

22/00715/APP
12th May 2022

Installation of an energy storage facility including battery enclosures power conversion units transformer substations grid connection infrastructure vehicular access and associated works at Land At Drum Farm Keith Moray for Renewable Energy Systems Limited

Comments:

- The application is a Major application as the proposal relates to electricity generation with a capacity of more than 20Mw.
- The application was advertised for neighbour notification purposes.
- No representations have been received.

Procedure:

None.

Recommendation

Grant Planning Permission - subject to the following:

Conditions/Reasons

1. The development to which this permission relates must be began not later than the expiration of 5 years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the requirements of section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2. No development shall commence until final details of all the proposed battery system and storage including the battery enclosure, transformers, grid compliance equipment, substation building and spares storage container have been submitted to and agreed in writing by the Planning Authority. For the avoidance of doubt the final installations shall not exceed the dimensions shown on approved plans 04872-RES-SUB-DR-PT-003 re v1, 04872-RES-SUB-DR-PT-002 rev 1, 04872-RES-SUB-DR-PT-001 rev 1, 04872-RES-PCS-DR-PT-001 rev 1 and 04872-RES-SUB-DR-PT-004 rev 1 the installation shall be finished in white, grey or green. Thereafter only the approved details shall be implemented.

Reason: To ensure that the development harmonises with its surroundings.

3. No development shall commence until a pre-construction survey for badgers and otters, in line with the recommendations contained in section 4.4 of the submitted report entitled 'Preliminary Ecological Appraisal' by RES dated March 2022, has been undertaken and a report of survey has been submitted to, and approved in writing by, the Council, as Planning Authority. The survey shall include mitigation measures where any impact, or potential impact, on protected species or their habitats has been identified and a species protection plan. Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contained therein.

Reason: To ensure that the site and its environs are surveyed and the development does not have an adverse impact on protected species or habitat.

4. No development shall commence until details including the number, location and specification of artificial bat and bird roosts to be placed throughout site have been submitted to and agreed in writing with the Planning Authority. Thereafter the approved items shall be provided prior to the first use of the site hereby approved.

Reason: To secure biodiversity enhancements of the site.

5. Notwithstanding the submitted details no development shall commence until full details of the proposed acoustic fence have been submitted to and agreed in writing by the Planning Authority in consultation with the Environmental Health Authority. For the avoidance of doubt a 3m high acoustic barrier shall be installed in accordance with Section 5 of the noise impact assessment supporting document by RES, dated 21 April 2022 Ref: 04872-3761753, and titled "Assessment of Acoustic Impact for the Proposed Drum Farm Energy Storage Project.", and as detailed on the approved plans 04872-RES-LAY-DR-PT-001 3 and 04872-RES-SEC-DR-PT-002 1.

Thereafter the approved fence shall be installed prior to the first use of the site hereby approved and maintained in perpetuity.

Reason: To protect local residents from noise nuisance due to the use of the development.

6. No development shall commence until evidence has been submitted to and accepted in writing by the Planning Authority to demonstrate that Scottish Water (protectdwsources@scottishwater.co.uk) have been notified that works are to take place.

Reason: To ensure the safeguarding of the drinking water catchment area.

7. No development shall commence until evidence of a satisfactory Wear and Tear agreement has been submitted to and agreed in writing by the Planning Authority in consultation with the Roads Authority. The scope of the Wear and Tear Agreement shall be agreed with the Planning Authority in consultation with the Roads Authority and shall include a condition survey of the network undertaken

jointly by the developer and a representative from the Council. The survey shall include the full extent of the agreed construction traffic route(s) (within Moray) between the site and the 'A' class road network. In addition, the Wear and Tear agreement shall also include condition surveys of all roads identified as 'unsuitable' which must be agreed with the Planning Authority in consultation with the Roads Authority.

Reason: To mitigate the potential risks from damage to the public road occurring during the construction phase of the development.

8. No development shall commence until evidence of a financial guarantee or bond or suitable equivalent has been put in place to ensure the repair of the public road serving the site in the event that the developer fails to meet their obligations (as agreed as part of a Wear and Tear agreement) to maintain the road in a safe condition during the construction phase of the development and to restore the road to its pre-development condition within 1 year of the development becoming operational and has been submitted to and agreed in writing with the Council, as Planning Authority in consultation with the Roads Authority. For the avoidance of doubt the agreement shall cover the section of the U35H Drum-Ardrone Road from the A96 to the site entrance.

Reason: To mitigate the potential risks from damage to the public road occurring during the construction phase of the development.

9. No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to and agreed in writing by the Planning Authority in consultation with the Roads Authority. Thereafter the development shall be carried out in accordance with the agreed CTMP at all times. For the avoidance of doubt the CTMP shall include as a minimum the following information:

- duration of works;
- construction programme;
- parking provision, loading and unloading areas for construction traffic;
- full details of temporary arrangements to safeguard pedestrian movements during the construction period;
- proposals to safeguard vulnerable pedestrians at and around Keith Primary School during the construction period;
- full details of any temporary access;
- measures to be put in place to prevent material being deposited on the public road;
- traffic management measures to be put in place during works including any specific instructions to drivers; and
- a programme of monitoring for all routes identified within the CTMP during construction will be required.

Reason: To ensure an acceptable form of development in terms of the arrangements to manage traffic during construction works at the site.

10. No development (except that associated with the visibility splays) shall commence until:

- i. a visibility splay 2.4 metres by 120 metres, with all boundaries set back to a position behind the required visibility splay, has been provided in both directions at the access onto the public road; and
- ii. Thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the carriageway.

Reason: To enable drivers of vehicles leaving the site to have a clear view over a length of road sufficient to allow safe exit, in the interests of road safety for the proposed development and other road users through the provision of details currently lacking.

11. No development (other than that associated with the passing places) shall commence until two passing places to the Moray Council standards and specification have been constructed on the U35H Drum - Ardrone Road at the locations shown on drawing no. 04872-RES-ACC-DR-PT-001 submitted on 22.06.2022.

Reason: To enable drivers of vehicles to have adequate forward visibility to see approaching traffic and for two vehicles to safely pass each other ensuring the safety and free flow of traffic on the public road.

12. Prior to the first use of the development hereby approved the site entrance and access track shall be constructed in accordance with approved drawing no. 04872-RES-ACC-DR-PT-002.

Reason: To ensure acceptable infrastructure at the development access.

13. No water shall be permitted to drain or loose material be carried onto the public footway/carriageway.

Reason: To ensure the safety and free flow of traffic on the public road and access to the site by minimising the road safety impact from extraneous material and surface water in the vicinity of the new access.

14. Construction works (including vehicle movements) associated with the development audible at any point on the boundary of any noise sensitive dwelling shall be permitted between 0800 - 1900 hours, Monday to Friday and 0800 - 1300 hours on Saturdays only, and at no other times out with these permitted hours (including National Holidays) shall construction works be undertaken except where previously agreed in advance in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken out with the permitted/stated hours of working.

Reason: To protect local residents from noise nuisance in ensuring the construction phase is restricted within permitted hours to protect local residents from noise nuisance due to the use of the development.

15. The rating level of noise associated with the development shall not exceed the background sound level by more than 5 dB at the nearest noise sensitive dwelling

which is lawfully existing or has planning permission at the date of this permission. For the avoidance of doubt the modal background sound level for the daytime period and night-time period respectively has been determined as an L A 90 of 40 dB and 31 dB, as stated in Section 4 of the noise impact assessment supporting document by RES, dated 21 April 2022 Ref: 04872-3761753, and titled "Assessment of Acoustic Impact for the Proposed Drum Farm Energy Storage Project." The rating level and background sound level associated with this condition are defined within BS 4142: 2014 + A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To protect local residents from noise nuisance due to the use of the development.

16. The operational site lighting shall be provided in accordance with approved drawings 04872-RES-LAY-DR-PT-001 Rev3 and 04872-RES-SEC-DR-PT-001, Rev1, and no other external lighting shall be installed.

Reason: To protect local residents from light nuisance due to the use of the development.

17. The development shall at all times be carried out in accordance with the approved Construction Environmental Management Plan entitled 'Drum Farm Battery Storage Project' by RES, dated 8 March 2022, Ref: 04872-3704703.

Reason: To ensure environmental impacts are suitably managed and maintained during the construction phase.

18. All landscaping works shall be carried out in accordance with the details shown on approved plan P22-0056.001 Rev B in the first planting season following the first operation of the development hereby approved.

Any trees or plants which (within a period of 5 years from the planting) die, are removed or become seriously damaged or diseased shall be replaced in the following planting season with others of similar size, number and species unless otherwise approved by the Council, as Planning Authority.

Reason: To ensure that the approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the development or amenity and character of the area.

19. All foul and surface water drainage proposals shall be in accordance with the submitted report Flood risk Statement and Drainage Impact Assessment, dated 05 May 2022 and approved drawing 04872-RES-LAY-DR-PT-001 rev 3.

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SuDS; in order to protect the water environment.

Reason(s) for Decision

The Council's reason(s) for making this decision are:-

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

List of Informatives:

THE DEVELOPMENT MANAGEMENT & BUILDING STANDARDS MANAGER has commented that:-

A Building Warrant may be required for the development.

SCOTTISH WATER have commented as follows:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

There is currently sufficient capacity in the HERRICKS WTW 1970 NJ458494 Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Wastewater Capacity Assessment

There is currently sufficient capacity for a foul only connection in the KEITH WWTW 1964 NJ434518 Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Please Note

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Drinking Water Protected Areas

A review of our records indicates that the proposed activity falls within a drinking water catchment where a Scottish Water abstraction is located. Scottish Water abstractions are designated as Drinking Water Protected Areas (DWPA) under Article 7 of the Water Framework Directive. The River Deveron supplies Turriff Water Treatment Works (WTW) and it is essential that water quality and water quantity in the area are protected. In the event of an incident occurring that could affect Scottish Water we should be notified immediately using the Customer Helpline number 0800 0778 778.

The activity is a sufficient distance from the intake that it is likely to be low risk, however care should be taken, and water quality protection measures must be

implemented.

It would also be useful to be kept informed of when work commences on the site and further information on how to do so is detailed below.

