



E: EconsentsAdmin@gov.scot

Grant Young
by email

By email only to: Grant Young
grantyoung@youngplanning.com

19 January 2026

Dear Grant Young,

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 FOR THE CONSTRUCTION AND OPERATION OF A BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE LOCATED ON LAND AT PHILLIPS MAINS FARM, SOUTH EAST OF MEY, CAITHNESS IN THE PLANNING AUTHORITY AREA OF THE HIGHLAND COUNCIL

Application

1. I refer to an application (“the Application”) made on 10 June 2024 under section 36 of the Electricity Act 1989 (“the Electricity Act”) by Young Planning & Energy Consenting Ltd on behalf of Mey Energy Storage System Limited (“the Company”), a company incorporated under the Companies Act with company number SC786444, and having its registered office at 26 Dublin Street, Edinburgh, United Kingdom, EH3 6NN. The application is for consent to construct and operate an electricity generating station known as ‘Mey BESS’ a battery electricity storage facility and associated infrastructure (“the proposed Development”) with a capacity of approximately 300 megawatts (MW) on land at Philips Mains Farm.

2. **This letter contains the Scottish Ministers’ decision to grant section 36 consent for Mey BESS as more particularly described at Annex 1.**

Planning Permission

3. In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997, Scottish Ministers may, on granting consent under section 36 of the Electricity Act for the construction and operation of a generating station, direct that planning permission is deemed to be granted in respect of that generating station and any ancillary development.

4. **This letter contains the Scottish Ministers’ direction that planning permission is deemed to be granted.**



Background

5. The site is located south-east of Mey, Caithness, measuring approximately 10.66 hectares and is currently predominantly used for arable agriculture. The site lies within the planning authority of The Highland Council (“the Planning Authority”).
6. The electricity generating station will have a generating capacity of approximately 300 MW comprising approximately 288 containerised battery units.
7. The company requested a screening opinion on the proposed generating station on 22 June 2023. The Scottish Ministers screening opinion was issued to the company on 11 December 2023 advising that the proposed Development does not comprise an Environmental Impact Assessment (“EIA”) development, and that the application submitted for the proposed Development would not require to be accompanied by an EIA Report.

The Proposed Development

8. The proposed Development comprises:
 - Approximately 288 containerised battery units with a total export storage capacity of up to 300MW with associated inverters, switchgear units, closed loop cooling units, control units and associated electrical infrastructure mounted on concrete piers;
 - Approximately 36 Power Conditioning Units (“PCUs”) mounted on concrete piers;
 - A 132 kV transformer, either housed in a building or fenced;
 - A building of around 2.5m height to house a Low voltage board;
 - A substation;
 - Security palisade fencing around the substation and battery compound with vehicular access gates to the compound entrance;
 - Pole-mounted CCTV cameras;
 - Hard surfaced site access tracks connecting all parts of the site and providing access from the local road network;
 - Car parking bays;
 - Uncompacted gravel as a surface cover between the containerised units and equipment;
 - Sustainable Drainage System (“SuDS”) attenuation pond and infrastructure;
 - Landscaping and ecological enhancement;
 - Temporary construction compound;
 - Welfare units;
 - Spares and communications container; and
 - Water tanks.
9. The proposed Development is intended to provide electricity for export to the grid from batteries which will store energy from electricity previously imported from the grid. This type of energy storage harnesses electricity generation that might otherwise be curtailed due to grid constraints and exports it back to the grid at times where there are no constraints.

Consultation

10. The Scottish Ministers expect developers to carry out engagement with communities as would be required for a similar development under the Town and Country Planning (Scotland) Act 1997 and make this point in the good practice guidance for developers which

they have published. A consultation letter was issued to the Dunnet & Canisbay Community Council and local ward councillors on 15th September 2023 to inform them of the proposed Development. Their feedback was requested on the local community's views of the proposed Development including any specific potential local issues to be considered in the final design for the Section 36 application. Following consideration of the feedback the applicant made the decision not to undertake further consultation with the local community. While there may not be a statutory requirement for preapplication consultation for an application made under section 36 of the Electricity Act, Scottish Ministers wish to register their disappointment at the lack of regard for good practice and local community engagement by the Company.

11. Under paragraph 2(1) of Schedule 8 to the Electricity Act, and the Electricity (Application for Consent) Regulations 1990 ("the Consents Regulations") made under the Electricity Act, the relevant planning authority is required to be notified in respect of a section 36 consent application and notice of the Application was served on the Planning Authority. Notifications were also sent to NatureScot (the operating name of Scottish Natural Heritage), the Scottish Environment Protection Agency ("SEPA") and Historic Environment Scotland ("HES"). A range of other relevant organisations were also notified and consulted. In accordance with the Consents Regulations, a notice of the proposed Development was advertised in the Edinburgh Gazette and the local and national press and the opportunity was given for those wishing to make representations to do so.

Consultation responses

12. Objections were received from The Planning Authority and Dunnet & Canisbay Community Council.

13. The Planning Authority, the Highland Council, initially objected on the grounds that "the cumulative effect of this proposed Development along with nearby existing and proposed developments is contrary to Policy 57 of the Highland Wide Development plan and as such does not ensure the distinctive character of the rural area and that the natural assets and cultural heritage are safeguarded and enhanced. Specifically, the close proximity of the Castle of Mey."

14. The applicant provided additional information to address the objection. This information was considered at a further planning committee. The Planning Authority response concludes that "upon review of the further details, both Historic Environment Scotland and the council's Historic Environment Team, in addition to planning officers, consider there to be no adverse impact on protected historical assets which would be contrary to Policy 57 of the Highland-wide Local Development Plan. In addition, as set out above it is not considered the proposal will have an adverse cumulative impact contrary to Policy 57." The Planning Authority subsequently withdrew its objection subject to recommended conditions. The planning conditions suggested include:

- Final Layout, Design and Specifications;
- Decommissioning, Restoration and Aftercare;
- Financial Guarantee;
- Drainage;
- External Lighting;
- Habitat Management Plan;
- Species Protection;
- Construction Environment Management Plan;

- Ecological Clerk of Works;
- Construction Traffic Management Plan and related roads conditions;
- Landscaping;
- Operational Maintenance;
- Fire Risk Management and Emergency Response Procedures;
- Water supply;
- Noise and dust;
- Site security; and
- Compliance Monitoring.

15. Historic Environment Scotland (HES) do not object and are content that the proposed Development would not have an adverse impact on the Category A-listed Castle of Mey and its associated Inventory Garden and designed landscape. Given the scale of the proposed Development and the surroundings and considering that there would be very limited visibility towards the proposed Development from these assets.

16. NatureScot do not object. They advise that there are natural heritage interests of international importance adjacent to the site, but these should not be adversely affected by the proposal.

17. The Scottish Environment Protection Agency (SEPA) do not object. They note that peat soils surround the site, and it is likely that this area was once peatland prior to agricultural enhancements. While they have no objection to this application, they highlighted Policy 5 of the National Planning Framework 4 includes development proposals on carbon rich soils, which this proposal would likely fall under. They would therefore direct the applicant to adopt the good practice mitigation outlined in standing advice on “Development on peat”, which will also be relevant to carbon rich soil. They would also welcome the determining authority to pursue proposals to enhance biodiversity and provide compensation for impacts to carbon rich soils (both historical and proposed). SEPA also reference advice on their website in relation to regulatory requirements and good practice.

