



24/00155/PPDM – BATTERY ENERGY STORAGE FACILITY: COMPRISING OF 6NO. BANKS OF BATTERY UNITS; ASSOCIATED INVERTERS, TRANSFORMERS AND HIGH VOLTAGE ELECTRICITY SUBSTATION. SITING OF WELFARE UNIT AND STORAGE CONTAINER FOR PARTS. CREATE SITE ACCESS, AGGREGATE HARDSTANDING, CARPARKING AREA, 3M HIGH PALISADE FENCING AND GATES, AND 4M HIGH ACOUSTIC BARRIER, AT BATTERY POINT ENERGY STORAGE PARK, NEWTON STREET, STORNOWAY, ISLE OF LEWIS

Report by Chief Executive

PURPOSE

- 1.1 Since the planning application is classed as a 'Major development' under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (the Hierarchy Regulations), the application cannot be determined under delegation and in accordance with the Scheme of Delegation is referred to the Planning Applications Board for decision.

EXECUTIVE SUMMARY

- 2.1 The planning application is for a development classed as 'Major' and comprised of the installation of a 25MW 'Grid connected' battery energy storage (BESS) facility, consisting of six banks of battery units; inverters, transformers and substation; and an associated welfare unit and storage container. The proposal also includes the creation of a small access route from the existing Goat Island causeway service road; aggregate hard surfacing works to create the development site; and an associated carparking area. A 4-metre-high acoustic barrier, also to be blast proof, is proposed on the north-east and north-west boundaries. To screen the proposal, 3-metre-high palisade fencing is proposed internally with mesh fencing and a planting scheme on the main public frontages. The site would be served by a secondary access from Newton Street with an HGV vehicular turning area provided.
- 2.2 The application site extends to circa 0.4 hectares, is brownfield in character and located on the eastern edge of the causeway to Goat Island in Stornoway harbour; it shares a boundary with the SSEN Diesel standby power station (Power Station), the HM Coastguard control centre and there is flatted housing on Seaview Terrace 60 metres beyond. The site does not sit within any landscape, natural heritage or historic environment designations.
- 2.3 A total of five parties submitted representations as did Stornoway Community Council (SCC); All object to the proposed development.
- 2.4 The applicant contends that the proposed development will provide stability services to the island Grid, enable more output from all the community wind farms, and provide a 'blackstart' service that will work with the power station to restore the Grid in microseconds, if there are any unplanned outages and co-location beside the power station will enable it to provide these services more effectively.
- 2.5 The principle of siting the development in this location gains support from the site being brownfield, long term undeveloped, within a mixed-use area in the Stornoway Core. The site is not allocated for development within the Development Plan and is therefore assessed against relevant Development Plan policies. The visual context of the proposed BESS facility is dominated by the larger scale power station and while the BESS facility would incorporate steel containers, industrial in character, a blast proof acoustic barrier 4-metre-high and palisade fencing, overall, its appearance, scale and mass would be absorbed when viewed against the much larger scale infrastructure in the background. Landscaping would soften the appearance and with the proposal having no adverse effects on the historic character

or development pattern of the town, from a visual, streetscape or place-making perspective, the principle of development is considered acceptable on these counts.

- 2.6 BESS facilities are supported by Government as they offer clear benefits that support green energy and decarbonisation of the Grid; these benefits weigh in favour of the development. The applicant has provided justification as to the co-location of the BESS facility with the Power Station.
- 2.7 In terms of socio-economic benefits when community benefits are excluded as required, there are only minor short-term benefits arising (from a site preparation works contract if procured locally) and therefore a likely neutral effect on this count. Traffic and amenity impacts, likely during construction phase, can be mitigated by standard conditions.
- 2.8 A noise study has been carried out in relation to the operational phase of the development and demonstrates that an acoustic barrier sited around the battery units on the sides closest to housing receptors is necessary to ensure noise is contained within acceptable levels. These noise levels and the provision of the acoustic barrier would require to be secured by condition.
- 2.9 The main remaining issue in the determination of the application is the health and safety implications of the proposed BESS facility in proximity to housing, the HM Coastguard Station and the causeway to a number of marine, industrial and processing uses on Goat Island. Ordinarily, Health and Safety would be a matter for other Regulations and Regulators, but the Regulatory Framework for BESS is still developing and while there are isolated regulations related to battery manufacture, safety and performance the overall regulatory picture is still unclear. This situation is compounded by the absence of defined statutory consultees e.g. Fire and Rescue Services and HSE, who can provide specialist advice to the planning authority.
- 2.10 The most current and relevant guidance available has been developed by the UK National Fire Chief Council. In 2023 it published some initial guidance for fire and rescue services on BESS but has noted that Fire Services are not a statutory consultee in planning applications for BESS. The Scottish Fire and Rescue Service was consulted on this application but has no duty to and did not respond.
- 2.11 Notwithstanding the regulatory uncertainties, the developer has submitted a Health and Safety statement. This demonstrates the health and safety and other considerations that have been taken into account in the design and layout of the proposed BESS facility including the UK National Fire Chief Council Guidance. The applicant states that if permission is granted that they are committed to undertaking detailed design reflecting the regulations and guidance current at that time and adopting any new learning points from Government and the industry. They advise that the design incorporates the most up to date technology and will also require to satisfy their insurers amongst others.
- 2.12 The Comhairle is required to determine planning applications in accordance with the provisions of the statutory Development Plan, comprising the National Planning Framework 4 (NPF4), and the Outer Hebrides Local Development Plan 2018 (OHLDP), unless material planning considerations indicate otherwise. Subject to management by conditions, the planning assessment concludes that the proposed development would satisfy most policy requirements of the Development Plan taken as a whole and would be acceptable in relation to significant effects on the environment. Health and Safety would ordinarily be regulated by others and not by the planning system but there is a lack of clarity over regulatory functions for BESS albeit these are being developed by a range of regulators including SFRS and SEPA. The applicant has demonstrated that the proposed development has taken into account the NFCC Guidance and notes that both UK and Scottish Governments are engaged in developing a regulatory and policy framework.
- 2.13 Material planning considerations including matters raised in representation have been considered.
- 2.14 Overall, it is concluded that the benefits of the proposed development outweigh the likely harms when

the significant weight offered by National and Local policy to green energy and decarbonisation of the Grid is taken into account. While BESS technology will have some health and safety risks, with appropriate design and mitigation, the likelihood of occurrence is low. Further, a regulatory framework will develop over the next few years due to the number of similar projects coming forward across Scotland and the UK at this time. BESS is still an evolving technology and it is most likely that a range of other permits and consents, including those relating to health and safety, will be required to mitigate such risks to negligible before the BESS could become operational.

- 2.15 The conclusion and recommendation are therefore that the development should be approved subject to conditions that will mitigate effects and secure finalised details of layout and management plans, prior to the commencement of development. It is also recommended that a consent be granted for five years duration given that the development type is still new and may take longer than three years to be ready for implementation.

RECOMMENDATION

- 3.1 **It is recommended that the application be APPROVED subject to the conditions set out in Appendix 1 to this Report.**

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Appendix 1:	Schedule of Proposed Conditions
Appendix 2	Plans and Supporting Information
Appendix 3	Consultation responses
Appendix 4	Representations
Appendix 5	Battery Health and Safety Statement
Appendix 6	Views of the Applicant
Appendix 7	Grid Scale Battery Energy Storage System planning – Guidance for UK Fire and Rescue Services
Background Papers:	None

IMPLICATIONS

- 4.1 The following implications are applicable in terms of the Report.

Resource Implications	Implications/None
Financial	None
Legal	None
Staffing	If approved, future discharge of Planning Conditions, construction stage condition compliance/post construction monitoring.
Assets and Property	None
Strategic Implications	Implications/None
Risk	None
Equalities	None
Corporate Strategy	None
Environmental Impact	None corporately
Consultation	None

BACKGROUND

Application summary

- 5.1 The planning application relates to a proposal to install a Grid connected battery energy storage (BESS) facility on a site between Battery Point Power Station and the HM Coastguard Station just off Newton Street, Stornoway, Isle of Lewis. The planning application is classed as a 'major development' in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 (the Hierarchy Regulations) and a PAN notice was registered on 20 October 2022. The planning application was made valid on 19 April 2024 which was inside the defined 18-month period.
- 5.2 BESS systems are devices that enable energy from renewables, like solar and wind, to be stored and then released when the power is needed most. Computerised control systems are used to decide when to store energy or when to release it to the Grid. BESS allows renewable generating stations to generate and store power for extended periods and provides flexibility for the Grid to respond to energy demands. Energy is released from the battery storage system during times of peak demand, keeping costs down and electricity flowing.
- 5.3 The Scottish Government Chief Planner letter of 27 August 2020 confirms that battery installation generates electricity and is therefore to be treated as any other generating station.
- 5.4 The BESS facility proposed by this application consists of six banks of battery units (each comprised of 24 battery containers); six inverter convertor stations, three transformers, one ancillary transformer, a 33kV Substation; and an associated site office/welfare unit and a storage container for housing spare parts.
- 5.5 Since the application was made valid, the main proposal has not been materially amended but additional information on compliance with health and safety measures, visualisations, biodiversity enhancement proposals and amended plans detailing fencing and landscaping have been received.

