

Construction of 49.99MW Battery Energy Storage System With Associated Works

KEY INFORMATION

Ward North East

Address

Land South Of Fairfield Park
Pitkerro Road
Dundee

Applicant

Mr Adam Roche
Vital Energi Ltd

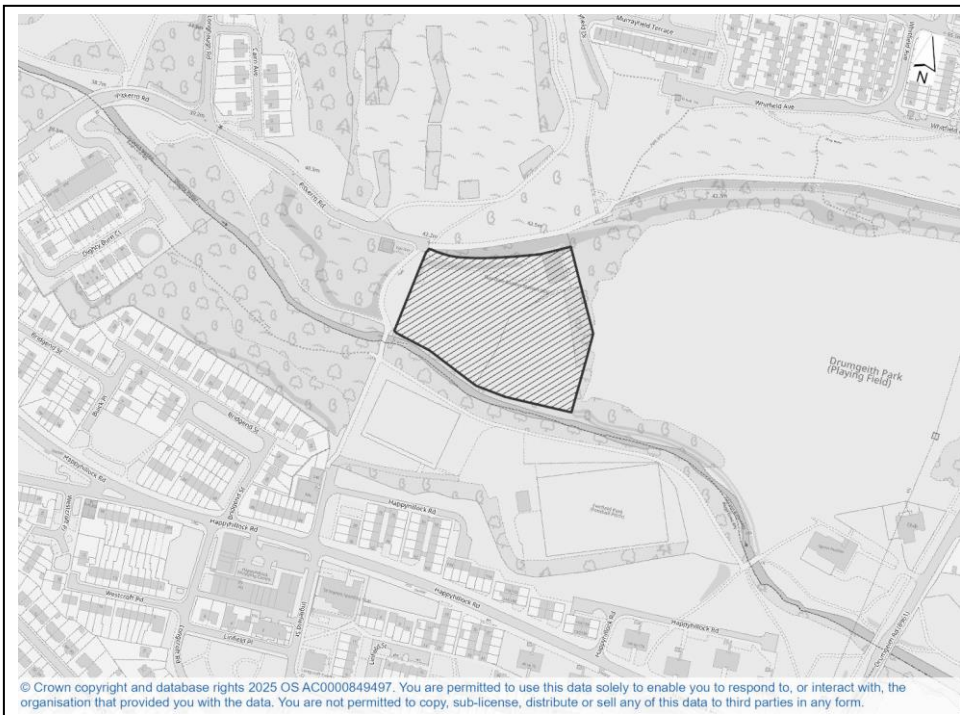
Agent

Chloe McDonnell
Neo Environmental

Validated: 4 February 2025

**Report by Head of Planning
& Economic Development**

Contact: Edward Bean



SUMMARY OF REPORT

- Planning permission is sought for the construction of a 49.9MW Battery Energy Storage System (BESS) on a 1.7-hectare brownfield site to the east of Pitkerro Road in Dundee.
- The development will include lithium-ion battery units, power conversion systems, substations, transformers, access roads, acoustic fencing, CCTV, and a temporary construction compound.
- The application is not in accordance with the requirements of the Development Plan.
- The statutory neighbour notification process was undertaken and the application advertised in the local press. 17 letters of objection have been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as it is classed as a major development as identified in the terms of the Town and Country Planning (Hierarchy of Developments)(Scotland)Regulations 2009. It is a major development due to the capacity of the battery energy storage system exceeding 20 megawatts.
- More details can be found at <https://idoxwam.dundeecity.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=SOXSXXGCHQB00>

RECOMMENDATION

The proposal does not comply with the Development Plan. There are no material considerations of sufficient weight to justify approval of planning permission. Therefore, the application is recommended for REFUSAL.

1 DESCRIPTION OF PROPOSAL

1.1 The application is for the construction of a 49.9MW Battery Energy Storage System (BESS) on a 1.7-hectare brownfield site, east of Pitkerro Road in Dundee.

1.2 The development comprises the following main elements:

1 Battery Units:

40 lithium-ion battery containers, each approximately 6.1m (L) x 2.4m (W)

Mounted on steel beams, elevated 1.5m above ground

2 Power Conversion Systems (PCS):

10 units, each approximately 6.1m (L) x 2.4m (W)

Mounted on steel beams, elevated 1.5m above ground

3 Substations:

1 x DNO (Distribution Network Operator) substation

1 x Vital Energi substation

Both elevated 1.5m above ground

4 Transformers:

2 units, each approximately 5.8m (L) x 5.3m (W)

Elevated on steel beams

5 Welfare Unit:

Approximately 9.3m (L) x 5.3m (W)

Elevated on steel beams

6 Access Roads:

5m wide, approximately 346.8m long

Made of compacted granular material with optional soil reinforcement

7 Fencing:

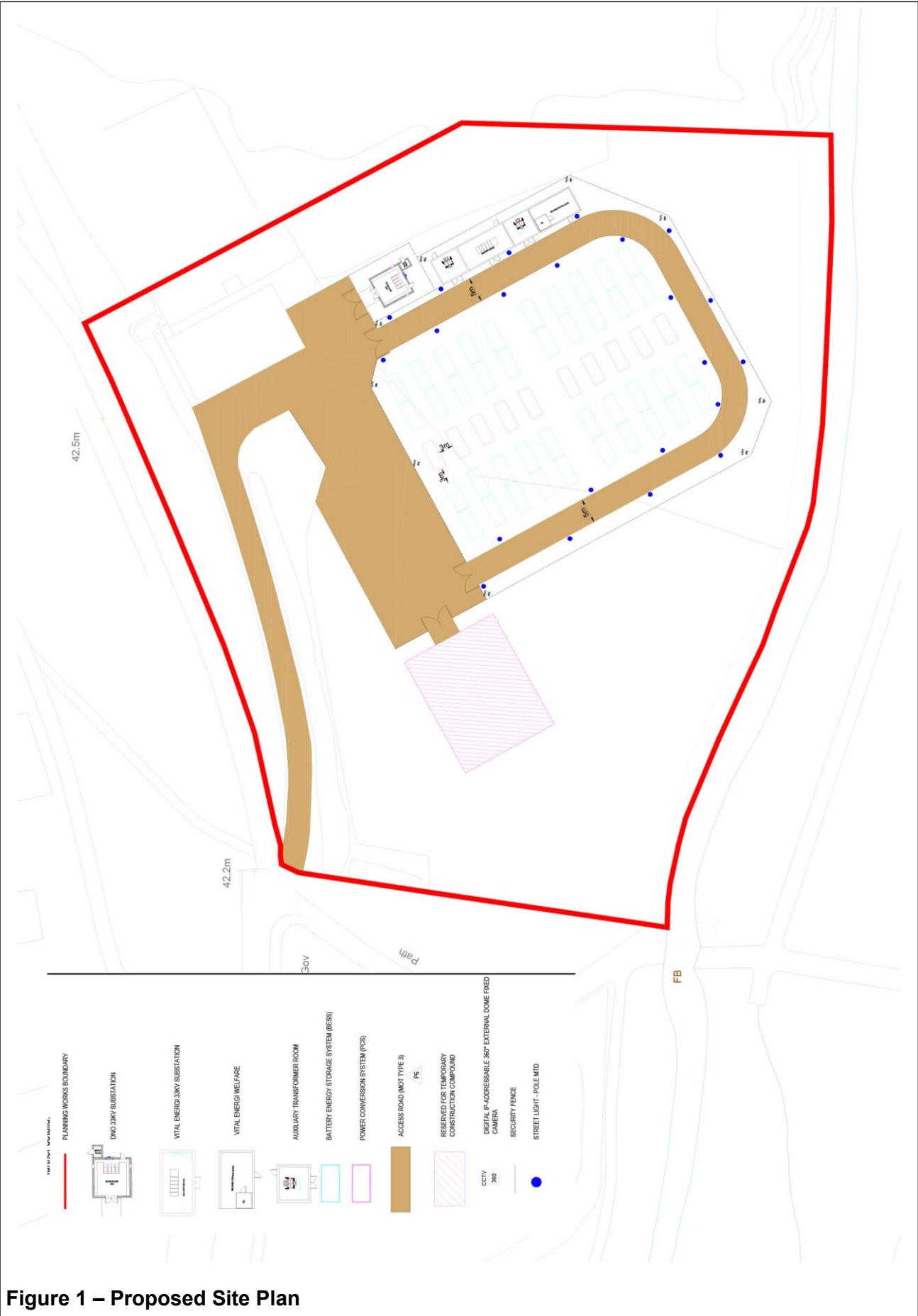
5m high acoustic fencing around the site (approximately 360.5m in length)

