

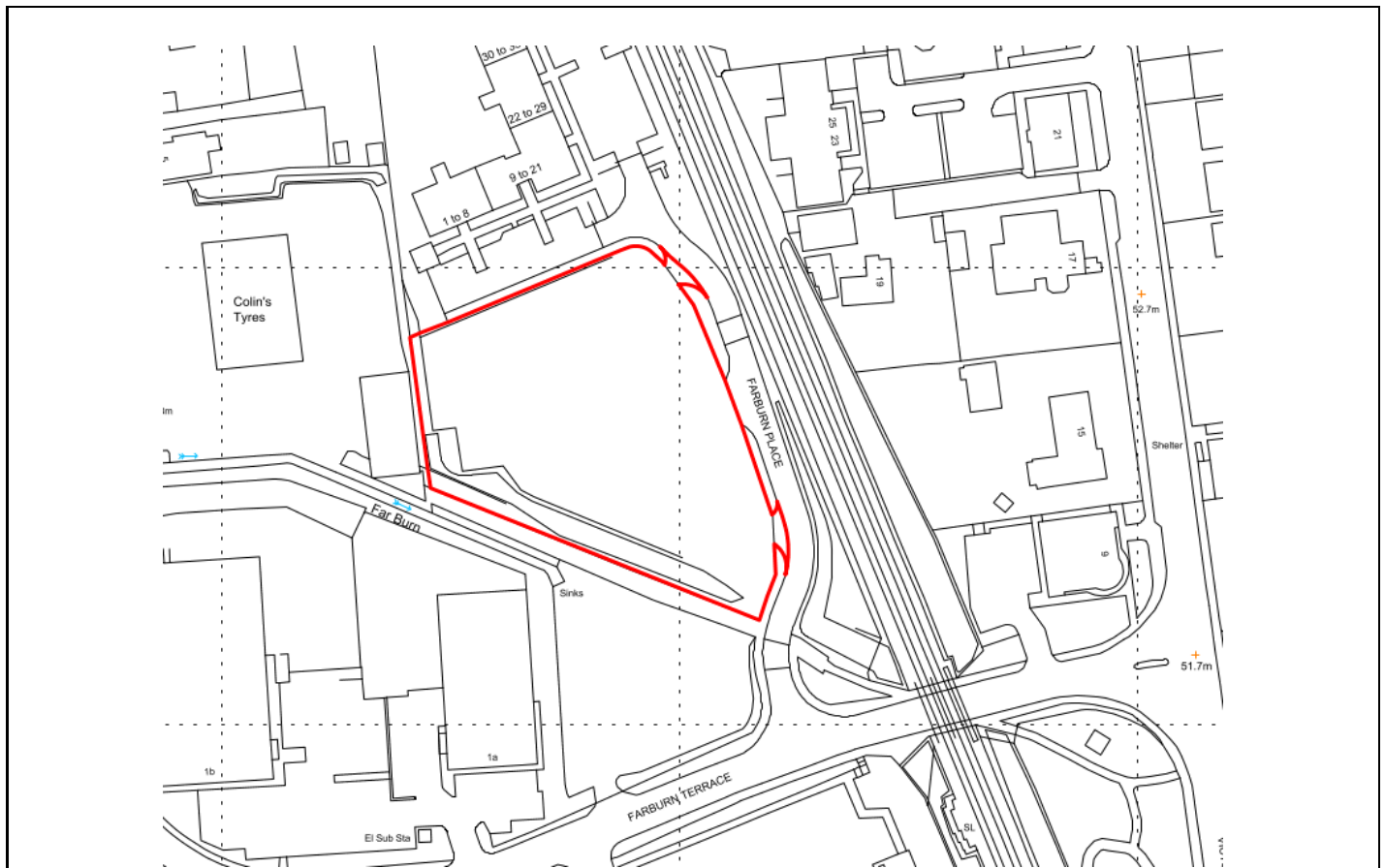


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date: 30<sup>th</sup> September 2021**

<b>Site Address:</b>	Site At Farburn Place, Dyce, Aberdeen, AB21 7GP
<b>Application Description:</b>	Erection of energy storage facility with associated works
<b>Application Ref:</b>	210665/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	13 May 2021
<b>Applicant:</b>	Cragside Energy Limited
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Dyce and Stoneywood
<b>Case Officer:</b>	Gavin Clark



## RECOMMENDATION

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The site comprises an area of vacant land extending to approximately 0.4ha located adjacent to the main Aberdeen-Inverness rail line and approximately 0.5km to the south of Dyce Railway Station. The site comprises vacant, flat land with access taken from Farburn Place to the east. The site has most recently been used as an ad-hoc parking area without the benefit of planning permission. The Far Burn runs along the southern boundary of the site within a culvert.

