

Scott Hobbs Planning

Planning Statement on behalf of:

Blackhillock Flexpower Ltd

Date:

18 November 2024

Pre-Application Consultation Report

Proposed BESS, Land at Gibston Farm,
Blackhillock, Keith, Moray

shp 



Typical Illustration

Info

Proposed 349 MW BESS and associated infrastructure:

Land at Gibston Farm, Blackhillock, Keith, Moray (NGR 343807, 848719).

Summary

Blackhillock Flexpower Ltd., a subsidiary of Noriker Power Ltd is proposing a 349 MW Battery Energy Storage System ('BESS'), with associated infrastructure and development. This report forms part of a suite of documents, submitted to the ECU of Scottish Government, to support the proposed development. This PACR details the Pre-application Consultation activities carried out prior to the submission of the application.



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1.0 Introduction

- 1.1 The Pre-Application Consultation Report (PACR) is submitted on behalf of the application, Blackhillock Flexpower Ltd ('the Applicant'), support the application for consent under Section 36 of the Electricity Act 1989 for a 349 MW BESS facility, with associated infrastructure, on land at Gibston Farm, Blackhillock, Keith, Moray (NGR 343807, 848719) ('THE Site'). The application is for a 349 MW Battery Energy Storage System ('BESS'), with associated infrastructure ('the Proposal').
- 1.2 This PACR details the Pre-application consultation carried out by the Applicant prior to the submission of the application.

2.0 The Proposal

2.1 The current proposal by Blackhillock Flexpower Ltd. is to erect a BESS with a capacity of 349MW, which includes:

- Laying out of containerised battery units along with associated inverters, switchgear and closed loop cooling units, control units and associated electrical infrastructure mounted on concrete plinths.
- Containerised substation, associated switchgear and transformers.
- Housed transformers
- Earth working to form terraces for the proposed development to be situated along with associated retention features.
- SuDS pond and associated drainage infrastructure.
- Landscaping for visual screening.
- CCTV, security fencing and acoustic fencing.
- Access from the U43(h) Blackhillock Road and emergency access from Gibston Farm.
- Hard surfacing for access, car parking bays, construction laydown area. Gravel internal access track and non-compacted gravel for surface cover between containerised equipment.

3.0 The Site and Surroundings

- 3.1 The site lies in the countryside, approximately 1.5 km from the centre of Keith, on the western side of the A96, connecting Aberdeen and Elgin onto Inverness. The site is situated in immediate proximity to the Blackhillock Substation to the west of the site on the other side of Blackhillock Road.
- 3.2 As currently shown, the site includes the significant area of one field. The site area is ha, comprising one roughly L-shaped parcel of land within that larger field, and is likely to comprise the application site. The land is currently used for agricultural purposes (Arable) and is understood that it is Grade 3.2 land. It is understood that a farmhouse and buildings associated with the agricultural land holding (Gibston Farm) lie to the immediate west.
- 3.3 The land from west to east, towards the A96 from which is clearly visible directly due east of the site, over a short distance. The boundaries to the site are generally open, being formed by scrub and watercourse to the southeast and field boundaries to the north and south. There is no notable tree or hedgerow on site. The Blackhillock Road forms the boundary to the further west of the existing agricultural steading and from which the site has access.
- 3.4 Whilst in the countryside, the area is characterised by non-agricultural / countryside development, including:
- Two major HV power pylons run through the site in an approximate SE to NW direction, with three set of pylons contained within or in close proximity to the site boundary.
 - The site is framed by the recent and significant Blackhillock electricity sub-station to the immediate west, on the other side of the road and which is on slightly higher level than the site. The slightly smaller Beatrice Onshore Substation - Offshore Windfarm lies to the further west of the substation.
 - A permanent building compound associated with the building of HVDC convertor station lies to the south of the site, which contains numerous portacabin type buildings and large hard surfaced area and including ruins of an old steading.
 - The Cairdshill Quarry lies to the further south.



Figure 1: Subject Site Area (shaded brown) (Source: Blackhillock Flexpower Ltd).

- 3.5 The wider area generally has a countryside characteristic with agricultural fields and a scattering of houses and local business along narrow country roads.

4.0 Pre-Application Consultation

- 4.1 There is no statutory Pre-application process for S36 applications for consent for battery storage sites, although the ECU has issued best practice guidance and encourages applicant to carry out such Pre-application consultation. The best practice refers to all types of S36 application including significant wind power proposals.
- 4.2 This BESS project is distinctly different to those forms of renewable energy projects, and due to its characteristics, has a significantly less impact, being substantially lower in height and generally comprising less area of land.
- 4.3 The applicant has carried out the following forms of contact to statutory bodies and stakeholders:
- Environmental Impact Assessment Screening Request to ECU.
 - Pre-application consultation with the ECU.
 - Pre-application consultation with the appropriate planning authority Moray Council.
 - Unique website which contains details of the proposed development, information regarding the application and contact details for further information regarding the application.
 - Advertising the events in local press (three publications).
 - Notification of events to stakeholders including elected members, MP and MSP as well as community councils.
 - Two in person presentation/exhibitions manned by members of the Applicant team to answer questions and provide additional information where able.
 - Postal notifications to local residents.
 - Direct email correspondence with members of the public.
 - Email engagement with MSP.

EIA Screening Request

- 4.4 Whilst not a specific form of Pre-application consultation, due to the scale of the development an EIA Screening Request was submitted to the ECU 19th June 2023, in which detail on the proposed development and the environmental effects were explained. The ECU consulted Moray Council as the appropriate planning authority.
- 4.5 On 26th September 2023, the ECU provided a formal Decision Notice with opinion, from both the ECU and Moray Council, that the likely environmental effect was unlikely to be significant and that the development ought not to be considered to be EIA development.
- 4.6 This Decision Notice can be found as Appendix 4.

Pre-Application Consultation with the ECU

- 4.7 The Pre-application submission was originally made to the ECU 19th May 2023. Amendments to the application form was required, the amended form was then submitted on 23rd May (Appendix 2). No further engagement was received from the ECU following that submission.

Pre-Application Consultation with Moray Council

- 4.8 The application site is wholly contained within the Moray Council area and accordingly, a Pre-application submission was made to Moray Council in accordance with it practices 9th May 2023.

- 4.9 In general, Moray Council was supportive of the proposed development but required detailed assessment of the proposal, with supporting information submitted with the application, particularly with regards to the following issues, all of which have been addressed in the application documentation:

- Planning and Policy Compliance Statement
- Community Wealth Building Plan (CWBP)
- **Pre-Application Consultation Report (PACR)**
- Design and Access Statement (DAS)
- Confidential Ecological Survey Report [note, contains sensitive information]
- Confidential Protected Species Report [note, contains sensitive information]
- Biodiversity Net Gain Feasibility Report
- Heritage Impact Assessment
- Transport Statement
- LVIA and Landscape Strategy
- Noise Impact Assessment
- Drainage Impact Assessment
- Ground Investigation Report
- Topographical Survey
- Construction Traffic Management Plan (CTMP)
- Carbon Assessment
- Fire Assessment

- 4.10 It is considered that the application package addresses the matters by MC during the Pre-application stage.

Pre-Application Consultation with Local Community

Website

- 4.11 To facilitate the consultation, a publicly accessible website was set up that held the project detail and information pertinent to the consultations. The website (Appendix 14) was <https://www.blackhillockflexpower.com>. To date of writing the website has achieved over 180 hits.
- 4.12 The website was activated prior to the first consultant event and remained live where comments were accepted until one week prior to each event.
- 4.13 Visitors could also request contact/ information by providing their email address (info@blackhillockflexpower.com) through the website.
- 4.14 Visitors to the website were able to leave comments to the applicant and project team using a feedback form (appendix 9).

First Consultation Event

- 4.15 The first consultation event took place on Thursday 21st March 2024 at Keith Sports and Community Centre (Banff Road, Keith, AB55 5GT) between 3pm to 7pm. During this event there were members of the applicant team in attendance to offer answers for any questions the public had about the proposed development.
- 4.16 A public notice was placed in the Banffshire Advertiser (12th March 2024) and The Herald (14th March 2024) to advertise the in-person consultation in accordance with the statutory requirements (shown at Appendix 5 and 6 respectively).
- 4.17 The public notices included the following information:
- Description and location of the proposed development,
 - Details as to how (including by what electronic means) further information may be obtained concerning the proposed development,
 - The date, time and address of the public consultation event,
 - A statement explaining how, and when by, persons wishing to make comments to the prospective applicant relating to the proposal may do so, and
 - A statement explaining comments made to the prospective are not representations to the planning authority and there will be an opportunity to make public comments to the planning authority once a formal planning application has been made.
- 4.18 An email (Appendix 8) was circulated to key stakeholders on the 18th March 2024 further advertising the event. This email was sent to the following:
- Cllr Tracy Coyler
 - Cllr Theresa Coull
 - Cllr Donald Gatt
 - Keith Community Council

- Strathisla Community Council
- Richard Lochhead MSP
- Douglas Ross MP

4.19 Letters with printed notifications of the event were issued to residents identified to be living within close proximity of the application site. A search for addresses was undertaken and seven were identified and letters posted first class on 18th March 2024 (see appendix 7).

4.20 Copies of the exhibition material presented at the Events can be found at Appendix 10.

4.21 A total of 15 members of the local community attended discussing the proposal with members of the Applicant Team during the consultation event. Following the event, a total of 3 completed in-person forms during the event and whilst no further feedback forms were received through the website, additional correspondence via email with commenters was held post event.



Figure 2: Consultation Event 1 in progress

4.22 Despite finishing at 7pm, the Applicant Team remained on site to discuss the proposals with representative of the Keith Community Council until circa 7.45pm.

4.23 Of the 15 attendees, four stated that they supported the proposals, with two stating that they had objections to the proposals. Others did not state an outright position in relation to the proposals.

4.24 In relation to the consultation arrangements and publicity itself, the following feedback was received from members in attendance of the first event. The applicant team responses are in

red below each and expanded upon in the sections below.

- Posted letters only arrived the day of the event, or not at all.
 - Additional letters were issued to addresses identified to have been missed by members of the public and letters were issued two weeks in advance of the event.
- Councillors only notified the public in hours preceding the event.
 - Whilst this is regrettable, elected members were notified by email in advance of the event and for the second event, were notified 5 days prior to the event.
- Showing a wider context plan for the proposals would help identify exactly where the site is.
 - This was provided along with amended proposed layout.
- The press adverts were not published in the most read local publications.
 - The same publications were advertised in for the second event, with the addition of an amended site design.