18. Transport Scotland (TS) do not object. They are satisfied with the submitted Transport Statement and have no objection to the proposed Development, in terms of environmental impacts on the trunk road network. They requested confirmation that no abnormal load deliveries are required. The Applicant confirmed that they did not anticipate any abnormal loads being required and Transport Scotland were notified of this.

19. BT do not object. The proposed Development should not cause interference to BT’s current and presently planned radio network.

20. The Defence Infrastructure Organisation (DIO) do not object. The proposed Development falls outside MOD safeguarded areas.

21. The Health and Safety Executive (HSE) do not object. The proposed Development is not within HSE Consultation zones. General advice is also given.

22. Highlands and Islands Airport do not object. The proposed Development does not conflict with safeguarding criteria and operation of Wick Airport.

23. JRC do not object. The proposed Development is cleared with respect to radio link infrastructure operated by the local energy networks subject to 50m micro siting.

24. The Office for Nuclear Regulation do not object and have no comment as the proposed Development does not lie in a consultation zone around a GB nuclear site.
25. NATS Safeguarding do not object. The proposed Development does not conflict with safeguarding criteria.
26. RSPB Scotland do not object and confirmed they will not be responding to the consultation.
27. Scottish Gas Networks Pipeline Maintenance (SGN) do not object. They have no high-pressure assets within the vicinity and as such have no comment/objection.
28. Scottish & Southern Electricity Networks (SSEN) Transmission do not object. They do not currently have an operational asset within the immediate vicinity of the proposed Development but do plan on delivering a new 132kV substation near to the proposed Development site having secured detailed planning permission from Highland Council in July 2022, which is touched upon in the applicant's Design & Access Statement. It is currently hoped this will be constructed and connected into the grid sometime in 2029 but this timescale is subject to change.
29. Scottish Water do not object. Scottish Water records indicate that there is live infrastructure in the proximity of the proposed Development area that may impact on existing Scottish Water assets. There is a two inch AC main at the edge of the Site. The applicant must identify any potential conflicts with Scottish Water assets and contact the Asset Impact Team via the Customer Portal for an appraisal of the proposals.
30. Dunnet & Canisbay Community Council do object. They raise several concerns. These include:
- Natural screening will take years and the proposed Development is out of keeping with the area, which is popular with tourists;
 - Road access, including impacts to already damaged roads and disruption to local traffic;
 - Potential light pollution in a dark sky county;
 - Potential noise pollution during construction and operation stages; and
 - imposition once more of a large industrial landscape upon a fragile community.
31. No response to the consultation was received from: Scottish Fire and Rescue Service; Scotways; Scottish Wildlife Trust; Scottish Wild Land Group and Visit Scotland.

Representations

32. Representations were received from members of the public objecting to the proposed Development.
33. The main points raised by those objecting were the following:
- The risk of fire arising from the operation of lithium-ion batteries
 - Impact on cultural heritage
 - Harm to tourism and rural economy

- Impacts from noise
- Pollution, including light pollution
- Cumulative impact
- Non-compliance with NPF 4 policies
- Battery Energy Storage installations are not generating stations
- Impact on local road network
- The adverse impact on local biodiversity
- Threat to local wildlife and habitats, including the white-fronted goose
- Loss of agricultural land
- Lack of community consultation
- Absence of Environmental Impact Assessment
- Inadequate baseline information
- Inadequate consultation.
- Lack of decommissioning or restoration plan
- Insufficient mitigation being secured

34. The full consultation responses and representations are available on the Energy Consents Unit website www.energyconsents.gov.scot.

Regulatory Requirements

35. With regard to paragraph 2(2) of Schedule 8 to the Electricity Act and regulation 8 of the Consents Regulations, if a planning authority makes an objection within the timescale given by regulation 8 (1) and that objection is not withdrawn, the Scottish Ministers must cause a Public Inquiry to be held unless the Scottish Ministers propose to accede to the application subject to such modifications or conditions as will give effect to the objection of the planning authority. Following the consultation in this instance, the Planning Authority has no objection to the consent of the proposed Development subject to the planning conditions it recommends, therefore a Public Inquiry is not a statutory requirement.

36. Paragraph 3 of Schedule 8 provides that where the Scottish Ministers are not, by virtue of paragraph 2(2), to cause a Public Inquiry to be held, but objections or copies of objections have been sent to the Scottish Ministers, the Scottish Ministers must consider those objections together with all other material considerations with a view to determining whether a Public Inquiry should be held with respect to the application and, if they think it appropriate to do so, they must cause a Public Inquiry to be held.

37. The Scottish Ministers have considered the consultee responses and public representations, and having taken all material considerations into account, decided that a Public Inquiry is not required.

38. The Scottish Ministers are satisfied that there is sufficient information to be able to make an informed decision on the Application and that they can weigh all the conflicting issues without holding a Public Inquiry.

39. Scottish Ministers have had regard to the matters set out in Schedule 9 of the Electricity Act in respect of the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. Scottish Ministers have avoided, as far as possible, causing injury to fisheries or to the stock of fish in any waters in the consideration and determination of this application.

40. In accordance with section 36(5A) of the Act, before granting any section 36 consent Scottish Ministers are also required to:

- obtain SEPA advice on matters relating to the protection of the water environment; and
- have regard to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003.

41. SEPA's advice has been obtained and considered as required by section 36(5A) with due regard given to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003. SEPA has no objection to the proposed Development. Any discharge of water run-off from a construction site to the water environment must be authorised by SEPA and advice on best practice guidance and regulatory requirements is provided on SEPA's website.

42. Scottish Ministers have had regard to the above factors from Schedule 9 of the Electricity Act and have considered the Application, responses from consultees and representations from third parties and find that the effects of the proposed Development on these environmental factors are minimal. Mitigation measures are proposed to further reduce these potential effects.

43. All consultation and publicity requirements required by Schedule 8 to the Electricity Act and by the Consents Regulations have been undertaken. The proposed Development was screened in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the EIA regulations"), and Scottish Ministers' opinion was that the proposed Development did not require an Environmental Impact Assessment to be carried out.

Conservation of Habitats and Species Regulations

44. The Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") require Scottish Ministers to consider whether the proposed Development would be likely to have a significant effect on a European site, as defined in the Habitats Regulations, and if the proposed Development is directly connected with or necessary to the management of the European site.

45. The proposed Development lies approximately 2.1km from Caithness lochs Special Protection Area (SPA). NatureScot advise that this proposal is likely to have a significant effect on wildfowl linked to this SPA. Consequently, Scottish Government as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. NatureScot also advise that based on the information provided and appraisal carried out to date, the conclusion is that the proposal will not adversely affect the integrity of the site. An appropriate assessment has been completed in this respect and comes to the same conclusion.