The site lies to the east of Aberdeen Airport. The land to the north is occupied by residential flats with associated parking areas. These are 4-storeys in height and overlook the application site. There are existing residential properties to the east of the railway line and a mixture of business and industrial properties within the wider surrounding area.

### **Relevant Planning History**

Planning permission (Ref: 200121/DPP) was refused in June 2020 for a change of use from amenity land to form temporary car parking with associated car parking, paths and works. Planning permission (Ref: 130326) for the erection of 4 storey office accommodation (4345 sqm office space), formation of associated car parking and ancillary structures and opening section of the culvert of the Far Burn crossing the site and re-directing to the west was withdrawn in April 2015.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

The proposal seeks detailed planning permission for the formation of a battery storage facility with associated works. The proposed energy storage facility would take the form of a series of modular units containing batteries, each with a power output of between 2MWhr and 5MWhr.

The principal aim of the facility would be to store surplus electricity from the National Grid at peak times during productions. At times of peak demand, or when there is a reduction in energy generated from weather dependant sources such as wind and solar, the stored electricity can then be fed back to the Grid when it is needed the most. The proposed facility would also play a role in controlling the "quality" of electricity transmitted, mitigating the potential for system trips by helping control the frequency of the network and would also provide associated ancillary equipment housing, including transformers, inverters, switchgear and basic welfare facilities. The batteries are prefabricated and pre-assembled modular units.

The facility would be connected to the grid via the existing large substation at Cothal View at the north end of Dyce by an underground cable. The facility is proposed to be 'unmanned' with the facility being controlled and monitored remotely and maintenance staff visiting on a weekly basis. It is envisaged the proposal would have an operational lifespan of around 25 years.

Access to the site would be taken from Farburn Place to the east, with two parking spaces contained within the north-east corner of the site. A mixture of fencing types is proposed including a 2.4m high security palisade fence, 3.5m high and 5.5m high timber acoustic fencing and 2.4m high masonry walling. There would be 14 containers on the site, 7 transformer units and 14 inverter units. Landscaping is also proposed around the periphery of the site.

The proposal has been amended since the original submission. The secondary access location has been amended slightly following discussions with colleagues in Roads Development Management, revised landscaping plans were submitted, further justification was submitted for the required acoustic fencing and a supporting statement was submitted to address the matters raised in representation.

## **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QT01P9BZJLZ00>

- Noise Impact Assessment
- Flood Risk Assessment
- Transport Statement
- Landscape Management Plan
- Energy and Sustainability Statement
- Planning, Design and Access Statement
- Pre-Application Consultation Report
- Preliminary Ecological Assessment
- Drainage Impact Assessment
- Phase 1 Preliminary Risk Assessment

## **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the proposal relates to a major development and has been subject to an objection from Dyce and Stonewood Community Council, subsequently the proposal falls out with the Scheme of Delegation.

## **Pre-Application Consultation**

This application is accompanied by a Pre-Application Consultation Report (PAC Report), as required by the relevant regulations for all planning applications concerning developments in the major category.

The applicants held a virtual statutory pre-application consultation event on the 29<sup>th</sup> March 2021. An advertisement was placed in the Evening Express on the 22<sup>nd</sup> March 2021 giving notice of the public consultation event. Notice was also sent to Dyce and Stonewood Community Council, the local ward councillors, residents of Farburn Place and Network Rail (which was the level of consultation agreed with the Planning Service). These notices included details of the location, date, and timing of the event as well as a short description of the development and details of how to obtain further information about the proposals.

A dedicated website was also set up to provide details of the applicant along with a link to the live consultation event. A recording of the live event was also able to view on the website. A consultation room was also set up where it was possible to enter and view presentation boards which offered links to book into any of the live consultation events.

The Pre-Application Consultation Report advises that a limited number of responses (two) had been received but from those submitted consideration has been given to these comments and the project has evolved to take specific account of key environmental considerations and likely issues associated with local amenity. In particular, careful consideration has been given to the design and layout in respect of noise and visual amenity, with appropriate assessments undertaken and mitigation measures proposed.