Second Consultation Event

- 4.25 The second consultation event took place on 18th April 2024 at Keith Sports and Community Centre (Banff Road, Keith, AB55 5GT) between 3pm to 7pm.
- 4.26 It was highlighted at the first event that some addresses in proximity to the site did not receive a letter, and nine individual letters were to neighbouring properties of the application site. The public notice for the 2nd consultation was placed in the same Banffshire Advertiser (9th April 2024), the Herald (11th April 2024), and additionally the Northern Scot (5th April 2024). Copies of all public notices is attached as Appendix 5 and 6.
- 4.27 At the second event, a slide show was presented that showed how the amended designs responded to comments received at the first event.

4.28 During both events presentation boards displaying the proposal and the next steps of application were available for the attendees to review.



Figure 3: Consultation Event 2 Set Up



Figure 4: Consultation Event 2 in progress

- 4.29 A total of 18 attendees came to the consultation event including local Councillor. A total of two were in support of the proposals and four stated an objection to the proposals. Others did not state a definitive position.
- 4.30 Members of the Applicant Team remained on site until 8pm discussing the proposals with members of the public.
- 4.31 The comments received from the consultation undertaken for the proposed development are summarised in table 1 below:
- 4.32 Subsequently to the consultation events, emails were exchanged with several local residents. On the 7th May 2024 email was received from Douglas Scott MP office seeking further information relating to the proposals and correspondence with local community. Email responses were made, and further conversations were had via telephone to discuss the proposals that had been held to date.

5.0 Comments and Responses

5.1 The following table summarises the comments and responses, and demonstrates the actions that the Applicant has taken, resulting in the application as submitted.

Issues	Comments	Feedback/ Actions
Landscaping and Housing	How will the development impact the landscaping and views in the local area.	An LVIA/ Landscaping Strategy is submitted with the application. The Draft LVIA indicates that there will be no impact to existing landscaping and a planting schedule will be implemented to re-provide biodiversity benefits and act as mitigation measure for visual amenity measures.
	Will the development negatively impact house and property value.	The applicant does not have an answer to this, and it is not and it is not a material planning consideration. However, it is not expected that the development will have a negative impact on property value.
Transport and Drainage	How will the development impact the condition of the roads.	Agreements will be made between the applicant and Moray Council pre and post construction to prepare and repair road network in vicinity of site.
	What is proposed for drainage and will this impact the roads.	A Drainage Impact Assessment is currently in preparation and will be submitted with the application. Final matters are being discussed; however, it is not considered that the drainage will impact the roads.
Noise	How will the noise produced by the BESS be managed.	A Noise Assessment including cumulative impact demonstrates that there will be no adverse impacts on the neighbouring houses. However, mitigation measures will be included in the report and complied with by the applicant to minimise noise pollution and protect the neighbouring housing.
Health and Safety	What is proposed to manage the fire risks associated with the development.	Plans will be put in place, as required, to meet industrial standards. A Fire Safety Report will be submitted with the application detailing the fire suppression mechanisms.
Biodiversity	There was concern that the proposed development would have a negative impact on the biodiversity within the area.	<p>The application has been subject to a suite of biodiversity investigations to thoroughly understand any habitat on or in close proximity to the site. These establish development buffers from potential Badger habitat located at the south east of the site as well as potential Otter habitat. Development is proposed outwith these areas and any minor works or landscape planting within these areas would be undertaken with the requisite licences.</p> <p>In general, the site is arable in nature and as such is ploughed regularly and treated with chemicals. The site itself offers minimal habitat and the proposed development would deliver significant planting and habitat creation. A Habitat Management Plan would secure the effective biodiversity enhancement in line with policy over the duration of the operation.</p>
Sufficiency of public engagement	Concern was raised with the newspaper publication that the advert was advertised in, level of public engagement and notification prior to public consultation events.	Prior to the first public consultation event, adverts were placed in the Banffshire Advertiser and the Herald as the applicant was directed to do through pre-application discussions by Council Officer's. The second public consultation event was advertised in the above

		<p>newspapers and in addition, the Northern Scot.</p> <p>Prior to each public event, notice of the event was issued via email to elected ward members, MSP, MP and both Keith and Strathisla Community Councils. Attempts were made (discussed below) to identify addresses for residents in close proximity to the site and letters advertising the event were issued by post.</p> <p>It is considered that the advertisement of the public consultation events was sufficient and reasonable.</p>
<p>Consultation Information Displayed</p>	<p>There was concern that the presented information at the first public consultation was not sufficient to properly identify the site.</p> <p>At the second event a member of the public raised concerns that insufficient information was presented and commented that Photomontages and proposed Sections should be provided.</p>	<p>The boards presented at the first event, and slide show are found at appendix 10 and 12. Appendix 1 (Location Plan) was also printed and displayed at the event. It is considered that these provide a context for the site and where there was any confusion on the site location, this was clarified by members of the project team.</p> <p>However, it was acknowledged by the project team that this should be improved on. Additional context plans were added to boards for the second event, and it was agreed by members of the public attending the second event that this was effectively clarified.</p> <p>In relation to the Photomontages and proposed Sections, it was agreed that these would be published on the applicant's consultation website and public notifications, via post, would be issued to inform immediate neighbours that they were available for review. These will be published on the application webpage following the need to remodel the proposed noise mitigation and thus redo the photomontages.</p>
<p>Consultation distribution advertisement</p>	<p>Concern was raised in regard to the number and timing of public notification issued by post.</p>	<p>Letters were issued to identified addresses in proximity to the application site on 18th March 2024, via first class mail. It transpired that some letters were only received the day of the event. For the second event, letters were issued to the same and further addresses on 4th April 2024, before the second event on 18th April 2024.</p>

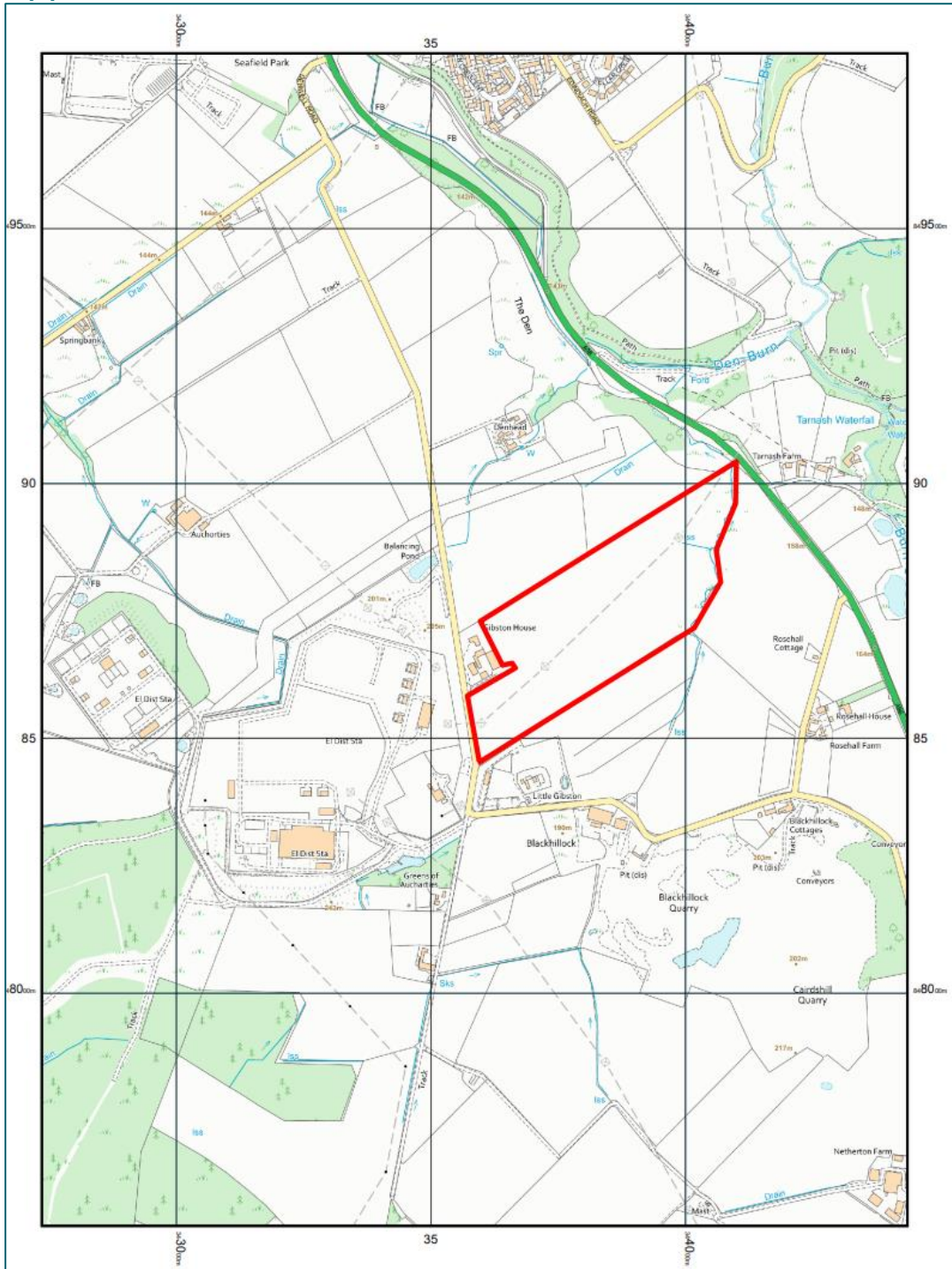
Additional correspondence

- 5.2 In addition to the above consultation events, email correspondence was had with a three members of the public seeking clarity on additional information. As part of these discussions, correspondence with Douglas Ross MP was also held. As part of that discussion clarification was raised in relation to a number of those matters raised above. Reference was newly made to the use of Blackhillock Quarry for the BESS development instead of the proposed site location. It was noted in response to Mr Ross that the quarry was still in operation and did not meet the requirements of the proposed development.


6.0 Conclusion

- 6.1 The proposed BESS development is a much needed- renewable energy project on countryside land in an area of limited environmental, ecological, heritage and amenity value.
- 6.2 The Pre-application consultation has been carried out with the statutory body, with relevant local authority and with the local community in accordance with due process.
- 6.3 In all respects, it is considered that the Pre-application consultation has been effective relative to the proposal and site.

