

# **AGENDA ITEM 5**

## **APPENDIX 3A**

**2022/0069/DET**

# **REPRESENTATIONS OBJECTION**

# Comments for Planning Application 2022/0069/DET

## Application Summary

Application Number: 2022/0069/DET

Address: Land 380M West Of East Croftmore Boat Of Garten

Proposal: Construction of battery energy storage facility (49.9 MW), control building, switch room, battery storage containers, inverter containers, landscaping and associated works

Case Officer: Emma Wilson

## Customer Details

Name: [REDACTED]

Address: [REDACTED]

## Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: To

CNPA

Response from owner occupants of above property

Having read the planning application from The energy workshop, we submit the following points and concerns.

I previously had a reply to my concerns from Dan Grierson at Whirlwind energy who answered some of my queries but did not reply to my follow up email, however James Perkins from the energy workshop has just replied with some new information.

My concerns about fire risk, noise and visibility were only partially answered.

Visibility.

The photomontages were taken from 7 locations but do not show the infrastructure contained inside. Considering the work that has gone into this research including from cultural heritage sites I found it odd they would not show the true view. James Perkins has assured me we will not see any infrastructure from our ground level position. I totally disagree and once again ask why he has not provided these photomontages showing the tops of battery units and buildings. Its very misleading

From a level site the tops of buildings and battery units will still be visible. Some of the sites and locations including our own are higher so would see into the site even more so.

Noise levels

I had asked Mr Grierson where perhaps we could see and hear a similar site as he had remarked there are already a few, but he declined to declare where we could see one. Instead focussing on noise data estimations full of mathematics and calculations which means little in layman`s terms. Since then James Perkins gave us the location of one site near Edinburgh. It is 20 megawatt

project at Broxburn. We visited the site just a few days ago. The area is semi industrial land below the airport flightpath. It is easy to see why the nearest occupants which are fully the same distance as we are from the proposed site at Boat of Garten would not hear much sound. This site is less than half the size of the proposed. Noise levels from it were not excessive but the high pitch of the sound was intense when stood by the fence and still quite noticeable at our distance. I would ask for the screening to be closely monitored. It was also noted that the tree planting scheme implemented at Broxburn was in need of maintenance. Dead trees and some strangled in their protectors. Hopefully this new site will be better maintained.

#### Fire risk

I realise these are new generation Lithium batteries and its being suggested are much safer than anything previously produced which is reassuring. However its still concerning living beside a potential explosive hazard.

We are no more than 200 mts away from the proposed site not 300 as on some documents. We have open views to the substation to the east. (Viewpoint 3 )Not just gaps as stated by the Greencat report. Perhaps some screening can be provided at our home in the form of small trees and shrubs.

We know we are fortunate to work and live in such an amazing landscape and anything that dilutes the beauty of Strathspey is always going to be a bit disappointing.

While we feel in principle this project sounds like a necessary eyesore it would be helpful make sure the screening is the best possible. We appreciate the substation has been there a long time already but it has expanded considerably over the years while any forest cover has reduced.

Yours sincerely

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## Notes on policy requiring clarification

Extracts from the current CNPA Local Development Plan are provided below with comments on the proposed development noted in bold:

### 2.4 Other economic development

*Proposals which support or extend the economy, or which enhance the range and quality of economic opportunities or facilities, will be considered favourably where they:*

- a) have no adverse environmental or amenity impacts on the site or neighbouring areas; and*
- b) are compatible/complementary with existing business activity in the area; and*
- c) support the vitality and viability of the local economy.*

*Developments that contribute to the provision of an identified local economic need, such as the provision of small business units, or contribute to the delivery of the Cairngorms National Park Economic Action Plan, will be particularly encouraged.*

