

**REPORT TO:** Planning Committee  
**MEETING DATE:** 1 October 2024  
**BY:** Executive Director – Place  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **23/01519/PM**

Proposal Change of use of agricultural land for the formation of battery energy storage system and associated works

Location **Land to the North of Dunbar Grid Substation  
Dunbar  
East Lothian**

Applicant FRV TH Powertek

Per Sirius Planning

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

As the energy generation from the proposed facility would exceed 20MW the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

## **PRE-APPLICATION CONSULTATION**

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 23/00004/PAN) and thus community consultation prior to this application for Planning Permission was carried out. A Pre-Application Consultation Report on the public consultation events, and the comments received, forms part of the applicant's supporting information for this planning application.

As an outcome of the statutory requirement for dealing with major development applications a pre-application consultation (PAC) report is submitted with this application. The report informs that the consultation comprised of two consultation events. The first event was on 13th June 2023 in West Barns Hall. The second event was on 6th July 2023 in Stenton Village Hall. Both events ran from 2:30pm to 8:30pm. The PAC report informs that eight people attended each event. The development for which planning permission is

now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

## **SITE DESCRIPTION**

The application site comprises 0.87ha of agricultural land adjacent to the northeast boundary of an existing electricity distribution site. It is to the west of the B6370 and north of the existing Dunbar substation. The application site lies 2.5km south west of Dunbar and approximately 850m north of hamlet of Pitcox.

The site and surrounding areas are rural in nature, characterised by arable farmland and defined by hedges, scattered hedgerow trees, post and wire fences and stone walls. A watercourse within a woodland area runs to the west of the site (Biel Water), beyond which is agricultural land. To the north of the site is a horse livery (Belton Livery) and residential property.

The site is located within the open countryside as allocated by Policy DC1 of the East Lothian Local Development Plan 2018 (ELDP) and is also located within a Local Designed Landscape (Belton). The site is identified as Prime Agricultural Land.

## **PLANNING HISTORY**

Proposal of Application Notice ref 23/00004/PAN received 5/5/23. A Pre-Application Consultation Report on the public consultation events, and the comments received, forms part of the applicant's supporting information for this planning application.

Planning permission Ref: 24/00607/P for the formation of a vehicle access to serve this BESS facility on land adjacent to the north of this application site was granted in September 2024. However, a condition attached to that grant of planning permission prevents its formation unless and until planning permission is also granted for the BESS the subject of this planning application.

There is no other relevant planning application history for this site.

## **PROPOSAL**

Planning permission is sought for a battery energy storage system (BESS) and associated works for a temporary period of 40 years. This facility would store and supply energy for export to the grid (Distribution network) as and when required, typically at points of peak demand. It would have an export capacity of up to 49.9MW. The Proposed Development would connect into the existing adjacent substation.

This facility would comprise the installation of:

- 34 (previously 52) BESS cabinets including inverters:
- 12 (previously 13) skids containing 33kV transformers:
- Customer substation:
- Storage container:
- Welfare container:
- Fire water storage tanks (Note: fire water pumphouse removed):
- HV substation containing HV switchgear and isolation equipment:
- Security fence (2.4m in height), with two access gates:
- Security CCTV cameras:
- Access roads.

Associated infrastructure including underground pipes, power and communications cables.

The proposed development will connect into the point of connection (substation) located immediately to the south of the site via an underground cable connection.

The site will comprise an extensive gravel area measuring 94m x 36m. This area will accommodate the battery storage cabinets and transformers, fire water tanks, switchroom, welfare cabin, emergency vehicle circulation space and three car parking spaces. Each battery container will measure approximately 7.1m long, 3.35m wide and 2.5m in height. This area is to be contained by the security fence and two gates for vehicular access. Immediately outside this area is the underground contaminated firewater tank (measuring 28m x 10m) and the landscape mitigation areas.