Appendix 1- Location Plan



Appendix 2- Pre-application Form to ECU

NOTIFICATION OF NEW PROJECT FORM	 Scottish Government Rìghhaltas na h-Alba gov.scot
ECU Ref No: <i>To be completed by ECU staff</i>	

Applicants Details

Title:		Forename:		Surname:	
Company Name:	Scott Stability Ltd. (C/O Agent)		Building No:	24 a	
Address:	Stafford Street				
				Postcode:	EH3 7BD
Telephone:	01312267225		Mobile:	07800950585	
Fax:		E-mail Address:	sh@scotthobbsplanning.com		

Agents Details (if applicable as main point of contact)

Company Name:	Scott Hobbs Planning Ltd				
Title:	Ms	Forename:	Sheila	Surname:	Hobbs
Building No:	24a		Agent Ref	22766	
Address:	Stafford Street				
				Postcode:	EH3 7BD
Telephone:	01312267225		Mobile:	07800950585	
Fax:		E-mail Address:	sh@scotthobbsplanning.com		

Development

Case Type (State all that apply)	Battery Energy Storage System (BESS)
Application Type <i>eg s36 construction</i>	S36 non-EIA Construction

Site Details

Project Name	Land at Gibson Farm BESS
Site Address	Land at Gibson Farm, Blackhillock, Keith, Moray (NGR) 343000, 848760
Nearest settlement	Keith
Local Authority Area	Moray
Application Submission Indicative date	August 2023
Project Commencement Indicative date	June 2024
Existing Land Use	Agricultural Fields
Additional Information (e.g. Please state expected - MW generation capacity, Storage capacity, Number of turbines, or Length/voltage of line)	Proposed 349 MW BESS with associated infrastructure including access and landscaping. Further information and assessment are provided in the attached documents, and which include site location plan, indicative BESS / infrastructure details, policy and proposal assessment. Further information can be submitted as material issue assessments are completed.
Enquiry	This pre-application is submitted for initial and early discussion purposes. The prospective Applicant wishes to discuss the appropriate process for the application including pre-application consultation, the likelihood of EIA being required, potential issues, potential timescales and whether the development is likely to receive the support of the ECU.

Declaration

The information supplied in this form is accurate to the best of my knowledge. I have read the Privacy Notice and understand that information held by the Scottish Government may be required to be disclosed under the Environmental Information (Scotland) Regulations 2004 or the Freedom of Information (Scotland) Act 2002.

Name: Sheila Hobbs.....

On behalf of Company: Scott Hobbs Planning Ltd.....

Date:23rd May 2023.....

Appendix 3- Pre-application form to Moray Council



REQUEST FOR MEETING FOR PRE-APPLICATION ADVICE FOR MAJOR APPLICATIONS

For Official Use Only

PE Reference	
Date of Pre App Meeting	

Please complete all sections of this form using **BLOCK CAPITALS** and where possible submit the form electronically to development.control@moray.gov.uk

Guidance notes can be downloaded from: www.moray.gov.uk

There is a fee for the provision of this service. Please refer to the councils web site for scale of fees.

1. Applicant Details	Agent Details (if applicable)
Name: SCOTT STABILITY LTD.	Name: SCOTT HOBBS PLANNING LTD.
Address and Postcode: C/O AGENT	Address and Postcode: 24 A STAFFORD STREET, EDINBURGH, EH3 7BD
Daytime/Mobile Telephone:	Daytime/Mobile Telephone: 0131 226 7225/ 0780095085
Email Address:	Email Address: SH@SCOTTHOBBSPLANNING.COM

2. Site Address of Proposed Development (including postcode and grid reference, if available)
GIBSON FARM, BLACKHILLOCK, KEITH, MORAY (NGR) 343000, 848760,

3. Description of Proposed Development (please provide a general description of your proposal, including the nature and scale of the development and gross floor space of building where proposed, continue on separate sheet if required)
MAJOR DEVELOPMENT COMPRISING INSTALLATION OF 349 MW BATTERY ENERGY STORAGE SYSTEM (BESS) INCLUDING ASSOCIATED INFRASTRUCTURE, ACCESS AND LANDSCAPING. FURTHER DETAIL IS SHOWN IN THE SUBMITTED PADD DOUMENT AND PLANS.

4. The following details of the proposed development need to be submitted to enable an assessment to be made: (please tick if enclosed).

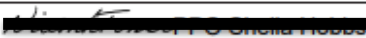
Plans of the site	<input checked="" type="checkbox"/>	Architectural approach/Materials	<input type="checkbox"/>
Photographs of the site and surroundings	<input checked="" type="checkbox"/>	Preliminary Plans – design of all buildings and structures/site layout	<input checked="" type="checkbox"/>
Details of existing use and ownership	<input checked="" type="checkbox"/>	Drainage details	<input type="checkbox"/>
Access/Parking/servicing – Transport Assessment form TA Form (web)	<input type="checkbox"/>	Quality Audit	<input checked="" type="checkbox"/>

5. Other relevant comments/additional information

6. Preferred Meeting Dates (Please note submission of this form and the supporting information must be received by us a minimum of 3 weeks before the date of a pre-application meeting).

25TH MAY 2023 AT 12PM.

I agree that the information provided may be exchanged internally and externally by the Moray Council for the purposes of undertaking consultation on and preparation of pre-application advice. I understand that any formal pre-application response may be published on the Council's website at www.moray.gov.uk. I confirm that I understand that any advice provided will be given on the basis of the professional opinion of the officer(s) concerned, based on the information provided and the planning policies and site constraints prevailing at the time. Any views expressed are not intended to prejudice the Council's determination of any subsequent formal planning application.

Signature 	Date 04/05/2023
Printed Name SHEILA HOBBS	

Please send your completed forms and plans preferably by email to:

Email: development.control@moray.gov.uk
Beverly Smith Development Management & Building Standards Manager, Economy, Environmental and Finance, Moray Council, PO Box 6760, Elgin, IV30 1BX
Telephone: 01343 563276

If you have any queries regarding the filling in of this form, please contact the duty planning officer between 2pm and 4pm at 0300 1234561.

Appendix 4- EIAR Decision Notice

Energy and Climate Change Directorate
Energy Consents Unit



Scottish Government
Riaghaltas na h-Alba
gov.scot

E: Nicola.Kennedy@gov.scot

Sheila Hobbs
Scott Hobbs Planning Limited
By email only

By email only to: sh@scotthobbsplanning.com

Our ref: ECU00004836

26th September 2023

Dear Sheila Hobbs,

ELECTRICITY ACT 1989

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

SCREENING OPINION OF THE SCOTTISH MINISTERS

IN RESPECT OF THE PROPOSED APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 TO CONSTRUCT AND OPERATE THE PROPOSED GIBSTON FARM BATTERY ENERGY STORAGE SYSTEM AT GIBSTON FARM, BLACKHILLOCK, KEITH, MORAY.

Thank you for your request dated 19th June 2023 requesting a screening opinion in respect of a proposed application under section 36 of the Electricity Act 1989 ("the Electricity Act") to construct and operate a battery energy storage system with a generating capacity of approximately 349 megawatts (MW), comprising of single storey battery-based electricity storage containers at 3 metres in height, associated power control infrastructure and ancillary development including high voltage switchgear, timber security fencing, access tracks, and terracing and landscaping around the battery containers.

Background

The proposed development as described briefly above is entirely within the planning authority area of Moray Council ("the Planning Authority").

The proposal requires to be screened by the Scottish Ministers in accordance with regulation 7 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the Regulations"). Following a request for a screening opinion made under regulation 8(1), Scottish Ministers are required to adopt an opinion as to whether the proposed development is or is not EIA development.

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The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017

The Regulations set out at 8(2) the information that must accompany a request to the Scottish Ministers to adopt a screening opinion. Scottish Ministers consider that the information included in the screening request and documents supporting the request is sufficient to meet the requirements set out in regulation 8(2), and that the submitted information has been compiled taking into account the selection criteria in schedule 3 of the Regulations.

Statutory Consultation

Under regulation 8(5) of the Regulations, Scottish Ministers are required to consult the Planning Authority within whose land the proposed development is situated. The Planning Authority was consulted on 20th June 2023 and responded on 7th August 2023 advising that, in their view, the proposed development does not constitute EIA development and therefore any application for construction and operation of the development described in the screening request does not need to be accompanied by an EIA report. A copy of the Planning Authority's response is annexed to this screening opinion (**Annex A**).

Scottish Ministers' Considerations

EIA development is defined in the Regulations, in respect of an application, as a proposed development, which is either Schedule 1 development, or Schedule 2 development likely to have significant effects on the environment by virtue of factors such as its nature, size or location. The proposed development constitutes Schedule 2 development in terms of the Regulations.

In adopting a screening opinion as to whether Schedule 2 development is EIA development, the Scottish Ministers must in all cases take into account such of the selection criteria in Schedule 3 of the Regulations as are relevant to the proposed development, and the available results of any relevant assessment.

Scottish Ministers have taken the selection criteria in Schedule 3 and all the information submitted in respect of the screening request into account and taken account of the views of the Planning Authority. Scottish Ministers adopt the opinion that **the proposal does not constitute EIA development and that the application submitted for this development does not require to be accompanied by an EIA report.**

In accordance with regulation 7(2), this opinion is accompanied by the following written statement with reference to the relevant selection criteria within Schedule 3 of the Regulations. In accordance with the Regulations, a copy of the screening opinion has been sent to the Planning Authority.

Written Statement

Characteristics of Development

The development covers an area of 11.8 hectares. The preliminary, indicative design layout provided is typical of electricity infrastructure development of this type and at this scale. It is anticipated that the battery components will be 3 metres high. The high voltage switchgear is estimated to be a maximum of 15 metres high. The site is bisected by a HV overhead electric line on pylons, and the large Blackhillock substation lies to the immediate west. Another BESS development is under construction to the south. The land to be developed is non-prime

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agricultural land, aside from use of this soil, there are no expected voluminous uses of natural resources, other than that expected with any similar scale construction project. There will be a measure of construction waste consistent with development of this type, and there will be minimal operational waste. There is no significant pollution or nuisance anticipated either at construction or operation stages, and no anticipated risk of accidents or disasters or to human health.

Location of Development

The land is currently used for farmland, as noted above non-prime land capable of supporting use agriculture. The site is not otherwise considered to be abundant in natural resources. There are no designated or protected areas in the vicinity and the site itself is not environmentally sensitive. The site is not close to riparian areas, river mouths, coastal zones, mountain or forest areas, or densely populated areas. The nearest potential cultural heritage or amenity receptors are at distance.