8 CCTV and Lighting:

9 x CCTV posts, each 5m high with infrared lighting and anti-climb guards

1.3 The applicant has submitted the following in support of the application:

- Planning Statement
 - Appendix A: Pre-Application Request;
 - Appendix B: Proposal of Application Notice (PoAN) Submission and Response; and
 - Appendix C: EIA Screening Request and Decision.
- Design and Access Statement (with Appendices);
- Pre-Application Consultation Report (with Appendices);
- Decommissioning Statement (with Appendices);
- Landscape and Visual Impact Assessment (LVIA);
- Preliminary Ecological Assessment (PEA);
- Cultural Heritage Impact Assessment (CHIA);
- Flood Risk Assessment (FRA) & Drainage Impact Assessment (DIA);
- Construction Traffic Management Plan (CTMP);
- Noise Impact Assessment (NIA);
- Outline Construction Environmental Management Plan (OCEMP); and
- Outline Fire Risk Management Plan (OFRMP).



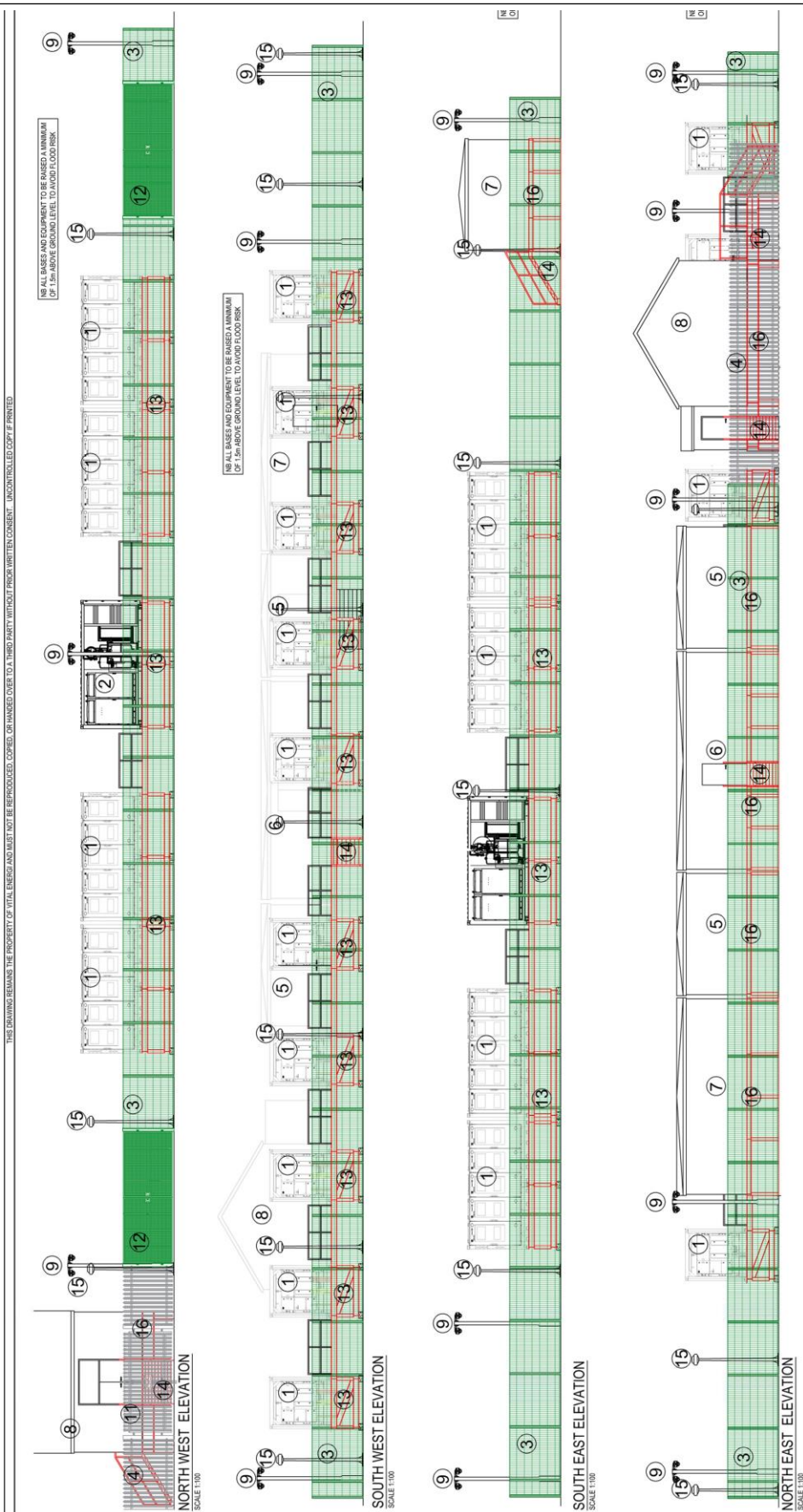


Figure 2 – Proposed Elevations

2 SITE DESCRIPTION

- 2.1 The application site comprises of an area of disused brownfield land to the east of Pitkerro Road totalling 1.70 Ha in area.
- 2.2 Historically, the site functioned as a gas holder and distribution station but is now vacant. It is currently divided into eastern and western sections by metal fencing and is laid with hardstanding and gravel surfaces. A small building is in the north-east corner of the site, while a partially buried pipe is present in the north-west corner.
- 2.3 Beyond the metal fencing which surrounds the application site is a mixture of trees, hedgerows and shrubs. The Dighty Burn is located just below the southern boundary of the application site approximately 10 metres away.
- 2.4 The application site is located within an area characterised by a diverse mix of land uses. Drumgeith Park is situated directly to the east and Fairfield Park is located around 50 metres to the south. Beyond the immediate context, the surrounding land uses are primarily residential in nature but feature a range of other uses. Notable nearby features include a housing estate approximately 200 metres to the northeast, a community sports hub 200 metres to the southeast, various retail and commercial premises 200 metres to the south, a cinema located roughly 350 metres to the southeast, and an industrial estate situated approximately 450 metres to the south.
- 2.5 The application site is located along Pitkerro Road from which vehicular access to the northwestern corner of Application Site can be gained.
- 2.6 The site is not allocated for any particular use within the Dundee Local Development Plan (2019) but is directly to the north of the Dighty (Finlathen - Baldovie) LINC (Local Nature Conservation Designation).