Planning History

- 5.6 The planning history is limited to the related Pre-Application Notice (PAN) (ref. 22/00457/PAN).

Planning Hierarchy

- 5.7 On account of the development being classified as Major development, a report on compliance with the statutory requirements for pre-application consultation with communities was submitted with the planning application and is discussed under 'Public Participation' below.

Environmental Impact Assessment (EIA)

- 5.8 The proposed development was considered in relation to Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (Column 1 (Category 3) – Energy Installation) and on account of the site area being less than 0.5ha is not a development that triggers screening under the EIA Regulations. Therefore, the development does not constitute Environmental Impact Assessment (EIA) development.

SITE CONTEXT AND PROPOSAL

Description of site and its context

Site Context

- 6.1 The application site is located between the HM Coastguard Maritime Rescue Coordination Centre to the south; the waters of Newton basin to the west; Stornoway Power Station to the east and the haul road and lay down area to the Power Station site to the north with the rear gardens of residential flats at Seaview Terrace beyond.

6.2 The area is peripheral urban in character.

Application site (the site)

6.3 The site extends to 0.4 hectares of brownfield ground, currently overgrown and hosting isolated deposits of waste material such as tyres and fishing gear. A topographic survey of the site has been submitted as part of the application. The site has a gentle slope, sitting slightly higher along its north and central portions and slightly lower adjacent to the access road Goat Island.

6.4 The site is visible from the public road, Newton Street, and from the Goat Island access road. In wider views, the relatively low-lying area of ground is largely obscured or backdropped by surrounding buildings and structures.

The Proposed Development

6.5 The proposed development is for a Battery energy storage systems (BESS). BESS use batteries, for example lithium-ion batteries, to store electricity at times when supply is higher than demand. They can then later release electricity during times of peak demand, when it is needed. Battery storage technologies are considered by Government as essential to speeding up the replacement of fossil fuels with renewable energy. Renewables, such as wind and solar power, rely on the weather to generate electricity. This means that they cannot adjust to demand from consumers as easily as traditional fossil generation can. Therefore, the government takes the view that Battery storage systems will play an increasingly pivotal role between green energy supplies and the need to respond to electricity demands.

6.6 The proposed BESS facility which is the subject of this application will initially involve groundworks: site clearance and infill with compacted aggregate to create a level surface development site, the creation of a vehicular access and tuning area with capacity for HGV traffic, site drainage, perimeter and internal fencing, landscaping, external lighting and CCTV and car-parking.

6.7 Enclosed within a secure compound, part 'Palisade' security fencing 3m high and part blast proof acoustic barrier 4m high will be the main BESS infrastructure comprising:

- Up to 144 small battery containers, with the cabinets measuring 1.3m x 1.3m in plan and a height of 2.28m, set out in 6 parallel groups.
- Six inverter converter units measuring 3m x 2m in plan and a height of 2.2m.
- Three transformers, measuring 5.6m in length, 2.2m in width, and a height of 2.3m.
- One transformer building – housing an LV transformer room; an HV equipment room; and a metering and internet cabinet. Building is 12m in length, 4m in width and maximum 2.7m in height, with an adjacent externally located ancillary transformer in a 2.5m by 2.5 enclosure and a max height of 1.7m.

6.8 Enclosed within mesh Perimeter fencing:

- the above BESS facility,
- One site office unit, 6m x 2.4m in plan and a height of 2.35m.
- One spare parts container, 6m by 2.4m in plan and a height of 2.6m.

6.9 Outwith the fenced areas:

- landscaping and 10 parking spaces for the Coastguard Station (Emergency Use Only).
- Perimeter drainage

6.10 The maximum height of the components within the secure 3m/4m palisade fencing/blast proof acoustic barrier would be 2.3m (the Battery Modules/Invertors/Transformers) and within the Mesh perimeter fence would be the 33KV substation building at a height of 2.7m.

6.11 The layout of the BESS facility is detailed on the Proposed Site Layout drawing.

LEGISLATIVE CONTEXT

- 7.1 The Town and Country Planning (Scotland) Act 1997 (the Act) is the principal legislation relating to this planning application. Sections 25 and 37(2) of the Act require that *'planning decisions be made in accordance with the Development Plan unless material considerations indicate otherwise'*. The weight to be attached to any relevant material consideration is for the judgment of the decision-maker. Two main tests are used when deciding whether a consideration is material and relevant:
- It should serve or be related to the purpose of planning. This means it should relate to the development and use of land.
 - It should fairly and reasonably relate to the particular application being determined.
- 7.2 This Report sets out an assessment against the policies and provisions of the Development Plan and has regard to all relevant material planning considerations, to inform a reasoned conclusion and recommendation as to the determination.

CONSULTATION ADVICE

- 8.1 Statutory consultation was undertaken as required by Regulations. The detailed response of statutory and other consultation bodies can be viewed at Appendix 3 to this Report but is summarised as follows.
- **Stornoway Community Council (SCC)**
The Stornoway Community Council was constituted post the registration of the planning application, but upon constitution contributed in the form of a representation. Given the status of a Community Council in the Planning process, the contribution is treated as a consultation response. The objection submitted has not been withdrawn and remains in force. The objection is based on concerns relating to safety of the installation, from incidents and fire risks; that the applicant has failed to identify alternative sites for the development as well as concerns over the impact of construction traffic.
 - **Comhairle Roads, Bridges and Streetlighting (Comhairle Roads section)**
The access, parking and turning layout to be constructed as per the submitted site layout. It is the responsibility of the developer to prevent surface water flowing from the site on to the road or vice versa. The developer could be held responsible for any damage to the road network as a result of the works.
 - **Comhairle Environmental Health:**
Contaminated Land and lighting – no further comments based on the information provided in the design and access statement. Noise – conditions recommended to manage acceptable noise limits.
 - **Comhairle Building Standards:**
A building warrant is required for the fence and acoustic barrier as they are both more than 2m in height.
 - **SEPA:**
SEPA has no objection to the proposed development on flood risk grounds. The lowest level of approximately 4.505mAOD in the south-west corner. Therefore, it appears all the site lies above the coastal flood level of 4.37mAOD and outwith an area at flood risk. SEPA notes it is aware that further legislation regarding battery energy storage facilities is currently under consideration and in the future BESS developments may not fall under SEPA's standing advice; instead, site-specific comments may be provided. [Independently SEPA has advised Scottish Planning Authorities that

its Energy Policy team is tracking progress of a Bill in England intended to have the fire service (England and Wales) made a statutory consultee for BESS facilities.

- **Health and Safety Executive:**
HSE: 'Do Not Advise Against' i.e. HSE does not advise, against the granting of planning permission on safety grounds in relation to HSE safeguarded areas.
- **Scottish Water:**
Scottish Water has no objection to the planning application but notes that their records indicate that there is live infrastructure in the proximity of the development area that may impact on existing Scottish Water assets. Written permission must be obtained before any works are started within an area hosting Scottish Water apparatus.
- **Scottish & Southern Energy Networks (SSEN):**
No response received.
- **Scottish Fire and Rescue Service [Non-statutory]:**
No response received.

PUBLIC PARTICIPATION

- 9.1 In terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, the proposed development is classed as a 'major development'. To meet statutory requirements prescribed by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (as amended) (the DM Regulations), 'Pre-application consultation' (PAC) with Local Communities was required. A Proposal of Application Notice was submitted to the Comhairle, Ward Councillors and Stornoway Community Council as required by the DM Regulations. The subsequent consultation undertaken by the developer is documented in a Pre-Application Consultation (PAC) report submitted as part of the planning application.
- 9.2 The PAC report confirms that the statutory requirement to publicise and hold at least two public events where members of the public may make comments to the prospective applicant as regards the proposed development were undertaken, the first at Newton Ward Community Association on 21 November 2022 was attended by 3 members of the public and the second on 15 December 2022 in Stornoway Town Hall attended by 12 members of the public. The document detailed the community groups, neighbours and other relevant persons notified of the Proposal of Application Notice.
- 9.3 Various methods of feedback raised comments and queries relating to potential for noise impact; visual impact; loss of 'green view'; location choice; and general queries in relation to the battery system and the impact/use of lithium. The role of the project in relation to the local and wider electricity Grid and any benefit for islanders and energy bills was also raised. The PAC Report categorises the majority of feedback from the community that engaged with their consultation as positive.
- 9.4 The PAC has met the basic requirements, but the feedback gathered did not indicate the level of community concerns expressed through representations to the planning application.
- 9.5 Following validation and registration the planning application was advertised for public comment in the public notices section of the Stornoway Gazette, in the publication dated 09 May 2024, as required by the Regulations.
- 9.6 Neighbours notifiable per the regulations pertaining to neighbour notification were notified by post on 26 April 2024 and re-notified on 23 September 2024 after revised plans and additional information were received from the applicant's agent.

9.7 Five representations were received in relation to the application. Many raised similar issues and to avoid repetition the matters have been summarised and considered on an issue-by-issue basis. The applicant and their agent made general responses to the matters raised in representation, contained in Appendix 6 to this Report. The issues relevant to planning are addressed under material considerations while the full details of the representations are contained in Appendix 4 to this Report. The key issues can be summarised as follows:

9.8 Location is unsuitable for nature of the development

- Area is already completely saturated with Industrial and commercial premises.
- This land is surrounded by residential homes and the area is predominantly residential.
- This kind of development should not be sited anywhere near a residential area.