46. The proposed Development lies approximately 1.4km from Phillips Mains Mire SSSI. NatureScot advise that the blanket bog habitat within this SSSI lies on elevated higher ground, much further away from this development proposal, therefore it is unlikely to be affected (e.g. through any hydrological connection).

The Local Development Plan

47. The Planning Authority considered the key pieces of local planning policy to be National Planning Framework 4 (“NPF4”) and the Highland-Wide Local Development Plan (“HwLDP”).

48. The Planning Authority identified compliance with the local development plan and other planning policy, cultural heritage and cumulative impact as the principal impacts. Following the submission of additional information by the Applicant, the Planning Authority have determined that the proposed Development accords with the HwLDP and NPF4.

49. The Scottish Ministers have imposed the conditions requested by the Planning Authority where these are considered to meet the tests of Scottish Government Circular 4/1998 (“the circular”). Scottish Ministers have included the conditions recommended by the Planning Authority in **Annex 2 – Part 2**.

Determining issues

50. Grid scale battery energy storage facilitates a significant contribution to renewable energy generation targets and greenhouse gas emissions reduction ambitions, by alleviating grid constraints, avoiding curtailment and increasing the productivity of renewable generators elsewhere on the grid. This is a significant factor weighing in favour of the proposed Development.

51. The proposed Development is a battery energy storage system and other associated ancillary electrical infrastructure. The electrical export capacity of the proposed Development will be approximately 300MW. The proposed Development would be operational for a period of 30 years.

52. Having considered the Application, responses from consultees and third parties and Scottish Government policies, Scottish Ministers consider that the determining issues are the balance between the impacts of the proposed Development on the surrounding area and its benefits, and the extent to which the proposed Development is supported by Scottish Government policy.

Impacts and benefits of the proposed Development

53. The Planning Authority did not highlight any significant impacts but recognised that the proposed Development would result in limited landscape and visual impacts. Scottish Ministers agree to include the conditions the Planning Authority has requested, where these are considered necessary.

54. Scottish Ministers do not agree that the condition requested by the Planning Authority in relation to the production of a Fire Risk Management Plan and a Fire Emergency Response Plan is necessary in terms of Planning Circular 4/1998 as these requirements are covered by other legislation. Provision for fire service access and adequate water supply for the proposed Development should, however, be considered. Scottish Ministers require by condition that such matters be made clear in the final layout to be approved by them prior to the Development commencing. Scottish Ministers also note that the Application already commits to having a full Fire Risk Management Plan in place at the time of development and that the proposed Development includes water tanks for firefighting purposes.

55. The benefits of the proposed Development are energy storage and provision of services needed to ensure a secure electricity system, with economic benefits. The move to a net zero electricity system needs the delivery of a greater amount of electricity generation from renewable energy, including from sources such as wind and solar which are variable and non-dispatchable. Energy storage such as the proposed Development provides will be vital in that context to help maintain the balance between supply and demand, to ensuring security of supply, and to reducing the curtailment of renewable generators under grid constraints which would otherwise result in a loss of valuable renewable generation. Secure and stable energy supply is a fundamental need of a prosperous economy. As well as the potential economic benefit to local and national businesses during construction, the proposed Development would provide further benefit to the economy through its contribution to underpinning energy security and flexibility.

The Scottish Government Policy Context

Scottish Energy Strategy: The future of energy in Scotland (“the Energy Strategy”) Draft Scottish Energy Strategy and Just Transition Plan 2023

56. Scottish Ministers have considered the role the proposed Development can play in relation to the generation of electricity from low carbon energy generation and storage, with its capacity of approximately 300 MW from battery energy storage. The Energy Strategy states that “Scotland should have the capacity, the connections, the flexibility and resilience necessary to maintain secure and reliable supplies of energy to all of our homes and businesses as our energy transition takes place.” It adds that “Scotland needs a balanced and secure electricity supply. That means a system and a range of technologies which provide sufficient generation and interconnection to meet demand. It means an electricity network which is resilient and sufficiently secure against any fluctuations or interruptions to supply.”

57. The generation of electricity from batteries is not in itself a renewable source of energy; Scottish Ministers do however regard the proposed Development as essential infrastructure. The proposed Development, through provision of energy storage, adds flexibility and resilience necessary to maintain secure and reliable supplies of energy to all our homes and businesses as our energy transition takes place. Scottish Ministers conclude that the proposed Development is supported by the Energy Strategy.

58. The Draft Scottish Energy Strategy and Just Transition Plan 2023 signals that strong support from the Scottish Government for battery storage remains.

Climate Change Plan

59. The Climate Change Plan sets out the Scottish Government’s pathway to achieve the commitment to end Scotland’s contribution to climate change by 2045. Scotland’s renewable electricity generation has grown rapidly over the last twenty years, and a large contribution to achieving the commitment set out in the plan will be made by the increased decarbonisation of our electricity system.

60. The Climate Change Plan notes that in further decarbonising our electricity system, we also need to address the substantial challenges of maintaining security of supply and a resilient electricity system. It adds that operating a zero-carbon electricity system will mean finding new ways to provide a range of technical services and qualities currently provided by

fossil fuel and nuclear generation. Battery storage is one technology which helps achieve these goals. Scottish Ministers therefore conclude that the proposed Development is supported by the Climate Change Plan.

National Planning Framework 4

61. National Planning Framework 4 (NPF4) sets out Scottish Ministers' policies and proposals for the development and use of land. It plays a key role in supporting the delivery of Scotland's national outcomes and the United Nations Sustainable Development Goals. Part 1 of NPF4 sets out a Spatial Strategy for Scotland to 2045 and identifies developments of national importance to help deliver that strategy. The need for Strategic Renewable Electricity Generation and Transmission Infrastructure, of which this development is an example, is established therein.

62. Part 2 sets out National Planning Policy. NPF4 should be read as a whole, and the weight given to the policies therein decided on a case-by-case basis. The greatest weight in consideration of the proposed Development on the context of NPF4 is afforded to Energy policy. The policy establishes an intent to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This description includes energy generation, storage, and new and replacement transmission and distribution infrastructure. Battery storage development such as the proposed Development is supported.

63. The energy policy sets out the matters that are to be addressed in the design and mitigation of a development. Scottish Ministers consider that the design of the project, and proposed mitigation either embedded or to be achieved by planning conditions, satisfactorily address its impacts as have been addressed in this decision, and as are relevant to the proposed Development. In considering these impacts, significant weight is to be placed on the contribution of the proposed Development to renewable energy generation targets and on greenhouse gas emissions reduction ambitions. The proposed Development will generate, store, and supply a considerable amount of electricity per year, and act as an enabling technology for harnessing more electricity generated from renewable sources in Scotland.

64. In its role balancing supply and demand across the electricity system, the electricity system operator must keep the system within defined operating limits. Traditionally, these services were often provided by thermal generators such as gas-fired power stations. As we transition to a net zero energy system and reduce our dependence on fossil fuel generation, renewables and other low-carbon technologies, including energy storage, will need to provide all the services needed to ensure a secure electricity system. Grid scale battery energy storage provides a means to store the electricity generated from the wind, solar etc at times when electricity generation outstrips demand or when the capacity of a constrained electricity grid is insufficient to supply the generated electricity to consumers. On this basis battery energy storage makes an indirect but significant contribution to renewable energy generation targets and greenhouse gas emissions reduction targets, by effectively increasing the productivity of renewable generators elsewhere on the grid. This is a significant factor weighing in favour of the proposed Development.