Figure 3 – Photo from North West Corner of Application Site



Figure 4 – Photo of Entrance to Application Site from Pitkerro Road



Figure 5 – Photo of Application Site Facing North East from South of the Dighty

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

NATIONAL PLANNING FRAMEWORK 4

Policy 1: Tackling the climate and nature crises
Policy 2: Climate mitigation and adaptation
Policy 3: Biodiversity
Policy 4: Natural Places
Policy 6: Forestry, woodland and trees
Policy 9: Brownfield, vacant and derelict land and empty buildings
Policy 11: Energy
Policy 12: Zero Waste
Policy 13: Sustainable transport
Policy 14: Design, quality and place
Policy 22: Flood risk and water management
Policy 23: Health and safety
Policy 26: Business and industry

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 1: High Quality Design and Placemaking
Policy 2: Public Art Contribution
Policy 33: Local Nature Conservation Designations
Policy 34: Protected Species
Policy 35: Trees and Urban Woodland
Policy 36: Flood Risk Management
Policy 37: Sustainable Drainage Systems
Policy 38: Protecting and Improving the Water Environment
Policy 39: Environmental Protection
Policy 41: Land Contamination
Policy 42: Development of or next to Major Hazard Sites
Policy 44: Waste Management Requirements for Development
Policy 45: Energy Generating Facilities
Policy 54: Safe and Sustainable Transport

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

- 4.1 Planning permission (reference: 10/00068/FULL) for a Proposed Replacement 3m High Security Fence was approved in 2010.
- 4.2 23/00799/PAN – proposal of Application Notice for Construction of a 49.9MW battery energy storage system (BESS) – valid 29 November 2023.
- 4.3 24/00008/EIASCOR – EIA Screening request – EIA not Required – 30th July 2025.

5 PUBLIC PARTICIPATION

- 5.1 A Pre-Application Consultation Report has been submitted with this major planning application. This sets out what has been done during the pre-application phase to comply with the statutory requirements for pre-application consultation with the public. The Report states that the applicant hosted two in-person public consultation events, and one online consultation event. Six people attended the in-person exhibitions across both events.
- 5.2 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.
- 5.3 17 letters of objection have been received. The objections following valid material grounds:
- the BESS will be a fire risk;
 - proximity to live gas pipes;
 - the application site is within a flood plain, and the submitted Flood Risk Assessment is inadequate;
 - access for emergency services would be impractical;
 - the proposal could impact on nearby wildlife and their habitat;
 - the site should be adequately screened to prevent visual impact;
 - potential for noise pollution;
 - the proposal would be a health risk;
 - poor public consultation; and
 - the physical form of the proposal is unattractive.

6 CONSULTATIONS

- 6.1 Head of Environment - commented on the following matters:
- Greenspace** - the Head of Environment has reviewed the submitted Ecological Assessment and Landscape and Ecology Management Plan submitted with the application.
- The Greenspace Officer does not object to the proposal, and requests that conditions be included to secure the aforementioned mitigation planting and biodiversity measures, together with implementation of the submitted Biodiversity Management Plan. These conditions would ensure the biodiversity of the wider site is improved and enhanced.
- 6.2 **The Head of Design and Property Services** – is not supportive of the proposal, as it does not adequately demonstrate that flood risk has been fully assessed or appropriately mitigated, and has the potential to result in an increased discharge of surface water to the Dighty.
- 6.3 **Scottish Water** – does not object to the proposal.
- 6.4 **SEPA** – does not object to the proposal.

- 6.5 **Health & Safety Executive** - does not advise against the granting of planning permission on safety grounds.
- 6.6 **Head of Sustainable Transport and Roads** – the application can be supported with no roads related conditions.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

The provisions of the Development Plan relevant to the determination of this application are specified in the Policy Background section above.

Principle of Development

- 7.2 **NPF4 Policy 9a: Brownfield, vacant and derelict land and empty buildings** – part a of policy 9 states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- 7.3 The proposal is for the reuse of brownfield land for the storage and distribution of energy generated from renewable sources. The proposed development is therefore a sustainable reuse of brownfield land. The site is largely hard surfaced with gravel, but includes a number of trees, primarily young, self-seeded specimens. These trees are not part of a formal woodland but have naturally regenerated on the disused brownfield land. As discussed under NPF4 Policy 3, the ecological assessment details that the application site offers minimal ecological interest, and mitigation planting and biodiversity enhancement measures are likely to have a positive effect on biodiversity.
- 7.4 **The proposal complies with NPF4 Policy 9a.**
- 7.5 **NPF4 Policy 11: Energy part a)** states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
- i wind farms including repowering, extending, expanding and extending the life of existing wind farms;
 - ii enabling works, such as grid transmission and distribution infrastructure;
 - iii energy storage, such as battery storage and pumped storage hydro;
 - iv small scale renewable energy generation technology;
 - v solar arrays;
 - vi proposals associated with negative emissions technologies and carbon capture; and
 - vii proposals including co-location of these technologies

- 7.6 The planning application seeks planning permission for the development of a battery energy storage system and ancillary infrastructure, a form of zero emissions technology which is explicitly supported by criteria iii) of Policy 11 Part a.
- 7.7 **The proposal complies with NPF4 Policy 11a.**
- 7.8 **NPF4 Policy 11c:** states that development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- 7.9 The applicant acknowledges the potential economic benefits of the proposed development, but does not provide a detailed or quantified assessment of its net economic or socio-economic impact. While general references are made to job creation and support for local services during construction, operation, and decommissioning, there is no formal analysis of these potential benefits.
- 7.10 **The proposal fails to comply with NPF4 Policy 11c.**
- 7.11 **NPF4 Policy 11e:** states that project design and mitigation will demonstrate how the following impacts are addressed:
- i impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
 - ii significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
 - iii public access, including impact on long distance walking and cycling routes and scenic routes;
 - iv impacts on aviation and defence interests including seismological recording;
 - v impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
 - vi impacts on road traffic and on adjacent trunk roads, including during construction;
 - vii impacts on historic environment;
 - viii effects on hydrology, the water environment and flood risk;
 - ix biodiversity including impacts on birds;
 - x impacts on trees, woods and forests;
 - xi proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
 - xii the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
 - xiii cumulative impacts.