When first submitted it was proposed that the BESS be accessed by an existing farm access into the field from the B6370 public road. However, to achieve the required visibility sightlines the **Council's Road Services Officer** required a significant level of intervention to the wall including the widening and lowering of it. This level of intervention would reduce the visual screening capacity of the wall which would unacceptably impact on the landscape character of the area. To address these concerns, it is now proposed to form a new vehicular access some 5m to the north of the existing access, and to block up the existing farm access. By relocating the new vehicular access to the north, further from the bend in the road, the level of intervention to the wall has been significantly reduced and is acceptable in terms of its landscape impact and in terms of road safety. Planning permission for that vehicular access, which is outwith the red-line boundary of this planning application, has recently been granted with a condition imposed on it that works to create that access cannot commence unless and until planning permission for the BESS the subject of this planning application is also granted.

## **EIA**

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development (part 3 Energy Industry), being one that may require the submission of an Environmental Impact Assessment (EIA). On 21 April 2023 a Scoping Request was submitted to East Lothian Council. On 31 May 2023 the Council issued a formal scoping opinion to the applicant. The application is accompanied by an Environmental Statement.

## **DEVELOPMENT PLAN**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved National Planning Framework 4 (NPF4) which was adopted by The Scottish Government on the 13 February 2023 and the adopted East Lothian Local Development Plan 2018.

The relevant policies contained within the National Planning Framework 4 consist of Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural Places), 5 (Soils), 7 (Historic assets and places), 11 (Energy), 13 (Sustainable Transport), 22 (Flood Risk and Water Management), 23 (Health and Safety) and 29 (Rural Development).

Policies DP1 (Landscape Character), DP2 (Design), T1 (Development Location and

Accessibility), T2 (General Transport Impact), DC1 (Rural Diversification), CH4 (Scheduled Monuments and Archaeological), CH6 (Gardens and Designed Landscapes), NH4 (European Protected Species), NH5 (biodiversity and geodiversity), NH7 (Protecting Soils), NH10 (Sustainable Drainage Systems), NH11(Flood Risk) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

## **REPRESENTATIONS**

One letter of objection was received. The main grounds of objection are:

- \* Loss of prime agricultural land.
- \* Precedent.
- \* Fire.
- \* Pollution.
- \* Proposal is not adequately screened by landscaping.

In respect of precedent the Planning Authority will consider each application on its own merits.

## **COMMUNITY COUNCIL**

West Barns Community Council objects to this proposal on the grounds that:

- \* Cumulative impact requires joined up thinking.
- \* Loss of prime agricultural land.
- \* Adverse impact on biodiversity and wildlife.
- \* Road safety.
- \* Fire safety.

West Barns Community Council were reconsulted on the revised proposal. They noted the revisions and updated information but retained their grounds of objection.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

An Environmental Impact Assessment (EIA) has been submitted with the application, and has been duly advertised and consulted on.

The submitted Environmental Statement (ES) contains chapters on the method and approach to preparing the Report, policy and legislation, the description of the development, site selection and analysis of alternatives, landscape, biodiversity, climatic factors, cultural heritage, population and human health (noise) and cumulative effects.

Following a soil survey which advised that the land did not comprise prime agricultural soil this topic was scoped out of the EIA.

Major Accidents and Hazards were considered to be a “maybe” by ELC at the scoping stage. This matter is addressed through a stand alone Battery Safety Management Plan. This document is considered adequate and has been updated during the application process following comments from ELC.

A standalone report Flood Risk Assessment and Drainage Strategy accompanies the application and is considered adequate.

The Environmental Statement finds a number of minor adverse impacts were identified in respect of landscape, noise and ecology. However, it is considered that the benefits the

scheme realised through the reduction in carbon emissions, the enhancements to local biodiversity and the positive effects to the local economy outweigh these limited impacts. The potential effects have been fully assessed and where appropriate mitigated as a result of an iterative design process for the development, and through careful consideration of environmental control and abatement techniques.

An Environmental Statement Addendum was submitted following points raised by ELC in relation to the number of units on the site, landscape mitigation, vehicular access and cumulative impact. The report contains an updated Landscape and Visual Assessment and an updated Fire Safety Statement. The Environmental Statement Addendum has been duly advertised and consulted on.

The Addendum finds that as a result of the revisions, including revised mitigation, there will be no significant cumulative landscape and visual effects. The updated Fire Safety Strategy sets out greater detail in respect of this issues and demonstrates how the proposed scheme complies with relevant guidance.