Scottish Water have produced a list of precautions for a range of activities. This details protection measures to be taken within a DWPA, the wider drinking water catchment and if there are assets in the area. Please note that site specific risks and mitigation measures will require to be assessed and implemented. These documents and other supporting information can be found on the activities within our catchments page of our website at www.scottishwater.co.uk/slm

We welcome receipt of this notification about the proposed activity within a drinking water catchment where a Scottish Water abstraction is located.

The fact that this area is located within a drinking water catchment should be noted in documentation. Also anyone working on site should be made aware of this during site inductions and we would also like to take the opportunity, to request that in advance of any works commencing on site, Scottish Water is notified at protectdwsources@scottishwater.co.uk so we can make our operational teams aware there will be activity taking place in the catchment.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd
Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot

be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found here.

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: gs@sepa.org.uk

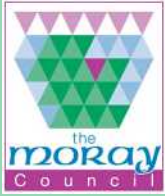
SSE has commented that:-

It is recommended that the Applicant refers to the relevant guidance and requirements put in place by the Health and Safety Executive in relation to clearance requirements for works adjacent to overhead electricity line. We refer the Applicant to the HSE guidance note: GS6 (4th Edition) 'Avoiding danger from overhead powerlines.'

We would also request that the Applicant notifies SSEN Asset Management at the following email address, Transmission.Asset.Management@sse.com, at least 30 days' prior to commencing works on site to allow us to advise on the required safety precautions for construction.

LIST OF PLANS AND DRAWINGS SHOWING THE DEVELOPMENT	
Reference No. Version No.	Title/Description
04872-RES-ACC-DR-PT-002	Proposed site entrance
04872-RES-ACC-DR-PT-001	Proposed passing place
04872-RES-MAP-DR-XX-002 2	Location plan

04872-RES-SEC-DR-PT-002	1	Acoustic fencing
04872-RES-SUB-DR-PT-001	1	Substation buildings
04872-RES-SUB-DR-PT-003	1	Auxiliary transformer
04872-RES-BAT-DR-PT-001	1	Battery enclosure
P22-0056.001	B	Detailed landscape proposal
04872-RES-SUB-DR-PT-002	1	Grid compliance equipment
04872-RES-LAY-DR-PT-001	3	Infrastructure layout plan
04872-RES-SEC-DR-PT-001	1	Lighting and CCTV column
04872-RES-PCS-DR-PT-001	1	PCS and Transformer
04872-RES-MAP-DR-XX-001	2	Site location plan
04872-RES-SUB-DR-PT-004	1	Spares storage container
04872-RES-PRO-DR-PT-001	2	Proposed Site Elevations sheet 1 of 2
04872-RES-PRO-DR-PT-001	2	Proposed Site Elevations sheet 2 of 2



PLANNING APPLICATION COMMITTEE SITE PLAN

Planning Application Ref Number:
22/00715/APP

Site Address:
LAND AT DRUM FARM
KEITH

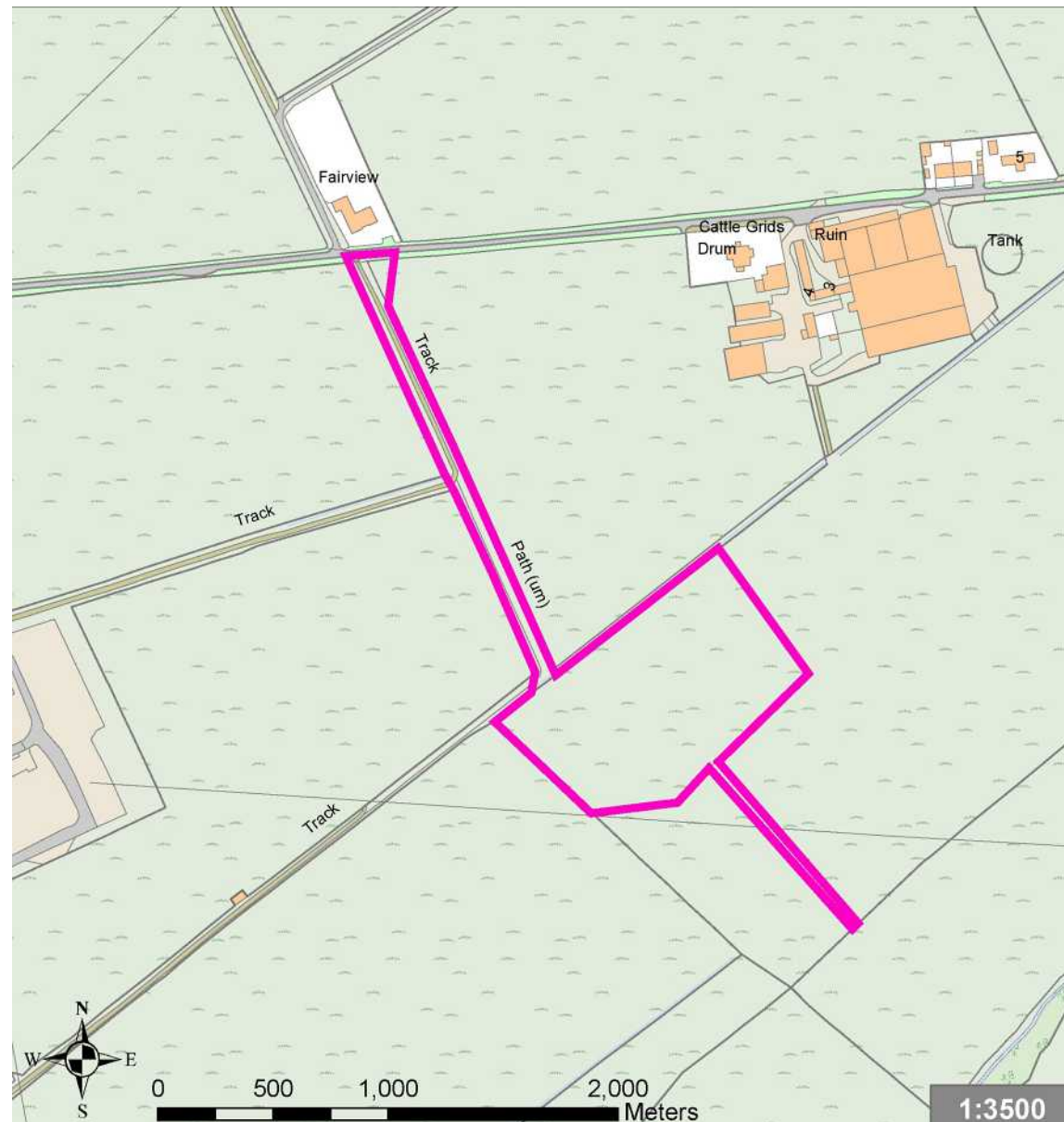
Applicant Name:
Renewable Energy Systems Limited