9.9 Justification based on carbon savings / reduction in emissions

- Given the limited time that the power station runs each year and the serious quantity of emissions produced in the development of this project it is highly questionable if there will be any reduction in harmful emissions.
- Impact of the material production, transport etc for the development may outweigh benefit.

9.10 Fire Safety

- The safety of the current technology used in these Battery Electric Storage Systems is at best highly questionable with several high-profile incidents already recorded and reported on.
- If a fire was to occur in this location, then there would have to be an exclusion zone set up which would prevent SSEN employees from accessing the power station preventing any energy from being generated there.
- Finalised installation type, suppression system details etc have not been provided and there are variable risks.
- The development has not provided two suitable alternative accesses.
- Fire event would prevent Coastguard staff accessing their facilities.
- Coastguard Station would have to be vacated putting lives at risk.
- Access to Macduff's factory, Macmillan engineering, Coastal Workboats, The Slipway or Marina would be at risk.
- Local Emergency Services may not have adequate resources or expertise to handle a specific emergency relating to battery storage; this would require specialised firefighting techniques.
- Lack of emergency response plan.
- The identified dual access points are not suitable.
- Battery storage can pose a known fire and explosion risk and the prevailing wind direction would mean that in the event of a fire or similar then impacts would propagate in the direction of residential properties.
- The presence of the neighbouring diesel power plant would compound this hazard in the event of fire/explosion.
- We have significant concerns given the reported presence of hydrofluoric acid and hydrochloric acid in the resultant plumes (in event of a fire incident).

9.11 Impact on greenspace, biodiversity and species

- Site is the only remaining area of accessible green space in this community.
- Site would be better used to provide an enhanced social and community experience and to encourage and enhance the health and wellbeing for residents and the wider community.
- Land is used for recreational purposes, and this site should be enhanced for this use.
- Loss of the green space, which is the largest in this part of Stornoway, could be detrimental to residents' wellbeing.
- The introduction of such an infrastructure could affect biodiversity in the area/cause biodiversity loss.
- Impact on all types of animals and insects within the site.

- The construction and operation of the facility could negatively affect local wildlife, including sensitive habitats also bearing in mind that there are bats in the area which are a protected species.
- Impact on protected otter.

9.12 Environmental Impact

- facility could result in the release of harmful emissions, particularly during construction, maintenance or in the case of accidents resulting in adverse effects of air quality in the area.
- Battery Storage Systems involve equipment that generates noise that will disturb local wildlife.
- Harmful emissions during construction, maintenance or in the case of an accident.
- Effect on air quality during construction, maintenance or in the case of an accident.
- Will cause/compound multiple hazards with proximity to diesel fuelled power station.
- Environmental impact of battery production, e.g. lithium mining.

9.13 Public / Human Health

- Noise impacts -Battery Storage Systems involve equipment that generates noise that will disturb nearby residents.
- Electromagnetic Fields Exposure as battery storage facilities emit electromagnetic radiation which is a cause for concern for residents.
- An incident at the Battery Energy Storage Systems facility could prevent access to the nearest defibrillator which is at Coastguard station.
- Emissions impacts on health.

9.14 Visual Impact

- The local rural landscape will be transformed into an industrial site with the loss of an area of natural beauty.
- Adverse impact on views from premises on Newton Street.
- The proposed height of the fencing and the acoustics barrier is going to be quite intrusive on what is currently an open viewpoint. There are a significant number of properties located close to the development which will be adversely impacted by the proposed visual appearance of this site. The public footpath is regularly used and having this development will be a blot on the landscape.
- There are a significant number of properties located close to the development which will be adversely impacted by the proposed visual appearance of this site.
- The public footpath is regularly used and having this development will be a blot on the landscape.

9.15 Economic impact

- The installation of this industrial facility will negatively impact property prices.
- Impact on tourism in the area, including holiday-let properties.

9.16 Community wealth

- This development will not directly benefit the residents of Newton Ward or the users of Newton Basin Marina/Goat Island facilities. This will not provide any long-term employment opportunities which does not support the Sustainable Population Plan or encourage people or tourists to the area.

9.17 Alternative site

- As this area is close to a large number of residents whose quality of life will be affected by this can the developer consider an alternative solution further away from residential properties?
- There are other locations for the installation.

9.18 Alternative use

- [The site] has been used on many occasions by the emergency services to hold their 'Open Days'.
- It could be used as a general recreational facility where young and old could partake in various activities.
- This area of land could be used for community polytunnels.

9.19 Procedural issues

- the consultation activities, as detailed in the Pre-Application Consultation (PAC) report and the manner in which they were advertised have not met the required definition of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.
- Application is required to be submitted within 18 months of the Proposal of Application Notice - has that deadline been met?

POLICY CONTEXT

The 'Development Plan'

- 10.1 Following the enactment of a provision of the Planning (Scotland) Act 2019 on the 13 February 2023, the statutory 'Development Plan' for the administrative area of Comhairle nan Eilean Siar is comprised of [National Planning Framework 4 \(NPF4\) \(2023\)](#) and the [Outer Hebrides Local Development Plan \(LDP\) 2018](#) and its supplementary guidances. Section 24(3) of the Act provides that in the event of any incompatibility between a provision of NPF4 and a provision of the LDP that whichever of them is the later in date, is to prevail.
- 10.2 Part 1ZA of the Planning (Scotland) Act 2019 sets out that the purpose of planning is to manage the development and use of land in the long-term public interest, and that anything which contributes to sustainable development is to be considered as being in the long-term public interest.

National Planning Framework 4 (NPF4)

- 10.3 NPF4 comprises the 'National Spatial Strategy for Scotland' to 2045 and is the updated statement of National Planning Policy. The National Spatial Strategy for sustainable places states: 'Scotland's future places will be net zero, nature-positive places that are designed to reduce emissions and adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment.'
- 10.4 NPF4 contains strong and clear policy support for the weight that should be given to addressing the climate emergency and nature crises when assessing applications. NPF4 also includes a strategic spatial strategy that supports onshore wind energy generation and associated Grid infrastructure in Scotland. At the core of NPF4 are policies to address the global climate and nature crises, and it provides significant support for renewable energy projects.
- 10.5 Under National Planning Policy, NPF4 confirms that planning is complex and requires careful balancing of issues. NPF4 policies should be read as a whole. It is for the decision maker to determine what weight to attach to policies on a case-by-case basis.
- 10.6 NPF4 Policy 11: Energy is considered to be of particular relevance to the application. The following policies are also considered to be relevant:
- Policy 1 Tackling the climate and nature crises
 - Policy 2 Climate mitigation and adaptation
 - Policy 3 Biodiversity
 - Policy 9 Brownfield, vacant and derelict land and empty buildings
 - Policy 11 Energy
 - Policy 14 Design, quality and place
 - Policy 18 Infrastructure first
 - Policy 22 Flood risk
 - Policy 23 Health and safety
 - Policy 25 Community wealth building

- 10.7 The 2020 update to the Scottish Government's pathway to 'Securing A Green Recovery on a Path To Net Zero: Climate Change Plan 2018–2032' incorporates revised targets set by the Climate Change Act 2019,

and covering a wide range of climate impacting factors, including energy. There is a focus on decarbonising the electricity system and the multi-strategy approach required from production, storage, and distribution to achieve it.

- 10.8 The Scottish Government has also published its Draft Energy Strategy and Just Transition Plan ‘Delivering a fair and secure zero carbon energy system for Scotland’ (January 2023). The Strategy seeks energy security through development of our own [Scottish] resources and additional energy storage. It states that ‘*we must deliver an energy system that meets the challenge of becoming a net zero nation by 2045, supplies safe and secure energy for all, generates economic opportunities, and builds a just transition*’. The Plan notes that NPF4 supports development proposals for all forms of renewable, low carbon and zero emissions technologies including energy storage, such as battery storage.

Outer Hebrides Local Development Plan 2018 (OHLDP)

- 10.9 Strategic land use policy is set out in the Outer Hebrides Local Development Plan (OHLDP), adopted in 2018. The OHLDP provides a framework to develop and sustain the communities of the Outer Hebrides and identifies considerations within its policies to deliver long term benefits to the communities of the Outer Hebrides through encouraging and facilitating sustainable economic growth and to help build confident and resilient communities. It seeks to ensure that our natural, marine, and cultural resources are valued and utilised efficiently and sustainably.