- **These proposals neither support or extend the local economy, nor enhance the range or quality of economic opportunities and/or facilities with no local jobs being created. Only costs to the community are incumbent in the proposal, with loss of basic amenity for residents immediately adjacent, environmental habitat damage associated with converting green field land to industrial use, and the additional pressure on roads and drainage infrastructure which are inevitable through construction and future servicing of the site. With the main income stream of the local economy lying in tourism, it can be argued that consent for an industrial development is directly contrary to the aims of policy 2.4.**
- **The proposals will have a direct detrimental effect on the holiday let business of the neighbour directly to the West due to increased levels of continuous background noise and loss of visual amenity.**

### 3.1 Placemaking

*All developments must meet the six qualities of successful places, which in accordance with Scottish Planning Policy paragraphs 41 to 46, are to be*

- i. distinctive;*
- ii. safe and pleasant;*
- iii. welcoming;*
- iv. adaptable;*
- v. resource efficient; and*
- vi. easy to move around and beyond.*

- **This proposal concerns some 50no. standard sized shipping containers (12.2m x 2.4m each) and is therefore contrary to the aims of policy 3.1. The applicant's viewpoint submissions appear to have been deliberately based on aspects which would naturally have the least visual impact and deserve further scrutiny.**
- **The scale and dominance of the proposed industrial installation over the existing dwellings to the West is unacceptable due to loss of visual amenity and potential noise pollution.**

- **Having taken advice from an acoustician, it is understood that full mitigation of the cumulative noise pollution from the existing substation and proposed battery storage facility is unrealistic under current proposals. It is therefore strongly recommended that any noise mitigation proposals are assessed as part of the application and standards are not applied as conditions.**

### 3.2 Major developments

*Major developments of 50 or more homes, or 2 hectares or more of employment, retail or mixed use development, will need to be supported by a masterplan or development brief. Where a site is allocated, this requirement will be outlined in the Community Information section of the Plan. Masterplans and development briefs must demonstrate how the development meets the six qualities of successful places.*

- **No development brief supplied with the application.**
- **The proposals result in a permanent change of land use from traditional farming to industrial which is not appropriate to the local vernacular.**

### 3.3 Sustainable Design

*All development proposals must also be designed to:*

- a) minimise the effects of the development on climate change in terms of siting and construction and, once complete, achieve at least the minimum standard in compliance with the Building Standards Technical Handbook;*
- b) be sympathetic to the traditional pattern and character of the surrounding area, local vernacular and local distinctiveness, whilst encouraging innovation in design and use of materials;*
- c) use materials and landscaping that will complement the setting of development;*
- d) make sustainable use of resources, including the minimisation of energy, waste and water usage, within the future maintenance arrangements, and for any decommissioning which may be necessary;*
- e) enable the storage, segregation and collection of recyclable materials and make provision for composting;*
- f) promote sustainable transport methods and active travel, including making provision for the storage of bicycles and reducing the need to travel;*
- g) incorporate accessible multifunctional open space of appropriate quantity and quality to meet the needs of development and provide green infrastructure to connect to wider blue/green networks;*
- h) maintain and maximise all opportunities for responsible outdoor access, including links into the existing path network and ensuring consistency with the Cairngorms National Park Core Paths Plan;*
- i) protect the amenity enjoyed by neighbours including minimisation of disturbance caused by access to the development site;*

*j) include an appropriate means of access, egress, levels of private amenity ground, and space for off-street parking;*

*k) create opportunities for further biodiversity and promote ecological interest; and*