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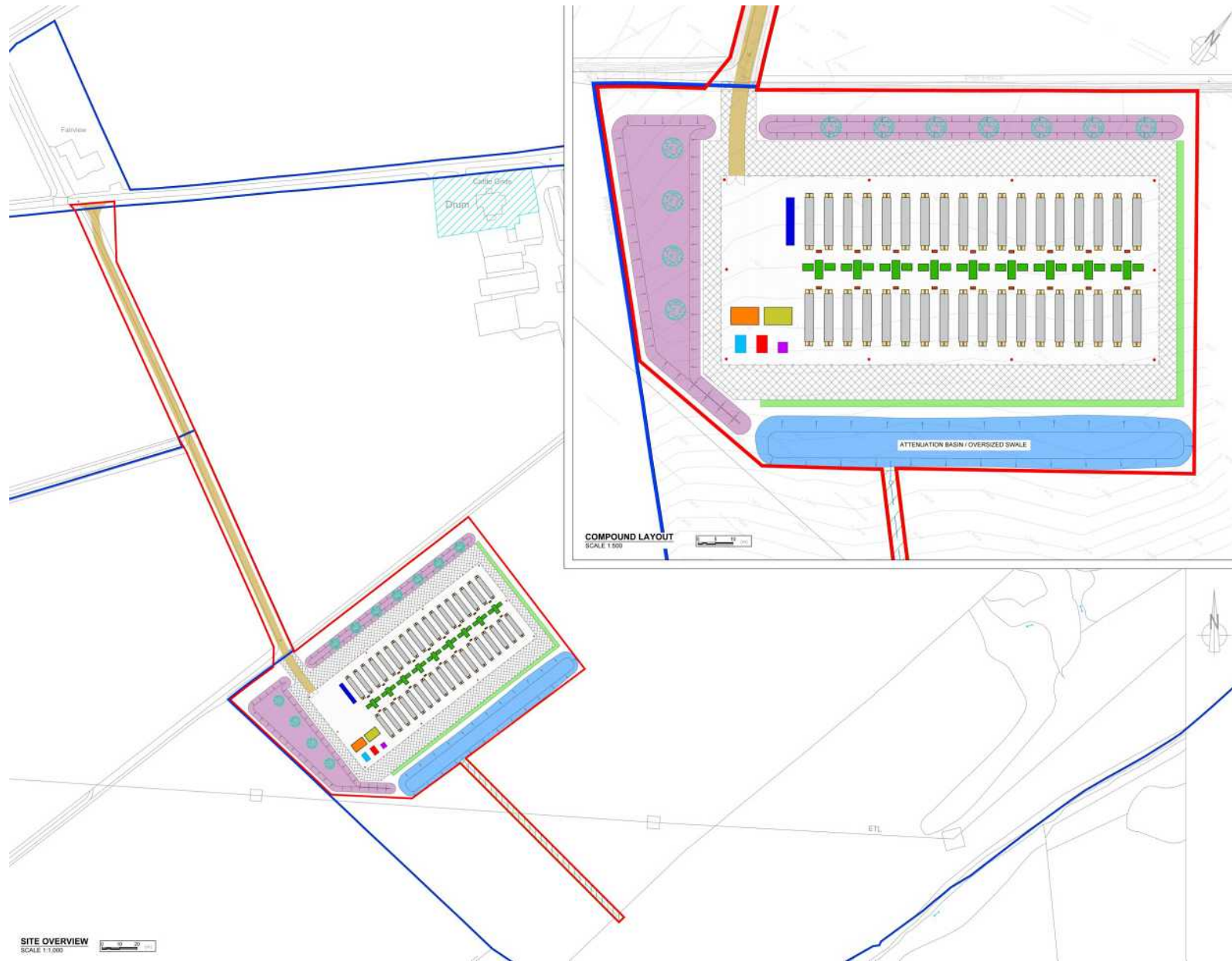
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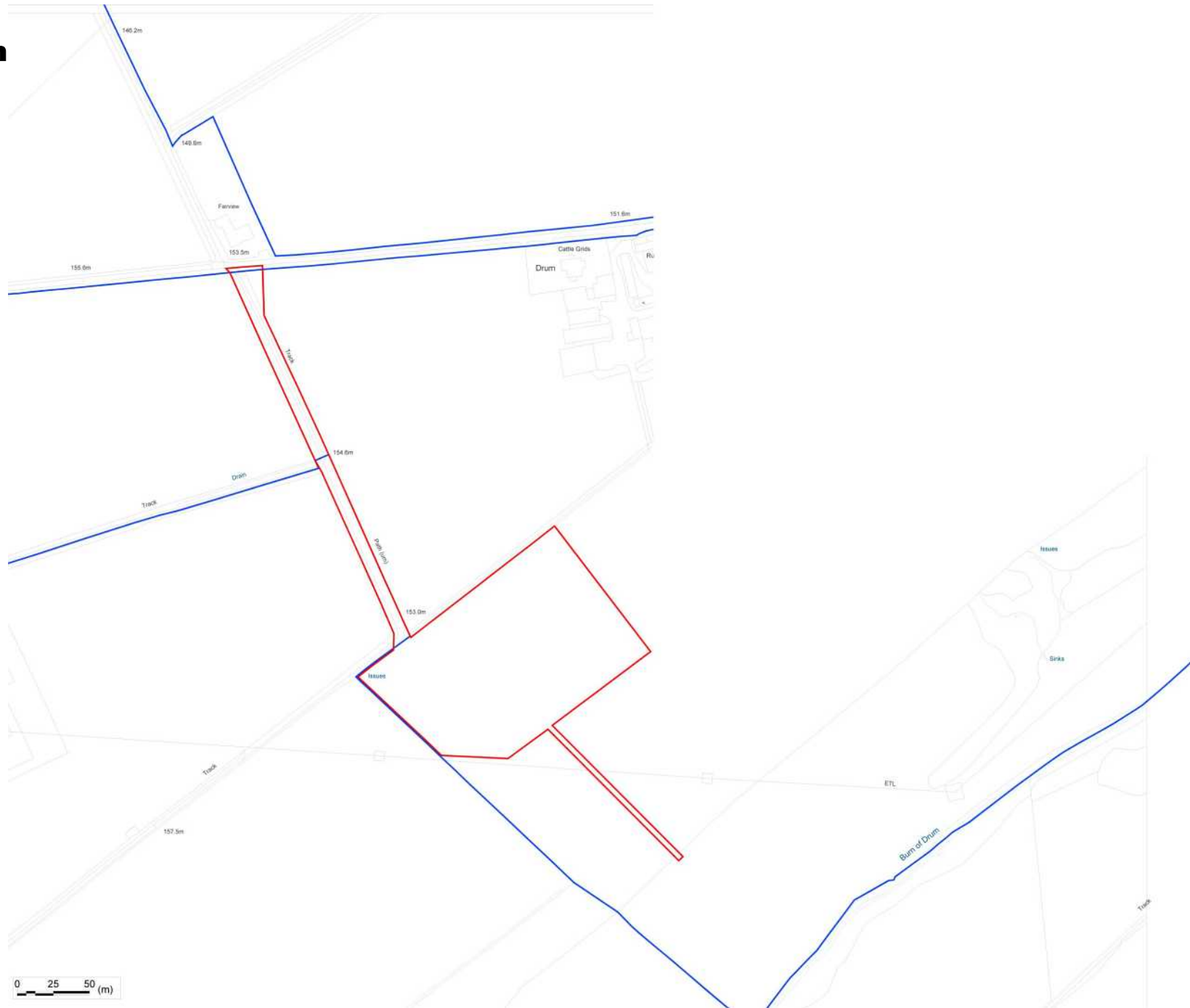
Location Plan