- 10.10 The policies of the OHLDP considered to be of particular relevance to the application are:

- Policy DS1: Development Strategy – Stornoway Core
- Policy PD1: Placemaking and Design
- Policy PD2: Carparking & Roads Layout
- Policy ED3: Caravans, Huts and Temporary Buildings
- Policy PD6: Compatibility of Neighbouring Uses
- Policy EI 1: Flooding
- Policy EI 2: Water and Waste Water
- Policy EI 8: Energy and Heat Resources
- Policy EI11: Safeguarding
- Policy STY1: Stornoway Retail and Stornoway Town Centre Areas

PLANNING ASSESSMENT

Principle of Development and Placemaking

Policy Context

- 11.1 Policy DS1: Development Strategy of the OHLDP sets out the overall spatial strategy to guide development (i.e. where development should and should not be located and the principles behind it) and applies to all development proposals. Policy DS1 as it relates to the ‘Stornoway Core’ provides that ‘The principal policy objective is to support and promote the strategic role of Stornoway within the Outer Hebrides by accommodating development which facilitates regeneration, successful placemaking and infrastructure to support growth.’
- 11.2 Proposals within the Stornoway Core should respect the settlement pattern and historic character of the town; contribute to a positive streetscape and a quality and accessible public realm through good design, site layout, connectivity, landscaping and use of appropriate materials which are compatible with the surroundings and character of the area; be well connected and designed to incorporate or enhance routes for walking and cycling; and protect and retain functional Open Space which actively contributes to local amenity, recreation or biodiversity objectives.
- 11.3 The site is also within the Stornoway Town Centre Development Area as addressed by OHLDP Policy STY1. This policy seeks to support a range of investment and regeneration activities such as commercial,

residential, marine or harbour related developments, where the scale is appropriate to the local setting; the accessibility and parking is satisfactory; and no significant adverse impact on the Town Centre Retail Area.

- 11.4 NPF4 - Policy 14 Design, quality and place, and OHLDP Policy PD1 Placemaking seek that development proposals must demonstrate a satisfactory quality of place-making, siting, scale and design that respect and reflect positive local characteristics and will complement or enhance the surrounding built and natural environment. The siting, design, landscaping and boundary treatments for developments should ensure reasonable neighbour amenity is retained.
- 11.5 NPF4 - Policy 9 supports the sustainable reuse of brownfield land, including vacant and derelict land and buildings, and the reuse of existing buildings, taking into account their suitability for conversion to other uses.

Consultation Responses

- 11.6 Stornoway Community Council raised concerns around the principle of the development of the site for the use proposed, being of the view that it was too small for the proposals; that the development would be better located elsewhere; lack of alternative sites identified and that there were health and safety concerns in relation to the proposals.

Public comments

- 11.7 Several comments were raised about the principle of the development proposed in this location. The main points raised in representations that relate more generally to the principle of the proposal can be broadly summarised as:
- **Locational justification:** The proposal could be accommodated at other locations, particularly in proximity to Arnish point or close to the proposed new SSE substation/converter station; there is no specific locational requirement for the proposal to operate from the site proposed; the area is residential, and the development is not suited to being located there.
 - **Alternatives:** Alternative uses for the site exist which would be preferable.

Assessment

- 11.8 The application site is located within and to the south of the area identified by the OHLDP Development Strategy as Stornoway Core area. It lies just beyond the Newton commercial area but lies immediately adjacent to the Battery Point diesel fired power station, adjoins the HM Coastguard Station and abuts the causeway leading to Goat Island which hosts a marina, a range of marine services and industrial and processing activities.
- 11.9 The application site is brownfield and is not 'allocated for development' by the OHLDP. However, the Development Plan does not preclude development in such areas; the context to Policy PD1 requires development proposals to be '*suitably designed and located*'.
- 11.10 The application confirms that the site has been selected for its proximity to the adjacent SSEN power station and substation, utilised to power the islands during periods of outages and Network maintenance including supplying Lewis and Harris with power in the event of disruption to the national Grid subsea cable to the island.
- 11.11 The applicant cites that being close to the substation improves efficiency while minimising connection costs and materials required. The Design and Access Statement which supports the application states: 'This specific site is required due to its close proximity to the SSE main power station and to a suitable point of connection to the 33kV distribution network. Locating battery projects beside existing Grid supply points minimises transmissions losses and communication delays'. The applicant also states that: 'We would also like to point out that the battery cannot be moved to an alternative location without a new grid connection being obtained and... there is now no space left on the grid to allow that.'

- 11.12 There is strong support for developments which can support the decarbonisation of energy infrastructure within Scottish policy documents, including the provision of Battery Energy Storage Systems (BESS) sites in appropriate locations.
- 11.13 UK National policy on decarbonisation also identifies a clear need for this nature of infrastructure to support the national Grid. The provision of BESS is considered by national policy to be a technology which offers carbon saving benefits when considered in the round and seeks to end a reliance on electricity generation from fossil fuel reliant generators and allow the full benefits of renewables to be captured and realised.
- 11.14 The proposed facility would enable a new type of infrastructure to be provided on island, where there are existing and consented renewables developments requiring to feed into the Grid. The application notes that 'The battery system can ...carry out 'load shifting' and 'peak lopping''. This is the process by which energy is stored in the battery during high renewables production/low demand periods and later discharged during peak demand/low renewables production periods. This will make better use of the renewable energy produced, resulting in a long-term environmental improvement.
- 11.15 While there may be multiple sites which could be developed for the development type, the developer has provided a clear and reasoned justification for the development of a brownfield site within an area of existing energy infrastructure. It is considered that the context of the application site, along with the reasoning from the applicant, are sufficient to support the use of the site for the proposed development.
- 11.16 Proposals should respect the settlement pattern and historic character of the town. The area is currently of mixed used and has historically been so. Public representations cite that the area is at capacity for industrial development while others identify the area as residential, and that the nature of development is not suited to being located there.
- 11.17 The housing at Seaview Terrace sits on land approximately two metres higher than the development site, and currently overlooks the unkempt brownfield site, the SSE Power Station, Goat Island and its range of industrial, processing and marine uses and the Castle Ground policies in the background across the harbour.
- 11.18 The siting of the infrastructure amongst the existing energy infrastructure for the area, in a part of the Stornoway Core which historically and currently is a mixed-use area with services, energy and water infrastructure, industrial uses and residential uses coexisting.
- 11.19 In terms of scale the site has sufficient area to comfortably accommodate the development, and all structures are low level with the ridge of the substation building at 2.7m being the tallest structure save for internal security and acoustic barrier panels of 3m and 4m high. A 2.7m high mesh fence would be installed closer to the perimeter and banks of landscaping planted to soften its appearance when complete.
- 11.20 The applicant has provided visualisations from public viewpoints which support this assessment. From the public realm, the development will be viewed in the context of the surrounding existing development and with boundary treatments and landscaping will be accommodated within the streetscape without significant harm. Private views may be interrupted but this is not a material planning consideration.
- 11.21 The site is wedge shaped and on approach along Newton Street from the centre of the town is viewed against the backdrop of the larger Power Station which dominates in scale and views. The proposal would not be dominant visually in its context and would not compromise the historic development pattern or character of this part of Stornoway Core.

- 11.22 Consequently, the scale, layout, external appearance of the BESS facility when mitigated by screening and landscaping are such that there are no significant adverse effects on the existing streetscape which meets the principles of Placemaking.
- 11.23 The site is brownfield land, with some degree of waste and contamination, essentially wasteland that has not had a defined use for a considerable period of time. Alternative uses for the site, such as recreation space, was highlighted in representation as a reason to refuse the current proposals. As the site has not been safeguarded for any specific alternative use nor meets any criteria for being protected, this is not a material consideration for this application.
- 11.24 The site while comprised of open undeveloped ground does not meet the definition of functional 'Open Space' nor that of an 'Outdoor Sports facility' and the land is therefore not safeguarded for these uses. A mapped Open Space area in the form of a playground sits to the north east of the site to the rear of Seaview Terrace and this provides an active area of open space for the locality.
- 11.25 There are surrounding footpaths which allow pedestrian and wheeled access to Goat Island and the shore-edge from the rear of the Coastguard station to the front of the Battery Point and along to the Sandwick shore; these will be maintained and not affected by the development.
- 11.26 Noise impacts are addressed further below but in terms of appearance the proposed site layout, design and landscaping has been shown to be cognisant of its location within the Stornoway core. The BESS facility would be double fenced with palisade security fencing/acoustic panels enclosing the battery groups and a mesh fence enclosing the wider operational area. Lower-level soft shrub landscaping along the boundary with the footpath leading to the Coastguard Station and along to Goat Island would soften visual impact arising from the fenced compound. Tree planting is proposed at the north end of the site which should complement and be viewed as an extension of the existing trees which screen the entrance to the SSEN compound located at the entrance to that neighbouring site. Additional raised bunding and tree planting is shown in the south-western corner, which faces towards the public footpath route to the rear of the Coastguard Station. Full and final details of the landscaping will be required by condition, for both amenity and biodiversity purposes.
- 11.27 The location of the proposed BESS in juxtaposition to the existing large scale electricity generating station at Battery Point is considered to be compatible with the mixed-use characteristics in this area.
- 11.28 Overall, it is concluded that sufficient justification exists to support the principle of a BESS development in this location, subject to the consideration of potential amenity and traffic impacts discussed elsewhere in this Report.