- 7.12 In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator in the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.
- 7.13 Criteria i and ii – visual impact is assessed below in detail under NPF4 policy 14 and LDP Policy 1, where it is determined that the proposals would not result in a dominant feature within the local landscape. Noise impact is assessed in detail under NPF4 policies 14 and 23 and LDP Policy 39, where it is concluded that the proposals would have an acceptable impact, subject to conditions.
- 7.14 Criterion iii - a core path runs along the north and west edges of the site. This path connects to a footbridge over the Dighty Burn, which is located just south of the site. The Planning Statement confirms that the development will safeguard the line of any existing or proposed outdoor access route affected by the development, and that any temporary disruption will be managed with alternative routes and reinstatement after construction.
- 7.15 Criterion iv - the proposals do not impact on any aviation or defence interests.
- 7.16 Criterion v - the proposals do not impact on any telecommunications or broadcasting installations.
- 7.17 Criterion vi – there will be no impact on roads as vehicular movements associated with the development will be low. The site benefits from existing access and parking arrangements.
- 7.18 Criterion vii – the site is not in proximity to any features of historic significance.
- 7.19 Criterion viii – the application site is shown on SEPA flood mapping to be within an area at high risk of fluvial (river) flooding, and a medium risk of pluvial (surface water) flooding. A full assessment on effects on hydrology, the water environment and flood risk are considered in full detail elsewhere in this report. The assessment finds that the proposal does not adequately demonstrate that flood risk has been fully assessed or appropriately mitigated and the development has the potential to generate an increased discharge of surface water to the Dighty. Furthermore, the development fails to demonstrate that the water environment would be adequately safeguarded from potential pollution risks.
- 7.20 Criteria ix and x - biodiversity including impacts on birds and trees is assessed in detail under NPF4 Policy 3. While some young or self-seeded trees may be removed or disturbed during construction, the development includes mitigation and enhancement measures to ensure no significant long-term loss of tree cover or biodiversity.
- 7.21 Criteria xi and xii - although the proposed BESS is a long-term use of the site, careful restoration of the site afterward would avoid any permanent adverse impacts on the local environment and will provide opportunities for positive enhancement of the site. The applicant has submitted a Decommissioning Statement which outlines how the site will be safely dismantled and restored after its 30-year operational life. The decommissioning process would be controlled via condition.
- 7.22 Criterion xiii - there is no existing development, approved developments or developments the subject of valid applications in proximity to the application site that would result in cumulative effects.
- 7.23 The proposed development would contribute to achieving net zero by 2050 by potentially increasing the amount of zero carbon renewable electricity generated and supplied to the National Grid. This would help to further decarbonise the production sector and achieve

National Grid's target of a Net Zero electricity system by 2030. The proposed BESS would be connected to the Milton of Craigie 132kV substation, located approximately 920 metres south of the application site. This is to be via underground cables.

- 7.24 The applicant has failed to demonstrate that the proposal would not have unacceptable impacts on hydrology, the water environment and flood risk.
- 7.25 **The proposal fails to comply with NPF4 Policy 11e, viii.**
- 7.26 **LDP Policy 45: Energy Generating Facilities** – states that proposals Major energy generating facilities, not ancillary to wider development proposals, will be directed to the Principal or General Economic Development Areas.
- 7.27 Battery storage has been confirmed by the Scottish Government's Chief Planner as an energy generating development. In this context, the proposed BESS is located out with Dundee's Principal or General Economic Development Areas.
- 7.28 **The proposal fails to comply with LDP Policy 45.**
- 7.29 **NPF4 Policy 22: Flood risk and water management part a)** states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
- i essential infrastructure where the location is required for operational reasons;
 - ii water compatible uses;
 - iii redevelopment of an existing building or site for an equal or less vulnerable use; or.
 - iv redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The application site is shown on SEPA flood mapping to be within an area at high risk of fluvial (river) flooding, and a medium risk of pluvial (surface water) flooding.

- 7.30 The glossary of NPF4 defines essential infrastructure as including all forms of renewable, low-carbon and zero emission technologies for electricity generation and distribution and transmission, electricity grid networks and primary sub stations. The proposed BESS fits within this definition.
- 7.31 Criterion i requires an operational reason for the essential infrastructure to be located within a flood risk area. The applicant has submitted a justification statement which details the following as operational reasons;
- 1 the site is located approximately 920 metres from the Milton of Craigie 132kV substation, which has confirmed grid capacity;
 - 2 the site was chosen after a strategic site selection process; and
 - 3 the site is brownfield and meets technical, spatial and environmental criteria for BESS developments.
- 7.32 Although the proposed Battery Energy Storage System (BESS) may satisfy the definition of essential infrastructure, the justification provided for the selection of the application site is insufficient. The nearest substation or grid connection point is located just under one kilometre from the site. This is in proximity to allocated economic development land which is a sequentially preferable location for such development. No evidence has been provided that

sites on economic development areas have been adequately assessed or discounted. As a result, the proposal lacks a clear and robust rationale. Furthermore, while the scheme may technically qualify as essential infrastructure, the existence of several approved but undeveloped schemes in more appropriate, sequentially preferable locations across the city raises legitimate concerns regarding the operational justification for the location of the development. Although the brownfield status of the site is acknowledged and accepted, when considered against the context of the potential availability of more suitable alternatives, the proposal does not represent a well justified or strategically appropriate option which would justify approving the development in an area at high risk of flooding.

7.33 The proposal fails to comply with NPF4 Policy 22a.

7.34 NPF4 Policy 26: Business and Industry - seeks to encourage, promote and facilitate business and industry uses, and ensure that there is a suitable range of available sites that meet current market demand, location, size and quality in terms of accessibility and services.

Part d) states that development proposals for business, general industrial and storage and distribution uses outwith areas identified for those uses in the LDP will only be supported where:

- i it is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
- ii the nature and scale of the activity will be compatible with the surrounding area.

7.35 The proposed Battery Energy Storage System (BESS) development is not located within an area allocated for business or industrial use in the Dundee Local Development Plan. However, the applicant contends that the proposal aligns with National Planning Framework 4 (NPF4) Policy 26, which allows for business, industrial, and storage uses outside designated areas if the above two key criteria are met.

7.36 In terms of point i, the applicant explains that they undertook a comprehensive site selection process, reviewing over 1,000 potential sites across Scotland. They explain that the application site was chosen due to its proximity to the Milton of Craigie 132kV substation, which has confirmed grid capacity, making it operationally optimal and technically viable.

7.37 In terms of point ii, the applicant explains that the site is a previously developed brownfield location, formerly used for gas storage, and is surrounded by mixed land uses including recreational, residential, and commercial areas. They contend that design and mitigation measures ensure minimal visual, environmental, and noise impacts, thereby supporting compatibility with the local context.

7.38 In response to the above, the nature and scale of the proposed BESS has the ability to be compatible with the surrounding area. Nevertheless, while the applicant notes that the proposed site is operationally optimal and technically viable, it has not been adequately demonstrated that there are no suitable alternatives on land allocated in the LDP.

7.39 The proposal fails to comply with NPF4 Policy 26d.

7.40 LDP Policy 42: Development of or next to Major Hazard Sites - states that the siting of new or extensions to existing major hazard sites or sites which operate under Scottish Environment Protection Agency authorisation will not be permitted in close proximity to residential areas and/or areas of public use or interest, where the risk to people or the environment is likely to be significantly increased.