65. The Application also finds support from NPF4 in that it demonstrates the proposed Development will provide direct and indirect local and regional economic benefits, and the biodiversity benefits of additional planting. The Scottish Ministers conclude that the proposed Development is supported by NPF4 when read as a whole.

66. Scottish Ministers note the comments of the Planning Authority in relation to decommissioning and consider the decommissioning and site restoration at the end of the proposed Development's life should be controlled by planning condition and have included condition 9 in this respect. Scottish Ministers have also introduced a requirement for a financial bond to ensure sufficient funds are available to decommission and restore the site. Scottish Ministers consider that, if the proposed Development becomes redundant before the end of the full operational period which it is allowed, the requirement for decommissioning and site restoration should come into effect at the time the proposed Development is found to be redundant.

67. Scotland's energy policies and planning policies are material considerations in determining applications. NPF4 and the Energy Strategy make it clear that low carbon technology deployment and energy storage remain priorities of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed Development.

68. Scottish Ministers acknowledge that the proposed Development would result in some noise, traffic, and landscape and visual impacts. These impacts are considered acceptable in the context of the benefits that the proposed Development will bring in terms of net economic benefit, contributing energy storage, while protecting the natural environment.

Conclusions

69. Scottish Ministers have considered the Planning Authority's comments on support for the proposed Development subject to suitable planning controls and have taken all material considerations into account. Scottish Ministers consider the proposed Development will support the resilience of the electricity network through the electricity it generates and the additional technical services it can provide to the electricity system operator. It will contribute to sustainable development, providing for greater and more efficient use of renewable energy generation in the electricity system, and in this regard, it will contribute to greenhouse gas emissions reduction ambitions.

70. The Scottish Ministers in making their determination on the Application, have balanced all relevant considerations, decided what weight is to be given to each and reached a view as to where the balance of benefit lies. On balance, it is considered that the impacts of the proposed Development are acceptable in the context of its benefits, and that the proposed Development is supported by relevant planning and energy policies.

The Scottish Ministers' Determination

71. Subject to the conditions set out in **Part 1 of Annex 2**, the Scottish Ministers **grant consent** under section 36 of the Electricity Act for the construction and operation of the electricity generating station comprising a battery energy storage system, known as Mey BESS within the planning authority of The Highland Council (as more particularly described in **Annex 1**).

72. The consent hereby granted will last for a period of 30 years from the Date of Final Commissioning.

73. Subject to the conditions set out in **Part 2 of Annex 2**, the Scottish Ministers **direct that planning permission is deemed to be granted** under section 57(2) of the Town and

Country Planning (Scotland) Act 1997 in respect of the proposed Development described in **Annex 1**.

74. Copies of this letter have been sent to the public bodies consulted on the application. This letter has also been published on the Scottish Government Energy Consents Unit website at <https://www.energyconsents.scot>.

75. The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine Applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts: [chapter-58-judicial-review.pdf \(scotcourts.gov.uk\)](https://www.scotcourts.gov.uk/chapter-58-judicial-review.pdf).

76. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours faithfully

pp Paul Smith

MARK CHRISTIE

A member of the staff of the Scottish Government

ANNEX 1

DESCRIPTION OF DEVELOPMENT

The Development comprises the construction and operation of an electricity generating station and ancillary development known Mey BESS.

The principal components of the Development are:

- Approximately 288 containerised battery units with a total export storage capacity of up to 300MW with associated inverters, switchgear units, closed loop cooling units, control units and associated electrical infrastructure mounted on concrete piers;
- Approximately 36 Power Conditioning Units (PCUs) mounted on concrete piers;
- A 132 kV transformer, either housed in a building or fenced;
- A building of around 2.5m height to house a Low voltage board;
- A substation;
- Security palisade fencing around the substation and battery compound with vehicular access gates to the compound entrance;
- Pole-mounted CCTV cameras;
- Hard surfaced site access tracks connecting all parts of the site and providing access from the local road network;
- Car parking bays;
- Uncompacted gravel as a surface cover between the containerised units and equipment
- Sustainable Drainage System (SuDS) attenuation and infrastructure;
- Landscaping and ecological enhancement;
- Temporary construction compound;
- Welfare units;
- Spares and communications container; and
- Water tanks.

All as more particularly described in the Application.

ANNEX 2

CONDITIONS

Part 1 – Conditions attached to the Section 36 Consent

1. Commencement of Development

- (1) The Commencement of Development shall be no later than five years from the date of this consent, or such other period as the Scottish Ministers may direct in writing.
- (2) Written confirmation of the intended date of Commencement of Development shall be provided to the Scottish Ministers and the Planning Authority no later than one calendar month before that date.

Reason: *To ensure that the Development is commenced within a reasonable period.*

2. Notifications

- (1) Written confirmation of the Date of First Commissioning and the Date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after those dates.

Reason: *To allow the Planning Authority and the Scottish Ministers to calculate the date of expiry of the consent.*

3. Assignment

- (1) The Company must not assign the consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment, with or without conditions or refuse the assignment.
- (2) In the event that the assignment is authorised, the Company shall notify the Planning Authority and Scottish Ministers in writing of principal named contact at the assignee and contact details within fourteen days of the consent being assigned.
- (3) The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with this condition.

Reason: *To safeguard the obligations of the consent if transferred to another company.*

4. Serious Incident Reporting

- (1) In the event of any serious breach of health and safety or environmental obligations relating to the Development causing harm to the environment (including harm to humans) during the period of this consent, written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers within twenty-four hours of the incident occurring, including confirmation of remedial measures taken and/or to be taken to rectify the breach.

Reason: *To keep Scottish Ministers informed of any serious incidents which occur, and which may be in the public interest.*

5. Design and Operation of Storage Technology

- (1) There shall be no Commencement of Development unless and until details of the storage technology and Approved Layout to be implemented, including final details of access and water supply for emergency services, have been submitted to and approved in writing by the Scottish Ministers in consultation with the Planning Authority. The storage technology details and infrastructure, including the battery storage units to be deployed, shall be consistent with the Application.
- (2) Thereafter, the Development shall be installed and maintained in accordance with the approved details, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority.

Reason: *In the interests of protecting the environment.*



Part 2 – Conditions attached to Deemed Planning Permission

6. Implementation in accordance with the Application and requirements of this consent

- (1) Except as otherwise required by the terms of this consent and deemed planning permission, the Development shall be undertaken in accordance with the Application, the planning drawings and all documentation lodged by the Company or its appointed agents on behalf of the Company in support of the Application. For avoidance of doubt this includes any recommended or proposed measure to avoid, minimise or offset any identified potential impact of the Development which is committed to or recommended in the Application and its constituent assessments.