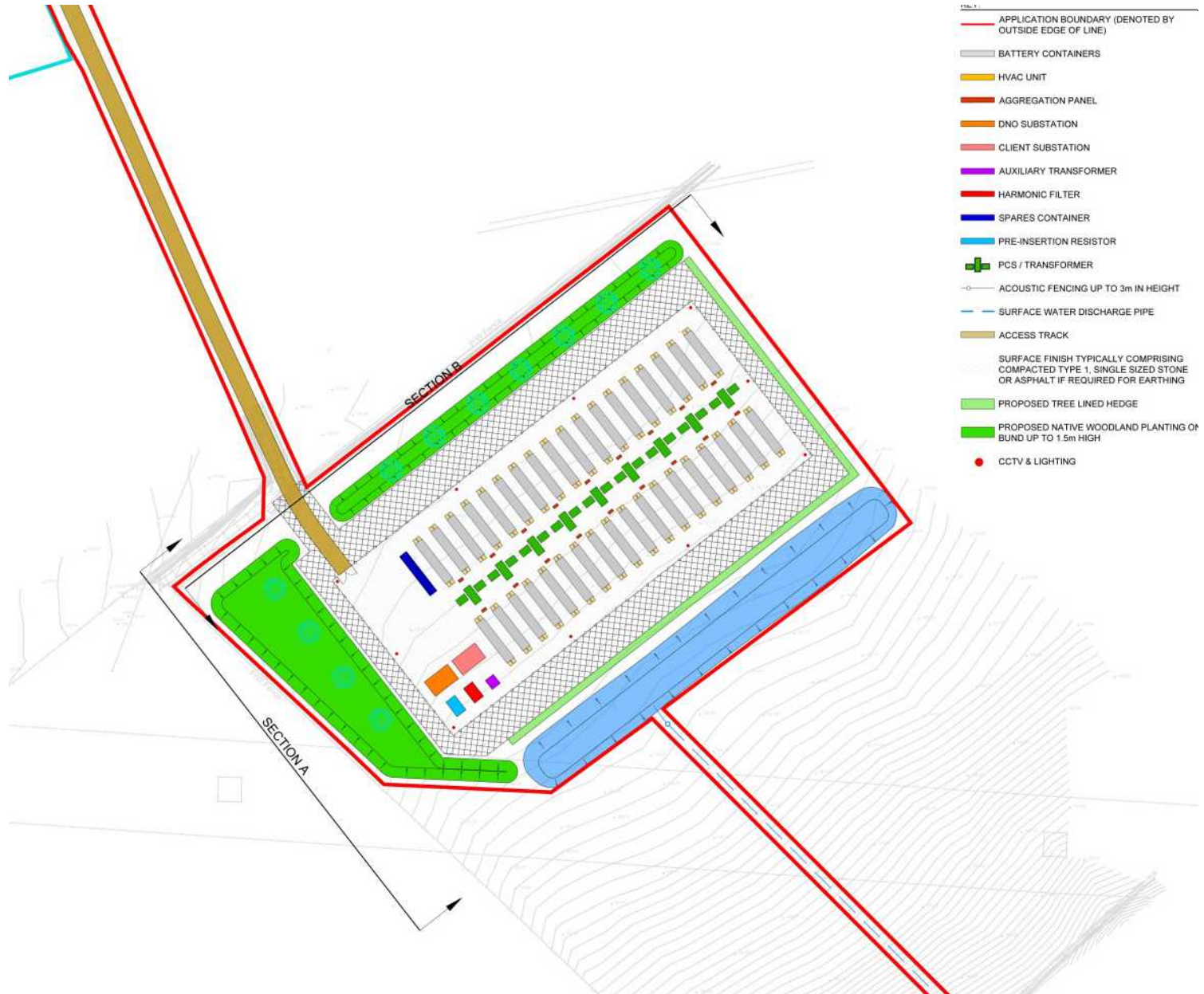
Site Location Plan



Site Plan



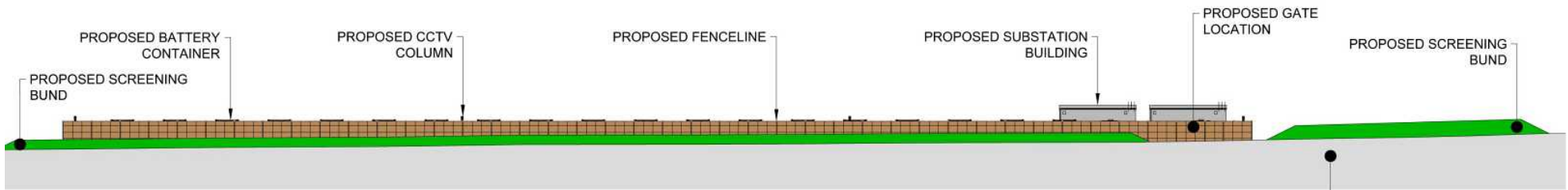
Proposed site elevations



Proposed site elevations



SECTION A

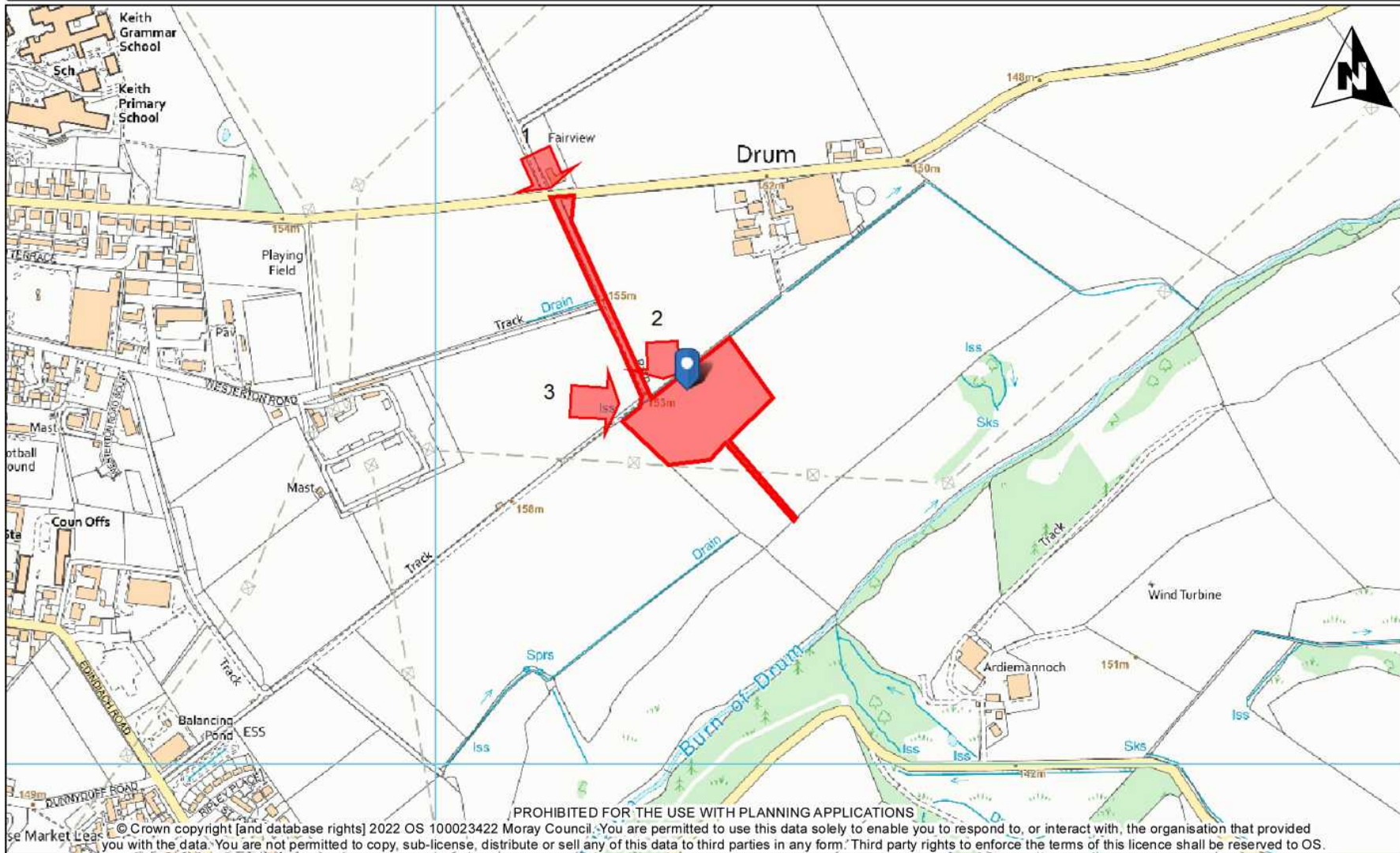


SECTION B

EXISTING GROUND

Photo location plan

22/00715/APP



Map Description: a Description of a Moray Council Map

Scale: 1:6,262 @ A4



Photo 1



Photo 2



Photo 3



PLANNING APPLICATION: 22/00715/APP

In the event that a recommendation on this planning application is overturned the Committee is reminded of the advice contained on the front page of the agenda for Reports on Applications

1. THE PROPOSAL

- The application seeks planning permission for an energy storage facility including battery enclosures, transformers, substations, grid connection infrastructure and a spares/maintenance container along with access, external lighting, secure fencing and landscaping.
- The compound will be enclosed by 3m high timber board fence which will secure the site and act as acoustic barrier.
- Landscaping is proposed on the edge of the site outwith the compound itself. This includes the provision of earth bunds on the north west and south west boundaries of the site on which planting will be provided.
- The application is supported by an Acoustic Assessment, Construction Environmental Management Plan (CEMP), Flood Risk and Drainage Impact Assessment, Historic Environment Assessment, Planning, Design and Access Statement, Pre-application consultation (PAC) Report, Preliminary Ecological Appraisal, Transport Statement, Landscape and Visual Assessment.

2. THE SITE

- The site is located to the south east of the substation on Westerton Road, Keith.
- The site area is 2.06ha.
- The site is on the eastern edge of Keith and is bounded by fields to the north, south and west. The land is largely flat and open.
- Access is proposed from the U35H to the north of the site and west of Drum Farm.
- There are overhead lines close to the south eastern boundary of the site.
- The access track and the path which runs south west from the site towards Keith are core paths (CP-KT07).
- The site is immediately adjacent to the Countryside Around Towns buffer identified around Keith. A section of the existing track running for approximately 150m from the public road encroaches on the CAT.

3. HISTORY

21/01786/SCN - Development of a battery energy storage system on Land at Drum Farm Keith - Screening opinion issued 11 November 2021.

21/01750/PAN - Installation of a battery energy storage system (BESS) including siting of battery containers power conversion units and transformers a substation hardstanding area fencing vehicular access grid connection and ancillary works on Land At Drum Farm Keith – reported to Planning and Regulatory Services Committee on 9 December 2021. Members had no comments to make. Following the submission of the PAN an online public event was held on 30 November 2021 and information was made available on the developer’s website with details of how to make comments between 30 November 2021 and 7 January 2022. Nobody attended the online event and comments were made in response to the information displayed on the website. Both Strathisla and Keith Community Councils were directly invited to make comment but neither did.

4. **POLICY - SEE APPENDIX**

5. **ADVERTISEMENTS**

5.1 Advertised for neighbour notification 24 May 2022.

6. **CONSULTATIONS**

Keith Community Council: No comment.

Strathisla Community Council: No comment.

Strategic Planning & Development: No objection. There is a locational need for this development and it can be integrated into the landscape. The proposal complies with Policies PP3, DP1, DP5, DP9, EP2, EP12 and EP14.

Transportation: No objection subject to the provision of a road bond and conditions relation to the formation of the access, the provision of passing places and the submission of a Construction Phase Management Plan (CPMT).

Environmental Health: No objection subject to conditions relating to construction hours, noise and an acoustic barrier, the implementation of the CEMP and external lighting.

Archaeology: No objection.

Moray Flood Risk Management: No objection.

Contaminated Land: No objection.

Access Manager: No objection.

Developer Obligations: None sought.

SEPA: No objection.

Scottish Water: No objection.

SSE: No objection.

7. **OBJECTIONS-REPRESENTATIONS**

No representations received.

8. **OBSERVATIONS**

8.1 Section 25 of the 1997 Act as amended requires applications to be determined in accordance with the development plan i.e. the adopted Moray Local Development Plan 2020 (MLDP) unless material considerations indicate otherwise. The main planning issues are considered below:

8.2 **Duration of Consent**

The applicant has requested that the application be granted subject to a condition that allows 5 years for development to commence. Since 1 October the planning authority is required to impose conditions regarding the time period for commencement (previously it was a statutory obligation highlighted in the accompanying notes) and has the power to vary the time period. In this case the applicant has advised that the upgrades are required to the transmission network and the adjoining substation before the proposal can be connected. In order to retain their grid connection offer the applicant must secure planning permission. Given the circumstances outlined by the developer a 5 year consent is considered to be acceptable in this instance.

8.3 **Compliance with Renewable Energy Policy (DP9)**

Policy DP9 is supportive of renewable energy development where they meet the criteria set out in the policy. The proposal will not adversely impact on built or natural heritage features and therefore complies with DP9 (a) (i) in that it is compliant with policies to safeguard and enhance the built and natural environment. The development will take place on farm land but it is not identified as Prime Agricultural Land therefore part (ii) is also complied with. Part (iii) requires that the development must avoid or address significant adverse impact identified in the policy. In so far as the issues identified in part (iii) apply to this development the proposal is considered to comply. The development is sited on farm land on the outskirts of Keith. The site abuts the Countryside Around Town (CAT) around Keith as identified in the MLDP 2020. A small section of the track running for approximately 150m from the public road towards the main part of the site is just within the CAT. Given that the only works proposed here relate to the upgrading of the existing track this is considered to be acceptable. The Supporting Statement makes clear that there is a strong locational need for the siting proposed. The site is close to the existing substation in the town which is essential for the development to limit electrical losses during transmission and ensure the maximum efficiency of the system. It is also highlighted that the electrical substation has a viable import and export capacity to service the development. The locational justification is acknowledged. The siting in close proximity to the existing substation also provides context for the development and reduces the overall visual and

landscape impact as the substation is already a dominant feature in the landscape. A Landscape and Visual Impact Assessment has been submitted which concludes that the impact on landscape character would not be significant as the surrounding landscape is already influenced by similar land uses. It also notes that the proposed planting will reduce the impact on landscape features. It is recognised that there will be some major visual impacts particularly for users of the surrounding core path and some nearby houses but the report highlights that these views will be read in the context of the existing substation and overhead lines with the proposed planting further reducing the impact. The final battery design is subject to further detailed design and will not be finalised until closer to the commencement of construction. It is noted from the submitted plans that the battery infrastructure including the enclosures themselves and the transformer may be finished in white, grey or green. While a muted colour would be preferable to better integrate into the surrounding landscape the agent advises that this may not be possible as the technology often requires lighter colours for cooling and it is not possible to paint or clad them. A condition is therefore recommended requiring final details of all the battery installations including colours to be submitted for final approval.

8.3.1 The landscape and visual impacts are overall found to be localised and limited in nature. The existing infrastructure and the proposed landscaping works will reduce the overall impact and ensure that the level of change is acceptable in this setting.

8.3.2 It is noted below that the noise impact can be effectively mitigated and measures are recommended to ensure that the development does not adversely impact on protected species.

8.3.3 The development will help towards meeting net-zero targets and contribute towards greater energy security. The proposal is appropriately located alongside existing infrastructure and is considered to comply with policy DP9.

8.4 **Landscaping (EP5)**

A detailed landscaping plan has been provided with the application. This includes the provision of two earth bunds along the north and western boundaries of the site. These will be a maximum of 1.5m high with trees planted on them. An area in the south eastern corner of the site is set aside for low level shrubs and planting to avoid conflict with the existing overhead lines. Hedging and tree planting is also proposed to the north east and south east. Wildflower planting will be provided throughout. The planting will provide both screening and setting for the development. It will soften the overall impact of the development and help to integrate it into the wider landscape. It will also provide biodiversity enhancement by providing increased foraging and shelter options. Conditions are recommended to ensure that the planting is timeously provided and adequately maintained. The landscaping is appropriate to the character of this development and will help to create an attractive and appealing place in accordance with policy EP5.