Characteristics of the Potential Impact

The impact of the development, is likely to be of low magnitude, given its spatial extent and receiving environment. Construction effects would be temporary and impacts of low intensity. There is existing electrical infrastructure at a similar scale in the immediate landscape. The effects on population and human health are not considered likely to be significant in this context. There are no likely significant effects on biodiversity, and no likely significant effects on cultural heritage, or material assets, taking into account the size and design of the development, the environmental context, and its location relative to potential receptors.

There are no significant effects considered to be likely on land, soil, water, air, or climate; effects on land and soil are considered to be of low to medium intensity with good potential for reversibility. It is considered given the low level of impacts expected, that cumulative effects with other existing or approved development are unlikely to be significant.

Features of the proposed development and measures proposed to avoid or prevent significant effects

No significant effects are predicted, but a range of environmental assessments are proposed to accompany a forthcoming application, and mitigation measures are proposed in relation to non-significant environmental effects.

An Ecological Survey Report recommended that a further badger survey be carried out immediately prior to commencement of works in order to ensure no legal infringements.

Localised visual impacts will be mitigated with tree planting to help integrate the proposed development into the landscape. Mitigation of other impacts including pollution and noise will be investigated through further assessments and included in the application. A range of assessments and other supporting documents are proposed, including a Construction Traffic Management Plan, Heritage Assessment, Ecology Report, Landscape and Visual Appraisal, Drainage Impact Assessment and Strategy including Flood Risk Assessment, and a Geo-Environmental Ground Conditions Report.

This screening opinion does not constitute pre-application advice and is provided without prejudice to the assessment of any future application under section 36 of the Electricity Act 1989.

Yours sincerely

Nicola Kennedy

A member of the staff of the Scottish Government

(Cc: Moray Council)



ECONOMY, ENVIRONMENT AND FINANCE

Richard Smith
Principal Planning Officer

Moray Council
PO Box 6760 High Street Elgin Moray IV30 1BX
Telephone: 01343 563256 Fax: 01343 563990

Please note that information associated with the application will be published on the Councils website at <http://public.moray.gov.uk/eplanning>

Yours faithfully

REDACTED

Richard Smith
Principal Planning Officer

Onshore Electricity, Strategy And
Consents
Directorate For Energy And Climate
Change
Scottish Government
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

E-mail: richard.smith@moray.gov.uk
Website: www.moray.gov.uk

Your reference: ECU00004836
Our reference: 23/01032/S36SCN/RKS/LMC

Emailed to:
Kirsty.McGroarty@gov.scot

28 July 2023

Dear Sir(s)/Madam

Scott Hobbs Planning, on behalf of Scot Stability Ltd, has formally requested a screening opinion for the proposed excess 50 megawatt (MW) Battery Energy Storage System (BESS) which is located on land at Gibson Farm, Blackhillock, Keith, Moray (to be located within the planning authority area of Moray Council), in accordance with regulation 8 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the Regulations").

I refer to your consultation in relation the above request for a formal Screening Opinion dated **20 June 2023**. The proposed development is a 'Schedule 2 development' under these regulations.

After taking into account the characteristics and location of the development, and characteristics of the likely potential impact of the development the proposal is considered unlikely to result in significant and complex environmental effects. On this basis, I can confirm that Moray Council is of the opinion that Environmental Impact Assessment (EIA) procedures are not required for this development.

Should the character, location and/or potential impact characteristics of the proposal change at any point in the future, a re-assessment of the need for EIA procedures may be required.

Please note/



www.mymoray.co.uk



SCREENING OPINION

**Town and Country Planning (Environmental Impact Assessment)
(Scotland) Regulations 2017**

(as adopted by Moray Council in response to a formal request for
Screening Opinion and/or where an application is not accompanied
by an EIA report)

Application Number: 23/01032/S36SCN

Application Description: Proposed 349MW BESS with associated infrastructure including access road storage units fencing and landscaping on

Application Address: Land to the rear of Gibston House, Keith, Moray

In the absence of any previously adopted Screening Opinion or Screening Direction (by Scottish Ministers) for this development, the Council, as planning authority, must adopt its own formal determination on whether or not EIA procedures are required where it appears that the application for planning permission is a Schedule 1 or Schedule 2 application. Therefore, under Regulation 6-9, this proposal is:

		Tick box X
a)	a Schedule 1 development where EIA is required because the proposal falls within a relevant description in Schedule 1 of the Regulations, namely {Specify}	<input type="checkbox"/>
b)	a Schedule 2 development which meets one (or more of the relevant criteria or exceeds one of the relevant thresholds listed in the second column of the Table (Schedule 2), namely <i>3a Industrial installations for the production of electricity, steam and hot water where the site exceeds 0.5ha</i>	X
OR		
	a Schedule 2 development which is located within a 'sensitive' area (i.e. Site of Special Scientific Interest, land subject to Nature Conservation Orders, European Site (as defined under Habitats Directive and Wild Birds Directive, National Scenic Area, World Heritage Site, Scheduled Monument, National Park, Marine Protected Area), namely {specify designation}	<input type="checkbox"/>
	Furthermore, for this Schedule 2 development and in having regard to whether the development is likely to have significant effects on the environment because of such factors as nature, size and location, it is confirmed that	<input type="checkbox"/>
	i) EIA is required;	<input type="checkbox"/>

OR	
ii) EIA is not required	X
<p>The reason(s) for this determination are based on an assessment of the following criteria (Schedule 3 of Regulations)</p> <p>Characteristics of the development</p> <p>a) The size and design of the development – this proposal is for a battery energy storage system (BESS) and associated infrastructure with a capacity of up to 349 MW on an 11.8 ha site, in countryside 2km to the south of Keith. Details of the proposed development and an Assessment Against Schedule 3 – Characteristics of Development table relevant in this case are set out within the supporting screening opinion request cover letter.</p> <p>b) cumulation with other development – there is potential for cumulative impact with the existing Blackhillock and Beatrice Onshore Sub-stations to the west, high voltage o/h lines which traverse the site, a BESS development under construction to the south, and two quarries to the southeast. This other development forms the context to the site, and cumulative impacts can be assessed as part of the consideration of the related prospective Section 36 application.</p> <p>c) the use of natural resources – construction of the development will utilise natural resources such as construction materials and energy. The proposed development will contribute to more efficient use and storage of energy which will help to conserve natural resources.</p> <p>d) the production of waste – the proposed development will result in construction waste of a level expected with the scale of the project and will not continue beyond the construction period. A site-specific Construction Environmental Management Plan (CEMP) will be sought by condition to ensure that construction waste is handled in accordance with good practice guidance/ best practice construction techniques. Waste during the operational phase will be low.</p> <p>e) pollution and nuisances – impacts in relation to noise, dust, light, vibration etc. during construction and operation would be assessed and mitigated as part of the consideration of any related S36 application.</p> <p>f) the risk of major accidents and / or disasters as relevant to the project concerned – a CEMP will ensure that good practice in relation to construction and environmental management will ensure that the likelihood of significant effects from other potential accidents and disasters is low. As with all electrical proposals, there is potential risk of fire from BESS sites. The screening cover letter confirms that the proposal would meet industry standards in this regard, and that the design will incorporate a pond and water system to ensure that adequate water is available in the unlikely event of fire.</p> <p>g) the risk to human health – there is a risk of accidents which can be reduced through adherence to good practice in relation to health and safety. Noting the rural location of the development and dispersed settlement pattern the proposal is considered unlikely to result in any significant effects on population and human health.</p> <p>Location of the development</p> <p>a) the existing and approved land use – site currently agricultural land, containing o/h high voltage lines, surrounded by farmland and other electricity</p>	

<p>infrastructure. A water course runs along the eastern boundary of the site which joins Den Burn to the north. It is not located within any international, national or local environmental designations. Mill Wood SSSI is approximately 2km to the northeast of the site but no direct impacts are anticipated. There are no nationally important heritage designations in the immediate vicinity.</p> <p>b) the relative abundance, quality and regenerative capacity of natural resources in the area – the development would result in loss of farm land, but this will be relatively minor in the context of the surrounding land. The impact on protected species and habitats will be considered and mitigated as necessary as part of the consideration of the S36 application and conditions. The development would include landscaping, woodland and SUDs planting, which would contribute to biodiversity.</p> <p>c) the absorption capacity of the natural environment – the site is not located within any designated environmentally sensitive areas. Suitable mitigation including a CEMP and any necessary wildlife mitigation will ensure that all development is carried out in accordance with best practice and ecology is protected. A Flood Risk / Drainage Impact Assessment and Surface Water Management Plan submitted with the application will be assessed to ensure that the development does not increase the risk of flooding on site or elsewhere.</p> <p>Characteristics of the potential impact</p> <p>a) the magnitude and spatial extent of the impact – the impact will be contained on the site and within the surrounding area. This would be assessed as part of the consideration of the S36 application and supporting information / technical studies i.e. landscape and visual impact assessment, ecological assessment etc., along with any required mitigation.</p> <p>b) the nature of the impact – potential impacts anticipated during construction include pollution of water, soil, air, noise, traffic, and ecology. However these would be addressed through adoption of best practise, adherence to a CEMP, Construction Management Plan (CMP) and SEPA guidelines, compliance with conditions of any consent and mitigation required in relation to species or habitats. Operational impacts from the development such as noise and light can be controlled by conditions. Visual and landscape character impacts would also require to be subject to robust assessment during the application process.</p> <p>c) the transboundary nature of the impact – none anticipated due to the distance to the administrative boundary.</p> <p>d) the intensity and complexity of the impact – there will be environmental impacts but these can be mitigated by the CEMP and any Habitat Management Plans or similar approved as part of a formal application.</p> <p>e) the probability of the impact – this can be managed by adopting best practise and mitigation in the CEMP, CMP and any ecological measures or similar approved as part of the S36 application.</p> <p>f) the expected onset, duration, frequency and reversibility of the impact - potential impacts are likely to be during construction which can be controlled by good practise and adherence to the CEMP, CMP, SEPA guidelines and any other mitigation plans approved as part of the formal application. Thereafter there are likely to be limited environmental impacts during</p>
--

<p>operation. The development will result in a change in land use on this area for the lifetime of the development.</p> <p>g) the cumulation of the impact – there is potential for cumulative impact with the existing substations to the west, a BESS facility currently under construction to the south, and quarries to the southeast, however the impact of this can be assessed and mitigated as necessary as part of the consideration of the S36 application.</p> <p>h) the possibility of effectively reducing the impact – the impacts of the development will be mitigated / managed by adoption of best practice and adherence to any CEMP, CMS and other protection measures proposed / approved as part of a formal application.</p>
--

Conclusion

Having had regard to the criteria set out in schedule 3 as are relevant to the development, the characteristics of the development, the location of the development and characteristics of the proposed development are such that there will be no significant adverse environmental effects.