- 7.41 The application site is within a Health & Safety Executive consultation zone. The HSE has indicated that it would not advise against the granting of planning permission on safety grounds in this case.
- 7.42 At pre-application stage, HSE advised that battery energy storage systems are usually not a relevant development in relation to land-use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is because they do not, in themselves, involve the introduction of people into the area. HSE's land use planning advice is mainly concerned with the potential risks posed by major hazard sites and major accident hazard pipelines to the population at a new development.
- 7.43 **The proposal complies with LDP Policy 42.**

Design

- 7.44 **NPF4 Policy 14: Design, Quality and Place** - seeks to encourage, promote and facilitate well designed development to deliver quality places and environments.
- 7.45 **Part a)** requires that development proposals are designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- 7.46 **Part b)** requires development proposals to be consistent with the six qualities of successful places, and are healthy, pleasant, connected, distinctive, sustainable and adaptable; supporting commitment to investing in the long-term value of buildings by allowing for flexibility so that they can be changed as well as maintained over time.
- 7.47 **Part c)** states that poorly designed development proposals which are detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported.
- 7.48 **LDP Policy 1: High Quality Design and Placemaking** - requires all development proposals to follow a design-led approach to sustainable and high quality placemaking. Development should contribute positively to the quality of the surrounding built and natural environment and should be planned with reference to climate change mitigation and adaptation. The design and siting of development should respect the character and amenity of the place, creating a sense of community and identity, and enhancing connectivity, with creative approaches to urban design, landscaping and green infrastructure. New development is required to meet the six qualities of successful place, in accordance with Appendix 1, creating development which would be distinctive, safe and pleasant, easy to move around and beyond, welcoming, adaptable, and resource efficient.
- 7.49 The proposal is for a battery energy storage system and associated infrastructure. The fenced compound which would contain the battery containers and associated infrastructure would measure 110 metres in length by 86 metres in width. A 5-metre-high acoustic fence with a total length of approximately 360 metres would be installed around the perimeter of the Battery Energy Storage System (BESS). The applicant advises that the final site design may be subject to change once final specifications are decided. This would include the exact locations, design, and materials of the battery units to allow for flexibility to incorporate the most efficient and up-to-date infrastructure available at the time of construction. If planning permission is approved, a condition will require submission of full details of the final locations, design and materials to be used for the battery units to be submitted to the planning authority for approval.
- 7.50 The design of the proposed BESS installations would be somewhat utilitarian in appearance with the proposed battery containers effectively having a similar size and profile to shipping containers.

- 7.51 According to the Landscape and Visual Impact Assessment (LVIA) included in the Planning Statement, the site is already bounded by a mixture of mature trees, hedgerows, and palisade fencing. These features fully block views of the site from the north, east, and west, and partially block views from the south. Additional mitigation planting along the boundaries will also reduce the visual impacts of the development on nearby receptors.
- 7.52 The development would not result in a dominant feature within the local landscape. Subject to appropriate design and finishes being applied, together with aforementioned mitigation planting, the proposals would not appear out of context with the previous use of the site as a gas holder. The proposals would respect the character and amenity of the place.
- 7.53 **The proposal could comply with NPF4 Policy 14 and LDP Policy 1 subject to condition.**

Public Art

- 7.54 **LDP Policy 2: Public Art Contribution** - requires all development in Dundee with construction costs of £1 million or more to allocate at least 1% of construction costs for the inclusion of art projects in a publicly accessible/visible place or places within the development.
- 7.55 No Public Art Strategy has been submitted; this could be secured by condition.
- 7.56 **The proposal could comply with LDP Policy 2 subject to condition.**

Transport

- 7.57 **NPF4 Policy 13: Sustainable Transport** - seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport.
- 7.58 **LDP Policy 54: Safe and Sustainable Transport** - seeks to ensure that all development proposals which generate travel should be designed and well served by all modes of transport, and that they meet relevant standards and requirements in terms of road safety.
- 7.59 As the development will generate a very low number of vehicle movements the only relevant parts of these policies are those relating to the potential impact on the operation and safety of the local and strategic transport network.
- 7.60 The Head of Sustainable Transport and Roads has reviewed the application and advises that it can be supported with no roads related conditions. There would be no impact on the local road network and the existing access to the site would comply with Dundee City Council's Road design standards.
- 7.61 **The proposal complies with NPF4 Policy 13 and LDP Policy 54.**

Flooding and Drainage

- 7.62 **NPF4 Policy 22: Flood Risk and Water Management** - is intended to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Of relevance to this application is Part c) which seeks to ensure that development proposals:

- i do not increase the risk of surface water flooding;
- ii manage all rain and surface water flooding through SUDS design, without presuming a surface water connection to the combined sewer; and

iii seek to minimise the area of impermeable surface.

7.63 **LDP Policy 36: Flood Risk Management** - states that within Medium to High-Risk Areas, there is a general presumption against a) development on previously undeveloped land and b) development of essential civil infrastructure, in high risk areas based on a 0.5% or greater annual probability of flooding (equivalent to a 1 in 200 year flood or greater) plus an additional allowance of 600mm. Other development may be acceptable where:

- 1 sufficient flood defences already exist, or a Flood Protection Scheme or flood defence, designed and constructed to a standard of 0.5% annual probability plus climate change allowance, will be in place prior to occupation of the proposed development;
- 2 those flood defences will be maintained for the lifetime of the development and will not increase the probability of flooding elsewhere;
- 3 the extent of development potentially affected by flooding is protected through the use of appropriate water resistant materials and construction; and
- 4 the finalised scheme does not result in a land use which is more vulnerable to flooding.

A Flood Risk Assessment will be required for any development within the medium to high risk category.

7.64 The application site is shown on SEPA flood mapping to be within an area at high risk of fluvial (river) flooding, and a medium risk of pluvial (surface water) flooding.

7.65 The applicant has submitted a Flood Risk Assessment (FRA) which The Head of Design and Property Services has reviewed.

7.66 The Head of Design and Property Services advises that the submitted FRA does not adequately demonstrate that flood risk has been fully assessed or appropriately mitigated. The proposed development includes mesh fencing and low-lying structural elements such as steel framework and cross bracing, which have the potential to obstruct or redirect water flow across the site during flood events. The proposed mesh fencing has the potential to increase the likelihood of debris accumulation and blockages along the site boundary, reducing the effective capacity of the floodplain and elevating the risk of flooding both within the site and in adjacent areas.

7.67 Additionally, the presence of structural components at low levels may impede the natural movement of water during out-of-bank flow conditions, particularly where flood pathways are already constrained. Overall, the applicant has not provided sufficient evidence to demonstrate that these risks have been fully assessed or that appropriate mitigation measures are in place. In the absence of such evidence, it is considered that the development may result in an increased flood hazard.

7.68 **The proposal fails to comply with NPF4 Policy 22c and LDP Policy 36.**

7.69 **LDP Policy 37: Sustainable Drainage Systems** - requires that surface water discharging to the water environment from new development must be treated by a Sustainable Drainage System (SUDS), designed so that water levels remain 600mm below finished floor levels during a 1:200-year rainstorm event with allowance for climate change and future urban expansion. Proposals are encouraged to adopt an ecological approach.

7.70 As above, the application site is shown on SEPA flood mapping to be within an area at high risk of fluvial (river) flooding, and a medium risk of pluvial (surface water) flooding. Any

proposed discharge of surface water to the Dighty must be restricted to the pre-development runoff rate.