8.5 **Noise, Light & Pollution (EP14)**

A Noise Impact Assessment has been produced in support of the application. This concludes that with appropriate mitigation including a 3m high acoustic

fence around the compound the impact will be low during the daytime. There will be a greater impact at night but this will not be adverse. The Environmental Health Manager is content with the findings of the report and has recommended conditions in line with the conclusions it contains. These seek to control the construction working hours, the operational noise levels and the provision of the recommended acoustic fence. Details of a proposed fence are included with the application but these are presented as indicative details only and do not include all the information required to ensure that the fence is of a suitable construction to mitigate noise as intended. It is therefore recommended that final details are sought by condition. The recommended conditions will ensure that noise associated with the development will not cause significant pollution and therefore the proposal complies with policy EP14.

8.5.1 The site plan shows the location of lighting columns. The Environmental Health Manager is content with the proposals provided that the no additional external lighting is provided. Subject to this recommended condition the development will not cause significant light pollution and as such complies with policy EP14.

8.5.2 A further condition is recommended requiring the submitted CEMP to be implement at all times. This will ensure that adequate pollution control measures are in place during the construction phase.

8.5.3 Subject to the proposed mitigation and recommended conditions the proposals comply with policy EP14.

8.6 **Access (DP1)**

The site is accessed via an existing track that joins the public road to the north of the site. The existing track which is a Core Path will be upgraded (see below) to facilitate the development. The Transportation Manager has no objection to the use of this access subject to conditions to ensure that the junction with the public road is formed to an acceptable standard and to secure adequate visibility splays at the access. Vehicles will arrive via the Drum Farm – Ardrone Road. Two additional passing places are being sought on this road in locations that have been agreed with the Transportation Manager. A Wear and Tear agreement will also be put in place along with a road bond to ensure that any damage to the public road arising from the development is rectified and there are sufficient funds in place to cover this. It is also recommended that a Construction Phase Traffic Management Plan (CPTMP) is sought by condition. The Transportation Manager has no objections to the proposals subject to the conditions as recommended. The recommended conditions will ensure that the development provides safe entry and exit and adequately mitigates impact on the adjoining public road and therefore the proposal complies with policies DP1 (ii) (a) and (c).

8.7 **Impact on the Core Path (DP1)**

A core path (CP-KT07) runs to the north and to the west of the site. The section that runs north from the main part of the site towards the public road will become the access to the site. The track is currently an unmade grass track although it appears to be well used. The proposal is to improve the track to an unbound granular finish and install filter drains along either side. It will remain a core path and continue to be accessible. The Access Manager has no

objection. The development will enhance the core path and ensure that access is maintained. The proposal therefore complies with policy DP1 (ii)(a).

8.8 **Drainage (EP12)**

The development is supported by a drainage statement. Surface water will be dealt with by means of an attenuation basin along the south eastern boundary of the site with a discharge to the burn to the south. Moray Flood Risk Management are content with the proposals but a condition is recommended to ensure that the proposals are implemented in full and in a timeous manner. The proposals will ensure that surface water is dealt with in a sustainable manner that has a neutral effect on flooding and as such the proposals accord with policy EP12.

8.9 **Impact on Species and Biodiversity (EP1 & EP2)**

A preliminary ecological survey has been carried out. The survey found evidence of use by badgers but no setts were identified. The survey also noted evidence of otter activity and while the site offers limited opportunities for otter shelter there is potential for the works to impact on otters. The survey advises that additional pre-start surveys for badger and otter should be carried out and a condition is recommended to address this. The recommended condition will ensure that any required mitigation is put in place and there is no adverse impact on protected species. Subject to condition the proposal accords with policy EP1.

8.9.1 It is noted above that landscaping is to be provided around the site which will contribute to biodiversity enhancement of the site. The native hedgerows, tree planting and wildflower mix will provide additional foraging and nesting opportunities. The planning statement makes reference to the installation of bat and bird boxes but these features are not identified on the submitted plans. A condition is therefore recommended to ensure to that these features are provided to maximise the biodiversity benefits of the development. The proposals will ensure that the development will enhance the biodiversity value of the site and ensure that these features are a fully integrated part of the development. Subject to condition the proposal complies with policy EP2.

8.10 **Impact on SSE Infrastructure**

There is SSE infrastructure in the vicinity of the development. The landscaping has been designed to account for this. SSE have requested that they are notified that work is to be undertaken and an informative note to that effect is recommended.

Conclusion

The development will contribute to meeting national carbon reduction targets and will also increase energy security. There is a site specific justification for development in this location as it is close to a substation that has capacity to connect to the grid. The site can be suitably serviced and any suitable mitigation is proposed in relation to potential impacts on noise or protected species. The landscape and visual impact is considered to be acceptable in this setting for other similar developments already dominate the landscape. The proposal is in accordance with policy and it is recommended for approval.

REASON(S) FOR DECISION

The Council's reason(s) for making this decision are: -

The proposal accords with the provisions of the development plan and there are no material considerations that indicate otherwise.

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APPENDIX

POLICY

Adopted Moray Local Development Plan 2015

Proposed Moray Local Development Plan 2020

PP1 PLACEMAKING

- a) Development must be designed to create successful, healthy places that support good physical and mental health, help reduce health inequalities, improve people's wellbeing, safeguard the environment and support economic development.
- b) A Placemaking Statement is required for residential developments of 10 units and above to be submitted with the planning application to articulate how the development proposal addresses the requirements of policy PP1 Placemaking and other relevant LDP policies and guidance. The Placemaking Statement must include sufficient information for the council to carry out a Quality Audit. Where considered appropriate by the council, taking account of the nature and scale of the proposed development and of the site circumstances, this shall include a landscaping plan, a topographical survey, slope analysis, site sections, 3D visualisations, a Street Engineering Review and a Biodiversity Plan. The Placemaking Statement must demonstrate how the development promotes opportunities for healthy living and working. The landscape plan must set out details of species type, size, timescales for planting and maintenance.
- c) To create successful, healthy places residential developments of 10 units and above must comply with Scottish Government policy Creating Places and Designing Streets and must incorporate the following fundamental principles:
 - (i) **Character and Identity**
 - Create places that are distinctive to prevent homogenous 'anywhere' development;
 - Provide a number of character areas reflecting site characteristics that have their own distinctive identity and are clearly distinguishable;
 - Provide distinctiveness between and in each character area through a combination of measures including variation in urban form, street structure/network, architecture and masonry, accent features (such as porches), surrounds and detailing, materials (buildings and surfaces), colour, boundary treatments, hard/soft landscaping and a variety of approaches to tree species and planting that emphasises the hierarchy of open spaces and streets within a cohesive design strategy for the whole development;
 - Distinctiveness must be reinforced along main thoroughfares, open spaces and places where people may congregate such as shopping/service centres;
 - Retain, incorporate and/or respond to relevant elements of the landscape such as topography and planted features, natural and historic environment, and propose street naming (in residential developments of 20 units and above, where proposed names are to be submitted with the planning application) to retain and enhance local associations;

(ii) Healthier, Safer Environments

- Designed to prevent crime, fear of crime and anti-social behaviour with good levels of natural surveillance and security using treatments such as low boundary walls, dual frontages (principal rooms) and well-lit routes to encourage social interaction. Unbroken high boundary treatments such as wooden fencing and blank gables onto routes, open spaces and communal areas will not be acceptable.
- Designed to encourage physical exercise for people of all abilities.
- Create a distinctive urban form with landmarks, key buildings, vistas, gateways and public art to provide good orientation and navigation through the development.
- Provide a mix of compatible uses, where indicated within settlement statements, integrated into the fabric of buildings within the street.
- Prioritise pedestrians and cyclists by providing a permeable movement framework that incorporates desire lines (including connecting to and upgrading existing desire lines) and is fully integrated with the surrounding network to create walkable neighbourhoods and encourage physical activity.
- Integrate multi- functional active travel routes, green and open space into layout and design, to create well connected places that encourage physical activity, provide attractive spaces for people to interact and to connect with nature.
- Create safe streets that influence driver behaviour to reduce vehicle speeds that are appropriate to the local context such as through shorter streets, reduced visibility and varying the building line.
- Provide seating opportunities within streets, paths and open spaces for all generations and mobility's to interact, participate in activity, and rest and reflect.
- Provide for people with mobility problems or a disability to access buildings, places and open spaces.
- Create development with public fronts and private backs.
- Maximise environmental benefits through the orientation of buildings, streets and open space to maximise the health benefits associated with solar gain and wind shelter.

(iii) Housing Mix

- Provide a wide range of well integrated tenures, including a range of house types and plot sizes for different household sizes, incomes and generations and meet the affordable and accessible requirements of policy DP2 Housing.

- All tenures of housing should have equal access to amenities, greenspace and active travel routes.