Development impacts can be mitigated by adoption of best practise and adherence to recommendations / mitigation measures outlined within supporting technical studies and information considered with the submitted Section 36 application, and associated CEMP and CMS. These would require to address potential landscape, visual, noise, air, hydrology, traffic and ecological impacts and ensure that appropriate environmental mitigation is adopted during construction and operations.

Declaration

I have screened the application and determined that Environmental Impact Assessment is not required for this proposal in terms of the Regulations.

This determination constitutes an Opinion under Regulation 6-9 of the current EIA Regulations and will be placed on Part 1 of the planning register in accordance with Regulation 28 of the current EIA Regulations.

Please note that information associated with the Opinion will be published on the Council's website at <http://publicaccess.moray.gov.uk/eplanning>

Case Officer Richard Smith
Date 26/07/2023

Appendix 5- Consultation Event Adverts

Tuesday, March 12 to Monday, March 18, 2024

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in leather case, with spares, £25. Tel. 01343 842570 (Elgin).

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pairs, size 10, very good condition, £50 or near offer per pair. Tel. 01343 842570 (Elgin).

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DUAL HEAT MASSAGER, 'Shiatsu Plus'

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grey surround, £25. Tel. 01888 563982 (Turriff).

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publicnotices

The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021

PRE-APPLICATION CONSULTATION: Prospective Major Application at Gibson Farm Blackhillock, Keith, Moray (NGR: 345060, 848760).
Major development of Battery Energy Storage System (349 MW) including associated infrastructure, access road, storage units, fencing and landscaping on land within Moray Council Area.
An in-person public meeting will take place on **Thursday 21st March (9am to 7pm)** at **Keith Sports and Community Centre (Banff Road, Keith, AB55 5G1)**, when there will be an opportunity to find out further information and to ask the project team representing the Applicant, Blackhillock Flexpower Ltd, questions about the prospective development. Further information will be available also at the project-specific website <https://www.blackhillockflexpower.com/> from 14th March 2024 or you can contact Blackhillock Flexpower Ltd on +44 1242500254.
If you wish to make comments on the proposal, you may do so at the above event by submitting a feedback form. Alternatively, you can email your comments (with the subject 'Blackhillock') to info@blackhillockflexpower.com or post comments to Blackhillock Flexpower Ltd, 4th Floor, The Quadrangle, Imperial Square, Cheltenham, GL50 1PZ by **Thursday 4th April 2024**.
Please note that all the comments must be sent to the above and are NOT representations to Moray Council. There will be an opportunity to make formal representations to the council, as planning authority, when a planning application is made.

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ABERDEENSHIRE COUNCIL

TOWN AND COUNTRY PLANNING (DEVELOPMENT) PROCEDURE (SCOTLAND) REGULATIONS 2013, Regulation 20(1)
The applications listed below together with the plans and other documents submitted may be viewed using the online Planning Register at <https://ppla.aberdeenshire.gov.uk/online-applications/>.
Comments may be made quoting the reference number and stating clearly the grounds for making comment. Comments can be submitted using the Planning Register when viewing the application. Alternatively, comments can be addressed to Aberdeenshire Council, Planning and Economy Service, Viewmont, Ardath Road, Stonehaven, AB39 2DQ (or emailed to planningonline@aberdeenshire.gov.uk). Please note that any comment, where considered valid, will be published on the Planning Register.
Please note that even if you have made comments to the applicant prior to this application being submitted, or to the Council regarding a similar application that has been made on this site before, you will still need to make your comments to the Council on the current application.
Comments must be received by 1 April 2024
Address: Celebrations (Turriff) Ltd, 28 Main Street, Turriff, AB53 4AD **Proposal:** Part Change of Use of Ground Floor from Retail (Class 1A Shops, Financial, Professional and Other Services) to Gym (Class 11 Assembly and Leisure) - APP/2024/0300
Address: Steading at Westerton of Whitehill, Gamrie, Banff, AB43 3ER **Proposal:** Change of Use and Alterations to Former Granary to Form Dwellinghouse (Amended Design to Planning Permission Reference: APP/2020/1928) - APP/2024/0254
Address: Plot 107 Ladybirds Village Phase 5, 73 Ladybirds Drive, Ladybirds, Banff, AB45 2JF **Proposal:** Erection of Dwellinghouse - APP/2024/0267

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Local news media audience numbers from JICREG 2022. For more information visit www.jicreg.co.uk and follow @localmediauk, #jicreg #trustlocal on Twitter.

Vattenfall Wind Power Limited

ELECTRICITY ACT 1989 TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017

Notice is hereby given that Vattenfall Wind Power Ltd (company registration number 06205750), with its Registered Office at First Floor, 1 Tudor Street, London, EC4Y 0AH, has applied to the Scottish Ministers for consent under section 36 of the Electricity Act 1989 to construct and operate a generating station comprising of a wind farm and battery energy storage system, known as Aulmore Wind Farm Redesign, in Moray to the north of Keith (Central Grid Reference E 345000, N 858400). The combined installed capacity of the proposed generating station would be approximately 155.8MW (approximately 105.8MW wind farm and 50MW battery energy storage system) comprising up to 16 wind turbines with a maximum ground to blade tip height of 200 metres and has been subject to Environmental Impact Assessment. An EIA Report has been produced to accompany the application for consent.
Vattenfall has also applied for a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission for the development be deemed to be granted. A copy of the application, with a plan showing the land to which it relates, together with a copy of the EIA Report discussing the Company's proposals in more detail and presenting an analysis of the environmental implications, is available for public inspection, free of charge, during the venue opening hours at the following locations:

Location Name	Address	Opening Hours
Buckie Library	7 Cluny Pl, Buckie AB56 1HB	Monday: 10:00 - 20:00 Tuesday: 10:00 - 17:00 Wednesday: 10:00 - 20:00 Thursday: 10:00 - 17:00 Friday: Closed Saturday: 10:00 - 12:00
Cullen Library	Seafield Rd, Cullen, Buckie AB56 4AF	Tuesday: 14:00 - 17:00 & 18:00 - 20:00 Thursday: 14:00 - 17:00 & 18:00 - 20:00 Saturday: 10:00 - 12:00
Clochan Community Centre	Community Centre, Clochan, Buckie AB56 5HS	Tuesday: 9am - 12am
King Memorial Hall	Grange, Keith, AB55 6SL	Telephone Hall Contact on 071323577 between 9am and 5pm to arrange viewing/obtain opening hours

The EIA Report can also be viewed on the project website www.vattenfall.co.uk/aulmore or on the Scottish Government Energy Consents website at www.energiconsents.scot under application reference ECU00003365.
Copies of the EIA Report may be obtained from Lucy Blake (telephone: 01736 335857 email: lucy.blake@vattenfall.com) at a charge of £1,500 per hard copy or free of charge on DVD/CD/USB.
Any representations to the application may be submitted via the Energy Consents Unit website at www.energiconsents.scot/Register.aspx; by email to the Scottish Government, Energy Consents Unit mailbox at representations@gov.scot; or by post to the Scottish Government, Energy Consents Unit, 4th Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LL, identifying the proposal and specifying the grounds for representation. Please note that there may be a delay in the Energy Consents Unit receiving representations by post.
Written or emailed representations should be dated, clearly stating the name (in block capitals), full return email and postal address of those making representations. Only representations sent by email to representations@gov.scot will receive acknowledgement.
All representations should be received not later than **16th April 2024**, although Ministers may consider representations received after this date.
Any subsequent additional information which is submitted by the developer will be subject to further public notice in this manner, and representations to such information will be accepted as per this notice.
As a result of a statutory objection from the relevant planning authority, or where Scottish Ministers decide to exercise their discretion to do so, Scottish Ministers can also cause a Public Local Inquiry (PLI) to be held.
Following examination of the environmental information, Scottish Ministers will determine the application for consent in two ways:
• Consent the proposal, with or without conditions attached; or
• Reject the proposal.

General Data Protection Regulations
The Scottish Government Energy Consents Unit processes consent applications and consultation representations under the Electricity Act 1989. During the process, to support transparency in decision making, the Scottish Government publishes online at www.energiconsents.scot. A privacy notice is published on the help page at www.energiconsents.scot. This explains how the Energy Consents Unit processes your personal information. If you have any concerns about how your personal data is handled, please email Econsents_admin@gov.scot.

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended) PLANNING LISTED BUILDINGS AND CONSERVATION AREAS (SCOTLAND) ACT 1997

The application(s) for planning permission and other related consents may be examined online at <http://publicaccess.moray.gov.uk/eplanning> or <https://www.tellmescotland.gov.uk> Access to these is available at the Access Point, High Street, Elgin, Ban to Sporn, Mon to Fri and public libraries.
Written comments may be made to Manager (Development Management and Building Standards Manager), Economic Growth and Development, Moray Council, P.O. Box 6700, Elgin, FK9 9BX Telephone 0300 1234561 Fax 01343 693169 or comments.planning@moray.gov.uk by 01/04/2024
Information on the application including representations will be published online. Representations must be made as described here, even if you have commented to the applicant prior to the application being made.

Reference Number	Proposed Development, Address, Reason(s) for Advertisement
24/00328/APP	Change of use of steading buildings to restaurant and play zone at Giesncraig Farm, Drynisdge, Buckie Reason(s): 1(a), 1(c)
24/00151/APP	Erect agricultural store and create new access road at land to south west of Ardoch Farm, Keith Reason(s): 1(a)

Reasons for advertisement:
1(a) Where it is not possible to notify neighbours
1(c) Where the proposal is for a development (as defined in Schedule 3) which may affect the amenity of the area

Gym group planning to open 50 new sites

THE Gym Group has said it plans to open around 50 new sites over the next three years as it accelerates its expansion across the UK.

It came as the low-cost gym operator said it was well placed to benefit from the challenging economic backdrop, with some customers moving to cheaper gym operators.

The company, which currently runs 253 gyms across the UK, revealed that revenues grew by 18% to £204 million for 2023, compared with the previous year.