On the 22<sup>nd</sup> April 2021, the applicant gave a presentation of the proposal to the Council's Pre-Application Forum. A Power-Point presentation was given to members based on the live consultation event. This was followed by the opportunity for members to make comment and ask questions in relation to the proposed development. Issues were raised in relation to planning policy compliance in relation to mixed use, measures provided for planting and visual amenity, fire risk, noise and acoustic fencing, lighting, operational capacity, consideration of health and

emissions, airport safeguarding, choice of location, security, land contamination and grid connection.

## **CONSULTATIONS**

**Network Rail Infrastructure Ltd.** – no objection to the principle of development. They have suggested the insertion of an informative in relation to roof water.

**ACC - Roads Development Management Team** – no objection following the submission of amended plans relating to the relocation of the secondary access.

**ACC - Environmental Health** – have reviewed the proposal and have no objection to the application. Their response will be discussed in greater detail in the evaluation section of this report.

**Aberdeen International Airport** – initially raised some concerns about the types of landscaping proposed, as it included a large proportion of species that may attract birds and increase bird strike risk at the airport. Amended landscaping plans were submitted by the applicants and the airport were re-consulted on the proposals and noted that the revisions do not conflict with safeguarding criteria.

**ACC - Waste and Recycling** – advised of the waste management requirements for the proposed development.

**ACC - Structures, Flooding and Coastal Engineering** – have reviewed the submitted Flood Risk Assessment and have no objection.

**ACC - Contaminated Land Team** – no objection, their response will be discussed in greater detail in the evaluation section of this report. They have requested the insertion of a condition relating to the submission of a further contaminated land assessment.

**Dyce and Stoneywood Community Council** – object to the application. They consider that insufficient information has been submitted in relation to the nature and operation of the “energy storage units” and the application therefore fails to comply with Policy R8 (Renewable and Low Carbon Energy Developments) of the ALDP with respect to its effect on residential amenity and safety.

**SEPA** – advised that the case officer should consider whether there are fluvial flood risk issues, and if so, seek further consultation with SEPA.

## **REPRESENTATIONS**

The proposal has been subject to two letters of representation (objection). The matters raised can be summarised as follows:

1. The ground on which the proposed energy site is not fit for purpose to hold any weight of machinery as the walls of the current embankment are currently subsiding due to the weight of vehicles sitting on it at present.
2. Part of the site is not owned by the proposed development and is owned by another party.
3. No Safety Risk Assessment has been undertaken based on the type of battery to be used. The inherent risk of potential fires in lithium batteries is well known and documented. A full independent risk assessment should be commissioned based on the battery type as a facility such as that proposed next to business and industrial uses poses a fire risk with

subsequent release of toxic gas. They had no objection to the principal of energy storage but believed that this was not the correct location for such a system.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where, in making any determination under the planning acts, regard is to be had to the provisions of the Development Plan and that determination shall be made in accordance with the plan, so far as material to the application unless material considerations indicate otherwise.

### **Scottish Planning Policy (2014)**

Scottish Planning Policy was approved in 2014. An updated version published in December 2020 is currently subject to challenge, therefore SPP 2014 remains in place. Paragraph 80 of SPP supports the generation of energy from a renewable source where it accords with other policy objectives and there is secure provision for restoration to return the land to its former status.

Paragraph 169 also provides guidance for energy infrastructure developments and matters that should be taken into consideration. Paragraph 172 also advises that where new energy generation or storage proposals are being considered, the potential to connect those projects to off-grid areas should be considered.

### **Aberdeen City and Shire Strategic Development Plan 2020**

The SDP also discussed renewable energy and notes the requirement to supply heat and power from renewable sources, as well as supporting reduced emissions from existing power stations. A more diverse mix of renewable energy sources, along with storage, will be needed if we are to meet Scottish Government renewables targets, make best use of the resources available, and ensure continuity of supply to serve communities and businesses across the City Region.