(iv) Open Spaces/Landscaping

- Provide accessible, multi-functional open space within a clearly defined hierarchy integrated into the development and connected via an active travel network of green/blue corridors that are fully incorporated into the development and to the surrounding area, and meet the requirements of policy EP5 Open Space and the Open Space Strategy Supplementary Guidance and Policy EP12 Managing the Water Environment and Drainage Impact Assessment for New Developments Supplementary Guidance.
- Landscaped areas must provide seasonal variation, (mix of planting and colour) including native planting for pollination and food production.
- Landscaping areas that because of their size, shape or location would not form any useable space or that will not positively contribute to the character of an area will not contribute to the open space requirements of Policy EP4 Open Space.
- Semi-mature tree planting and shrubs must be provided along all routes with the variety of approaches reflecting and accentuating the street hierarchy.
- Public and private space must be clearly defined.
- Play areas (where identified) must be inclusive, providing equipment so the facility is for every child/young person regardless of ability and provided upon completion of 50% of the character area.
- Proposals must provide advance landscaping identified in site designations and meet the quality requirements of policy EP5 Open Space.
- Structural landscaping must incorporate countryside style paths (such as bound or compacted gravel) with waymarkers.
- Maintenance arrangements for all paths, trees, hedging, shrubs, play/sports areas, roundabouts and other open/ green spaces and blue/green corridors must be provided.

v) Biodiversity

- Create a variety of high quality multi- functional green/blue spaces and networks that connect people and nature, that include trees, hedges and planting to enhance biodiversity and support habitats/wildlife and comply with policy EP2 Biodiversity and Geodiversity and EP5 Open Space.
- A plan detailing how different elements of the development will contribute to supporting biodiversity must be included in the design statement submitted with the planning application.
- Integrate green and blue infrastructure such as swales, permeable paving, SUDS ponds, green roofs and walls and grass/wildflower verges into streets, parking areas and plots to sustainably address drainage and flooding issues and enhance biodiversity from the outset of the development.
- Developments must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

(vi) Parking

- Car parking must not dominate the streetscape to the front or rear of properties. On all streets a minimum of 50% of car parking must be provided to the side or rear and behind the building line with a maximum of 50% car parking within the front curtilage or on street, subject to the visual impact being mitigated by hedging, low stone boundary walls or other acceptable treatments that enhance the streetscape.
- Provide semi-mature trees and planting within communal private and public/visitor parking areas and on-street parking at a maximum interval of 4 car parking spaces.
- Secure and covered cycle parking and storage, car sharing spaces and electric car charging points must be provided in accordance with policy DP1 Development Principles.
- Parking areas must use a variation in materials to reduce the visual impact on the streetscene.

(vii) Street Layout and Detail

- Provide a clear hierarchy of streets reinforced through street width, building density and street and building design, materials, hard/soft landscaping and a variety of approaches to tree planting and shrubs.
- Streets and connecting routes should encourage walking and cycling over use of the private car by providing well connected, safe and appealing routes.
- Design junctions to prioritise pedestrians, accommodate active travel and public transport and service/emergency vehicles to reflect the context and urban form and ensure that the street pattern is not standardised.
- Dead-end streets/cul-de-sacs will only be selectively permitted such as on rural edges or where topography, site size, shape or relationship to adjacent developments prevent an alternative more permeable layout. These must be short, serving no more than 10 units and provide walking and cycling through routes to maximise connectivity to the surrounding area.
- Where a roundabout forms a gateway into, or a landmark within, a town and/or a development, it must be designed to create a gateway feature or to contribute positively to the character of the area.
- Design principles for street layouts must be informed by a Street Engineering Review (SER) and align with Roads Construction Consent (RCC) to provide certainty that the development will be delivered as per the planning consent.

- (d) Future masterplans will be prepared through collaborative working and in partnership between the developer and the council for Lochyhill (Forres), Barhill Road (Buckie), Elgin Town Centre/Cooper Park, Elgin North East, Clarkly Hill, Burghead and West Mosstodloch. Masterplans that are not prepared collaboratively and in partnership with the council will not be supported. Masterplans that are approved will be Supplementary Guidance to the Plan. 111
- (e) Proposals for sites must reflect the key design principles and safeguard or enhance the green networks set out in the Proposals Maps and Settlement Statements. Alternative design solutions may be proposed where justification is provided to the planning authority's satisfaction to merit this.

PP2 SUSTAINABLE ECONOMIC GROWTH

Development proposals which support the Moray Economic Strategy to deliver sustainable economic growth will be supported where the quality of the natural and built environment is safeguarded, there is a clear locational need and all potential impacts can be satisfactorily mitigated.

PP3 INFRASTRUCTURE & SERVICES

Development must be planned and co-ordinated with infrastructure to ensure that places function properly and proposals are adequately served by infrastructure and services.

- a) In relation to infrastructure and services developments will be required to provide the following as may be considered appropriate by the planning authority, unless these requirements are considered not to be necessary:
- i) Education, Health, Transport, Sports and Recreation and Access facilities in accord with Supplementary Guidance on Developer Obligations and Open Space.
 - ii) Green infrastructure and network requirements specified in policy EP5 Open Space, Town and Village Maps and, contained within Supplementary Guidance on the Open Space Strategy, Masterplans and Development Briefs.
 - iii) Mitigation/modification to the existing transport network (including road and rail) to address the impact of the proposed development in terms of safety and efficiency. This may include but not be limited to passing places, road widening, junction enhancement, bus stop infrastructure, and drainage infrastructure. A number of potential road and transport improvements are identified and shown on the Town and Village Maps as Transport Proposals (TSP's) including the interventions in the Elgin Transport Strategy. These requirements are not exhaustive and do not pre-empt any measures which may result from the Transport Assessment process.
 - iv) Electric car charging points must be provided at all commercial and community parking facilities. Access to charging points must also be provided for residential properties, where in-curtilage facilities cannot be provided to any individual residential property then access to communal charging facilities should be made available. Access to other nearby charging facilities will be taken into consideration when identifying the need for communal electric charging points.
 - v) Active Travel and Core Path requirements specified in the Council's Active Travel Strategy and Core Path Plan.
 - vi) Safe transport and access routes linking to existing networks and mitigating the impacts of development off-site.
 - vii) Information Communication Technology (ICT) and fibre optic broadband connections for all premises unless justification is provided to substantiate it is technically unfeasible.

- viii) Foul and surface water drainage, including Sustainable Urban Drainage Systems (SUDS), including construction phase SUDS.
- ix) Measures that implement the waste management hierarchy as defined in the Zero Waste Plan for Scotland including the provision of local waste storage and recycling facilities designed into the development in accord with policy PP1 Placemaking. For major applications a site waste management plan may be required to ensure that waste minimisation is achieved during the construction phase.
- x) Infrastructure required to improve or increase capacity at Water Treatment Works and Waste Water Treatment Works will be supported subject to compliance with policy DP1.
- xi) A utilities plan setting out how existing and new utility (including gas, water, electricity pipelines and pylons) provision has been incorporated into the layout and design of the proposal. This requirement may be exempted in relation to developments where the council considers it might not be appropriate, such as domestic or very small scale built developments and some changes of use.

b) Development proposals will not be supported where they:

- i) Create new accesses onto trunk roads and other main/key routes (A941 & A98) unless significant economic benefits are demonstrated or such access is required to facilitate development that supports the provisions of the development plan.
- ii) Adversely impact on active travel routes, core paths, rights of way, long distance and other access routes and cannot be adequately mitigated by an equivalent or better alternative provision in a location convenient for users.
- iii) Adversely impact on blue/green infrastructure, including green networks important for wildlife unless an equivalent or better alternative provision will be provided.
- iv) Are incompatible with key waste sites at Dallachy, Gollanfield, Moycroft and Waterford and would prejudice their operation.
- v) Adversely impact on community and recreational sites, buildings or infrastructure including CF designations and cannot be adequately mitigated.
- vi) Adversely impact on flood alleviation and mitigation infrastructure.
- vii) Compromise the economic viability of bus or rail facilities.

c) Harbours

Development within and diversification of harbours to support their sustainable operation will be supported subject to compliance with other policies and settlement statements.

d) Developer Obligations

Developer obligations will be sought to mitigate any measurable adverse impact of a development proposal on local infrastructure, including education, healthcare,

transport (including rail), sports and recreational facilities and access routes. Obligations will be sought to reduce, eliminate or compensate for this impact. Developer obligations may also be sought to mitigate any adverse impacts of a development, alone or cumulatively with other developments in the area, on the natural environment.

Where necessary obligations that can be secured satisfactorily by means of a planning condition attached to planning permission will be done this way. Where this cannot be achieved, the required obligation will be secured through a planning agreement in accordance with Circular 3/2012 on Planning Obligations.

Developer obligations will be sought in accordance with the Council's Supplementary Guidance on Developer Obligations. This sets out the anticipated infrastructure requirements, including methodology and rates.

Where a developer considers that the application of developer obligations renders a development commercially unviable a viability assessment and 'open-book accounting' must be provided by the developer which Moray Council, via the District Valuer, will verify, at the developer's expense. Should this be deemed accurate then the Council will enter into negotiation with the developer to determine a viable level of developer obligations.

The Council's Developer Obligations Supplementary Guidance provides further detail to support this policy.

DP1 DEVELOPMENT PRINCIPLES

This policy applies to all development, including extensions and conversions and will be applied reasonably taking into account the nature and scale of a proposal and individual circumstances.

The Council will require applicants to provide impact assessments in order to determine the impact of a proposal. Applicants may be asked to determine the impacts upon the environment, transport network, town centres, noise, air quality, landscape, trees, flood risk, protected habitats and species, contaminated land, built heritage and archaeology and provide mitigation to address these impacts.

Development proposals will be supported if they conform to the relevant Local Development Plan policies, proposals and additional guidance, meet the following criteria and address their individual and cumulative impacts:

(i) Design

- a) The scale, density and character must be appropriate to the surrounding area and create a sense of place (see Policy PP1) and support the principles of a walkable neighbourhood.
- b) The development must be integrated into the surrounding landscape which will include safeguarding existing trees and undertaking replacement planting to include native trees for any existing trees that are felled, and safeguarding any notable topographical features (e.g. distinctive knolls), stone walls and existing water features by avoiding channel modifications and culverting. A tree survey and tree protection plan must be provided with planning applications for all

proposals where mature trees are present on site or that may impact on trees outwith the site. The strategy for new tree provision should follow the principles of the "Right Tree in the Right Place".

- c) Make provision for new open space and connect to existing open space under the requirements of Policy EP5 and provide details of the future maintenance of these spaces. A detailed landscape plan must be submitted with planning applications and include information about green/blue infrastructure, tree species, planting, ground/soil conditions, and natural and man-made features (e.g. grass areas, wildflower verges, fencing, walls, paths, etc.).
- d) Demonstrate how the development will conserve and enhance the natural and built environment and cultural heritage resources, retain original land contours and integrate into the landscape.
- e) Proposals must not adversely impact upon neighbouring properties in terms of privacy, daylight or overbearing loss of amenity.
- f) Proposals do not result in backland development or plots that are subdivided by more than 50% of the original plot. Sub-divided plots must be a minimum of 400m², excluding access and the built-up area of the application site will not exceed one-third of the total area of the plot and the resultant plot density and layout reflects the character of the surrounding area.
- g) Pitched roofs will be preferred to flat roofs and box dormers are not acceptable.
- h) Existing stone walls on buildings and boundaries must be retained. Alterations and extensions must be compatible with the character of the existing building in terms of design, form, choice of materials and positioning and meet all other relevant criteria of this policy.
- i) Proposals must orientate and design buildings to maximise opportunities for solar gain.
- j) All developments must be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use (calculated on the basis of the approved design and plans for the specific development) through the installation and operation of low and zero-carbon generating technologies.