## **PLANNING ASSESSMENT**

The Scottish Governments Climate Change Plan sets out the national Scottish Government's pathway to achieve the ambitious targets set by the Climate Change (Scotland) Act 2009, as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, and the commitment to end Scotland's contribution to climate change by 2045.

Scotland's renewable electricity generation has grown rapidly over the last twenty years, and a large contribution to achieving the commitment set out in the plan will be made by the increased decarbonisation of our electricity system.

The Climate Change Plan notes operating a zero-carbon electricity system will mean finding new ways to provide a range of technical services and qualities currently provided by fossil fuel and nuclear generation. Battery storage is one technology which helps achieve these goals. However, it is important to ensure that the lifecycle carbon impacts of the proposal itself are assessed and mitigated.

At its meeting on the 27 of August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on the 3 49 September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the completed development should be imposed on consents for relevant development proposals. Therefore, a condition should be imposed on any consent for this proposed development, requiring such a report. Subject to the imposition of this planning control the proposals would be consistent with the requirements of Policy 2 of NPF4 and Policy SEH2 of the ELLDP.

The proposed development of a battery storage energy system (BESS) would enable the storage of electricity and would contribute to the delivery of infrastructure of national importance. As the proposal supports renewable energy, the principle of the proposal is also consistent with Policy 11 of NPF4, which states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, including enabling works, such as grid transmission and distribution infrastructure.

Policy 5 of NPF4 sets out that development on prime agricultural land will be supported for development including essential infrastructure. Similarly, ELLDP policy NH7 supports proposals for renewable energy generation on prime quality agricultural land where

provision is made for restoration of the land to its former status.

The proposed site is on an area of agricultural land which Council records indicate could be prime agricultural land. However, at the Environmental Statement Scoping Stage the applicant undertook a soil survey which demonstrated that the quality of soil within the application site was not prime agriculture land. Notwithstanding a condition is attached to ensure that the land is returned to an agricultural use after the facility is decommissioned and the site suitably remediated. In addition, a condition requiring the developer to provide a suitable financial bond, in favour of ELC, has been imposed to ensure that adequate funding is secured to carry out restoration of the land, should this not be done by the developer/operator following the decommissioning of the facility.

The proposal is also supported by Policy DC1 of the ELLDP which supports renewable energy related development within the countryside subject to the consideration of the other plan policies. The principle of this BESS proposal is therefore aligned with the Development Plan.

The site forms part of a wider agricultural field which lies within the Belton Local Garden and Designed Landscape. The proposed 34 No. Containerised Battery Units and Containerised Switchgear and Control Rooms with associated ancillary equipment, underground cabling, inverters, transformers, CCTV and surrounding palisade security fencing and other associated works would be sited to the north east of the existing Dunbar substation compound.

The Environmental Statement (ES) contained an assessment of the visual impact of the proposal on the landscape including an analysis of 11 viewpoints.

The **Council's Landscape Policy Officer** has been consulted on the proposal. They are in agreement with the submitted ES Volume 1 section 7.11.1 in that the proposed development (BESS) can be successfully integrated into the local landscape without causing significant wide scale harm to the landscape character. However, they do not agree that the original proposal allows for adequate landscape mitigation. They agree that the stone wall boundary to the east will provide some screening but the original proposal significantly reduced this effect due to the alterations to the wall to create a safe access.

However, the proposal has been altered to address the concerns relating to landscape impact. The ES Addendum contains a revised visual assessment including photomontages at year 15 year. The amended proposal will minimise the impact of the proposal on the surrounding open countryside by way of the additional planting and retained boundary wall to screen the proposed development. Overall, with its visual relationship with the existing substation the proposed battery storage facility whilst visible, would not appear, unduly prominent, intrusive or unduly exposed in its landscape setting. By virtue of its nature, scale and siting, the proposed development would be satisfactorily integrated into the landscape in a manner that would reflect the character and quality of place of the application site and would be compatible with its surroundings. As such, the Council's Landscape Policy Officer states that in landscape terms the proposal appears to have limited landscape and visual impact and does not appear to harm the Special Qualities and Features of the adjoining SLA.