- 7.71 The submitted Flood Risk Assessment (FRA) includes limited information on surface water drainage. The applicant has advised that Sustainable Drainage Systems (SuDS) are not required, on the basis that the proposed buildings will be raised above ground level, allowing surface water to continue draining naturally in line with existing site conditions. However, The Head of Design and Property Services has reviewed the FRA and advises that the fact that these areas are to be raised does not negate the requirement for a Drainage Assessment or the implementation of appropriate SuDS.
- 7.72 The introduction of roofed structures will result in surface water runoff being concentrated into specific discharge points, rather than being dispersed across the site as in the pre-development scenario. This change in flow pattern may increase the risk of localised flooding if not properly managed. Furthermore, the FRA indicates that the site's soil conditions are likely to provide inadequate infiltration capacity. In the absence of soakaway or porosity testing to confirm infiltration potential, it cannot be assumed that infiltration-based drainage solutions are viable.
- 7.73 Full drainage proposals, including layout drawings, design calculations, treatment measures, and evidence of compliance with relevant design standards, have not been submitted. The Head of Design and Property Services advises that, in the absence of this information, the drainage strategy is considered incomplete and inadequate. The proposals have the potential to result in an increased discharge of surface water to the Dighty, which has not been properly assessed.
- 7.74 **The proposal fails to comply with LDP Policy 37.**
- 7.75 **LDP Policy 38: Protecting and Improving the Water Environment** - requires that for development that compromises the objectives of the Water Framework Directive (2000/60/EC), aimed at the protection and improvement of Scotland's water environment will not be supported. In assessing proposals, the Council will take into account the Scotland River Basin Management Plan 2 associated Area Management Plans; and the Dundee Water Environment and Strategic Flood Risk Assessment 2016 together with supporting information on opportunities for improvements and constraints.

Where development sites are in close proximity to watercourses, an appropriately sized buffer zone shall be provided between the development and the watercourse, which should function ecologically as riparian habitat and be of landscape and amenity value.

- 7.76 The Head of Design and Property Services advises that the proposed development includes infrastructure that may pose a pollution risk to the water environment, particularly the Dighty, in the event of an incident such as a fire.
- 7.77 The Head of Design and Property Services advises that applicant has not provided sufficient detail on how water runoff would be contained or managed during an emergency. They advise that suitable environmental protection measures should be incorporated into the design, including systems for the containment and treatment of potentially contaminated runoff. These measures are essential to prevent pollutants from entering the water environment during an incident. Without such provisions, the development fails to demonstrate that the water environment would be adequately safeguarded from potential pollution risks.
- 7.78 **The proposal fails to comply with LDP Policy 38.**

Climate and Nature Crises

- 7.79 **NPF4 Policy 1: Tackling the Climate and Nature Crises** - encourages and promotes development that will address the climate emergency and nature crisis, to achieve zero carbon and nature positive places. When considering development proposals, sufficient weight will be given to the global climate and nature crisis.
- 7.80 **NPF4 Policy 2a: Climate mitigation and adaption** – states that development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- 7.81 **NPF4 Policy 2b: Climate mitigation and adaption** – states that development proposals will be sited and designed to adapt to current and future risks from climate change.
- 7.82 The nature of the proposal is to reduce carbon emissions; by storing excess electricity from the grid and releasing it back when required.
- 7.83 The Scottish Government's Energy Storage: Planning Advice document (2013) provides advice for Planning Authorities on energy storage and states that energy can be stored at variable scales, for both electricity and heat, in a number of ways, through technologies such as hydro pumped storage, hydrogen and fuel cells, compressed air and cryogen. This document further advises that a clear case has been made that, if the energy sector is to maximise environmental, economic and social benefits, renewable energy will need to be linked to energy storage. Energy storage technologies can counteract intermittency associated with certain energy supplies, can ensure excess power is not lost at times of high production and can provide energy on demand off-grid in a variety of ways. Oversupply is likely to become more prevalent the closer Scotland gets to realising its 100% electricity from renewables target. It is also expected that energy storage will be essential if Scotland is to realise its ambition to become a renewable energy exporter and to attract the economic advantages of ensuring that the energy storage supply chain locates in Scotland.
- 7.84 The proposed development would help to facilitate renewable energy production.
- 7.85 **The proposal complies with NPF4 Policies 1 and 2.**
- 7.86 **Policy 6b: Forestry, woodland and trees** - states that development proposals will not be supported where they will result in adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy.
- 7.87 **Dundee LDP Policy 35: Trees and Urban Woodland** - states that the Council will support the establishment and enhancement of woodland, tree belts and corridors. New development must ensure the survival of woodland, hedgerows and individual trees, especially healthy mature trees, of nature conservation or landscape value through sensitive site layout both during and after construction, unless removal has been approved in advance by the council. Where appropriate, development proposals must be accompanied by maintenance arrangements and justification for the removal of any trees or hedgerows.
- 7.88 The applicant has submitted an Ecological Assessment and compensatory planting plan which The Head of Environment has reviewed. Within the application site, self-seeded trees are most notably present along the northern and eastern boundaries. The northern boundary features an area of broadleaved woodland composed of species such as oak, lime, sycamore, elder, and alder. This woodland has developed on previously disused brownfield land, indicating that the trees have likely established naturally over time. Similarly, in the eastern section of the site, another area of woodland extends beyond the site boundary and includes

willow, birch, and cotoneaster. Given the unmanaged condition of this part of the site and its continuity with surrounding vegetation, these trees are also considered to be self-seeded.

- 7.89 The Ecological Assessment for the proposed BESS indicates that while the current design aims to avoid the removal of any trees or vegetation, some tree loss cannot be entirely ruled out. The report assessment does not confirm whether trees will be removed because the final construction layout and detailed design may still be subject to change. Instead, it takes a precautionary and flexible approach, acknowledging the presence of trees and their ecological value while aiming to avoid their removal where possible.
- 7.90 Additional planting is proposed within the application site, which includes native hedgerows with trees such as hawthorn, hazel, and alder. While the planting would take a number of years to become established, it would be an improvement upon biodiversity value of the existing site.
- 7.91 Conditions could therefore be attached to include the new planting, and its maintenance. It is considered that the tree cover on the site will be enhanced as a result.
- 7.92 **The proposal could comply with Policy 6b of NPF4 and Policy 35 of the Dundee LDP, subject to conditions.**
- 7.93 **NPF4 Policy 3: Biodiversity** - seeks to protect biodiversity, reverse any biodiversity loss, encourage biodiversity through development and strengthen nature networks.
- 7.94 Part b states development proposals for national or major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
- i the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v local community benefits of the biodiversity and/or nature networks have been considered.
- 7.95 **Part d)** requires that any potential adverse effects on biodiversity through development proposals are minimised through careful planning and design.
- 7.96 The application site for the proposed BESS includes several trees, primarily young, self-seeded specimens. These trees are not part of a formal woodland but have naturally

regenerated on the disused brownfield land, which was previously occupied by a gas holder and associated infrastructure.