(ii) Transportation

- a) Proposals must provide safe entry and exit from the development, including the appropriate number and type of junctions, maximise connections and routes for pedestrians and cyclists, including links to active travel and core path routes, reduce travel demands and ensure appropriate visibility for all road users at junctions and bends. Road, cycling, footpath and public transport connections and infrastructure must be provided at a level appropriate to the development and connect people to education, employment, recreation, health, community and retail facilities.
- b) Car parking must not dominate the street scene and must be provided to the side or rear and behind the building line. Maximum (50%) parking to the front

of buildings and on street may be permitted provided that the visual impact of the parked cars is mitigated by hedging or low stone boundary walls. Roadways with a single carriageway must provide sufficient off road parking to avoid access routes being blocked to larger service vehicles and prevent parking on pavements.

- c) Provide safe access to and from the road network, address any impacts on road safety and the local road, rail and public transport network. Any impacts identified through Transport Assessments/ Statements must be identified and mitigated. This may include but would not be limited to, passing places, road widening, junction improvements, bus stop infrastructure and drainage infrastructure. A number of potential mitigation measures have been identified in association with the development of sites and the most significant are shown on the Proposals Map as TSP's.
- d) Provide covered and secure facilities for cycle parking at all flats/apartments, retail, community, education, health and employment centres.
- e) Garages and parking provision must be designed to comply with Moray Council parking specifications see Appendix 2.
- f) The road layout must be designed to allow for the efficient mechanical sweeping of all roadways and channels, paviers, turning areas and junctions. The road layout must also be designed to enable safe working practices, minimising reversing of service vehicles, with hammerheads minimised in preference to turning areas such as road stubs or hatchets, and to provide adequate space for the collection of waste and movement of waste collection vehicles.
- g) The road and house layout in urban development should allow for communal refuse collection points where the design does not allow for individual storage within the curtilage and / or collections at kerbside. Communal collection points may either be for the temporary storage of containers taken by the individual householder or for the permanent storage of larger containers. The requirements for a communal storage area are stated within the Council's Kerbside Collection Policy, which will be a material consideration.
- h) Road signs should be minimised designed and placed at the back of footpaths to reduce street clutter, avoid obstructing pedestrian movements and safeguarding sightlines;
- i) Within communal parking areas there will be a requirement for electric car charging points. Parking spaces for car sharing must be provided where a need is identified by the Transportation Manager.

(iii) Water environment, pollution, contamination

- a) Acceptable water and drainage provision must be made, including the use of sustainable urban drainage systems (SUDS) for dealing with surface water including temporary/ construction phase SUDS (see Policy EP12).
- b) New development should not be located in areas at flood risk or increase vulnerability to flooding (see Policy EP12). Exceptions to this would only be

considered in specific circumstances, e.g. extension to an existing building or change of use to an equal or less vulnerable use. Where this exception is applied the proposed development must include resilience measures such as raised floor levels and electrical sockets.

- c) Proposals must avoid major hazard sites and address any potential risk of pollution including ground water contamination in accordance with recognised pollution prevention and control measures.
- d) Proposals must protect and wherever practicable enhance water features through for example naturalisation of watercourses by introducing a more natural planform and removing redundant or unnecessary structures.
- e) Proposals must address and sufficiently mitigate any contaminated land issues.
- f) Make acceptable arrangements for waste collection and management and encourage recycling.
- g) Avoid sterilising significant workable reserves of minerals, prime agricultural land or productive forestry.
- h) Proposals must avoid areas at risk of coastal erosion and coastal change.

DP9 RENEWABLE ENERGY

a) All Renewable Energy Proposals

All renewable energy proposals will be considered favourably where they meet the following criteria:

- i) They are compliant with policies to safeguard and enhance the built and natural environment;
- ii) They do not result in the permanent loss or permanent damage of prime agricultural land;
- iii) They avoid or address any unacceptable significant adverse impacts including:
 - Landscape and visual impacts.
 - Noise impacts.
 - Air quality impacts.
 - Electromagnetic disturbance.
 - Impact on water environment.
 - Impact on carbon rich soils and peat land hydrology.
 - Impact on woodland and forestry interests.
 - Traffic impact -mitigation during both construction and operation.
 - Ecological Impact.
 - Impact on tourism and recreational interests.

In addition to the above criteria, detailed assessment of impact will include consideration of the extent to which the proposal contributes to renewable energy generation targets, its effect on greenhouse gas emissions and net economic impact, including socio-economic benefits such as employment.

b) Onshore wind turbines

In addition to the assessment of the impacts outlined in part a) above, the following considerations will apply:

i) The Spatial Framework

Areas of Significant Protection (Map 2): where the Council will apply significant protection and proposals may be appropriate in circumstances where any significant effects on the qualities of these areas can be substantially overcome by siting, design and other mitigation.

Areas with Potential (Map 1): where proposals are likely to be acceptable subject to Detailed Consideration.

ii) Detailed Consideration

The proposal will be determined through site specific consideration of the following on which further guidance will be set out in supplementary guidance and as informed by the landscape capacity study:

Landscape and visual impact:

- the landscape is capable of accommodating the development without unacceptable significant adverse impact on landscape character or visual amenity.
- the proposal is appropriate to the scale and character of its setting, respects the main features of the site and the wider environment and addresses the potential for mitigation.

Cumulative impact

- unacceptable significant adverse impact from two or more wind energy developments and the potential for mitigation is addressed.

Impact on local communities

- the proposal addresses unacceptable significant adverse impact on communities and local amenity including the impacts of noise, shadow flicker, visual dominance and the potential for associated mitigation.

Other

- the proposal addresses unacceptable significant adverse impacts arising from the location within an area subject to potential aviation and defence constraints including flight paths and aircraft radar.
- the proposal avoids or adequately resolves other impacts including on the natural and historic environment, cultural heritage, biodiversity, forest and woodlands and tourism and recreational interests - core paths, visitor centres, tourist trails and key scenic routes.
- the proposal addresses any physical site constraints and appropriate provision for decommissioning and restoration.

iii) Extensions and Repowering of Existing Wind Farms

The proposal will be determined through assessment of the details of the proposal against Part a) and Parts b) (i) and (ii) above. Detailed assessment of impact will include consideration of the extent to which:

- the proposal, for extensions, impacts on the existing wind farm(s) setting and the ability to sit in the landscape on its own should the existing wind farm be decommissioned before the extension.
- the proposal, for repowering, makes use of existing infrastructure and resources, where possible, and limits the need for additional footprint.

c) Biomass

Proposals for the development of commercial biomass will be supported if the following criteria are met.

- Applicants must confirm which form of biomass will fuel the plant and if a mixture of biomass is proposed then what percentage split will be attributed to each fuel source.
- Proposals must demonstrate that they have taken account of the amount of supply fuel over the life of the project.
- When considering wood biomass proposals, the scale and location of new development is appropriate to the volume of local woodfuel available. Sources of fuel must be identified and must be sustainable.
- The location must have suitable safe access arrangements and be capable of accommodating the potential transport impacts within the surrounding roads network.
- A design statement must be submitted, which should include photomontages from viewpoints agreed by the Council.
- There must be a locational justification for proposals outwith general employment land designations. The proposed energy use, local heat users and connectivity of both heat users and electricity networks must be detailed. Proposals which involve potential or future heat users will not be supported unless these users can be brought online in conjunction with the operation of the plant.
- Details of the predicted energy input and output from the plant demonstrating the plant efficiency and utilisation of heat must be provided.
- Where necessary, appropriate structural landscaping must be provided to assist the development to integrate sensitively.

The criteria set out in relation to all renewable energy proposals (part a) must also be met.

The Council will consult with Scottish Forestry to help predict potential woodfuel supply projections in the area.

d) Heat

Where a heat network exists or is planned, proposals should include infrastructure to allow connection to that network.

Where no heat network is present or planned:

- Proposals should consider the feasibility for the creation of or connection to a heat network.
- Proposals should safeguard piperuns within the development, to its curtilage, for future connection to a heat network.
- Proposals should consider the provision of energy centres, or the reservation of land for an energy centre to facilitate future connection to a heat network.

Proposals for new development will be compared with the Scotland Heat Map to identify if it could make use of an existing heat supply or provide excess heat to heat users. This will be the case until the Council has concluded work on identifying where heat networks, heat storage and energy centres exist or would be appropriate in the plan area, at which point reference to that work should be made. Developments which have a high heat demand are encouraged to co-locate with sources of heat supply.

Where heat networks are not viable, proposals should include the use of microgeneration technologies and heat recovery associated with individual properties, unless demonstrating this is unnecessary or unviable.

The criteria set out in relation to all renewable energy proposals (part a) must also be met.

EP1 NATURAL HERITAGE DESIGNATIONS

a) European Site designations

Development likely to have a significant effect on a European Site and which is not directly connected with or necessary to the conservation management of that site must be subject to an appropriate assessment of the implications for its conservation objectives. Proposals will only be approved where the appropriate assessment has ascertained that there will be no adverse effect on the integrity of the site.