The Landscape Policy Officer also advises that they support the planting mitigation as it accords with the Council's Tree and Woodland Strategy (TWS) Native Woodland Expansion map which identifies the site area and around as offering opportunity for native woodland creation. The Landscape Policy Officer recommends that the details and implementation of the planting be made a condition of any planning permission. Subject to the imposition of that planning control the proposals do not conflict with Policies 14 and 29

or NPF4 or Policies DP1 and DC9 of the ELLDP 2018.

The **Council's Biodiversity Officer** advises that the application site is currently an arable field and is of limited biodiversity value. However, there are records of protected species in close proximity of the site with the potential for the edges of the site being in foraging range for the species. The Planning Statement submitted in support of the application states that it is proposed to implement a 30m buffer zone of the Biel Water and that a pre-construction survey for protected species will be carried out by an Ecological Clerk of Works prior to any construction of the BESS. The provision of these measures can be secured through the imposition of a condition on any grant of planning permission. Subject to the imposition of that planning control the proposals would not harm any protected species.

As the site has limited biodiversity value the Council's Biodiversity Officer welcomes the development of the lowland meadow within the proposal site. With respect to the landscape mitigation the trees and scrub planting this would be expected to be species local to East Lothian. Species shown in the Landscape Mitigation are not all appropriate for local conditions and therefore a condition is attached requiring final details of the planting to be submitted and agreed in writing. Nature Scotland were consulted on the proposal and revisions and noted the changes. They advise that they do not anticipate any adverse impact on natural heritage interests. Subject to a condition requiring the biodiversity enhancement measures be implemented once the BESS is in place then the proposals do not conflict with Policy 3 of NPF4 and Policy NH4 of ELLDP.

The **Council's Heritage Officer** notes that the site has historically been open fields lying at the very southern end of the Local Designed Landscape (LDL). This part of the LDL was not formally laid out but was part of the wider policies for Biel which focus upon Biel water rather than the fields and woodland either side of the dean. Given the nature of the proposal he is satisfied that the proposed BESS will not have a significant impact upon the wider LDL to or unduly change the understandability of it. This area is not an integral part of the LDL and as such can accommodate a degree of change as proposed by this development. Therefore subject to the imposition of a condition requiring Programme of Works (Archaeological Evaluation by trial trench) is carried out The Council's Heritage Officer raises no objection to the application.

Historic Environment Scotland were consulted and advised that they did not consider there to be any impact on assets of national significance. They raise no objection to the application.

Subject to the imposition of the aforementioned planning control the proposals do not conflict with Policy 7 of NPF4 or Policies CH4 and CH6 of ELLDP 2018.

Due to the location of the proposed BESS in relation to neighbouring residential properties it would not harm the privacy or amenity of any neighbouring land use through overlooking or overshadowing.

The closest residential properties to the proposed BESS - Belton House and Gardeners Cottage which are located over 150m to the northeast and East Lodge which is located to some 120m to the southwest. The **Council's Environmental Protection Officer** has advised that he has no concerns with regards to the potential adverse effects of noise from the operation of the facility in relation to adjoining residential properties to the north and south. During construction there is potential for additional disturbance, the duration and extent of which would be typically secured by limited working hours set out in appropriately worded planning conditions, and within a Construction Environmental Management Plan (CEMP). Subject to a condition requiring the CEMP is submitted to and approved prior to

works commencing the proposals would not harm the residential amenity of neighbouring residential properties through noise.

As stated above it is proposed that the BESS be accessed via a new vehicular access to be formed some 5m to the north of the existing field access. Whilst that access is not part of this planning application site, a condition can be imposed on any grant of planning permission for the BESS to ensure that the new vehicular access is formed and available for use prior to the works to construct the BESS commence. Subject to the imposition of that planning control it would be possible to provide a safe means of access to the BESS.

The proposed layout is designed to facilitate emergency vehicular access and manoeuvring within the site. During the operational phase the BESS will be unmanned and will only be accessed for maintenance. Three parking spaces are to be provided on the gravelled surfaced area within the BESS for maintenance purposes.

Road Services have raised no objections to the application subject to the imposition of conditions on any grant of planning permission requiring the submission of a Construction Environmental Management Plan (CEMP) and a Construction Traffic Management Plan (CTMP) to address issues of construction related traffic. Subject to the imposition of those planning control the proposal accords with policies T1 and T2 of the ELLDP.