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

7. Site Layout

- (1) There shall be no Commencement of Development until a finalised detailed Site layout has been submitted to and approved in writing by the Planning Authority. The finalised detailed Site layout will exclude details of landscaping, which will be provided separately pursuant to condition 27.
- (2) The Development shall thereafter be implemented in accordance with the approved Site layout.

Reason: *Indicative Site layout only has been provided.*

8. Commencement of Development

- (1) The Development must be begun not later than the expiration of five years beginning with the date of this consent.
- (2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

Reason: *To comply with section 58 of the Town and Country Planning (Scotland) Act 1997 and to ensure that the permission is implemented within a reasonable period and to allow the Planning Authority to monitor compliance with obligations attached to this planning permission as appropriate.*

9. Site Decommissioning, Restoration and Aftercare

- (1) There shall be no Commencement of Development unless and until an Outline Decommissioning Restoration and Aftercare Strategy has been submitted to, and approved in writing by, the Planning Authority. The Strategy shall set out the overarching principles and framework for the decommissioning of the Development and the restoration and aftercare of the Site, and shall include outline proposals for:

- a) The removal of individual components of the Development as well as the Development as a whole;
 - b) the treatment of ground surfaces;
 - c) the management and indicative timing of works; and
 - d) Environmental management provisions, which shall include, but not be limited to, the following matters:
 - i. an outline Site waste management plan (dealing with all aspects of waste likely to be produced during decommissioning, restoration and aftercare phases);
 - ii. outline measures to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities;
 - iii. outline pollution prevention and control measures, including arrangement for the storage and management of oil and fuel;
 - iv. outline soil storage and management measures;
 - v. outline surface water and groundwater management principles;
 - vi. temporary Site illumination; and
 - vii. indicative traffic management measures to address any traffic impacts during the decommissioning period.
- (2) The Outline Decommissioning Restoration and Aftercare Strategy shall provide sufficient detail to inform the value and scope of the financial guarantee required under Condition 13.
- (3) Not less than twelve months prior to the cessation of operation, a Detailed Decommissioning, Restoration and Aftercare Plan consistent with the approved Outline Strategy shall be submitted to an approved in writing by the Planning Authority. The Detailed Plan may deviate from the Outline Strategy where justified and agreed in writing by the Planning Authority. The Development shall thereafter be decommissioned, and the Site restored, in accordance with the approved detailed plan.

Reason: *To ensure the decommissioning and removal of the Development, along with the Site's restoration in an appropriate and environmentally responsible manner in the interests of safety, amenity, and environmental protection.*

10. Removal of redundant equipment

- (1) The Company shall supply to the Planning Authority an annual written report confirming that the battery energy storage facility is importing and exporting electricity to the grid. If the battery storage facility fails to import or export electricity to the grid for a continuous period of 12 months, then unless otherwise agreed in writing with the Planning Authority, the Company shall no later than one year after the last day of this 12-month period submit the Detailed Decommissioning, Restoration and Aftercare Plan to the Planning Authority for approval and implement it in accordance with condition 9.

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

11. Materials Used

- (1) There shall be no Commencement of Development until the details of the materials to be used as finishing materials on all buildings, boundary treatments including gates, structures and all hardstanding surface finishes have been submitted to and approved in writing by the Planning Authority. The Development shall be implemented in accordance with the details that are approved.

Reason: *In the interests of visual and environmental amenity.*

12. Construction and Environmental Management Plan

- (1) There shall be no Commencement of Development until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. Thereafter the construction of the Development shall only be carried out in accordance with the approved CEMP, subject to any variations approved in writing by the Planning Authority. The CEMP shall include, but is not limited to:
 - a) details of the phasing of construction works;
 - b) details of any temporary Site construction compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the Development;
 - c) details and implementation and a timetable for post construction restoration/reinstatement of the temporary working areas, and the construction compound;
 - d) details of the method of construction and erection of the structures and any underbuilding/platforms;
 - e) details of pollution control: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage;
 - f) details of temporary Site illumination during the construction period;
 - g) details of timing of works;
 - h) details of surface treatments and the construction of all hard surfaces and access tracks between each element of the proposed Development This shall include details of the tracks in a dark, non-reflective finish with details of the chemical properties of any and all imported stone provided;
 - i) details of routing of onsite cabling;
 - j) details of emergency procedures and pollution response plans;
 - k) siting and details of wheel washing facilities;
 - l) cleaning of Site entrances, Site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to/from the Site to prevent spillage or deposit of any materials on the highway;
 - m) details of working practices for protecting nearby residential dwellings, including general measures to control noise and vibration arising from on-site activities, to be adopted as set out in British Standard 5228 Part 1: 2009;
 - n) details of the location of tree protection fencing to be erected between the Site and the trees to the west;

- o) a Species Protection Plan;
- p) details of areas on the Site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant, equipment and vehicles; and
- q) details of dust suppression measures.

Reason: *To ensure that construction works are undertaken in accordance with applicable standards in the interests of environmental protection, amenity, and safety.*

13. Financial Guarantee

- (1) There shall be no Commencement of Development unless and until a bond or other form of financial guarantee in terms which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in condition 9 has been submitted to and approved in writing by the Planning Authority.
- (2) The value of the financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in condition 9.
- (3) The financial guarantee shall be maintained in favour of the Planning Authority until the completion of all decommissioning, restoration and aftercare obligations referred to in condition 9.
- (4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional not less than every five years, and at the time of the approval of the detailed decommissioning, restoration and aftercare plan approved under condition 9. The value of the financial guarantee shall be increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations referred to in condition 9 and best practice prevailing at the time of each review.

Reason: *To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.*

14. Construction Hours

- (1) Construction work shall only take place between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or Public Holiday (unless otherwise agreed in writing in advance with the Planning Authority).
- (2) HGV movements during construction of the battery energy storage system shall be limited to 07.00 to 19.00 Monday to Friday, and 07.00 to 16.00 on Saturdays, with no HGV movements to or from Site taking place on a Sunday or Public Holiday. Outwith these hours, HGV movements are to be limited to abnormal load deliveries (unless otherwise approved in advance in writing by the Planning Authority).