This was supported in a rise in gym members, with average membership numbers up 8% for the year.

It had around 850,000 members across the UK at the end of the year.

The group said membership continued to increase into 2024, with a strong January and February, as revenues grew by 16% over the two months.

Revenues also increased last year after the business increased pricing.

The Gym Group said the average monthly price of standard membership had increased from £21.49 in December 2022 to £23.16 at the end of December last year.

The group posted a pre-tax loss of £8.5m for the year, although this shrank from a £19.4m loss a year earlier.

Shares moved 6.4% higher at 116.6p.

Victim of a hate crime? Call your local fishmonger

Continued from Page 1

general secretary of the Scottish Police Federation, said he was concerned about what the centres might do for the reliability of crime data.

"With literally hundreds of third-party reporting vehicles available – inevitably each one with their own interpretive vagaries – that means data confidence will be right on impossible to be derived," he wrote on X, the site formerly known as Twitter.

He added: "I suspect that within a very short period of time we will have data suggesting Scotland to be one of the most 'hateful' countries on Earth. This lack of data will be used to justify an endless drive to deliver a Pugnatorial utopia."

The SNP's Joanna Cherry agreed. She said she feared the new law would be "weaponised against women exercising their right to freedom of speech".

"I've made my concerns known at the highest levels," she added.

The Scottish Conservatives have said that "serious questions" need to be asked about the locations.

Scottish Tory MSP Annie Wells said: "Serious questions must be asked as to who thought a sex shop was an appropriate setting to report a hate crime."

"The SNP's act is flawed enough without asking people to relay their experiences in this sort of outlet in the heart of the city centre."

"Glaswegians will rightly be wondering what the thinking is behind this decision. Police Scotland should drop this shop from their reporting centres as a matter of urgency."

Police Scotland has already said it will fully investigate each complaint and keep a record of "hate incidents" against people, even if they do not meet the criminal threshold.

Guidelines mean that even if officers do not believe a crime has been committed when "the victim perceives it to be a hate crime, the circumstances will be recorded as a hate incident (non-crime incident)".

A Police Scotland spokesperson said: "Police Scotland has used Hate Crime Third Party Reporting Centres for a number of years. In some cases, victims and witnesses of a hate crime may not



Police Scotland revealed the listings of 'third party' centres

Picture: Newsquest

feel comfortable approaching the police directly. Third Party Reporting Centres provide them with a safe space to make a report, and we constantly review these alongside the Scottish Government."

"Any business or organisation can volunteer to be a Third Party Reporting Centre, and they reflect the diverse nature of our local communities. Staff are trained to ensure they can assist victims or witnesses."

"Hate crime and discrimination of any kind is deplorable and entirely unacceptable and we will investigate every report."

A Scottish Government spokesperson said: "As Police Scotland

has said, victims and witnesses of a hate crime may not feel comfortable approaching the police directly.

"That is why Third Party Reporting Centres, which have been in place for a number of years, offer a safe alternative space to make a report."

"Our Hate Crime Strategy commits to review third-party reporting arrangements in partnership with Police Scotland, which has already commenced."

"A short-term working group will re-evaluate the criteria of a third-party reporting centre, recording and maintenance of the scheme, and how to improve support for centres and victims."



Left, Luke and Jack's sex shop in Glasgow



Right, Farnie Salmon & Trout in Duns

Letby could have right to appeal

CHILD serial killer Lucy Letby will have the right to attend her appeal against her convictions via video link if given the green light to challenge them at the Court of Appeal at the end of April.

A judicial spokesperson said: "The court has directed that it will hear Lucy Letby's renewed application for leave to appeal and, if leave to appeal is granted, the substantive appeal, at the same hearing. The hearing is provisionally listed for three days, 22, 23 and 25 April 2024."

"The applicant would be entitled to attend a hearing of the substantive appeal via video link and may also seek the court's permission to attend the renewed application."

Separately, Letby is facing a retrial in June on one count of attempted murder, which the jury was unable to reach a verdict on.

PRISON inspectors said it is "disappointing" a Scottish jail has failed to implement a national anti-bullying strategy, despite a recommendation in 2020 to do so.

The Scottish Prison Service (SPS) has a national policy for such initiatives, but HM Inspectorate of Prisons for Scotland (HMIPS) said there is "no evidence of any anti-bullying strategy" in Edinburgh Prison.

An HMIPS report on the jail, following an inspection in November, revealed 31% of prisoners questioned said that they had been "abused, bullied,

threatened or assaulted by other prisoners".

As such, inspectors voiced disappointment the jail had not taken steps to implement a recommendation from its previous inspection in 2020 to set up the Think Twice strategy put in place by the SPS.

The latest report said the way HMP Edinburgh staff deal with the perpetrators and victims of bullying "could be described as ad hoc".

HMIPS has now recommended the prison "should ensure there is an anti-bullying strategy in place that meets the aims of the SPS anti-

bullying policy". That is among 112 recommendations for change in the report for both the prison and SPS bosses to consider.

Overall, the inspectors found: "Three standards were assessed as satisfactory and six as generally acceptable, indicating considerable room for improvement."

HMIPS said senior management at the jail are "faced with some difficult and longstanding challenges in allowing the prison to recover from its very restricted Covid-19 regime".

It highlighted "high staff vacancies and staff absences" at the

prison, with the report going on to note "explicit concerns about activity, time out of cell and the need for tighter assurance on use of force".

The inspectors also recommended SPS stops the use of some single cells in the Glenesk wing to accommodate two prisoners, saying these "do not meet minimum space standards".

The report also complained of "unacceptable" levels of graffiti in the Glenesk wing, and noted problems with ventilation in some cells and that "most cells in one landing had no toilet seats".

An SPS spokesperson said "work is under way to address many of the points raised in the report", adding the organisation has "already seen a significant increase in the number of staff updating their training of control and restraint techniques".

They added: "We welcome the chief inspector's report, which found HMP Edinburgh is a safe and stable prison, and highlights many areas of good practice, including support for veterans, extending the use of the lifesaving drug naloxone, ADHD clinics, and liberation packs to help people when they return to their communities."

Inspectors highlight 'disappointing' lack of anti-bullying strategy at prison

COMMENT AT HERALDSCOTLAND.COM

PLANNING

The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021

PRE-APPLICATION CONSULTATION: Prospective Major Application at Glasgow Farm Blackhilllock, South, Moray (NIR, 25000, 84760)

Major development of Historic Energy Storage System (HES) including associated infrastructure, access road, storage area, fencing and landscaping on land within Moray Council area.

As in-person public meetings will take place on Thursday 21st March 10am to 12pm at South Sports and Community Centre (South Road, Keith, AB37 5DT), those keen will be an opportunity to find out further information and to ask the project team representing the Applicant, Blackhilllock Properties Ltd, questions about the prospective development.

Further information will be available about the project-specific details <https://www.blackhilllockproperties.com>.

From 16th March 2024 or you can contact Blackhilllock Properties Ltd on +44 1242762424.

If you wish to make a comment on the proposal, you may do so on the above email by submitting a comment form. Alternatively, you can attend one of the public meetings or email comments to planning@blackhilllockproperties.com.

Please note that all the comments need to be sent to the above and are NOT representative to Moray Council. There will be an opportunity to make formal representations to the council in a planning authority, when a planning application is made.

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Appendix 6- Public Consultation Event 2 Adverts

Tuesday, April 9, 2024

www.grampianonline.co.uk

Published by Highland News & Media 23

public notices

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended) PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS (SCOTLAND) ACT 1997

The application(s) for planning permission and other related consents may be examined online at <http://publicaccess.moray.gov.uk/eplanning> or <https://www.tellmescotland.gov.uk> Access to these is available at the Access Point, High Street, Elgin, 9am to 5pm, Mon to Fri and public libraries.

Written comments may be made to Manager (Development Management and Building Standards Manager), Economic Growth and Development, Moray Council, P.O. Box 6760, Elgin, IV30 9BX Telephone 0300 1234561 Fax (01343) 693169 or comments.planning@moray.gov.uk by 29/04/2024

Information on the application including representations will be published online. Representations must be made as described here, even if you have commented to the applicant prior to the application being made.

Reference Number	Proposed Development, Address, Reason(s) for Advertisement
24/00462/APP	Retrospective consent for change of use of existing agricultural yard to a transport/hauling operating centre including using existing building on site as a commercial maintenance workshop at Store, Towleburn, Keith Reason(s): 1(a), 1(c)
24/00446/APP	Convert former church to two dwellinghouse including new pedestrian access gate to south boundary wall at Old Methodist Church, Seaview Road, Findochty Reason(s): 1(e)

Reasons for advertisement:

- Where it is not possible to notify neighbours
- Where the proposal is for a development (as defined in Schedule 3) which may affect the amenity of the area
- Where an application affects a Listed Building and/or a Conservation Area

Section 36 Application, The Electricity Act 1989
(Consent required for construction etc. of generating stations.)
The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021

PRE-APPLICATION CONSULTATION: Prospective Major Application at Gibston Farm Blackhillock, Keith, Moray (NGR 343000, 848760).

Major development of Battery Energy Storage System (349 MW) including associated infrastructure, access road, storage units, fencing and landscaping on land within Moray Council Area.

The second in-person public meeting will take place on **Thursday 18th April 2024 (3pm to 7pm)** at **Keith Sports and Community Centre (Banff Road, Keith, AB55 5GT)**, when there will be an opportunity to find out further information and to ask the project team representing the Applicant, Blackhillock Flexpower Ltd, questions about the prospective development. Further information will be available also at the project-specific website <https://www.blackhillockflexpower.com/> or you can contact Blackhillock Flexpower Ltd on +44 1242500254.

If you wish to make comments on the proposal, you may do so at the above event by submitting a feedback form. Alternatively, you can email your comments (with the subject 'Blackhillock') to info@blackhillockflexpower.com or post comments to Blackhillock Flexpower Ltd, 4th Floor, The Quadrangle, Imperial Square, Cheltenham, GL50 1FZ by **Thursday 2nd May 2024**.

Please note that all the comments must be sent to the above and are NOT representations to Energy Consents Unit. There will be an opportunity to make formal representations, when a planning application is made.

ABERDEENSHIRE COUNCIL
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013, Regulation 20(1) or PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997, Regulation 60(2)(a) or 65(2)(a)

The applications listed below together with the plans and other documents submitted may be viewed using the online Planning Register at <https://upa.aberdeenshire.gov.uk/online-applications/>.