- 7.97 Criterion i – the applicant has submitted an Ecological Assessment. The Ecological Assessment details that the application site is largely composed of hardstanding, gravel, and bare ground, with limited areas of woodland and scrub. These habitats are not classified as priority habitats and offer minimal ecological interest. The assessment notes that the site supports only a small number of common urban wildlife species, and no significant populations of protected or notable species were found during the survey. Although a disused building on-site has potential for bat roosting, no evidence of bats or other protected species was observed. Overall, the site's current condition and habitat composition indicate that it holds limited value for biodiversity, and its development is unlikely to result in significant ecological harm. Furthermore, mitigation planting and biodiversity enhancement measures are likely to have a positive effect on biodiversity.
- 7.98 Criterion ii - the proposed planting schedule for the development includes the creation of species-rich neutral grassland, wet meadow, and pond-edge habitats using native wildflowers and grasses. Native hedgerows with trees such as hawthorn, hazel, and alder will be planted to enhance biodiversity and habitat connectivity. These measures aim to support pollinators, birds, bats, and other local wildlife, contributing to a net gain in biodiversity across the site. Bird and bat boxes will be installed on mature trees to offer additional nesting and roosting opportunities.
- 7.99 Criteria iii and iv - the conclusion of the Ecological Assessment confirms that, with mitigation and enhancement measures in place, the site will achieve a significant net gain in biodiversity.
- 7.100 Criteria v – as the application site itself is not publicly accessible, the site currently has little to no local community benefit in respect of biodiversity or any local nature network. This would not change post development.
- 7.101 It is recommended the implementation of measures to enhance biodiversity and landscaping as required by the criteria of Policy 3 are controlled by condition.
- 7.102 **The proposal could comply with NPF4 Policy 3, subject to conditions.**
- 7.103 **LDP Policy 33: Local Nature Conservation Designations** - states that development proposals which could have a significant effect on the conservation interests associated with Local Nature Reserves, Locally Important Nature Conservation Sites or Wildlife Corridors will only be permitted where:
- 1 an ecological or similar assessment has been carried out which details the likely impacts of the proposal on the conservation interests of the designation;
 - 2 any negative impacts identified are contained within the site and can be mitigated without affecting the integrity of the designated area; and
 - 3 it has been demonstrated that there are no other suitable sites that could accommodate the development.
- 7.104 While the application site is located immediately adjacent to two Locally Important Nature Conservation (LINC) sites (The Dighty and Longhaugh Quarry), the site is not within a LINC itself. The site is also bounded on three sides by the Dighty Wildlife Corridor.
- 7.105 The submitted Preliminary Ecological Assessment (PEA) notes that hydrological connectivity exists between the site and some of these designations via the Dighty Burn, which runs just

10 metres south of the site. To minimise ecological impacts from the proposed development, a suite of mitigation measures are proposed to be implemented throughout the construction, operation, and decommissioning phases of the project.

- 7.106 However, as discussed below in relation to LDP Policy 38, the applicant has not provided sufficient detail on how water runoff would be contained or managed during an emergency. Such measures are essential to prevent pollutants from entering the water environment during an incident. The resultant contamination has the potential to impact the aforementioned Locally Important Nature Conservation (LINC) sites.
- 7.107 Furthermore, the applicant has not demonstrated that there are no other suitable sites that could accommodate the development.
- 7.108 **The proposal fails to comply with LDP Policy 33.**
- 7.109 **Policy 4 (Natural Places) part f)** - states development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.
- 7.110 **LDP Policy 34: Protected Species** - states that development proposals which are likely to have a significant effect on a European Protected Species will not be supported unless:
- 1 there is no satisfactory alternative; and
 - 2 the development is required for preserving public health or public safety or for other imperative reasons of overriding public interest including those of a social or economic nature or which have beneficial consequences of primary importance for the environment.
- 7.111 The submitted Preliminary Ecological Assessment advises that no protected species are expected to be significantly affected by the proposed development at the application site, provided that the recommended mitigation measures are implemented. The ecological assessment identified that while the site and surrounding area offer some suitable habitats for protected species, actual evidence of their presence was limited or absent during surveys. With the implementation of pollution prevention, habitat protection, and species-specific mitigation measures, the development is not anticipated to have any significant negative impact on protected or notable species.
- 7.112 As above, The Head of Environment has reviewed the submitted ecological assessment and Landscape and Ecology Management Plan submitted with the application and requests that a condition is included which requires the submitted Construction Environmental Management Plan and Biodiversity Management Plan are implemented.
- 7.113 **The proposal could comply with NPF4 Policy 4 and LDP Policy 34, subject to condition.**

Zero Waste

- 7.114 **NPF4 Policy 12: Zero waste** - seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. Part a) requires development proposals to reduce reuse, or recycle materials in line with the waste hierarchy. Part b) supports development proposals where they:

- i reuse existing buildings and infrastructure;
- ii minimise demolition and salvage materials for reuse; and
- iii minimise waste, reduce pressure on virgin resources and enable the reuse of materials at the end of their life;
- iv use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
- v use materials that are suitable for reuse with minimal processing.

7.115 **Part c)** expects development proposals which would be likely to generate waste when operational to state how this will be managed, including waste reduction and separation, and facilities for recycling

7.116 **LDP Policy 44: Waste Management Requirements for Development** - requires development proposals to demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source with separate collection of recyclable material, as outlined in the Waste (Scotland) Regulations 2012.

7.117 The proposal will utilise an existing brownfield site. A condition is recommended, should planning permission be granted, to ensure a site waste management plan is prepared and used during the construction of this major development.

7.118 **The proposal complies with NPF4 Policy 12 and LDP Policy 44 subject to condition.**

Health, Safety and Amenity

7.119 **NPF4 Policy 9c: Brownfield, vacant and derelict land and empty buildings** - requires that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land can be made safe and suitable for the proposed new use.

7.120 **LDP Policy 41: Land Contamination** - states that the development of potentially contaminated or statutorily identified contaminated land will be considered where a site investigation has been submitted and establishes the nature and extent of the contamination, and where the Council is satisfied that proposed remediation would adequately address contamination risks to all receptors and be suitable for the planned use. Proposals for an alternative use to that identified in the Local Development Plan will be considered where the above criteria are satisfied, and it is established that the site cannot be economically developed for the allocated use, and the proposed use would meet the requirements of other relevant Local Development Plan policies.

7.121 The site has a known industrial history, having previously been used as a gas holder and distribution station. As a result, a Site Investigation Strategy and Preliminary Risk Assessment has been submitted and reviewed. Planning conditions are recommended to ensure that the site investigation and risk assessment are completed and, if necessary, a remediation scheme submitted to deal with any contamination at the site. A remediation scheme and verification report will also require to be submitted.

7.122 **The proposal could comply with NPF4 Policy 9c and LDP Policy 41 subject to condition.**

7.123 **NPF4 Policy 23: Health and Safety** - seeks to protect people and places from environmental harm and facilitate development that improves health and wellbeing.

Part e) states that development proposals which are likely to raise unacceptable noise levels will not be supported.