Reason: *In the interests of local amenity.*

15. Construction Traffic Management Plan

- (1) There shall be no Commencement of Development on Site until a finalised Construction Traffic Management Plan has been submitted to, and approved in writing by, The Council in consultation with Police Scotland and Transport Scotland. The construction traffic management plan shall include:
- a) Identification of the routes to Site for general construction traffic and details of the number and type of vehicle movements anticipated on these routes during the construction period;
 - b) Identification of sources for materials, as well as full details of the volume of materials that need to be imported into the Site to form access tracks, hardstanding's and foundations, the load size of material deliveries, the number of HGVs for the importation and exportation of materials, and the number of HGVs for the delivery for associated infrastructure;
 - c) Details of the number of staff journeys for each stage of construction, and full details of the width and length of access tracks, platforms and foundations and their proposed type of construction;
 - d) Scheduling and timing of movements, including information on the key milestones throughout the construction period, avoiding local school peak travel times, and any large public event taking place in the local area which would be unduly affected or disrupted by construction vehicles using the public road network;
 - e) Traffic management measures on the routes to Site for construction traffic including details of traffic management proposals to prevent HGVs meeting on the private access to the Site or at its junction with the public road. In addition, measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs and banksman/escort details should be considered. During the delivery period of construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Local Roads Authority before delivery commences;
 - f) Measures to mitigate the impact of general construction traffic on the routes to Site following detailed assessment of the relevant roads;
 - g) A risk assessment for transportation during daylight hours and hours of darkness.
 - h) A procedure for condition surveys of the Site access and construction traffic routes along with the regular monitoring of road conditions and the implementation of any remedial works required during the construction period;
 - i) Measures to ensure that all affected public roads are kept free of mud and debris arising from the Development;
 - j) Provisions for emergency vehicle access;
 - k) A timetable for implementation of the measures detailed in the CTMP; and
 - l) Identification of a nominated person to whom any road safety issues can be referred and measures for keeping the Community Council informed and dealing with queries

and any complaints regarding construction traffic.

- (2) In the event that Abnormal Indivisible Loads (AIL) are required, prior to the delivery of any AIL to the Site, the CTMP shall be updated to include the proposed route for any AIL on the public road network along with any accommodation measures required, including the removal of street furniture, junction widening, and traffic management measures.
- (3) Thereafter the approved CTMP shall be implemented in full prior to development commencing and remain in place until the Development is complete.

Reason: *To minimise interference with the safety and free flow of the traffic on the public road network, to ensure the safety of pedestrians and cyclists using the public road network and adjacent facilities, and to be consistent with current guidance and best practice.*

16. Public Road Works

- (1) There shall be no commencement of Development, until full detailed designs for the public road improvements along with timescales for delivery have been submitted to, and approved in writing by, the Planning Authority, in consultation with Transport Planning. The public road improvements shall include:
 - a) A scheme to improve existing or provide new passing places on the C1033 and U1633 from its junction with the A836 to the Site access and on any single-track roads serving bulk suppliers to enable two-way construction traffic. Passing places should be designed as per the guidance set out in the Council document 'Roads and Transport Guidelines for New Developments' with regards to their spacing and geometry.
 - b) An engineering assessment of the carriageway strength of the proposed HGV construction traffic routes and their ability to support the significant increase in loading where the HGV traffic flows will increase above 10% on the C1033 and U1633 from the A836 to the Site access and on any single-track roads serving bulk suppliers. Detailed designs will be required to provide full width strengthening and any necessary reshaping of the carriageway identified in the assessment.
 - c) Proposals for widening the C1033 and U1603 from its junction with the A836 to the entrance to the Site and on any single-track road serving bulk suppliers, to a minimum width of 3.5 metres on single track sections and to 6.0 metres on double track sections. The works should also identify places required for verge strengthening.
 - d) There shall be no Commencement of Development until full details including fully dimensioned and annotated plans, including swept path analysis, of the Site access junction with the C1033 public road have been submitted to, and approved in writing by, the Planning Authority, in consultation with Transport Planning.

- (2) All of the above road improvements must also consider the provision of road markings and signage as per the Traffic Signs Regulations and General Directions.
- (3) Thereafter, the approved details shall be implemented in full.

Reason: *To ensure of the integrity of the public road and in the interests of road safety.*

17. External Lighting

- (1) There shall be no Commencement of Development until full details of any external lighting to be used within the Site and/or along its boundaries and/or access have been submitted to, and approved in writing by, the Planning Authority. Such details shall include full details of the location, type, angle of direction and wattage of each light which shall be so positioned and angled to prevent any direct illumination, glare or light spillage outwith the Site boundary. Thereafter only the approved details shall be implemented.

Reason: *In the interests of visual amenity, to prevent permanent lighting and minimise light pollution and to ensure the Development does not have an adverse impact on residents and nocturnal animals.*

18. Drainage

- (1) There shall be no Commencement of Development until details of the final surface water drainage design have been submitted to, and approved in writing by, the Planning Authority, in consultation with the Flood Risk Management Team, which shall include measures for the testing of a spent fire suppressant water and where necessary its containment and disposal, as well as calculations to demonstrate that all storm events up to the 1 in 200 year plus climate change storm event shall be managed from within the Site boundary. For the avoidance of doubt the submitted details shall also include the provision of a Drainage Impact Assessment. Thereafter, the Development shall be constructed in accordance with the approved details, which shall be made available for use prior to the Commencement of the Development and maintained for the lifetime of the Development.

Reason: *In order to ensure the Site is adequately drained in accordance with the principles of Sustainable Urban Drainage Systems.*

19. Construction Noise

- (1) Prior to construction commencing, the applicant shall submit, for the written approval of the planning authority, a construction noise mitigation scheme which demonstrates how the applicant/contractor will ensure the best practicable measures are implemented in order to reduce the impact of construction noise. The assessment should include but is not limited to the following:

- a) A description of the most significant noise sources in terms of equipment; processes or phases of construction;
 - b) The proposed operating hours and the estimated duration of the works for each phase;
 - c) A detailed plan showing the location of noise sources, noise sensitive premises and any survey measurement locations if required); and
 - d) A description of noise mitigation methods that will be put in place including any proposals for community liaison. The best practice found in BS5228 Code of practice for noise and vibration control on construction and open sites should be followed. Any divergence requires to be justified.
- (2) Thereafter the Development shall progress in accordance with the approved Noise Mitigation Scheme and all approved mitigation measures shall be in place prior to construction commencing or as otherwise may be agreed in writing by the Planning Authority.

Reason: *In order to safeguard the amenity of neighbouring properties and occupants.*

20. Operational Noise

- (1) The Rating Level of noise arising from the use of plant, machinery or equipment installed or operated in association with the Development as determined in accordance with BS4142 Methods for Rating and Assessing Industrial and Commercial Sound shall not exceed 30dB(A) at the curtilage of any noise sensitive receptor.

Reason: *In order to safeguard the amenity of neighbouring properties and occupants.*

21. Changes to Noise

- (1) Prior to the Development becoming operational, if there are any changes to the proposed equipment or mitigation measures which could result in an increased noise level, a revised noise impact assessment shall be submitted to and approved in writing by the Planning Authority. Thereafter the Development shall proceed in accordance with the revised assessment.

Reason: *In order to safeguard the amenity of neighbouring properties and occupants.*

22. Compliance with Noise Mitigation

- (1) The Development shall proceed in accordance with the approved Noise Impact Assessment. Mitigation measures identified in the assessment shall be in place prior to the commencement of operation and thereafter maintained for the lifetime of the Development.

Reason: *In order to ensure that the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.*

23. Habitat Management Plan

- (1) There shall be no Commencement of Development unless and until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by, the Planning Authority, in consultation with the councils Ecology Team. The HMP shall set out the proposed habitat management of the Site during the period of construction, operation, and decommissioning, restoration and aftercare.
- (2) The HMP shall provide for the maintenance, monitoring, and reporting of the habitat within the HMP area.
- (3) The HMP shall include provision for regular monitoring and review to be undertaken against the HMP objectives and measures for securing amendments or additions to the HMP in the event that the HMP objectives are not being met.
- (4) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time with written approval of the Planning Authority) shall be implemented within 12 months of following ground works commencing on Site and shall remain in place for a minimum of 30 years.
- (5) GIS shapefiles of HMP areas shall be supplied with the HMP to the Planning Authority prior to the commencement of works.