### **Aberdeen Local Development Plan (2017)**

- Policy H2: Mixed Use Areas
- Policy T2: Managing the Transport Impact of Development
- Policy T3: Sustainable and Active Travel
- Policy T5: Noise
- Policy B4: Aberdeen Airport
- Policy D1: Quality Placemaking by Design
- Policy D2: Landscape
- Policy NE6: Flooding, Drainage and Water Quality
- Policy NE8: Natural Heritage
- Policy R2: Degraded and Contaminated Land
- Policy R6: Waste Management Requirements for New Development
- Policy R8: Renewable and Low Carbon Energy Development

### **Supplementary Guidance and Technical Advice Notes**

- Landscape
- Transport and Accessibility
- Noise
- Natural Heritage
- Flooding, Drainage and Water Quality
- Resources for New Development

## **Proposed Aberdeen Local Development Plan (2020)**

The Proposed Aberdeen Local Development Plan (Proposed ALDP) was approved at the Council meeting of 2 March 2020. A period of representation in public was undertaken from May to August 2020 and the Proposed ALDP has since been submitted to the Scottish Government Planning and Environmental Appeals Division for Examination in Public. The Proposed ALDP constitutes the Council's settled view as to what the final content of the next adopted ALDP should be and is now a material consideration in the determination of planning applications. The Aberdeen Local Development Plan 2017 will continue to be the primary document against which applications are considered. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether – such matters have or have not received representations as a result of the period of representations in public for the Proposed ALDP; and the level of representations received in relation to relevant components of the Proposed ALDP and their relevance of these matters to the application under consideration.

The foregoing can only be assessed on a case-by-case basis. The following policies are considered to be of relevance: Policies WB3: Noise, NE3: Our Natural Heritage, NE4: Our Water Environment, D1: Quality Placemaking, D2: Amenity, D4: Landscape, R6: Renewable and Low Carbon Energy Developments, R7: Renewable and Low Carbon Energy Developments, H2: Mixed Use Areas, T2: Sustainable Transport, T3: Parking and B3: Aberdeen International Airport and Perwinnes Radar of the Proposed Aberdeen Local Development Plan.

## **EVALUATION**

### **Principle of Development**

Policy H2 "Mixed Use Areas" of the ALDP advises that *"applications for development or change of use within Mixed Use Areas must take into account the existing uses and the character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity.... where new industrial business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area"*.

Policy R8 "Renewable and Low Carbon Developments" is also considered to be of relevance, this advises that the *"development of renewable and low carbon energy schemes where the technology can operate efficiently and the environmental and cumulative impacts can be satisfactorily addressed will be supported in principle if proposals (i) do not cause significant harm to the local environment, including landscape character and appearance of listed buildings and conversation areas, do not negatively impact on air quality, do not negatively impact on tourism and do not have a significant adverse impact on the amenity of dwelling houses"*.

In terms of an assessment against Policy H2, the proposed facility would be located adjacent to business and industrial uses, although it is noted that residential properties are present to the north. Supporting information, by way of a Noise Impact Assessment and other associated documents indicate that the proposed facility can be accommodated in this location without having an adverse impact on the character and amenity of the surrounding area. Whilst the noise mitigation measures required, including 5.5m high acoustic fencing may be particularly high, these could be reduced (as discussed below) to lessen the overall impact on the development. The proposed use and associated mitigation measures therefore meet the requirements of Policy H2 (Mixed Use Areas) of the ALDP.

In terms of an assessment against Policy R8, the proposal is associated with the ongoing operation of renewable energy schemes, and the applicants have submitted supporting information which indicates that the proposal would have no adverse impact on the surrounding environment, given the nature of the proposals and the fact that Environmental Health have raised no adverse comment the proposal would have no adverse impact in terms of air quality, the proposal would have no impact on tourism and the supporting information also indicates that the

proposed development would have no adverse impact on the amenity of dwellinghouses. The proposal would therefore comply with Policy R8 (Renewable and Low Carbon Developments) of the ALDP.

The proposal is envisaged to have an operational lifespan of around 25 years. Conditions are proposed to be applied to any approval that would require the batteries to be replaced should they become redundant, and the overall use to cease and site restored in the event that less than 50% of the batteries are operational for a period of more than 12 months.

### **Layout, Siting and Design**

To determine the effect of the proposal on the character of the area it is necessary to assess it in the context of Policy D1 of the ALDP. This policy recognises that not all development will be of a scale that makes a significant placemaking impact but recognises that good design and detail adds to the attractiveness of the built environment.

It is noted that the majority of the works, including the modular buildings and associated infrastructure have been designed with due consideration for their context, and would have no adverse impact on the character or amenity of the surrounding area. The proposal would have the appearance of an industrial site, screened behind acoustic fencing and soft landscape planting.

