning of the development or the expiration of this permission (whichever is the earliest) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (as agreed under ii above), shall be submitted to and approved in writing by the Planning Authority. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions. It should include (but shall not be limited to):
 - a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
 - b) details of the formation of new features required to facilitate the decommissioning and restoration including but not limited to: the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
 - c) temporary site illumination;

- d) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays; and
- (iv) The development shall be decommissioned, site restored, and aftercare thereafter undertaken in accordance with the detailed decommissioning, restoration and aftercare plan as approved, unless otherwise approved in writing in advance with the Planning Authority.

Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

06. No works in connection with the development hereby granted shall commence until the developer has submitted to the Planning Authority written details of the guarantee or other financial provision that is proposed to be put in place to cover all site restoration liabilities at the end of the period of this permission (as per condition 2 of this permission). The developer shall provide independent confirmation by a chartered surveyor (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, removal, disposal, site restoration, remediation aftercare liabilities and incidental work as well as associated professional costs. No works shall commence on site until written confirmation has been provided by the Planning Authority that the proposed guarantee is satisfactory, and the developer has confirmed in writing to the Planning Authority that the guarantee has been put in place. The guarantee or other financial provision must:

- a) be granted in favour of the Council as Planning Authority;
- b) be from a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- c) be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities;
- d) come into effect on or before the date of commencement of development and expire no earlier than 12 months after the end of the restoration period.

In the event that the guarantee becomes invalid for any reason, no operations shall be carried out in connection with the development hereby granted unless a replacement guarantee, completed in accordance with the terms of this condition has been submitted to, and approved in writing by the Planning Authority.

Reason: To ensure financial security for the cost of the site reinstatement and aftercare liabilities is in place in the interests of the visual amenity of the area and environmental protection.

07. No works in connection with the permission hereby granted shall commence unless a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority. This must include proposed construction traffic routing. Thereafter, the development shall be carried out in accordance with the approved CTMP.

Reason: In the interests of road safety and to avoid degradation of the road network.

08. All soft and hard landscaping proposals shall be carried out in accordance with the approved planting scheme and management programme. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted. Once provided, all hard landscaping works shall thereafter be permanently retained. For the avoidance of doubt the planting shall be carried out in accordance with drawing FIGURE 2 (P04) LVA-LANDSCAPE MITIGATION PLAN hereby granted.

Reason: To ensure the implementation and management of a satisfactory scheme of landscaping which will help to integrate the proposed development into the local landscape in the interests of the visual amenity of the area.

09. The development hereby granted shall not be brought into use until Sound Power Level Data for all noise-generating equipment is submitted to and approved in writing by the Planning Authority. The Sound Power Level Data must demonstrate compliance with NR20 measured over an Leq5min (dB) within a habitable room of any existing noise-sensitive dwelling with an open window and BS4142 noise rating level of less than 35 dB(A) at any existing noise-sensitive dwelling, unless otherwise approved as a non-material variation by the Planning Authority

Reason: In the interests of ensuring that the development operates within acceptable noise limits, and that the cumulative impact of the proposal is acceptable; and in the interests of residential amenity.

10. No development shall commence until full details of the acoustic barrier have been submitted to and approved in writing by the Planning Authority. Details shall include height, materials, and profile, and timetable for implementation. The acoustic barrier shall thereafter be installed in accordance with the details approved in writing by the Planning Authority, and shall thereafter be maintained for the lifespan of

the development in accordance with the approved details, unless otherwise approved as a non-material variation by the Planning Authority.

Reason: In the interests of ensuring that the development operates within acceptable noise limits, and that the cumulative impact of the proposal is acceptable; and in the interests of residential amenity.

11. The development hereby granted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy prepared by Kaya Consulting dated 31/10/2024, or any subsequent version thereof which is granted by the Planning Authority as a non-material variation. Any amendments to the approved strategy shall be implemented in accordance with the approved details.

Reason: To ensure that appropriate drainage measures and a suitable maintenance regime are provided and retained, in the interests of the amenity of the area.

12. The development hereby granted shall be served in accordance with the drawings hereby approved and the following:

- a) The maximum gradient of the first 5m of the new access must not exceed 1 in 20.
- b) Prior to the installation of any energy storing equipment on the site, the first 10 metres of the access road (measured from the edge of the public road or back of footway) shall be fully paved.
- c) Prior to the installation of any energy storing equipment on the site, off-street parking for 4 cars, surfaced in hard standing materials must be provided within the site, and thereafter retained during the period of the planning permission.
- d) Prior to the laying of any areas of hardstanding within the site, visibility splays, measuring 4.5m by 120m shall be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
- e) Prior to the installation of any energy storing equipment on the site a vehicle turning area, measuring not less than 7.6m x 7.6m, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear, and thereafter retained during the period of the planning permission.
- f) The junction that the proposed vehicular access forms with the public road to be kerbed to radii of 10m, the minimum width at the throat of the bell mouth so formed to be 7.3m. The area within the

bell mouth & for a minimum distance of 10m from the public road carriageway, to be constructed in accordance with the Council's Specification appropriate to the type of traffic which will use the access, & shall be surfaced with dense bitumen macadam or asphalt. Once provided it shall thereafter be retained during the period of the planning permission.

Reason: In the interests of road safety, and to make sure that vehicles can be accommodated within the site with no overspill on to the public road.

13. No development in connection with the permission hereby granted shall commence until temporary fencing or barriers have been erected to protect the areas of marshy grassland, swamp, and pond habitats that are outside of the development footprint, in accordance with details that shall be first submitted to and approved in writing by the Planning Authority. Details of the fencing or barriers must include their location(s) and specifications. This protective measure shall be implemented under the supervision of a qualified ecologist and maintained for the duration of the construction period..

Reason: To safeguard vulnerable habitats from potential damage during construction, ensuring compliance with environmental protection policies and the preservation of local biodiversity.

14. The development hereby granted shall not take place unless full details of any external lighting have been submitted to and approved in writing by the Planning Authority. Thereafter, the lighting scheme shall be implemented in accordance with the approved details.

Reason: In the interests of the amenity of the surrounding properties and road safety.

10.2 Reason for Decision

The planning authority considers that the application is for a development that is in accordance with National Planning Framework 4 and Aberdeenshire Local Development Plan 2023.

The principle of development accords with Policy C2 Renewable Energy of the Aberdeenshire Local Development Plan 2023 and Policy 11 Energy of National Planning Framework 4, as it would be for an energy development, specifically energy storage, in an appropriate site and is of an acceptable design. All technical matters have been assessed and subject to conditions the proposal complies with all relevant policies and as such would have no significant adverse impacts.

Director of Environment and Infrastructure Services
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Report Date: 6 March 2025