Energy

Policy Context

NPF4

- 11.29 The Scottish Government Draft Energy Strategy and Just Transition Plan (2023) includes strong and consistent proposals for policies which support the decarbonisation of the energy sector, including the resilience of the National Grid to provide for consistent provision, the storage of energy is a key area where new installations are being proposed across the country.
- 11.30 Policy 11 of NPF4 (Energy), advises that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, and these include energy storage, such as battery storage. The policy seeks that development proposals only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities. The policy requires that, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

OHLDP

- 11.31 The policy context states that the Comhairle wishes to capitalise on the significant renewable energy generation potential in and around the Outer Hebrides. Policy EI 8 supports proposals that contribute to meeting the targets and objectives of the Climate Change Act, in relation to electricity Grid reinforcement, infrastructure and renewable energy generation.
- 11.32 Proposals for all other [non-wind] renewable energy projects will be required to demonstrate all the following: appropriate location, siting and design including the technical rationale for the choice of site; no significant adverse impact (including cumulative) on: landscape, townscape and visual aspects; natural, built and cultural heritage resources; the water environment; peatlands; aviation, defence and telecommunications transmitting and receiving systems, e.g., broadband; public health and safety, and amenity (including noise); neighbouring land uses, transport management and core paths; appropriate decommissioning and site reinstatement arrangements; phasing arrangements, where appropriate; and the contribution towards meeting national energy supply targets and local economic impact.

Consultation Responses

- 11.33 No consultation responses highlighted issues of energy production, storage or distribution.

Public comments

- 11.34 No comments highlighted positive or negative issues around energy production, storage or distribution.

Assessment

- 11.35 Battery energy storage systems (BESS) can store surplus renewable energy and release it precisely when needed, enhancing the efficiency of the Grid and supporting the integration of more renewable sources into the energy mix. This not only helps in avoiding waste of renewable energy but also in reducing reliance on fossil fuel-based power generation during periods of high demand, thereby contributing to more sustainable and resilient energy systems.
- 11.36 Therefore, the nature of the proposed development is considered to meet the requirements of the local and national policies on the provision of decarbonising infrastructure on the assumption that other planning considerations in relation to location, visual impacts, neighbouring uses and amenity can be addressed. These matters are discussed elsewhere in this Report.
- 11.37 It is concluded that the proposal by its nature is supported by the NPF4 and OHLDP policies which promote energy decarbonisation.

Health and safety

Policy Context

UK Government

- 11.38 A House of Commons Library Research Briefing (April 2024) confirms that there are no laws that specifically govern the fire safety of battery energy storage systems (BESSs). Further, that there is no guidance by the government or regulatory bodies on whether fire safety requirements set in building regulations (which govern the fire safety of buildings during construction) apply to Grid-scale BESS. It notes that fire safety requirements for new buildings in Scotland are set out in the Building (Scotland) Regulations 2004. Whether the fire safety requirements set out in building regulations apply to BESS will depend on whether the modules (stacks of batteries) are housed in a building and, if they are housed in a building, whether the building is exempt. Detached buildings are exempt from Building Standards if people do not usually enter them or only intermittently enter, inspect or maintain plants or machinery.
- 11.39 The UK National Fire Chief Council notes that fire and rescue services are not statutory consultees in the BESS planning process but published some guidance for fire and rescue services on BESS in 2023. In Summer 2024 it issued a consultation to seek views from fire and rescue services on a revised guidance for fire and rescue services on BESS. Due to the volume of response they anticipate that the new revised version of the BESS guidance will be published at some point in 2025. Therefore, at the time of writing this Report the 2023

version of the BESS guidance is that which remains current for Fire Chiefs in England and Wales with the Scottish Government and Scottish Fire and Rescue Service in liaison with them as the guidance develops.

11.40 The Control of Major Accident Hazard (COMAH) Regulations do not apply to BESS as lithium-ion batteries are articles rather than substances for the purposes of the COMAH.

11.41 The Scottish Government's draft Energy Strategy and Just Transition Plan ('the draft Energy Strategy') gives general support for Grid-scale battery energy storage as part of the response to building resilience and flexibility in our energy system. It does not include specific locational or planning advice. The Scottish Government's Energy Storage Planning Advice (2013) ('the 2013 guidance') provides guidance mainly to planning authorities, in considering opportunities for energy storage. It suggests that authorities should consider whether sites within existing industrial land allocations or brownfield land are suitable for energy storage.

NPF4

11.42 Policy 23 seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. In relation to development proposals, amongst other matters, those which are likely to have a significant adverse effect on health will not be supported.

OHLDP

11.43 The site is also within an HSE safeguarding are for the Stornoway LPG plant, and as such policy EI 11 applies: 'For all development proposals the Comhairle will take account of the advice of the relevant agencies with regard to safeguarding and consultations zones notified by the Health and Safety Executive, Civil Aviation Authority, Highlands & Islands Airports, NATS, Ministry of Defence, Meteorological Technical Sites, Marine Consultation Areas, relevant Harbour Authorities and Marine Protected Areas.'

11.44 Policy EI 8 requires applications for energy installations to demonstrate no significant adverse impact on public health and safety.

Consultation Responses

11.45 HSE responded in relation only to the proximity of the development to the Stornoway LPG plant and did not advise against the development.

11.46 Scottish Fire and Rescue Service were contacted for advice and commentary, but no reply was received.

11.47 SSEN were consulted in relation to the proximity of the development to their adjacent infrastructure, but no reply was received.

11.48 Stornoway Community Council raise concerns primarily focussed on the health and safety of the BESS facility particularly in relation to fire risk and spread; potential for toxins in any fire plume/outfall; and concerns over the proposed firefighting strategy.

Public comments

11.49 Comments including significant levels and numbers of concerns in relation to health and safety, particularly in relation to fire spread; toxins from a fire event; electromagnetic radiation; compounding the hazards of the diesel power station; implications for access/egress to the HM Coastguard control centre, the many businesses on Goat Island, business site and question the ability of local fire/emergency response crews to deal with an incident.

Applicant's response

11.50 The applicant's responses to these comments are attached as Appendices 5 and 6 to this Report. These demonstrate the Design Features for enhanced safety incorporated within the design, namely Battery Monitoring with sophisticated monitoring systems, Fire Protection Measures (containers housing the

batteries offer fire resistance and would be equipped with fire prevention, detection and suppression systems) and Climate Control (heating/ventilation and air conditioning). It further sets out how the site layout has been designed to mitigate risks, including equipment separation, Grid monitoring, fire hydrants, Fire Service communication, blast proof acoustic barriers and presents a firefighting approach plan.

11.51 In addition, the applicant's statement confirms that post planning detailed design would involve reviewing all technical and safety measures including earthing, emergency planning, fire safety and insurer requirements ahead of procurement and construction.

Assessment

11.52 While national policy states that there is a strategic role for Development Plans in allocating sites for particular uses, there is not currently any national or local spatial plan for BESS sites. Each proposal therefore requires to be considered on its own merits. There is currently a lack of regulations or guidance on the need for 'buffer zones' to be established relative to neighbouring residential areas and properties.

11.53 There is also currently uncertainty as to whether, and if so how, planning authorities should take direct account of potential fire risk and fire safety concerns relating to the siting and operation of BESS proposals. The Scottish the Fire and Rescue Service was consulted but did not respond.

11.54 NPF4 - Policy 23 considers the safeguarding of hazard sites including related infrastructure (pipelines), hazardous substances consent and licensed explosive sites.

11.55 Many local concerns were raised about the safety of the battery units, particularly the potential fire risk given the proximity to residential uses. The developer was requested to submit information regarding safety considerations in relation to the development. The applicant's Health and Safety Statement highlights the proposed safety measures:

- Battery Monitoring: Modern, Grid-scale battery units are fitted with sophisticated monitoring systems, allowing malfunctions to be highlighted immediately and rectified long before any potential fire occurs. Deviation from defined parameters will result in automatic shutdown to maintain safety.
- Fire Protection: The containers housing the battery units are fire resistant and will be equipped with an automatic fire prevention, detection and suppression system. This will work to ensure that, in the unlikely event of a fire in one of the storage units, early action will be taken to contain the fire.
- Climate Control: Each storage unit will be fitted with a Heating, Ventilation, and Air Conditioning (HVAC) system. This HVAC system will ensure that safe ambient temperature and humidity conditions are maintained. As mentioned above, the battery will use a liquid cooling system.

11.56 It is acknowledged nationally that there is currently a lack of regulatory responsibility pertaining to BESS installations and in this absence, reference is made to guidance only.

11.57 National Fire Chiefs Council's (NFCC) guidance on Grid Scale Battery Energy Storage System indicates that proposed distances between BESS units and occupied buildings/site boundaries should take into account risk and mitigation factors.

11.58 An initial minimum distance of 25 metres is advised by the NFCC guidance, prior to any mitigation such as blast walls. It also seeks that, where possible, buildings should be located upwind. The distance from the batteries, with the intervening acoustic/blast barrier to the rear of the nearest residences (Seaview Terrace) is approximately 70 metres. The residences are downwind of the site. The distance to the Coastguard station is approximately 40 metres from the batteries, without an intervening solid barrier. The Coastguard station is upwind of the site.

11.59 The separation between cells is recommended at 1.5m minimum in Health and Safety Guidance for Grid

Scale Electrical Energy Storage Systems (Prepared for: Department for Energy Security and Net Zero, March 2024). The developer states a separation distance of 3.69 metres has been used between rows of batteries, to reduce the likelihood that fire could spread between rows. The NFCC guidance, though vague in terms of 'unit' separation, seeks a larger distance of six metres, though the applicant's most recent comments indicates that this is based on outdated information from a more recently revised dataset.