The “resource efficient” criteria set within the six qualities of successful placemaking advised in Policy D1 encourage the use of existing buildings and brownfield sites, maximises efficiency of use of resources through natural or technological means, minimises energy use and loss and makes use of available sources of heat and power. The proposed development is considered to comply with the above criteria.

The Planning Service raised concerns in relation to the height of the acoustic barriers, which varied between 3.5m and 5.5m in height. The height of the proposed acoustic barriers is as recommended in the NIA, although the applicants note that these may be reduced depending upon the final technology provider to be used. It should be noted that a revised NIA and amended plans may be required in this regard. Should it be demonstrated that reduced acoustic barriers can be used, this could be dealt with as a variation, given that it is a ‘worst case scenario’ that is being assessed through this application. The applicant has sought to lessen the overall visual impact of the development through appropriate landscaping and the positioning of such in relation to sensitive receptors. This includes the barriers being located directly adjacent to the units, allowing the site boundary walls to be constructed at a lower height. The acoustic fencing will be of solid timber construction and can be finished in appropriate tone to assimilate with the surroundings. The applicants also submitted 3D visualisations in support of the proposal. On balance, whilst the height of these features would be significant at up to 5.5m – particularly on the eastern elevation, they are required to lessen the noise impact of the development, and the applicant’s mitigation measures of landscaping and appropriate colouring are considered to be acceptable to minimise the visual impact of these works. A suspensive condition will be applied to require submission of the boundary treatment details.

In conclusion, considering the foregoing evaluation, it is considered that the proposal would comply with D1 (Quality Placemaking by Design) of the ALDP.

### **Noise**

It is acknowledged that such a proposal may have the potential to adversely impact on residential amenity, given the flats to the north. As a result, a Noise Impact Assessment was required to be submitted in support of the planning application. Policy T5 (Noise) of the ALDP advises that “*there will be a presumption against noise generating developments, as identified by an NIA, being located close to noise sensitive developments, such as existing or proposed housing*”.

The submitted NIA has been reviewed by colleagues in the Environmental Health Service, who consider the findings and proposed mitigation measures to be acceptable. This is on the basis that the proposal applies the critical noise mitigation measures achieving at least an equivalent effect of those measures contained within the assessment (or other measure demonstrated as appropriate and accepted by Environmental Health) and note that this must include:

- Application of noise barriers as detailed within Section 6.04 including 3.5m high and 5.5m high barriers as demonstrated in figure 5 of the NIA; and
- The noise barrier complying with the specification detailed within Section 6.10 of the NIA namely, having a surface was of at least 15kg/ m<sup>2</sup> and has an acoustically absorbent inner surface.

In terms of the above, from a planning perspective, the issues relating to the acoustic fencing have been discussed elsewhere in this report, noting that the size of the fencing on balance is considered acceptable and a worst-case scenario to ensure that the proposed development would not adversely impact on the residential amenity of properties in the surrounding area. Compliance with the NIA will be controlled via an appropriately worded planning condition which, in turn, would ensure compliance with Policy T5 (Noise) and the associated SG: Noise of the ALDP.

### **Landscaping and Natural Heritage**

The proposal has been subject to consultation with colleagues in Environmental Policy (EP), who looked at various aspects including natural heritage and the landscaping proposed as part of the application. They consider the findings of the Preliminary Ecological Assessment to be acceptable but note that the mitigation and further surveys in relation to nesting birds must be adhered to in order to avoid any offences. This matter can be controlled via condition and the proposed development would comply with the general principles of Policy NE8 (Natural Heritage) of the ALDP.

In terms of landscaping, it is noted that the proposal has been amended since the original submission to take account of comments raised by Aberdeen International Airport, with the landscaping taking place around the periphery of the site to minimise the visual impact of the boundary treatments proposed. Colleagues in EP consider the landscaping proposals to be generally acceptable, noting the use of mixed native species. Clarification was sought on some aspects including the use of tree protection measures, and what was proposed on the sloping ground to the south. The revised plans now show landscaping within the southern area, to ensure that the site is bound via appropriate landscaping. Whilst these details are generally acceptable, a further condition will be added to ensure that the finalised landscaping scheme is submitted to and approved in writing by the Planning Authority. Subject to this, it is considered that the development would comply with the general provisions of Policy D2: Landscape of the ALDP.