Reason: *To detail how all biodiversity mitigation and compensation measures for the Site will be delivered.*

24. Species Protection Plan

- (1) There shall be no Commencement of Development or Site Enabling Works until pre-construction ecological surveys are undertaken, which shall be undertaken at the appropriate time of year and no more than 3 months prior to works commencing on Site, and a report of the survey has been submitted to, and approved in writing by, the Planning Authority. The surveys shall cover the Site including an appropriate buffer from its boundary and the HMP areas with the report including mitigation measures where any impact, or potential impact, on protected species including, but not limited to, otter or their habitat has been identified.
- (2) In the event that works are intended to be carried out within the main bird breeding season, March through August inclusive, surveys for ground nesting birds shall be undertaken no more than 24 hours prior to any works commencing on Site including Site clearance works.
- (3) Development and work shall progress in accordance with any mitigation measures contained within the approved report of survey and the timescales contained therein.

Reason: *In the interest of protecting ecology, protected species including nesting birds, and their habitats.*

25. Ecological Clerk of Works

- (1) There shall be no Commencement of Development until the terms of appointment of a suitably qualified, experienced, and independent Ecological Clerk of Works (“ECoW”) by the Company, have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:
 - (a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in Schedule of Mitigation, the Construction and Environmental Management Plan, the Habitat Management Plan, and any species protection plans;
 - (b) Require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
 - (c) Require the ECoW to submit a quarterly report to the Planning Authority summarising works undertaken on Site; and
 - (d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity, and no later than 5 working days following the incidence of non-compliance.

- (2) The ECoW shall thereafter be appointed on the terms approved throughout the period from pre-construction works, Commencement of Development to completion of construction works.

Reason: *To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction phase.*

26. Access

- (1) There shall be no Commencement of Development until full details including fully dimensioned and annotated plans of the Site access junction with the C1033 public road have been submitted to, and approved in writing by, the Planning Authority, in consultation with Transport Planning.
- (2) A swept path analysis using the largest vehicle that will access the Site, entering and egressing from both directions will be required to be submitted to fully understand the extent of road widening required on the C1033.
- (3) Thereafter, the approved Site access arrangements shall be fully implemented on Site prior to any other development commencing on Site and maintained for this use for the lifetime of the Development.

Reason: *To ensure that an adequate level of access is timeously provided for the Development; in the interests of road safety and in order to comply with applicable standards.*

27. Landscaping

- (1) Prior to the Commencement of Development on Site, the Company shall appoint a suitably qualified Landscape Consultant (chartered Landscape Architect) and submit an updated scheme of landscaping for the written approval of the Planning Authority.
- (2) The updated landscape scheme shall include planting details (including ground preparation, planting seasons, and protection), and a schedule of landscape management and maintenance procedures for all landscaped areas.
- (3) The landscape scheme, as approved by the planning authority, shall be implemented on Site. The Landscape Consultant shall undertake Site inspections as required until the completion of the approved landscaping work. This will allow for the early identification of any deviations / snagging elements, in order that these may be highlighted and addressed during the ongoing works. Their remit shall include:
 - (a) Ensuring that the approved Landscape Masterplan is implemented to the agreed standard; and

(b) Certification of the landscape works at key stages of the Development. This includes Practical Completion Certificate upon satisfactory completion of the works, and Final Certificate at the end of the defects liability period. Certification shall be submitted to the Planning Authority upon completion of the stage to which they relate.

(4) The landscape scheme, as approved by the Planning Authority, shall be maintained thereafter in accordance with the landscape management and maintenance schedule.

Reason: *To secure the successful implementation and future maintenance of the approved Landscape Plan.*

28. Operational Maintenance

(1) For the avoidance of doubt, throughout the lifespan of the Development hereby approved, prior to the delivery of any significant HGV or abnormal load movements required, full details shall be submitted to, and approved in writing by, Planning Authority, in consultation with Transport Planning and Transport Scotland, in addition to any community representatives as required. Thereafter, the approved details shall be implemented in full.

Reason: *To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road and local road networks.*

29. Record Keeping

(1) The Company shall, at all times after the First Commissioning of the Development, record information regarding the details of power stored and generated, inclusive of dates and times of any failures, and retain the information until after the Decommissioning of the Development. The information shall be made available to the Planning Authority within one month of any request by them for this information.

Reason: *To ensure end of life decommissioning of the Site.*

30. Archaeology

(1) No Development or work (including Site clearance) shall commence until a programme of work for the survey, evaluation, preservation and recording of any archaeological and historic features affected by the proposed Development/work, including a timetable for investigation, has been submitted to, and approved in writing by, the Planning Authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

Reason: *In order to protect the archaeological and historic interest of the Site.*

31. Site Security

- (1) There shall be no Commencement of Development until full details of Site security measures, have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the approved details shall be implemented in full prior to the Date of First Commissioning and remain in place until the Development is complete.

Reason: *In the interests of amenity.*

32. Compliance Monitoring

- (1) Within 21 days from receipt of a written request from the Planning Authority, following a complaint to it alleging noise disturbance at one of the noise-sensitive locations identified in the Noise Impact Assessment or otherwise agreed in writing with the Planning Authority prior to commencement of development, the Company shall employ an independent consultant to assess the level of noise in terms of compliance with consented noise limits.
- (2) The Company shall submit the report of the independent consultant's assessment for the approval of the Planning Authority within 2 months of receiving the written request.
- (3) If the noise level exceeds the prescribed noise limits, the assessment report shall include a scheme of mitigation to be enacted, including timescales for implementation, to ensure compliance with consented noise limits.

Reason: *In order to safeguard the amenity of neighbouring properties and occupants.*

33. Mandatory Compliance Monitoring

- (1) Within 21 days of the Date of Final Commissioning the Company shall employ an independent consultant to assess the level of noise in terms of compliance with consented noise limits.
- (2) The Company shall submit the report of the independent consultant's assessment for the approval of the Planning Authority within 2 months of the Development becoming fully operational. If the noise level exceeds the prescribed noise limits, the assessment report shall include a scheme of mitigation to be enacted, including timescales for implementation, to ensure compliance with consented noise limits. Details of the proposed compliance monitoring must be agreed in writing beforehand with the Planning Authority's Environmental Health Service.