The battery and associated equipment will be contained behind a secure fence and gates, thereby minimising the risk to the public. As designed the proposal accords with NPF4 policy 5 Health and Safety.

SEPA raised no objection to the application.

The **Council's Flooding Team** were consulted in respect of flooding and surface water run-off and the team have confirmed that there is no risk of flooding on this site. With regards to surface water runoff, there may be an increase in runoff when altering from agriculture to battery storage. The Flood Risk Assessment has detailed a SUDS strategy in Chapter 5.5, which includes no flooding on the site at a 1 in 200 year flood event, no increase in runoff rate from the site and using 56% climate change uplifts. The proposal is to use infiltration, using permeable surfacing and then soakaways. The Flooding Team are satisfied with this approach subject to the imposition of a condition requiring the submission of the detail of the drainage layout and appropriate filtration tests. Subject to the imposition of this planning control the proposals do not conflict with Policy 22 of NPF4 or Policy NH7 of ELLDP.

The Fire Service have been consulted on the application and have responded to say they wish to make no site specific comments and have directed the Planning Service to the guidance provided by the National Fire Chief Council (NFCC). While the NFCC best practice note is only guidance it is currently the only reference for fire safety in relation to BESS in the UK.

The application is supported by a Fire Report which has been updated following planning officer comments. The revised Fire Strategy and site layout plan contains information on access points, separation distances between battery storage units (6m), on site water storage, fire hydrants, water run off from fire suppression etc. This report sets out how the site has been designed to mitigate the risk of fire, the strategy for fire suppression, the provision of fire fighting equipment amongst other matters. The site layout plan includes greater detail relating to the fire strategy, including a fire hydrant, on site water storage facilities and a retention tank to treat any potential contaminated water. The applicants supporting Fire Report contains details of meetings and correspondence with the Fire Service. Within this correspondence the Scottish Fire Rescue Service have confirmed that



they consider the proposal, as amended, to accord with the current guidance.

The proposed development is in accordance with the Development Plan and there are no other material considerations which outweigh this consideration.

## **RECOMMENDATION**

It is recommended that Planning Permission be granted subject to the undernoted conditions.

## **CONDITIONS:**

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

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

- 2 Except as otherwise required by the terms of this consent and deemed planning permission, the Development shall be undertaken in accordance with the approved drawings.

Reason: To ensure that the Development is carried out in accordance with the approved details.

- 3 The Development will disconnect from the grid and cease to import or export electricity no later than the date falling forty-one years from the date of commencement of development.

The total period for decommissioning, restoration and aftercare works of the site in accordance with this condition shall not exceed forty-two years from the commencement of development without prior written approval of the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, there will be a one year aftercare period from completion of restoration, to ensure that the restoration works are monitored and any remedial works undertaken and completed to ensure optimal end use to the satisfaction of the Planning Authority.

No Development shall commence 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.

No later than 3 years prior to decommissioning of the development or the expiration of the consent (whichever is the earlier) a detailed Decommissioning, Restoration and Aftercare Plan shall be submitted to the Planning Authority for written approval. The detailed decommissioning, Restoration and Aftercare Plan, will provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

- a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases); to include the items listed in the CEMP site waste plan.
- b. details of the formation of 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. a dust management plan;
- d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- e. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- f. soil restoration;
- g. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- h. sewage disposal and treatment;
- i. temporary site illumination;
- j. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- k. details of any watercourse crossings;
- l. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.
- m. traffic management plan
- n. timetable for decommissioning and restoration and aftercare, which period shall not exceed one year unless otherwise agreed in writing by the planning authority.
- o. Restoration Layout Plan showing the indicative final restored layout including agricultural grade land which shall include restoration of the topography which existed prior to the commencement of the development unless otherwise agreed with the Planning Authority.
- p. The Development shall be decommissioned, the site restored, and the aftercare period thereafter undertaken in accordance with the approved detailed Decommissioning, Restoration and Aftercare Plan, unless otherwise agreed 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.

- 4 The Company shall supply to the Planning Authority an annual written report confirming that the battery energy storage facility is importing and exporting electricity to the grid. If the battery storage facility fails to import or export electricity to the grid for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, the Company shall no later than one year after the last day of this 12-month period submit the site Decommissioning, Restoration and Aftercare Plan to the Planning Authority for approval and implement it in accordance with condition 3.