Colleagues in EP also noted that there is a path running to the south of the site along the Far Burn from Farburn Place to Farburn Terrace. They note that the path is out with the application site, but the developer would need to ensure that the development does not encroach of this through any landscaping schemes. In response to this, the applicant confirmed that the footpath to the site is no longer operational and has been closed off in cooperation with the Council. The landowner has also agreed a wider cycle path to the south.

### **Flooding, Drainage and Water Quality**

Policy NE6 of the ALDP advises that *“development will not be permitted if it would increase the risk of flooding, would be at itself at risk of flooding, adequate provision is not made for access to waterbodies, or it would require the construction of new or strengthened flood defences”*. The proposal has been subject to consultation with colleagues in both Flooding and with SEPA, neither of whom have raised any concerns with the proposal, and both of whom are content with the



recommendations as contained within the Flood Risk Assessment. The proposal is therefore not considered to be at risk of flooding and would not increase flood risk in the surrounding area and is therefore considered to comply with the provisions of Policy NE6 (Flooding, Drainage and Water Quality) of the ALDP, as well as with its associated SG.

### **Roads/Transportation**

Policy T2 of the ALDP advises that *“new development must demonstrate that sufficient measures have been taken to minimise traffic generated and to maximise opportunities for sustainable and active travel”*. The proposal has been subject to consultation with colleagues in Roads Development Management, who initially raised concerns about the proposal for two junctions. They also requested the submission of suitable swept path analysis. The proposal was amended to alter the location of the secondary access and to provide suitable turning areas and RDM subsequently confirmed that they had no further objection to this aspect of the proposal. They were content with the two parking spaces proposed. They also advised that an RCC would be required for the new access road and an informative will be added in this regard. The proposed development, as a result of the amended plans, is considered to comply with Policy T2 (Managing the Transport Impact of Development) and its associated SG: Transport and Accessibility of the ALDP.

In terms of waste arrangements for the proposed development, colleagues in waste management have advised of the waste requirement for the development, noting that the proposal is classed as commercial and would receive a commercial waste collection. Suitable swept path has also been submitted to the acceptance of colleagues in RDM. The proposal would not conflict with the provisions of Policy R6 (Waste Management Requirements for New Development) and its associated SG: Resources for New Development of the ALDP.

### **Degraded and Contaminated Land**

Policy R2 of the ALDP advises that *“the City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use”*. The proposal has been subject to consultation with the Council’s Contaminated Land Team, who have noted that the development is located on former railway land and there is potential for land contamination. The Phase 1 Preliminary Assessment submitted in support of the application acknowledges the potential for contamination and recommends that a Phase 2 intrusive ground assessment is carried out. They have suggested that this matter could be controlled via condition. Subject to the above being carried out, the application site could be restored to a level suitable for the proposed use and the application would therefore comply with Policy R2 (Degraded and Contaminated Land) of the ALDP.

### **Aberdeen Airport**

The proposal has been subject to consultation with Aberdeen International Airport, the boundary of which is located approximately 120m the west of the application site boundary. The airport initially raised some concerns about the types of landscaping proposed, as it included a large proportion of species that may attract birds and increase bird strike risk at the airport. Amended landscaping plans were submitted by the applicants and the airport were re-consulted on the proposals and noted that the revisions do not conflict with safeguarding criteria. They therefore have no objection to the proposals. They have, however, suggested the insertion of an informative regarding the use of cranes. The proposal would comply with the general provision of Policy B4 (Aberdeen Airport) of the ALDP.

### **Proposed Aberdeen Local Development Plan**

In relation to this particular application, the policies in the Proposed Aberdeen Local Development Plan 2020 (PALDP) substantively reiterate those in the adopted Local Development Plan and the proposal is acceptable in terms of both Plans for the reasons previously given.

## **Matters Raised by Community Council**

An assessment of the proposal against Policy R8 has taken place in the above evaluation, the applicants have submitted appropriate information in support of the application to ensure there would be no adverse impact on residential amenity, and a further supporting statement was submitted in regard to the safety aspects of the proposal, which is discussed in the “matters raised in representation” section below.