- 11.60 The Health and Safety Statement accompanying the application states: *'The design of an energy system is always refined at the post-planning stages. Should planning permission be granted, detailed technical design will be completed prior to procurement and construction. This will review all technical and safety requirements such as earthing, emergency planning, fire, safety, and insurance provider requirements. The standards in place at that time and the latest best practice will be applied and changes made to the design if necessary.'*
- 11.61 It is considered that it would be appropriate to require through condition of any consent, finalised details of the final battery chemistry and detailed layout of the proposed development, prior to the installation of the BESS facility. This will allow the finalised layout to be optimised in accordance with emerging guidance prior to the BESS installation being implemented.
- 11.62 The applicant's Health and Safety Statement indicates that the proposed acoustic barrier will also be blast proof. Final design of this acoustic barrier/blast wall has not yet been detailed but requires to be continuous, with no gaps and for acoustic purposes to be of a mass of 10kg/m². In order to be blast proof they are likely to require to be constructed of reinforced mass concrete and will require a building warrant. The finalised details of the acoustic barrier should be required as a condition of any consent.
- 11.63 While the risks of fire and fire spread can be mitigated through good design, the importance of fire safety is recognised. Fire precautions and matters relating to health and safety are predominantly covered by other legislation and not by planning. The applicant will be required to comply with all laws and regulations regarding to fire safety.
- 11.64 The applicant's most recent comments to the planning service stated: *'On 30 October and 04 November I was in contact with the local Western Isles team of the Scottish Fire and Rescue Service. The applicant will work with the Fire Service during the detailed design, construction, and operational phases to share all relevant information with them and is committed to accepting the recommendations made by the Fire Service.'*
- 11.65 It is considered that it would be appropriate to require through condition of any consent, finalised details of an Emergency Response Plan, prior to the operation of the BESS facility.
- 11.66 A representation raises concerns of air quality at all development stages. The nature of the construction works should not result in any significant emissions. There should be no air quality emissions from the BESS facility. A fire is considered to be at low risk of occurring and in the unlikely event it is accepted that while there may be emissions and the residential properties downwind of the site may be receptors, the impacts would be short lived and while weighing against the development would not carry significant weight. It is concluded that air quality emissions would not be a significant issue and would not weigh against the development.
- 11.67 Concerns over electromagnetic radiation was also raised. There is no specific regulatory measure for electromagnetic fields from electrical generating infrastructure, though there is a UK-wide code of best practice for electromagnetic fields from overhead powerlines. There is no generally accepted evidence base for significant health impacts from electromagnetic fields in the outdoors. The HSE regulated Control of Electromagnetic Fields at Work Regulations 2016 apply to all workplaces and would control any impacts on staff who may be operating the proposed battery installation.

- 11.68 Whilst due consideration has been given to the concerns raised in public representations, having regard to the details provided, it is considered that the implementation of the mitigation measures proposed would reduce the risks associated with the proposal to a sufficiently acceptable level.
- 11.69 In addition, some of the identified risks would be subject to regulatory and licensing regimes outwith planning.
- 11.70 Consequently, while there is a lack of clarity over the roles of SFRS and HSE in BESS regulation and management, it is anticipated that such regulations will emerge in the very near future.
- 11.71 The site layout and design as proposed has had regard to the NFCC guidance being the best national guidance available at present and while it is disappointing that the SFRS did not respond to the consultation request (non-statutory) with site specific observations, it is concluded that subject to a finalised design and layout and the identified mitigation measures being secured by condition, the proposal would not result in unacceptable risks to health and safety.

Socio-Economic Impacts and Community Wealth Building

Policy Context

- 11.72 National and local planning policies are generally supportive of new economic development, which meets other policy criteria.

NPF4

- 11.73 NPF4 - Policy 25 – Community Wealth Building, supports development proposals that contribute to local or regional community wealth building strategies and are consistent with local economic priorities. Amongst other matters, it indicates that this could include increasing spending within communities, ensuring the use of local supply chains and services, local job creation, supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets. It goes on to say development proposals linked to community ownership and management of land will be supported.

OHLDP

Consultation Responses

- 11.74 No consultation comments were received in relation to the economic impacts of the proposal.

Public comments

- 11.75 Representations highlight various concerns, including that the development will not directly benefit the residents of Newton Ward or the users of Newton Basin Marina/Goat Island facilities. Further, that the development will not provide any long-term employment opportunities or encourage people or tourists to the area.
- 11.76 Other points raised in representations were adverse impacts on tourism sector, in particular a representor's holiday-let business on Newton Street, and potential for negative impact on property prices.

Assessment

- 11.77 National and local planning policies are generally supportive of new economic development, which meets other policy criteria.
- 11.78 NPF4 - Policy 25 – Community Wealth Building, supports development proposals that contribute to local or regional community wealth building strategies and are consistent with local economic priorities. Amongst other matters, it indicates that this could include increasing spending within communities, ensuring the use of local supply chains and services, local job creation, supporting community led proposals, including creation of new local firms and enabling community led ownership of buildings and assets. It goes on to say development proposals linked to community ownership and management of

land will be supported.

- 11.79 *Policy EI 8: Energy and Heat Resources - Development proposals for all scales of onshore wind energy development will be assessed against the Supplementary Guidance for Wind Energy Development..... The type, scale and size of the proposed development will have a significant effect on the way the Comhairle will consider an application and the level of accompanying information that will be required. Conditions and, where necessary, a planning agreement may be used to control the detail of the development. Non-permanent elements of a development will be granted permission consistent with their lifespan and/or projected period of use.*
- 11.80 No consultation comments were received in relation to the economic impacts of the proposal.
- 11.81 Representations highlight various concerns, including that the development will not directly benefit the residents of Newton Ward or the users of Newton Basin Marina/Goat Island facilities. That the development will not provide any long-term employment opportunities or encourage people or tourists to the area.
- 11.82 Other points raised in representations were adverse impacts on the tourism sector, in particular a representor's holiday-let business on Newton Street, and potential for negative impact on property prices.
- 11.83 The key criterion in assessing the economic impact of a proposed development is to estimate the economic position where the development proceeds, and then compare it with the estimated economic position if the proposal does not go ahead. The difference between these two estimates is the net economic benefit of the development.
- 11.84 While net economic benefit is quantifiable in larger scale projects it is harder to quantify for a development of the scale proposed. Minor economic benefits only are likely to accrue at the construction stage if a local groundworks contractor was engaged to undertake the site preparation works but would have a neutral effect in terms of a planning decision.
- 11.85 Community wealth building is an internationally recognised approach to economic development that has been translated into planning policy in NPF4. It is detailed in NPF4 as a people-centred approach to local economic development, which redirects wealth back into the local economy, and places control and benefits into the hands of local people. [Community Wealth Building information on the Scottish Government website](#) states that it is designed to harness the economic leverage of local 'anchor' organisations (such as local councils) to tackle long standing systematic challenges and structural inequalities within our communities. It aims to ensure the economic system builds wealth and prosperity for everyone.
- 11.86 The applicant states that the proposed BESS facility would be community-owned and therefore the benefit will be retained in the community and has indicated their intention in relation to the principles of community wealth building (CWB).
- 11.87 While these commitments are to be welcomed and likely to yield local benefits, they would not meet the planning tests for conditions or a planning agreement and cannot be taken into account in the determination of the planning application. Notwithstanding the policy intentions, it is important to note that the community ownership and community benefits are not a material consideration in the determination of a planning application.
- 11.88 Any such agreements require to be progressed outwith the planning process (e.g. by the developer in discussions with the community, with potential support from Comhairle Economic Development and the Community Engagement Unit).

- 11.89 When community benefits are disregarded, the proposal is likely to have a neutral effect on the economy of the area. While concerns were raised over the potential negative impact on a holiday-let property, this was not supported by evidence.
- 11.90 Impact on house prices is not a material planning consideration and cannot be considered as part of the application assessment.
- 11.91 It is concluded that when community benefits are disregarded, the proposal overall would only generate minor insignificant short term economic benefits (on the assumption that a local contractor is appointed for the site preparation (groundworks)).

Climate and Nature Crisis, climate mitigation, biodiversity and species

Policy Context

NPF4

- 11.92 Policy 1 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crises. It requires significant weight to be given to the global climate and nature crises when considering all development proposals.
- 11.93 Policy 2 looks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Development proposals are required to be sited and designed to minimise lifecycle greenhouse gas emissions, as far as possible, and to adapt to current and future risks from climate change.
- 11.94 Policy 3 intends to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It requires development proposals to contribute to the enhancement of biodiversity. The policy requires any adverse impacts, including cumulative impacts, to be minimised through careful planning and design.
- 11.95 [NatureScot has produced 'Developing with Nature' guidance](#) to support the implementation of this policy. It is aimed at those making local developments; however, it contains universal advice well-designed development integrating nature-based solutions provides multiple benefits. As well as addressing the causes of climate change and supporting biodiversity, it benefits people and enhances our places. In addition to these policy requirements, there are also statutory duty obligations placed on local authorities and decision makers, as referred to above, in relation to biodiversity, protected species, and birds, amongst other matters.

Consultation Responses

- 11.96 No consultee responses offered comments in relation to climate, biodiversity or species.
- #### Public comments
- 11.97 Representations noted anecdotal evidence of otter in the tidal basin of Newton and bats flying over the area.
- 11.98 A representation queried the environmental impact of the use of lithium-ion batteries, based on their overall end-to end development, including natural element mining.