Reason: To ensure that if the Development or part thereof becomes redundant the equipment is removed from the site, in the interests of safety, amenity and environmental protection.

- 5 No development shall commence unless and until a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all onsite construction works, post-construction reinstatement, drainage, and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority.

The CEMP shall include (but shall not be limited to):

- a. A site investigation and ground monitoring plan detailing all preliminary site investigation and ground investigation works, in compliance with BS 59300:2015 or successor guidance;
- b. a site waste management plan to include:
  - i. Waste expected to be produced and how materials will be stored, reused, recycled or reclaimed;
  - ii. Steps to minimise waste and maximise the use of recyclates;
  - iii. Management of waste on site and leaving the site; and
  - iv. Relevant evidence of waste carrier/waste transfer.

- c. details of contingency planning in the event of accidental release of materials which could

cause harm to the environment;

d. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any compound boundary fencing;

e. a dust management plan;

f. a soil management plan;

g. details of measures to be taken to prevent loose or deleterious material being deposited on the local road;

h. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

i. sewage disposal and treatment;

j. temporary site illumination;

k. the method of working cable trenches;

l. the method of construction (insofar as constructed on site) and erection of BESS, HV transformers, CCTV columns;

m. details of watercourse crossings;

n. post-construction restoration/ reinstatement of the working areas not required during the operation of the Development, construction compound, storage areas, laydown areas, access tracks, other construction areas. Details should include all seed mixes to be used for the reinstatement of vegetation;

o. a description of the proposed activities, structures or tracks within the laydown area and details of its restoration including a timetable.

p. biodiversity mitigation measures in relation to any on site or off site construction works (to be agreed with Council's Biodiversity officer).

q. standards outlined in British Standard 4 2020 : 2013 - Biodiversity Code of Practice for Planning and Development for the protection of badger, bat, otter and birds.

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment.

6 No construction work associated with the Development shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday: 08:00 to 18:00, Saturday: 08:00 to 13:00.

Unless such work:

a. does not cause the existing ambient background noise levels to be exceeded at any of the noise sensitive receptors identified in the application; or

b. is associated with essential maintenance / testing; or

c. is associated with an emergency; or,

d. is approved in advance in writing by the Planning Authority.

No HGV movements associated with construction of the Development (excluding abnormal loads) shall enter or leave the Site on any Sunday or Bank Holiday or on any other day except between the following hours: Monday to Friday: 08:00 to 18:00, Saturday: 08:00 to

13:00.

Unless such movement:

- a. is associated with an emergency; or
- b. is approved in advance in writing by the Planning Authority.

Reason: In the interests of local amenity.

- 7 There shall be provided within the curtilage of the site a turning area for vehicles suitable for use by the largest vehicles expected to visit or in connection with the operation of the site. The turning area shall be formed outwith the parking areas and both shall be available as required through the lifetime of the development unless otherwise agreed in writing by the Planning Authority.

Reason: In the interest of road safety; to ensure that all vehicles taking access to and egress from the site can do so in a forward gear.

- 8 No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority to ensure that general construction traffic can be transported along the road network safely and efficiently. The CTMP shall contain details on routing and timing of deliveries to site, site operatives parking area, and traffic management required to allow off site operations (such as public utility installation, pedestrian access etc).

The CTMP shall include (but shall not be limited to) details on the following:

- a. Estimate of traffic vehicle movements;
- b. Proposed construction traffic routes and key traffic management;
- c. Proposed delivery route;
- d. Safety measures in regard to pedestrians and cyclists during construction;
- e. Detailed site access design and details of any required traffic management measures, including visibility splays; and
- f. Information on wheel-washing facilities.

Thereafter, the Development shall be constructed in accordance with the approved CTMP, unless otherwise agreed in writing by the Planning Authority in consultation with Transport Scotland.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the Site.

- 9 No abnormal load movement shall take place on the road network unless and until details of the route and any accommodation measures required including the removal of street furniture, junction widening, and traffic management have been submitted to and approved in writing by the Planning Authority in consultation with the roads authority.

During the delivery period of components any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by the trunk roads authority before delivery commences.