## **Matters Raised in Representation**

1. The ground on which the proposed energy site is not fit for purpose to hold any weight of machinery as the walls of the current embankment are currently subsiding due to the weight of vehicles sitting on it at present. *Response: in relation to the first two points, the applicants have submitted a response/ further information. They have advised that, with regards to land stability, as with most developments, the proposed scheme cannot tolerate unintended movement of infrastructure and therefore the final design will evaluate the requirement for stabilisation and appropriate foundation requirements. To the extent necessary, the executed scheme may include further retaining wall construction or slope stability measures. From the Planning Service’s perspective, a further application may be required for such a retaining wall or could potentially be undertaken as a variation to the original permission.*
2. Part of the site is not owned by the proposed development and is owned by another party. *Response: from the Planning Service’s perspective this would be a civil matter between the relevant parties. The applicant has provided a response noting that they did seek to clarify this with the neighbour, but no response was received. The red line boundary was based upon the most up-to-date legal title plans and is therefore acceptable from the point of view of the Planning Service.*
3. No Safety Risk Assessment has been undertaken based on the type of battery to be used. The inherent risk of potential fires in lithium batteries is well known and documented. A full independent risk assessment should be commissioned based on the battery type as a facility such as that proposed next to business and industrial uses poses a fire risk with subsequent release of toxic gas. No objection to the principal of energy storage but believe that this was not the correct location for such a system. *Response: the applicants also provided a response to the above and noted that the supplier and site operator (maintenance and servicing provider) will align to all relevant and current legislation and best practice for the design, construction and operation of the facility. This would include matters in relation to fire safety, including management systems, monitoring control, isolation, detection and suppression systems. A Fire Safety Management Procedure will be drawn up for the site. This could be submitted to and agreed in writing by the Planning Service by way of an appropriately worded planning condition.*

## **RECOMMENDATION**

Approve Conditionally

## **REASON FOR RECOMMENDATION**

Information has been provided confirming that the proposed development would have no adverse impact on the character and amenity of the surrounding area, subject to appropriate mitigation measures controlled via planning condition. The proposed development would therefore comply with Policy H2 (Mixed Use Areas) of the ALDP.

Whilst the height of the acoustic fencing proposed is not ideal, the applicants have submitted sufficient justification to warrant its siting, and subject to the implementation of appropriate landscaping and colouring of the boundary treatments it is considered that the proposal would comply with Policy R8 (Renewable and Low Carbon Developments) of the ALDP in that the development will contribute to the development of renewable and low carbon energy schemes without any adverse environmental or cumulative impacts.

All other technical issues have been resolved or can be controlled via appropriately worded planning conditions. The proposal would therefore comply with Policies T2: Managing the Transport Impact of Development, T3: Sustainable and Active Travel, T5: Noise, B4: Aberdeen Airport, D2: Landscape, NE6: Flooding, Drainage and Water Quality, NE8: Natural Heritage, R2: Degraded and Contaminated Land and R6: Waste Management Requirements for New Development as well as with the associated Supplementary Guidance in relation to Landscape, Transport and Accessibility, Noise, Natural Heritage and Flooding, Drainage and Water Quality.

For similar reasons the proposal would also comply with Policies WB3: Noise, NE3: Our Natural Heritage, NE4: Our Water Environment, D1: Quality Placemaking, D2: Amenity, D4: Landscape, R6: Renewable and Low Carbon Energy Developments, R7: Renewable and Low Carbon Energy Developments, H2: Mixed Use Areas, T2: Sustainable Transport, T3: Parking and B3: Aberdeen International Airport and Perwinnes Radar of the Proposed Aberdeen Local Development Plan.

There are no material planning considerations that would warrant refusal of planning permission in this instance.

## **CONDITIONS**

1. That in the event that any battery installed and commissioned fails to commercially operate as intended for a continuous period of six-months and there is no plan in place to bring the battery in to operation within a further period of six-months, then unless agreed in writing with the Planning Authority, the facility will be deemed to have ceased to be required. If deemed to have ceased to be required, the battery, battery storage container and its ancillary equipment will be dismantled and removed from the site, with the cells being appropriately disposed and/ or recycled/ re-purposed, and the ground being re-instated to the specification and satisfaction of the Planning Authority by the operator within the following three-month period. Reason: to ensure that any redundant facilities are removed from the site, in the interests of safety, amenity and environmental protection.
2. That in the event of the development hereby approved not operating on a commercial basis to the grid network for a continuous period of 12 months, the company must immediately notify the Planning Authority in writing of the situation and shall, if directed by the Planning Authority decommission the development and reinstate the site to the specification and satisfaction of the Planning Authority. The Planning Authority shall have due regard to the circumstances surrounding the failure to store electricity. Reason: to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site. In the interests of safety, amenity and environmental protection.
3. No development shall commence unless and until full details of the proposed battery storage containers (and ancillary infrastructure) hereby permitted has been submitted to and approved in writing by the Planning Authority. These details shall include: (a) design, power rating, sound power level modelled at the most sensitive receptor (if deviating from the Noise Impact Assessment accompanying the application), layout and dimensions of the battery storage containers (and ancillary infrastructure) and the metering building to be