*l) promote good health and well-being.*

- **The development fails to accord with policy 3.3 in the following regards:**
  - a) **Chemical batteries are an inherently environmental damaging product containing rare earth minerals and a high carbon footprint in production. Recycling of batteries at their end of life is also practically impossible – the proposals do not identify how often these batteries will need to be replaced over the 50 year proposed life of the installation, but on the evidence of other such developments, this could be as high as eight replacements for each battery – a total of 400 replacement events.**
  - b) **Significant reshaping of the land and extensive hardstanding construction for access and maintenance**
  - c) **An industrial site with associated industrial finishing materials on green field land**
  - i) **Significant loss of amenity for local residents in terms of views and noise pollution**
  - k) **Damage to natural habitats with no proposals for any mitigation**
  - l) **Risk of major accident relatively low, but effects catastrophic given the proximity of the dwelling and holiday lodge to the West. Battery storage facilities such as that proposed have been known to be prone to fire and explosion (see Liverpool 2020, Arizona 2019) with severe effects to the local environment, including emission of high levels of toxic gas. Battery fires require large volumes of water for long durations of time, however the applicant does not appear to intend to apply for any water connection and therefore it's unclear how a thermal runaway fire on a lithium battery would be contained before causing unacceptable environmental damage. No risk assessment provided. No fire service response time, access arrangements or water supply strategy provided.**

#### 4.2 National designations

*Development that would adversely affect the Cairngorms National Park, a Site of Special Scientific Interest, National Nature Reserve or National Scenic Area will only be permitted where:*

*a) it will not adversely affect the integrity of the area or the qualities for which it has been designated; or*

*b) any such adverse effects are clearly outweighed by social, economic or environmental benefits of national importance, and compensated by the provision of features of equal or greater importance than those that are adversely affected.*

- **Significant adverse environmental effect is anticipated through the conversion of green field land to industrial use with no economic benefit locally or nationally (the applicant is a private enterprise based in Leeds).**

#### 4.6 All development

*Where there is evidence to indicate that a protected or priority habitat or species may be present on, or adjacent to, a site, or could be adversely affected by the development, the developer will be required to undertake a focused survey of the area's natural environment to assess the effect of the development on it and to submit a species/habitat protection plan where necessary to set out measures to avoid, reduce or mitigate such effects.*

- **No ecology survey supplied with the application. It is anticipated that several species will experience a detrimental effect to their habitat.**

#### 5.1 Special Landscape Qualities

*There will be a presumption against any development that does not conserve or enhance the landscape character and special landscape qualities of the Cairngorms National Park including wildness and the setting of the proposed development. Development that does not complement or enhance the landscape character of the National Park and the setting of the proposed development will be permitted only where:*

*a) any significant adverse effects on the special landscape qualities of the National Park are clearly outweighed by social or economic benefits of national importance; and*

*b) all the adverse effects on the setting of the proposed development have been minimised and mitigated through appropriate siting, layout, scale, design and construction to the satisfaction of the planning authority.*

- **Conversion of green field land to industrial use directly contravenes the aims of policy 5.1 in so much as it has a detrimental effect on the landscape character and ecology of the local area and National Park as a whole. No local or national economic benefits are apparent and no mitigation for the loss of wildlife habitat is provided.**

**Policy 7 not applicable – battery storage does not contribute to any renewable energy aim and is purely a commercial venture to benefit from excess grid capacity in times of low demand such that the energy can be sold for a greater price in times of higher demand. All profits reside with the Leeds based applicant.**

#### 10.2 Flooding

*All development should:*

*a) be free from Medium to High risk of flooding from all sources taking into account predicted impacts of climate change; and*

*b) not increase the risk of flooding elsewhere; and*

*c) not add to the area of land that requires flood prevention measures; and*

*d) not affect the ability of the functional floodplain to store or move flood waters. In exceptional cases where development is permitted in a Medium to High risk area, water resilient materials and construction may be required. This may also be necessary for development in Low to Medium risk areas. Consideration should also be given to the type of development proposed. For some land uses there may be additional flood risk requirements or constraints, and an assessment of the Low to Medium risk area may be needed. Development should only be permitted for uses of equal or less vulnerability in accordance with SEPA's Land*

*Use Vulnerability Guidance. Developments should incorporate SuDS as proportionate to the scale and nature of development.*

- **No assessment of existing or proposed overland flows provided. As such, flood risk is unknown, however an additional 2+ hectares of hardstanding will undoubtedly have a detrimental effect on surface water runoff and may contribute to the high risk area of flooding identified adjacent.**