In exceptional circumstances, proposals that could affect the integrity of a European Site may be approved where:

- i) There are no alternative solutions, and
- ii) There are imperative reasons of over-riding public interest including those of a social or economic nature, and
- iii) Compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

For European Sites hosting a priority habitat or species (as defined in Article 1 of the The Conservation (Natural Habitat & c.) Regulations 1994), prior consultation with the European Commission via Scottish Ministers is required unless the imperative reasons of overriding public interest relate to human health, public safety or beneficial consequences of primary importance to the environment.

b) National designations

Development proposals which will affect a National Park, National Scenic Area (NSA), Site of Special Scientific Interest (SSSI) or National Nature Reserve will only be permitted where:

- i) The objectives of designation and the overall integrity of the area will not be compromised; or
- ii) Any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

c) Local Designations

Development proposals likely to have a significant adverse effect on Local Nature Reserves, wildlife sites or other valuable local habitats will be refused unless it can be demonstrated that;

- i) Public benefits clearly outweigh the nature conservation value of the site, and
- ii) There is a specific locational requirement for the development, and
- iii) Any potential impacts can be satisfactorily mitigated to conserve and enhance the site's residual conservation interest.

d) European Protected Species

European Protected Species are identified in the Habitats Regulations 1994 (as amended in Scotland). Where a European Protected Species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application, to demonstrate how the Regulations will be complied with. The survey should be carried out by a suitably experienced and licensed ecological surveyor.

Proposals that would have an adverse effect on European Protected Species will not be approved unless;

- The need for development is one that is possible for SNH to grant a license for under the Regulations (e.g. to preserve public health or public safety).
- There is no satisfactory alternative to the development.
- The development will not be detrimental to the maintenance of the favourable conservation status of the species.

e) Other protected species

Wild birds and a variety of other animals are protected under domestic legislation, such as the Wildlife and Countryside Act 1981 (as amended in Scotland by the Nature Conservation (Scotland) Act 2004 and the Wildlife and Natural Environment (Scotland) Act 2011), Protection of Badgers Act 1992 and Marine (Scotland) Act 2010. Where a protected species may be present or affected by development or activity arising from development, a species survey and where necessary a Species Protection Plan should be prepared to accompany the planning application to demonstrate how legislation will be complied with. The survey should be carried out by a suitably experienced ecological surveyor, who may also need to be licensed depending on the species being surveyed for.

Proposals which would have an adverse effect on badgers or their setts must be accompanied by a Badger Protection Plan demonstrating how impacts will be avoided, mitigated, minimised or compensated for.

EP2 BIODIVERSITY

All development proposals must, where possible, retain, protect and enhance features of biological interest and provide for their appropriate management. Development must safeguard and where physically possible extend or enhance wildlife corridors and green/blue networks and prevent fragmentation of existing habitats.

Development should integrate measures to enhance biodiversity as part of multi-functional spaces/ routes.

Proposals for 4 or more housing units or 1000 m² or more of commercial floorspace must create new or, where appropriate, enhance natural habitats of ecological and amenity value.

Developers must demonstrate, through a Placemaking Statement where required by Policy PP1 which incorporates a Biodiversity Plan, that they have included biodiversity features in the design of the development. Habitat creation can be achieved by providing links into existing green and blue networks, wildlife friendly features such as wildflower verges and meadows, bird and bat boxes, amphibian friendly kerbing, wildlife crossing points such as hedgehog highways and planting to encourage pollination, wildlife friendly climbing plants, use of hedges rather than fences, incorporating biodiversity measures into SUDS and retaining some standing or lying dead wood, allotments, orchards and woodlands.

Where development would result in loss of natural habitats of ecological amenity value, compensatory habitat creation will be required where deemed appropriate.

EP12 MANAGEMENT AND ENHANCEMENT OF THE WATER ENVIRONMENT

a) Flooding

New development will not be supported if it would be at significant risk of flooding from any source or would materially increase the possibility of flooding elsewhere. For development at or near coastal locations, this includes consideration of future flooding that may be caused by sea level rise and/or coastal change eroding existing natural defences in the medium and long term.

Proposals for development in areas considered to be at risk from flooding will only be permitted where a flood risk assessment to comply with the recommendations of Scottish Planning Policy and to the satisfaction of Scottish Environment Protection Agency and the Council is provided by the applicant.

There are different levels of flood risk assessment dependent on the nature of the flood risk. The level of assessment should be discussed with the Council prior to submitting a planning application.

Level 1 - a flood statement with basic information with regard to flood risk.

Level 2 - full flood risk assessment providing details of flood risk from all sources, results of hydrological and hydraulic studies and any appropriate proposed mitigation.

Assessments must demonstrate that the development is not at risk of flooding and would not increase the probability of flooding elsewhere. Level 2 flood risk assessments must be signed off by a competent professional. The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required.

Due to continuing changes in climatic patterns, the precautionary principle will apply when reviewing any application for an area at risk from inundation by floodwater. Proposed development in coastal areas must consider the impact of tidal events and wave action when assessing potential flood risk.

The following limitations on development will also be applied to take account of the degree of flooding as defined in Scottish Planning Policy;

- a) In areas of little to no risk (less than 0.1%), there will be no general constraint to development.
- b) Areas of low to medium risk (0.1% to 0.5%) will be considered suitable for most development. A flood risk assessment may be required at the upper end of the probability range i.e. (close to 0.5%) and for essential civil infrastructure and the most vulnerable uses. Water resistant materials and construction may be required. Areas within this risk category will generally not be suitable for civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during flooding events.
- c) Areas of medium to high risk (0.5% or above) may be suitable for:
 - Residential, institutional, commercial and industrial development within built up areas provided that flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood management plan.
 - Essential infrastructure within built up areas, designed and constructed to remain operational during floods and not impede water flow.
 - Some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place, and
 - Employment related accommodation e.g. caretakers or operational staff.

Areas within these risk categories will generally not be suitable for the following uses and where an alternative/lower risk location is not available;

- Civil infrastructure and most vulnerable uses.
- Additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons e.g. for navigation and water based recreation, agriculture, transport or utilities infrastructure (which should be designed to be operational during floods and not impede water flows).
- New caravan and camping sites.

Where development is permitted, measures to protect against or manage flood risk will be required and any loss of flood storage capacity mitigated to achieve a neutral or better outcome. Water resistant materials and construction must be used where appropriate. Land raising and elevated buildings on structures such as stilts are unlikely to be acceptable.

b) Surface Water Drainage: Sustainable Urban Drainage Systems (SUDS)

Surface water from development must be dealt with in a sustainable manner that has a neutral effect on flooding or which reduces the risk of flooding. The method of dealing with surface water must also avoid pollution and promote habitat enhancement and amenity. All sites must be drained by a sustainable drainage system (SUDS) designed in line with current CIRIA guidance. Drainage systems must contribute to enhancing existing "blue" and "green" networks while contributing to place-making, biodiversity, recreational, flood risk and climate change objectives.

When considering the appropriate SUDS design for the development the most sustainable methods, such as rainwater harvesting, green roofs, bio retention systems, soakaways, and permeable pavements must be considered first. If it is necessary to include surface water attenuation as part of the drainage system, only above ground attenuation solutions will be considered, unless this is not possible due to site constraints.

If below ground attenuation is proposed the developer must provide a robust justification for this proposal. Over development of a site or a justification on economic grounds will not be acceptable. When investigating appropriate SUDS solutions developers must integrate the SUDS with allocated green space, green networks and active travel routes to maximise amenity and biodiversity benefits.

Specific arrangements must be made to avoid the issue of permanent SUDS features becoming silted-up with run-off. Care must be taken to avoid the spreading and/or introduction of invasive non-native species during the construction of all SUDS features. On completion of SUDS construction the developer must submit a comprehensive Operation and Maintenance Manual. The ongoing maintenance of SUDS for all new development will be undertaken through a factoring agreement, the details of which must be supplied to the Planning Authority.

All developments of less than 3 houses or a non-householder extension under 100 square metres must provide a Drainage Statement. A Drainage Assessment will be required for all developments other than those identified above.

c) Water Environment

Proposals, including associated construction works, must be designed to avoid adverse impacts upon the water environment including Ground Water Dependent Terrestrial Ecosystems and should seek opportunities for restoration and/or enhancement, if appropriate. The Council will only approve proposals impacting on water features where the applicant provides a report to the satisfaction of the Council that demonstrates that any impact (including cumulative) on water quality, water quantity, physical form (morphology), river hydrology, sediment transport and erosion, coastal processes (where relevant) nature conservation (including protected species), fisheries, recreational, landscape, amenity and economic and social impact can be adequately mitigated.

The report must consider existing and potential impacts up and downstream of the development particularly in respect of potential flooding. The Council operates a presumption against the culverting of watercourses and any unnecessary engineering works in the water environment.

A buffer strip of at least 6 metres between any new development and all water features is required and should be proportional to the bank width and functional river corridor (see table on page 96). This must achieve the minimum width within the specified range as a standard, however, the actual required width within the range should be calculated on a case by case basis by an appropriately qualified individual. These must be designed to link with blue and green networks, including appropriate native riparian vegetation and can contribute to open space requirements.

Developers may be required to make improvements to the water environment as part of the development. Where a Water Framework Directive (WFD) water body specific objective is within the development boundary, or in proximity, developers will need to address this within the planning submission through assessment of potential measures to address the objective and implementation, unless adequate justification is provided. Where there is no WFD objective the applicant should still investigate the potential for watercourse restoration along straightened sections or removal of redundant structures and implement these measures where viable.

Width to watercourse (top of bank)	Width of buffer strip (either side)
Less than 1m	6m
1-5m	6-12m
5-15m	12-20m
15m+	20m+

The Flood Risk Assessment and Drainage Impact Assessment for New Development Supplementary Guidance provides further detail on the information required to support proposals.

EP14 POLLUTION, CONTAMINATION & HAZARDS

a) Pollution

Development proposals which may cause significant air, water, soil, light or noise pollution or exacerbate existing issues must be accompanied by a detailed assessment report on the levels, character and transmission of the potential pollution with measures to mitigate impacts. Where significant or unacceptable impacts cannot be mitigated, proposals will be refused.

b) Contamination

Development proposals on potentially contaminated land will be approved where they comply with other relevant policies and;

- i) The applicant can demonstrate through site investigations and risk assessment, that the site is in a condition suitable for the proposed development and is not causing significant pollution of the environment; and
- ii) Where necessary, effective remediation measures are agreed to ensure the site is made suitable for the new use and to ensure appropriate disposal and/ or treatment of any hazardous material.

c) Hazardous sites

Development proposals must avoid and not impact upon hazardous sites or result in public safety concerns due to proximity or use in the vicinity of hazardous sites.