Comments may be made quoting the reference number and stating clearly the grounds for making comment. Comments can be submitted using the Planning Register when viewing the application. Alternatively, comments can be addressed to Aberdeenshire Council, Planning and Economy Service, Viewmount, Ardlathie Road, Stonehaven, AB39 2DQ (or emailed to planningonline@aberdeenshire.gov.uk).

Please note that any comment, where considered valid, will be published on the Planning Register. Please note that even if you have made comments to the applicant prior to this application being submitted, or to the Council regarding a similar application that has been made on this site before, you will still need to make your comments to the Council on the current application.

Comments must be received by 29 April 2024
Address: Bellevue House, Bellevue Road, Banff, AB45 1B | Proposal: Erection of Dwellinghouse and Alterations to Wall - APP/2024/0344
Address: 22 Wilson Crescent, Whitehills, AB45 2LW | Proposal: Alterations and Extension to Dwellinghouse - APP/2024/0022
Address: 14 The Square, Rhynie, AB54 4HD | Proposal: Installation of Generator - APP/2024/0476

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Man saw 'bears and burglars' on drug

A MAN was not warned about the side effects of a new medicine before he suffered a psychotic episode which led to him having hallucinations of bears and burglars, a watchdog has said. The Parliamentary and Health Service Ombudsman (PHSO) said Andrew Holland was "not fully informed" when he was prescribed prednisolone - a type of steroid. Mr Holland suffered a psychotic episode which lasted for weeks after he was prescribed the drug at Manchester Royal Eye Hospital in 2022 to treat inflammation in his eye. The 61-year-old, from Manchester, began suffering disrupted sleep and severe headaches after starting the drug. He then became aggressive, psychotic and was "inexplicably wandering the street at different times of the day and night", the PHSO said. Mr Holland began seeing hallucinations which left him "confused and scared", the ombudsman added. "It was seeing all sorts... there was a bear at the end of the garden one day and a burglar coming over the garage roof," Mr Holland said. "I just took what they told me to take. I wouldn't like to go through that again and I wouldn't wish it on anyone either." The PHSO said there was a "missed opportunity to fully inform [Mr Holland] of potential extreme side effects" of his medication and it recommended that Manchester University NHS Foundation Trust pay £700 compensation.

Man in court on murder charge

A MAN has appeared at the Old Bailey accused of murdering his girlfriend, who was found dead in a car. Police launched an inquiry after Kenneth Westcar-Sabaroché, 25, was found dead in the Vauxhall vehicle in Whiston Road, Hackney, east London, on Saturday morning. Ms Westcar-Sabaroché's boyfriend, Gogona Tafe, 27, who lived in the street where she was found, was subsequently arrested and on Sunday was charged with her murder. Yesterday, Judge Alexia Durran set a timetable for the case, with a plea hearing on June 26.

Television cosmetic doctor gave patient free botox in return for sex, tribunal rules

A TV cosmetic doctor gave free botox to a patient in return for sex at his clinic, a medical tribunal has found. Dr Tilion Esho, who has featured on ITV's This Morning, BBC's Morning Live and E4's Body Fixers, had admitted to an improper emotional relationship with the woman, referred to as Patient A, with whom he exchanged "inappropriate" sexual messages on Instagram.

But the 42-year-old told a Medical Tribunal Practitioners Service (MPTS) hearing that he never had any physical sexual contact with Patient A who provided sex services via OnlyFans and webcams. However, an MPTS panel, sitting in Manchester, ruled that Dr Esho did have sexual intercourse with Patient A at his clinic in Newcastle upon Tyne in 2021 and administered botox free of charge. It also ruled that he told her he

"could get away with giving her botox in exchange for sexual services". The panel also found that, at a consultation months earlier, he had stroked her hair and rubbed himself against her after he made inappropriate comments on the shape of her bottom. A year earlier, at another consultation, he made similar remarks to Patient A, again rubbed himself against her, and allowed her

to masturbate him, the panel determined. Among the "inappropriate" Instagram messages sent to Patient A between July 2019 and February 2022 was an exchange in September 2019 when he said: "What you doing to me lol. Morning Glory. Bloody have me wanting the real thing. That's like every man's dream." The panel ruled the conduct of the doctor, also known as

Oluwafemi Esho, was sexually motivated but did not find Patient A to be vulnerable because of her profession. The hearing will reconvene later this month to decide whether Dr Esho's fitness to practise is impaired because of his misconduct. Dr Esho is the founder of the Esho Clinic, which also has locations in London, Liverpool and Dubai, and has a host of celebrity clients.

Student was using several bottles of laughing gas each day, inquest told

LUKE O'REILLY A STUDENT who may have been killed by long-term use of laughing gas was inhaling two to three "big bottles" of the substance each day, an inquest into her death has heard. Ellen Mercer, 24, was taken to hospital by the emergency services in the early hours of February 9 last year, after she reported that she was unable to walk and would fall over when she tried. Berkshire coroner's court heard. She was treated by medical staff at Wexham Park Hospital Emergency Department, but she died around 24 hours later at 12.22am on February 10. Senior coroner Heidi Connor told the inquest that "part of her cause of death" related to "nitrous oxide gas", also known as laughing gas. The inquest heard that a post-mortem report found Ms Mercer's death to have been caused by bilateral pulmonary thromboembolism, deep vein thrombosis, and "long-term complications of nitrous oxide use". Michaela Kirtley, an emergency medical technician from Phoenix Response Services, a contractor that worked for South Central Ambulance Service, attended Ms Mercer's home on February 8. When she arrived at the scene, she was shown to the bedroom by Ms Mercer's boyfriend. "I took notice of the room," she said. "There were no sheets on the bed at all. There was just the duvet, severely stained. The room was bare." She said the scene made it clear to her that she was dealing with a "vulnerable person". She said Ms Mercer "was talking as normal", and the only one of her vital signs that was outside the normal range



Ellen Mercer died last February was her heart rate, which could have been due to anxiety. Ms Mercer told her that she had burned her legs after spilling a gas canister on them and that she had been unable to walk or go to the toilet for two weeks, she said. She told the inquest that the canisters were 600g and that Ms Mercer's boyfriend said she took "two to three bottles" per day, but had slowed down in the last couple of weeks. Ms Mercer told her she had passed out and the bottle had fallen on her legs. An ambulance then took Ms Mercer to hospital. At the time of the student's death, possession of laughing gas with the intent of getting high was not illegal. It was banned by the government, and made a Class C drug, in November 2023. The inquest continues.

High life



Marking 20 years of flights to the UAE from Glasgow, Paisley-born First Officer Lewis Ferguson flies the Emirates A380 into the city yesterday, where mum Amanda, who works as Emirates ground crew, greeted him

Living near green space may benefit pre-schoolers emotionally, study finds

PRE-SCHOOL children who live near green spaces such as forests, parks or garden, may have lower anxiety and depression symptoms compared to those who do not, research suggests. A study conducted in the US has shown children aged between two and five who lived close to nature had fewer internalising symptoms, such as anxiety, loneliness, depression and avoiding social

situations. But this association was not seen in children aged six and above, who spend more time at school, the researchers said. The team said its findings, published in the journal Jama Network Open, suggest that green initiatives such as protected natural areas, parks and urban forest programmes have the potential to reduce risk of early emotional issues in children.

Dr Nissa Towe-Goodman, a researcher from the Frank Porter Graham Child Development Institute at the University of North Carolina, Chapel Hill, in the US, said: "Our research supports existing evidence that being in nature is good for kids." She added: "It also suggests that the early childhood years are a crucial time for exposure to green spaces."

For the study, the researchers recruited more than 2,000 children, aged from two to 11, whose parents completed a survey to rate a child's emotional and behavioural symptoms. They also used a measure, known as the normalised difference vegetation index (NDVI), to quantify how much vegetation was in a given area across most US states using satellite data.

Analysis showed that higher levels of green spaces up to three-quarters of a mile from a child's home were associated with lower anxiety and depression symptoms in early childhood. This link persisted even when accounting for factors such as the socioeconomic status of the neighbourhood, parent education, and their age when the children were born, the researchers said.

COMMENT AT HERALDSCOTLAND.COM

NSPCC Play your part this childhood day Search Childhood Day Friday 7 June

PLANNING Section 36 Application, The Electricity Act 1989 (Consent required for construction etc. of generating stations). The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021

STATUTORY ARTEMIS FLOWERS LIMITED On 11 March 2024, a petition was presented to Paisley Sheriff Court by the Advocate General for Scotland for and on behalf of the Commissioners for the Magistrates' Revenue and Customs...

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**Kellas Drum Limited
 ELECTRICITY ACT 1989
 TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
 THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2017**

Notice is hereby given that Kellas Drum Limited, company registration number SC738450 with its Registered Office at 1 c/o Turcan Connell, Princes Exchange, 1 East Grey Street, Edinburgh, EH3 9EE, has applied to the Scottish Ministers for consent under Section 36 of the Electricity Act 1989 to construct and operate a wind farm known as Kellas Drum Wind Farm, located approximately 11km southwest of Elgin and 4.5km east of Dallas, IV30 8TS, within the planning area of Moray, (Central Grid Reference Easting 317800 Northing 852413). The installed capacity of the proposed generating station would be over 50MW comprising up to 8 turbines with a maximum ground to blade tip height of 185 metres and associated battery, energy storage and infrastructure and has been subject to Environmental Impact Assessment (EIA). An EIA Report has been produced to accompany the application for consent.

Kellas Drum Limited has also applied for a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission for the development be deemed to be granted.

A copy of the application, with a plan showing the land to which it relates, together with a copy of the EIA Report discussing the Company's proposals in more detail and presenting an analysis of the environmental implications, is available for public inspection, free of charge on the application website www.kellasdruminfo.co.uk or on the Scottish Government Energy Consents website at www.energyconsents.scot under application reference ECU00005054.

The EIA Report is also available for public inspection from Thursday 28th March 2024, in person, free of charge at:

Location	Opening hours	Address
Elgin Library	Monday: 10am - 8pm, Tuesday: 10am - 8pm, Wednesday: 10am - 8pm, Thursday: 10am - 8pm, Friday: 1am - 8pm, Saturday: 10am - 3pm, Sunday: Closed	Cooper Park, Elgin IV30 1HS
The Moray Council Headquarters	Monday: 9am - 5pm, Tuesday: 9am - 5pm, Wednesday: 9am - 5pm, Thursday: 9am - 5pm, Friday: 9am - 4pm, Saturday: Closed, Sunday: Closed	High St, Elgin IV30 1BX.