Assessment

- 11.99 Policy 1 seeks to encourage, promote and facilitate development that addresses the global climate emergency and nature crises. It requires significant weight to be given to the global climate and nature crises when considering all development proposals.
- 11.100 Policy 2 looks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Development proposals are required to be sited and designed to minimise lifecycle greenhouse gas emissions, as far as possible, and to adapt to current and future risks from climate change.

- 11.101 Policy 3 intends to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. It requires development proposals to contribute to the enhancement of biodiversity. The policy requires any adverse impacts, including cumulative impacts, to be minimised through careful planning and design.
- 11.102 [NatureScot has produced 'Developing with Nature' guidance](#) to support the implementation of this policy. It is aimed at those making local developments; however, it contains general advice relevant to all scales of development. As well as addressing the causes of climate change and supporting biodiversity, it benefits people and enhances our places. In addition to these policy requirements, there are also statutory duty obligations placed on local authorities and decision makers, as referred to above, in relation to biodiversity, protected species, and birds, amongst other matters.
- 11.103 No consultee responses referred to climate, biodiversity or species.
- 11.104 Representations noted anecdotal evidence of otter in the tidal basin of Newton and bats flying over the area.
- 11.105 A representation queried the environmental impact of the use of lithium-ion batteries, based on their overall end-to-end development, including natural element mining.
- 11.106 NPF4 requires that when considering all development proposals, significant weight will be given to the global climate and nature crises, and that developments should be designed to reduce, minimise, or avoid greenhouse gas emissions. The proposed development is specifically for the purpose of supporting decarbonisation of the national Grid, by allowing storage and redistribution of surplus generation from renewable energy generators.
- 11.107 As a result, the technology is considered to support government policy that seeks to end a reliance on backup electricity generation from fossil fuel reliant generators and allow the full benefits of renewables. This is the intrinsic carbon saving benefit of the development type.
- 11.108 The Climate Change (Scotland) Act 2009, as amended by The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, sets a target of reducing greenhouse gas emissions to net-zero by 2045, with an interim target of reducing emissions by at least 56% by 2020, 75% by 2030, 90% by 2040. Annual greenhouse gas emission targets are set in secondary legislation. Section 44 of the Act places a duty on every public body to act in the way best calculated to contribute to the delivery of emissions targets in the Act; in the way best calculated to help deliver the Scottish Government's climate change adaptation programme; and in a way that it considers is most sustainable.
- 11.109 The promotion of energy storage systems through policy and their contribution to decarbonisation of the Grid is considered to be a significant benefit of the scheme. Having regard to the importance given to these matters in local and national planning policy, it is considered that substantial weight should be given to this benefit.
- 11.110 In terms of whole lifecycle environmental impact, this is a consideration but is not currently required by policy, nor is there a British Standard to carry out such an assessment (unlike certain whole life carbon assessments for buildings, which has been standardised). As it is not possible to quantify for this individual development and given the national policy support and the comparatively small scale of the development, it is considered that, on balance, the decarbonisation provision of the proposed infrastructure while minor does lend weight in favour of the development.
- 11.111 Given the scale of the development, it is considered likely to result in a neutral to positive impact on global climate change.

- 11.112 The application site is brownfield land and comprises predominately rough grasses. The site is not within any designated areas. The applicant's agent carried out a desktop study for natural heritage designations within a 1km radius of the site. No designations were found within this radius. Ecological surveys were not sought, given the nature of the brownfield site offering little evidence of habitat diversity and no hard evidence of species being present.
- 11.113 Visits to the site have not shown any evident spraints, couches, hots or runs which would indicate that otters are utilising the site. There are no drains or other water ways crossing or abutting the site for otters to use. Otters are common within the wider Stornoway harbour area, but with ample suitable habitat more likely to attract the species than this site.
- 11.114 Stornoway hosts approximately two colonies of pipistrelles, which feed on midges, moths and other flying insects. No roosting sites or suitable structures or trees for roosting are present within the application site. Their range across the Stornoway area, including the Castle Grounds, is such that the development of this comparatively small area of brownfield land absent of building or trees would not tangibly affect their foraging and food sources.
- 11.115 The developer does note, however, that during the construction phase of the development appropriate mitigation measures will be followed to reduce the impact on the local ecology. This will include management of pollution risks, noise and vibration, and capping exposed pipes outside of work hours. The Wildlife and Countryside Act 1981 provides protection to relevant species against disturbance or damage to their breeding or resting places and the developer is bound by this should any species become evident on-site during development.
- 11.116 It is considered that the development would not have an unacceptable impact on ecology, sensitive habitats, and would not be likely to affect any protected species.
- 11.117 The development proposes a new planting scheme for the site that will include a hedgerow to the western boundary of the site; the planting of 7no. native trees to the site; and the reseeded areas of ground within the site which do not form part of the BESS infrastructure hardstanding post-construction. The applicant further note that the hedges will not be trimmed during bird nesting season to support biodiversity.
- 11.118 The application demonstrates consideration of the mitigation hierarchy of avoidance, minimisation, restoration and offsetting. The development is on a brownfield site of limited diversity and the developer notes avoidance of high value ecological sites by opting for development of a site of low ecological value. Minimisation is achieved through the development of only the areas essential to the provision of the development. Restoration is proposed by reseeded areas that are then not actively required for the ongoing operation of the site. The enhancement, and offset of impact, is secured through the improvement of planting on site by increasing the flora diversity through native planting, which should enhance fauna diversity by providing more suitable habitats for a variety of birds and insects.
- 11.119 It is considered that with a condition to secure landscaping, the proposal would contribute to an enhancement in biodiversity albeit on a small scale.

Flood risk and drainage

Policy Context

NPF4

- 11.120 Policy 22 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Amongst other matters, it requires that development proposals will: not increase the risk of surface water flooding to others, or itself be at risk; manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure; seek to minimise the area of impermeable surface.

OHLDP

- 11.121 Policy EI1 encourages development proposals to avoid areas susceptible to flooding, promotes sustainable flood management and requires proposals to have regard to the probability of flooding from all sources.
- 11.122 Policy EI2 requires new development to adopt the principles of sustainable drainage systems (SUDS), including the use of permeable surfaces.

Consultation Responses

- 11.123 A copy of the consultation responses is attached as Appendix 3 to this Report. The following summarises the key main points of the responses of particular relevance to this issue:
- 11.124 SEPA - The SEPA Future Flood Map indicates that the site is at possible risk of coastal flooding. The approximate coastal flood level for the area is 4.37m AOD including an allowance for climate change. As the site lies outwith an area at risk of coastal flooding and all built development would appear to be on ground above 5.5m AOD, we have no objection to this application on flood risk grounds.
- 11.125 SEPA highlight that they may provide site specific advice in relation to BESS in the future.
- 11.126 Scottish Water - Scottish Water has no objection to this planning application. 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.
- 11.127 Stornoway Community Council - As the proposed BESS is in a small area very close to the harbour, and since ... significant quantities of water would be required to extinguish any fire, it is very likely as a result that a substantial amount of poisonous liquids would flow from the BESS into the harbour, killing any wildlife in their way.

Public comments

- 11.128 Comments were not made in relation to these elements.

Assessment

- 11.129 The development does not propose, fresh or foul water connections. In the event that either were required, connections are likely to be available to the adopted systems.
- 11.130 The site is largely to be aggregate fill and free draining; each battery pack is within a closed container and as such run-off from the infrastructure on site is unlikely to result in flooding. Some surface management is proposed through a perimeter filter drain.
- 11.131 SCC raise concerns re the potential for pollution of ground and coastal water in the event of fire and firefighting event. At present SEPA has confirmed that there is no site-specific guidance being provided in relation to the management of pollution/risks to the water environment from BESS projects but ultimately SEPA is the regulator of water quality, and the polluter pays principle follows. SEPA's consultation response also notes that they are aware that there are developments, and they are monitoring progress of a Bill in the UK Parliament regarding legislation around battery energy storage facilities.
- 11.132 It is considered that the proposal as designed would present minimal risk to the water environment as the risk of a fire and firefighting event is low. Nevertheless, a condition is proposed seeking an updated drainage plan should it transpire that regulations come into force prior to implementation that require some form of sump to collect firefighting water in the unlikely event of a fire. All site infrastructure is located above the flood risk level, and the development would not increase the risk of flooding elsewhere. It is assessed that the development meets the relevant policy requirements in these regards.

Other issues

Overview

11.133 This section of the Report covers a range of other issues including Neighbour Amenity, Traffic and Transport, Contaminated land and Decommissioning and Site Restoration.

Policy Context

NPF4

11.134 Policy 9 : Brownfield, vacant and derelict land and empty buildings, supports Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary and further notes that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

11.135 Policy 11: Energy requires project design and mitigation to demonstrate how a number of specified impacts would be addressed, including: impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker; seismological recording; and impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.

11.136 Policy 13 goes on to confirm that, where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance. Further, development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

11.137 Policy 14 - Design, quality and place seeks that development proposals demonstrate a satisfactory quality of place-making, siting, scale and design that respect and reflect positive local characteristics. Development siting, design, landscaping and boundary treatments should ensure reasonable neighbour amenity is retained.