Reason: *In order to safeguard the amenity of neighbouring properties and occupants.*

34. Abnormal Loads

- (1) Prior to commencement of deliveries to Site, should any abnormal loads be identified, an Abnormal Indivisible Loads Plan shall be submitted to, and approved in writing by the Planning Authority, in consultation with The Roads Authority. For the avoidance of doubt the submitted plan shall include:
 - a) A detailed assessment of structures along the routes to be carried out in consultation with and the satisfaction of the Council's Structures Section.
 - b) Full details of all road improvements and mitigation measures needed to facilitate abnormal load movements and general construction traffic shall be agreed with the Council. The said measures shall be fully implemented to the satisfaction of the Council. Such measures may include: modifications to bridges and culverts, carriageway widening and/or edge strengthening, road safety improvements and traffic management.
 - c) A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective Roads Authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted.
 - d) A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties. The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of demountable signs or similar approved, shall be established when required, to alert road users and local residents of expected abnormal load movements. All such movements on Council maintained roads shall take place outwith peak times on the network including school travel times and shall avoid local community events.
 - e) A detailed delivery programme for abnormal load movements which shall be made available to the Planning Authority and community representatives.
- (2) Thereafter, the approved details shall be adhered to in full.

Reason: *To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road and local road networks.*

35. Local Employment Scheme

- (1) Prior to Commencement of Development, a Local Employment Scheme for the construction of the Development shall be submitted to and agreed in writing by the Planning Authority. The Scheme shall include the following:
 - a) details of how the initial staff/employment opportunities at the Development will be advertised and how liaison with the Council and other local bodies will take place in

- relation to maximising the access of the local (i.e. within the Highland Council area) workforce to information about employment opportunities;
- b) details of how sustainable training opportunities will be provided for those recruited to fulfil staff/employment requirements including the provision of apprenticeships or an agreed alternative;
 - c) a procedure setting out criteria for employment, and for matching of candidates to the vacancies;
 - d) measures to be taken to offer and provide college and/or work placement opportunities at the Development to students within the locality;
 - e) details of the promotion of the Local Employment Scheme and liaison with contractors engaged in the construction of the Development to ensure that they also apply the Local Employment Scheme so far as practicable having due regard to the need and availability for specialist skills and trades and the programme for constructing the Development;
 - f) a procedure for monitoring the Local Employment Scheme and reporting the results of such monitoring to the Council; and
 - g) a timetable for the implementation of the Local Employment Scheme.

(2) Thereafter, the Development shall be implemented in accordance with the approved scheme.

Reason: *To make provision for publicity and details relating to any local employment opportunities.*

36. Water Supply

- (1) There shall be no Commencement of Development until full details of the water supply to serve the Development for the suppression of fire have been submitted to, and approved in writing by, the Planning Authority. These details shall demonstrate:
- a) confirmation from Scottish Water that sufficient capacity is reserved at its water treatment plant to serve the Development; or
 - b) that the Development can be sufficiently served by a private water supply through an appraisal specifying the means by which a water supply shall be provided and thereafter maintained to the Development. This appraisal, which shall be carried out by an appropriately qualified person(s), shall demonstrate that the sufficiency of any other supply in the vicinity of the Development, or any other person utilising the same source or supply, will not be compromised by the Development. The Development itself shall not be occupied until the supply has been installed in accordance with the approved specification.

Reason: *To ensure that an adequate water supply can be provided to meet the*

requirements of the Development and, where relevant, without compromising the interests of other users of the same or nearby private water supplies.



DEFINITIONS

“Application”	Means the application submitted by the Company on 10 June 2024 and its supporting documents, including any documentation submitted thereafter by the Company or its appointed agents to the Scottish Ministers, up until the date of this letter.
“The Company”	Mey Energy Storage Limited, incorporated under the Companies Act with company number SC786444 having its registered office at 26 Dublin Street, Edinburgh EH3 6NN or such other person who from time to time may lawfully have the benefit of this consent.
“Commencement of Development”	Means the implementation of the consent and deemed planning permission by carrying out a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.
“Date of First Commissioning”	Means the date on which electricity is first exported to the grid network on a commercial basis from any of the battery energy storage units constructed as part of the Development.
“Date of Final Commissioning”	Means the earlier of (i) the date on which the Development first exports electricity to the national grid on a commercial basis from the last of the battery energy storage units being constructed as part of the Development; or (ii) the date falling 18 months from the date of First Commissioning.
“the Development”	Means the Development described in Annex 1. (For the avoidance of doubt, this includes the ancillary development described in Annex 1.)
“Planning Authority”	Means The Highland Council.
“Approved Layout”	Means the layout described by the plans included in the application reproduced in Annex 3 as “Site Layout” as may be amended by condition 5.
“Site”	Means the area of land enclosing the Development on the Site Layout reproduced in Annex 3
“Storage Technology”	Means the electricity storage technology type that is used by the Development, for example Lithium-ion.



NOTES

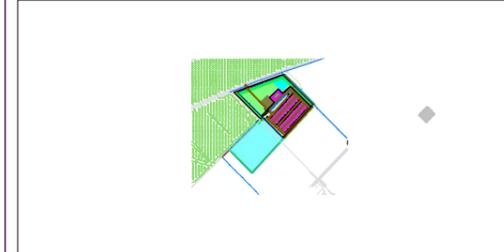
DO NOT SCALE. Use annotated measurements only

SITE STATS

Development Area	10.65 Ha
BESS System Size	300 MW
BESS Storage Size	1353 MWH
Total No. of PCU Units	72
Total No. of Battery	288
Discharge Hrs	4

- BESS Zone: c.34,950m²
- Ecology Zone: c.30,250m²
- No Development Zone: 38,325m²

A detailed landscape design plan will be provided post-consent, secured by a condition to the Section 36 consent. The design will include new perimeter hedgerows and tree planting to provide visual screening of the BESS units. The planting of vegetation for screening purposes will be designed to remove or minimise views of the BESS infrastructure from nearby locations including the A836 and the NCR1 route to the north. It will also screen the site once the adjacent plantation forestry is felled in future years.



LEGEND

Issue	Date	Comments
15	05/08/25	Logo Amended
14	14/07/25	Layout Revised indicating development zone
13	24/02/25	Layout Note Revised
12	30/01/25	Layout Revised
11	28/01/25	Boundary and layout arrangement revised
10	08/01/25	Fence line updated
09	28/10/23	Layout Revised
08	23/10/23	Layout Revised
07	28/09/23	Layout Revised
06	12/06/23	Layout Revised
05	06/06/23	Layout Revised
04	30/05/23	Layout Revised
03	19/05/23	Layout note updated
02	18/05/23	Layout revised, hedgerow screening added
01	18/05/23	Initial issue

Drawn Approve Date

Drawing Status
Planning

Project: Mey BESS

Address: Phillips Mains farm, KW14 8XH

Client: Simec Atlantis Energy

Title
BESS Site Layout

Issue : 15 Scale 1:2000 @A3

Simec Atlantis Energy

Quartermile Two,
2nd Floor
2 Lister Square
Edinburgh
EH3 9GL

Energy and Climate Change Directorate
Energy Consents Unit Scottish Government
Riaghaltas na h-Alba
gov.scot

This is the map referred to in the consent by the Scottish Ministers in terms of section 36 of the Electricity Act 1989 for the construction and operation of the Mey Battery Energy Storage System (BESS) electricity generating station in the Highland Council area.

Dated: 19 January 2026
Signed *pp Paul Smith*

MARK CHRISTIE
A member of the staff of the Scottish Ministers