installed' and (b) the external colour and/ or finish of the battery storage containers (and ancillary infrastructure). Thereafter, the battery storage containers and associated infrastructure shall be installed and operate in accordance with these approved details and maintained in the approved colours, free from rust, staining or discolouration until such time as the development is decommissioned. All cables between the battery storage containers, metering building and any point of connection to the public network shall be installed and kept underground. Reason: to ensure the Planning Authority is aware of the development details and to protect the visual amenity of the area.

4. That no development shall commence until details of the final drainage design has been submitted to and approved in writing by the Planning Authority. The development shall be constructed in accordance with the approved details and thereafter maintained in perpetuity. Reason: in order to ensure that the site is adequately drained.
5. That no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the Planning Authority. The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:
  - a) an investigation to determine the nature and extent of contamination,
  - b) a site-specific risk assessment,
  - c) a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

The development hereby approved shall not be brought into use unless:

- a) any long-term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
- b) a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The development hereby approved shall not be brought into use unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation. Reason: in order to ensure that the site is fit for human occupation.

6. That the development hereby approved shall not be occupied unless the noise mitigation measures have been installed in accordance with the conclusions and recommendations set out in the approved Noise Impact Assessment (CSP Acoustics Ref: 1584 001 JT V1.1 dated 7th May 2021), unless otherwise agreed in writing with the Planning Authority on the basis of an updated assessment. Once installed the mitigation measures shall be retained in perpetuity, unless otherwise agreed in writing by the Planning Authority. Reason: in the interests of residential amenity.
7. That no works in connection with the development hereby approved shall take place unless a scheme of hard and soft landscaping works has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained.
- (ii) The location of new [trees, shrubs, hedges, grassed areas and water features]. - Delete as appropriate.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.
- (iv) The location, design and materials of all hard landscaping works including [walls, fences, gates, street furniture and play equipment].
- (v) An indication of existing trees, shrubs and hedges to be removed.
- (vi) A programme for the completion and subsequent maintenance of the proposed landscaping.

All soft and hard landscaping proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority. Any planting which, within a period of 5 years from the completion of the development, in the opinion of the Planning Authority is dying, being severely damaged or becoming seriously diseased, shall be replaced by plants of similar size and species to those originally required to be planted.

In addition, prior to the commencement of the implementation of the approved scheme, detailed proposals for a programme for the long-term management and maintenance of all the approved landscaped and open space areas within the development shall be submitted for the further written approval of the Planning Authority. Thereafter, all management and maintenance of the landscaped and open space areas shall be implemented, in perpetuity, in accordance with the approved programme."

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

8. That prior to the commencement of development, the Fire Safety Management Procedure shall be submitted to, and agreed in writing by the Planning Authority. Thereafter the plan shall be implemented and retained in perpetuity, unless otherwise agreed in writing by the Planning Authority. Reason: in the interests of fire safety and in the amenity of the surrounding area.
9. That no development to which this planning permission relates shall take place unless a scheme in relation to the specification and colouring and final details of the proposed boundary treatments, including the proposed acoustic fencing has been submitted to and approved in writing by the Planning Authority and the development shall not be occupied unless the approved scheme has been implemented in its entirety. Reason: In order to preserve the amenity of the area.
10. That the development hereby approved shall not be occupied unless the car parking areas, accesses and associated areas of hardstanding hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. 11641-0009-09 of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.

## **ADVISORY NOTES FOR APPLICANT**

1. Roof water should be considered for the containers and other structures to ensure it does not impact on the drainage capacity of Farburn Road adjacent to the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property.
2. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at [http://www.aoa.org.uk/policy\\_safeguarding.htm](http://www.aoa.org.uk/policy_safeguarding.htm))