- 7.124 **LDP Policy 39: Environmental Protection** - requires that all new development that would generate noise, vibration or light pollution is required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance to the surrounding area. New development in close proximity to existing sources of noise, vibration or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on the viability of existing businesses or uses.
- 7.125 A Noise Impact Assessment (NIA) has been submitted with the application documents.
- 7.126 The Noise Impact Assessment identifies a total of 33 noise-sensitive receptors (NSRs), all of which are residential dwellings, within a 500-metre radius of the site. These receptors are grouped into five residential areas. The closest housing estate lies approximately 200 metres to the northeast of the site.
- 7.127 As the NIA is speculative, the detail for the proposed plant and equipment is not yet available and the operational characteristics of the plant are not yet known. A revised NIA will require to be prepared once details of all plant and operations are known. It is expected that plant and equipment can be installed that will not generate significant noise, or that mitigation measures can be used and it is therefore appropriate to use planning conditions to secure submission of a revised NIA. Planning conditions would also impose specific noise limits for transformers and mechanical/electrical plant, including air conditioning units, with stricter thresholds for night-time operation. The installation of any emergency standby generator would also require prior written approval.
- 7.128 **The proposal could comply with NPF4 Policy 23 and LDP Policy 39 subject to conditions.**
- 7.129 **It is concluded that the proposal is not fully in accordance with the Development Plan.**

MATERIAL CONSIDERATIONS

- 7.130 The material considerations to be taken into account are as follows:

A – REPRESENTATIONS

- 7.131 **17 letters of objection have been received. The objections following valid material grounds:**
- 7.132 **Objection:** the BESS will be a fire risk
- Response:** the Scottish Fire and Rescue Service is not a statutory consultee as part of the planning process for Battery Energy Storage Systems. Fire risk is addressed in the Planning Statement through a dedicated Fire Risk Management Plan (FRMP), which outlines the measures taken to mitigate potential fire hazards associated with the Battery Energy Storage System (BESS). Overall, the plan aims to keep fire risks low and ensure safety. Nevertheless, fire safety is not a material planning consideration and the safety of BESSs themselves are subject to regulation from out with the planning system in terms of their design, technology, and operation.
- 7.133 **Objection:** proximity to live gas pipes

Response: the proximity to the gas network is not a material planning consideration and is subject to regulation from out with the planning system.

7.134 **Objection:** the application site is within a flood plain, and the submitted FRA is inadequate

Response: matters of flooding are considered in the assessment above in relation to NPF4 Policy 22 and LDP Policy 36 where it is determined that the development may result in an increased flood hazard.

7.135 **Objection:** access for emergency services would be impractical

Response: access for emergency services is not a material planning consideration and is subject to regulation from out with the planning system.

7.136 **Objection:** the proposals could impact on nearby wildlife and their habitat

Response: the potential for impact on wildlife is considered above in relation to NPF4 Policy 4 and LDP Policy 34 where it is determined that with the implementation of pollution prevention, habitat protection, and species-specific mitigation measures, the development is not anticipated to have any significant negative impact on protected or notable species.

7.137 **Objection:** the site should be adequately screened to prevent visual impact

Response: matters of visual impact are assessed above in detail under NPF4 policies 14 and LDP Policy 1, where it is determined that the proposals would not result in a dominant feature within the local landscape.

7.138 **Objection:** potential for noise pollution

Response: noise impact is assessed in detail under NPF4 policies 14 and 23 and LDP Policy 39, where it is found that the proposals would have an acceptable impact, subject to conditions.

7.139 **Objection:** the proposals would be a health risk

Response: the potential for risk to health from Battery Energy Storage Systems (BESS) is not a material planning consideration as this is subject to regulation from out with the planning system.

7.140 **Objection:** poor public consultation prior to the application

Response: the applicant undertook statutory pre-application consultation for this major development, including multiple public exhibitions at Fairfield Community Hub, engagement with local councillors and community groups, and public notices in the local press.

7.141 **Objection:** the physical form of the proposals is unattractive

Response: matters of visual impact are assessed above in detail under NPF4 policies 14 and LDP Policy 1, where it is determined that the proposals would not result in a dominant feature within the local landscape.

7.142 The matters raised in the representations are acknowledged. Concerns regarding the potential for the development to result in an increased flood hazard support the refusal of planning permission.

- 7.143 It is concluded that there are no material considerations of sufficient weight to support the approval of planning permission contrary to the requirements of the Development Plan.

8 CONCLUSION

- 8.1 The application fails to comply with the requirements of the Development Plan. There are no material considerations of sufficient weight that justify the approval of planning permission. It is therefore recommended that planning permission be refused.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be REFUSED for the following reasons:
- 1 **Reason** - the proposed development fails to comply with LDP Policy 45 – Energy Generating Facilities which directs such development to sites within the allocated Principal and General Economic Development Areas as defined on the LDP Proposals Map. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
 - 2 **Reason** - the proposed development fails to comply with NPF4 Policy 22a – Flood risk and water management as the site is located within an area which is at high risk of fluvial flooding and the operational justification for the development being 920m away from the nearest substation is not accepted. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
 - 3 **Reason** – the proposed development fails to comply with NPF4 Policy 11c – Energy as the proposal fails to provide a robust demonstration of how net economic impact and socio-economic benefits will be maximised.
 - 4 **Reason** - the proposed development fails to comply with NPF4 Policy 11e, viii – Energy as the proposal does not adequately demonstrate that flood risk has been fully assessed or appropriately mitigated and the development has the potential to generate an increased discharge of surface water to the Dighty. Furthermore, the development fails to demonstrate that the water environment would be adequately safeguarded from potential pollution risks.
 - 5 **Reason** – the proposed development fails to comply with NPF4 Policy 22c – Flood risk and water management as the applicant has failed demonstrate that the proposals will not increase the risk of surface water flooding, nor do the proposals manage rain and surface water flooding through an appropriate SUDS design. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
 - 6 **Reason** – the proposed development fails to comply with NPF4 Policy 26 – Business and industry as the BESS is an industrial use and is not located within an area allocated for business or industrial use as defined within the Dundee Local Development Plan Proposals Map. The applicant has failed demonstrate that there are no sequentially preferable sites which are allocated within the LDP. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.

- 7 **Reason** – the proposed development fails to comply with LDP Policy 36 – Flood Risk Management as the proposals are located in an area at high risk of fluvial flooding and the development will result in a land use which is more vulnerable to flooding than the existing use of the site. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
- 8 **Reason** – the proposed development fails to comply with LDP Policy 37 – Sustainable Drainage Systems as the proposals fail to demonstrate sufficient management of rain and surface water flooding through an appropriate SUDS design. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
- 9 **Reason** – the proposed development fails to comply with LDP Policy 38 – Protecting and Improving the Water Environment as the proposal fails to demonstrate that there is an appropriately sized buffer zone between the development and the watercourse. The development therefore has the potential to compromise the objectives of the Water Framework Directive (2000/60/EC). There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.
- 10 **Reason** – the proposal fails to comply with LDP Policy 33 - Local Nature Conservation Designations as there is potential for pollutants to enter the water environment during an incident, which could impact on the conservation interests associated with The Dighty and Longhaugh Quarry Locally Important Nature Conservation (LINC) sites. Furthermore, the applicant has not demonstrated that there are no other suitable sites that could accommodate the development. There are no material considerations of sufficient weight which justify the approval of planning permission, contrary to the requirements of the Development Plan.