11.138 Policy 18: Infrastructure First states that the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. Where planning conditions, planning obligations, or other legal agreements are to be used, the relevant tests will apply.

OHLDP

11.139 Policy PD6: Compatibility of Neighbouring Uses requires all development proposals to ensure that there would be no unacceptable impact on the amenity of neighbouring uses. Where appropriate, proposals should include mitigation measures to reduce the impact on the amenity of neighbouring uses.

11.140 Policy PD2 requires that road design and car parking be suited to the type, location, scale and circumstances of the development. Amongst other matters, it specifies parking standards and the size of parking spaces required. It requires new roads to be safe and not compromise the existing road network.

11.141 Policy EI 8 states that all proposals for all renewable energy projects will be required to demonstrate appropriate decommissioning and site reinstatement arrangements. Policy EI 8 Energy and Heat Resources also states that non-permanent elements of a development will be granted permission consistent with their lifespan and/or projected period of use.

11.142 Policy EI9 highlights key priority areas for the upgrading and development of the transport infrastructure

within and serving the Outer Hebrides, with criteria for new or improved traffic infrastructure or traffic management measures.

Consultation response

- 11.143 Comhairle Roads, Bridges and Streetlighting (Comhairle Roads section) advised that the access, parking and turning layout to be constructed as per the submitted site layout; it is the responsibility of the developer to prevent surface water flowing from the site on to the road or vice versa; the developer could be held responsible for any damage to the road network as a result of the works.
- 11.144 Comhairle Environmental Health had no comments upon Contaminated Land based on the information provided in the design and access statement. i.e. Trial pits indicate potential hydrocarbon contamination; No objection to the land being developed for the proposed use; advise against removal of any contaminated ground from the site and used improperly.

Representations

- 11.145 Comments made in relation to these other issues include:
- Impact on the local residents
 - Impact on the surrounding roads infrastructure.
 - Loss of greenspace for local community
 - Noise and emissions impacts on amenity and health

Assessment

Amenity impacts: Visual and noise impacts for residents / users of the area

- 11.146 Policies DS1 and PD1 protect residential and general amenity. Where appropriate, proposals should include mitigation measures such as design and landscaping proposals to reduce the impact on the amenity of neighbouring uses.
- 11.147 In terms of noise, an assessment undertaken by a specialist consultant forms part of the application. The assessment was carried out having taken account of acoustic barriers as a mitigation. The boundaries facing noise sensitive premises having the designed acoustic barrier facing the rear of the houses and providing a degree of screening for the visual elements of development as well as acting as a noise attenuating structure. The assessment concluded that the development would meet or be lower than the acceptable noise ratings in relation to the sensitive receptors of the adjacent housing. Comhairle Environmental Health commented upon potential risks of impacts from noise and proposed the application of condition in mitigation. The acoustic barrier and noise ratings can be managed by conditions.
- 11.148 The visual impacts on amenity of the area have been discussed above and it is concluded that while the development will result in change of use of the land, with mitigation through fencing, barriers and landscaping the visual impacts as experienced from key approaches and public viewpoints will not be significant. Private views from individual dwellings are not a material planning consideration.
- 11.149 The neighbouring non-residential uses are the Coastguard Station and the Battery Point power station, with the marine uses and factories of Goat Island further out the causeway. There is no evident constraint on the day-to-day operation of these sites from the siting of a BESS on the application site.

Traffic and Transport

- 11.150 The construction phase will comprise ground works and laying of services and formation of an aggregate surfaced hardstanding with battery modules prefabricated and delivered to site for installation.
- 11.151 There is likely to be some increase in HGV and contractor vehicles to the site during the ground works to create access and hard-standing for the development. This traffic is likely to travel from a local quarry along established HGV traffic routes through Newton.

- 11.152 The Battery units are manufactured off-island and are likely to be delivered to the nearby Stornoway Port or to Arnish Deep Water Port and transported onwards by truck to the site.
- 11.153 An average number of 2.2 heavy vehicles visits per day to the site is projected over the duration of the anticipated 8-month construction period.
- 11.154 Other than the delivery of materials and units to site during the construction phase, and contractors traffic, the construction impacts of traffic on the nearby residential streets will be limited. The Comhairle Roads section has been consulted and raised no concerns in relation to traffic impacts and capacity of the surrounding roads network.
- 11.155 Notwithstanding this, in order to mitigate and manage these construction phase impacts, a construction traffic management plan will be required by condition.
- 11.156 The developer has detailed the operational use of the BESS site, and it is considered that impacts on the surrounding area from traffic will be minimal. During the operational phase the battery energy systems will be controlled remotely, and the site will not be staffed. Occasional visits for maintenance will occur. The required service vehicles will usually be cars or vans. The frequency of site visits is expected to be between one and two visits per month. Therefore, once operational, the traffic and transport implications would be minimal. It should be noted that damage to the public roads network from a construction project requires to be repaired by the responsible party, and this is enforced through roads regulations.
- 11.157 The proposed layout includes perimeter drainage to prevent water flowing onto the public road and the access design can be secured by condition.

Contaminated land

- 11.158 The site has historic use for storage and isolated incidences of waste disposal, and the ground investigation carried out on behalf of the applicant suggests there may be some hydrocarbon contamination. Consultation with Comhairle Environmental Health has not raised any specific concerns or sought any remediation on account of the proposed end use but advised that any disturbed soils should be retained on site or disposed of to an approved waste site.

Decommissioning, restoration and temporary buildings

- 11.159 The developer will require, by condition of any consent, to provide a decommissioning statement and site restoration plan should the installation become redundant. Temporary containers typically have a lifespan of 10 years and a condition is proposed requiring any container to be removed after 10 years unless a new permission has been granted for its retention.

Material Planning Considerations

Representations

- 11.160 Consideration has been given to the content of representations and considered above under the relevant policy sections, where applicable. Matters raised in representations which were not covered above are discussed below.
- 11.161 Representations advise that alternative sites for the proposed use are available elsewhere. While this may be the case the applicant has provided justification for its selection of the site, submitted a planning application for the site and the Comhairle as Planning Authority requires to determine the application that has been submitted.
- 11.162 The site is brownfield, is not EIA Development and there is no requirement for the developer to demonstrate that it has considered alternative sites.
- 11.163 Representations also cite alternative more favourable uses for the site. The site is not allocated or

protected for any particular use and while other uses may be acceptable the Comhairle is required to determine only the development and use as proposed by the application.

- 11.164 Both SCC and public representation comment upon safety concerns. These are discussed above under the relevant policy.
- 11.165 One representation queried the procedural aspects of the consultation activities, as detailed in the Pre-Application Consultation (PAC) report and the manner in which they were advertised. The representor considered that the submission had not met the required definition of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. They also queried whether the PAC report had been submitted within the required 18 months of the Proposal of Application Notice.
- 11.166 While the representor was of the view that the submission was not sufficient, the minimum regulatory requirements were met. The planning application with accompanying PAC report was submitted within 18-months of the PAC with the PAN being notified on 20 October 2022 and the valid application being registered on 19 April 2024.
- 11.167 Concern over access to a defibrillator at the Coastguard station, in the event of a fire / incident, was raised. There are a number of defibrillators in the nearby area, including MG Alba on Seaforth Road, McGregor's Industrial Supplies on Bells Road, and three additional sites on Sandwick Road. There is no specific accessibility or distance requirement in legislation or policy for access to a defibrillator. The planning service has considered this concern and endeavoured to ensure that there is still sufficient proximity to a defibrillator in the unlikely event of an incident at the BESS.
- 11.168 Whilst recognising views of those making representation, it is necessary to consider these in the context of material planning considerations and statutory processes. Having considered the range of issues raised in representation there are no aspects that have not been addressed above that carry such weight that they indicate that the planning permission should be refused.

REASONED CONCLUSION

- 12.1 Planning Authorities are required to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise. An assessment has been carried out against the provisions of the Development Plan, and consideration has been given to all material planning considerations.
- 12.2 The planning application was publicised in accordance with the relevant regulations and was made available to inspect in person and on-line throughout the application period. The required period for public comment has been provided and those making representation were notified of additional submissions from the applicant/agent to allow for additional or revised comment. Responses given to consultations and public comments received from representations on the proposal, were reviewed and considered as part of the application assessment.
- 12.3 Some mitigation measures are considered necessary to enable the development to proceed satisfactorily and these mitigations can be managed by planning conditions.
- 12.4 Overall, it is concluded that the benefits of the proposed development outweigh the likely harms when the significant weight offered by National and Local policy to green energy and decarbonisation of the Grid is taken into account. While BESS technology will have some health and safety risks, with appropriate design and mitigation, the likelihood of occurrence is low. Further, a regulatory framework will develop over the next few years due to the number of similar projects coming forward across Scotland and the UK at this time. BESS is still an evolving technology and it is most likely that a range of other permits and consents, including those relating to health and safety, will be required to mitigate such risks to negligible before the BESS could become operational.

- 12.5 The conclusion and recommendation are therefore that the development should be approved subject to conditions that will mitigate effects and secure finalised details of layout and management plans, prior to the commencement of development.

RECOMMENDATION

- 13.1 It is recommended that the planning application be approved subject to the conditions set out in Appendix 1 to this Report.