Reason: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development and to ensure that the transportation will not have any detrimental effect on the road and structures along the route.

- 10 No development shall commence unless and until a Phase I Contaminated Land Assessment (Desk Study) is submitted to and approved by the Planning Authority. This should investigate the scope of any intrusive investigations required prior to construction, and should assess and remediate any contamination issues prior to the commencement of

development.

Reason: To address potential contamination issues on the site.

- 11 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a detailed planting plan and schedule based on the details on the 'Landscape Mitigation' drawing referenced FRV1001 /04/08 revision 2. The scheme shall provide details of: tree and shrub sizes, species, habitat, siting, planting distances, a programme of planting, and implementation, establishment and maintenance details. A full landscape maintenance and management plan for the life of the development shall be included with the planting plan to show how the landscaping will be established and developed.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development. All planting shall be established and maintained in accordance with the details on the approved drawings. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of the development shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All landscape shall be maintained to accord with the details of the approved details of landscaping.

Reason: In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 12 No development shall be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority.

Reason: To minimise the impact on breeding birds and to allow the Planning Authority to consider this matter in further detail.

- 13 Prior to the commencement of development, the vehicular access approved by planning permission ref: 24/00607/P, or a suitable alternative vehicular access agreed in writing by the planning authority, shall be completed and available for use. Thereafter there shall be no use of the existing farm access to access the site of the BESS and that existing farm access will be blocked up in accordance with the docketed drawings.

Reason:

To ensure the provision of a suitable vehicular access to the site.

- 14 a. Prior to the commencement of the development hereby approved a programme for monitoring the condition of the public road to be used by construction traffic (B6730), prior to and immediately following the completion of the construction phase of development and then again at the completion of decommissioning, shall be submitted to and approved by the Planning Authority.

b. Damage to the public road during the period of construction, operation and decommissioning associated with the Development shall be repaired by the Company at no expense to ELC (the Planning Authorities/ roads authority), unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason: to avoid the costs of repair to damage to the roads caused by vehicles associated with the development falling to the public authorities.

- 15 Prior to the commencement of development, the applicant shall submit a Drainage Layout Plan, aligned with the supporting Flood Risk Assessment and Drainage Strategy (October 2023), and details of infiltration tests and/or confirmation that the infiltration method is suitable. The Drainage Layout Plan shall be approved in writing by the Planning Authority prior to the commencement of development on the site. All works contained in the approved Drainage Layout Plan shall be complete prior to the commissioning of the facility, unless agreed in writing by the planning authority.

Reason To ensure the site is suitably drained.

- 16 No development shall take place on the proposed site until the applicant has undertaken and reported upon a programme of archaeological work (Archaeological Evaluation by Trial Trenching) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

Reason:

To enable the Planning Authority to further consider the possible historic environment implications of the proposal.

- 17 No development shall take place unless the Planning Authority has approved in writing the terms of appointment by the Company (FRV TH Powertek or such other person who from time to time may lawfully have the benefit of this consent) of an independent and suitably qualified environmental consultant as the Planning Monitoring Officer to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent, unless otherwise agreed in writing by the Planning Authority. For the avoidance of doubt the PMO shall be funded by the Company throughout the term of appointment.

The terms of appointment shall:

- a. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to this consent;
- b. Require the PMO to submit a report to the Planning Authority summarising works undertaken on site post construction of the development which confirms the development has been built in accordance with the approved plans. ;
- c. Require the PMO to report to the developer and the Planning Authority any incidences of noncompliance with the terms of the terms of the planning permission and conditions attached to this consent at the earliest practical opportunity; and
- d. Monitor any remedial work undertaken due to noncompliance with point c to ensure work undertaken to required standard and in accordance with consent.

Reason: To ensure that the development is constructed in accordance with the consent.

- 18 The development hereby approved shall not operate unless and until evidence of a bond or other form of financial guarantee in terms which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in condition 3 and condition 4 has been submitted to the Planning Authority. The financial guarantee shall be maintained in favour of the Planning Authority until the completion of all decommissioning, restoration and aftercare obligations referred to in condition 3 and condition 4.

Reason:

To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this planning permission in the event of default by the Company (FRV TH Powertek or such other person who from time to time may lawfully have the benefit of this consent).