Copies of the EIA Report may be obtained from Kellas Drum Limited (epower@turnkeydex.com) for £2,000 in hard copy and free of charge on a USB. Copies of a Non-Technical Summary are available free of charge.

Any representations to the application may be submitted to Scottish Ministers via the Scottish Government Energy Consents Unit, either via the website at <https://www.energyconsents.scot/Register.aspx>; by email to representations@gov.scot; or by post to Scottish Government Energy Consents Unit, 4th Floor, 5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU, identifying the proposal and specifying the grounds for representation. Please note that there may be a delay in the Energy Consents Unit receiving representations by post.

Written or emailed representations should be dated, clearly stating the name (in block capitals) and full return email and postal address of those making representations. Only representations sent by email to representations@gov.scot will receive acknowledgement.

All representations should be received not later than Tuesday 7th May 2024, although Scottish Ministers may consider representations received after this date.

Any subsequent additional information which is submitted by the developer will be subject to further public notice in this manner, and representations on such information will be accepted as per this notice.

As a result of a statutory objection from the relevant planning authority, or where Scottish Ministers decide to exercise their discretion to do so, Scottish Ministers can also cause a public inquiry to be held.

Following examination of the environmental information, Scottish Ministers will determine the application for consent in one of two ways:

- Consent the proposal with or without conditions attached; or
- Reject the proposal.

General Data Protection Regulations.
 The Scottish Government Energy Consents Unit processes consent applications and consultation representations under the Electricity Act 1989. During the process, to support transparency in decision making, the Scottish Government publishes online at www.energyconsents.scot. A privacy notice is published on the help page at www.energyconsents.scot. This explains how the Energy Consents Unit processes your personal information. If you have any concerns about how your personal data is handled, please email Econsents_admin@gov.scot

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended) PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS (SCOTLAND) ACT 1997

The application(s) for planning permission and other related consents may be examined online at <http://publicaccess.moray.gov.uk/eplanning> or <https://www.telmescotland.gov.uk> Access to these is available at the Access Point, High Street, Elgin, 9am to 5pm, Mon to Fri and public libraries.



Written comments may be made to Manager (Development Management and Building Standards Manager), Economic Growth and Development, Moray Council, P.O. Box 6760, Elgin, IV30 9BX Telephone 0300 1234561 Fax (01343) 693169 or comments.planning@moray.gov.uk by 25.04.2024. Information on the application including representations will be published online.

Representations must be made as described here, even if you have commented to the applicant prior to the application being made.

Reference Number | Proposed Development, Address, Reason(s) for Advertisement

24/00439/APP Erect coast guard building at Gordonstoun, Duffus, Elgin Reason(s): 1(a), 1(e)

24/00421/APP Sub-divide to form 2 plots at Plot 1 Housing Development Tombain, Aberlour Reason(s): 1(a)

24/00465/APP Erect dwellinghouse and 6m high wind turbine within garden ground of Netherdale, Aberlour Reason(s): 1(a)

24/00480/APP Erect replacement dwellinghouse at Millstone Cottage, Mosstowie Reason(s): 1(a)

Reasons for advertisement:

- 1(a) Where it is not possible to notify neighbours
- 1(e) Where an application affects a Listed Building and/or a Conservation Area

Section 36 Application, The Electricity Act 1989 (Consent required for construction etc. of generating stations.) The Town and Country Planning (Pre-Application Consultation) (Scotland) Amendment Regulations 2021

PRE-APPLICATION CONSULTATION: Prospective Major Application at Gibston Farm Blackhillock, Keith, Moray (NGR 343000, 848760).

Major development of Battery Energy Storage System (349 MW) including associated infrastructure, access road, storage units, fencing and landscaping on land within Moray Council Area.

The second in-person public meeting will take place on **Thursday 18th April 2024 (3pm to 7pm) at Keith Sports and Community Centre (Banff Road, Keith, AB55 5GT)**, when there will be an opportunity to find out further information and to ask the project team representing the Applicant, Blackhillock Flexpower Ltd, questions about the prospective development. Further information will be available also at the project-specific website <https://www.blackhillockflexpower.com/> or you can contact Blackhillock Flexpower Ltd on +44 1242500254.

If you wish to make comments on the proposal, you may do so at the above event by submitting a feedback form. Alternatively, you can email your comments (with the subject 'Blackhillock') to info@blackhillockflexpower.com or post comments to Blackhillock Flexpower Ltd, 4th Floor, The Quadrangle, Imperial Square, Cheltenham, GL50 1PZ by **Thursday 2nd May 2024**.

Please note that all the comments must be sent to the above and are NOT representations to Energy Consents Unit. There will be an opportunity to make formal representations, when a planning application is made.

MORAY COUNCIL (CULBARD STREET, ELGIN (AT JUNCTION WITH SOUTH STREET) TEMPORARY ROAD CLOSURE) (Ext No 1) ORDER 2024



The Council has made the above Order under Section 14(1) of the Road Traffic Regulation Act 1984 (as Amended) to temporarily close Culbard Street, Elgin (At junction with South Street) from 29/03/2024 until 31/07/2024. The temporary restriction has been imposed for temporary closures of up to 1 hour in duration to facilitate the removal/delivery of materials during building operations.

The Northern Scot

Telephone:
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www.northern-scot.co.uk

Advertising Deadline
Tuesday 4 pm

Appendix 7- Notification Letters

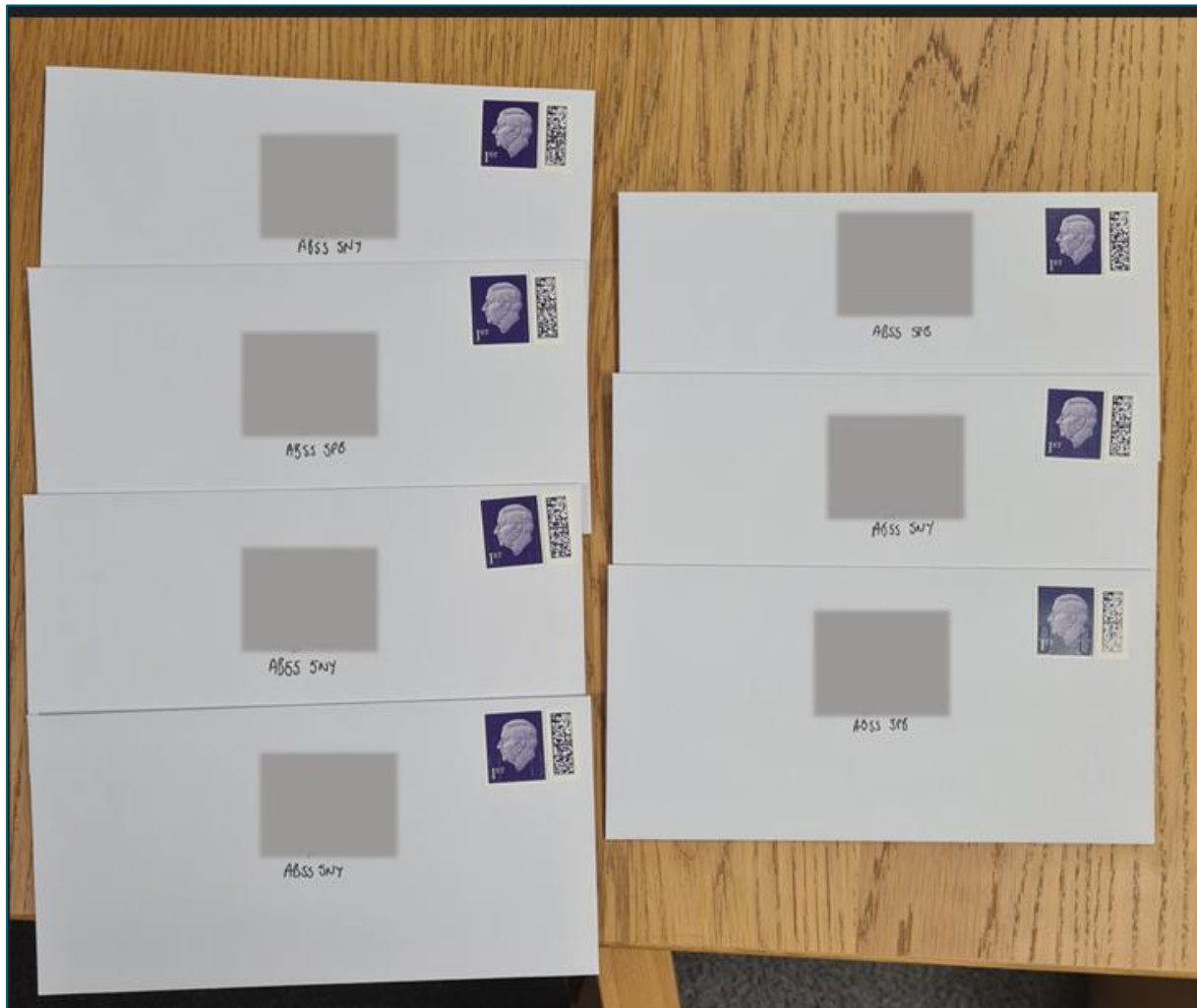



Figure 5: Issued 18th March 2024.


Appendix 8- Email Notification


Public Consultation: Major development of Battery Energy Storage System (349 MW), Gibston Farm Blackhillock, Keith, Moray

 Hugh Shepherd
To

[tracy.colyer@moray.gov.uk](#); [theresa.coull@moray.gov.uk](#); [donald.gatt@moray.gov.uk](#); [Richard.Lochhead.msp@parliament.scot](#); [douglas.ross.mp@parliament.uk](#); [keithcommunitycouncil@gmail.com](#); [strathislacc@gmail.com](#)

Mon 18/03/2024 14:30

 Blackhillock Public Notice.pdf .pdf File

 Blackhillock Red Line OS Map.pdf .pdf File

Good afternoon.

I write to inform you of an upcoming public consultation event. It relates to: Major development of Battery Energy Storage System (349 MW) at Gibston Farm Blackhillock, Keith, Moray (NGR 343000, 848760).


It will be held at: Keith Sports and Community Centre (Banff Road, Keith, AB55 5GT), between 1500 – 1900 on Thursday 21st March 2024. A second event at the same time and place is intended to be held on the 18th April 2024.

I attach press notice that was printed in the Herald and Banffshire Advertiser.

Yours faithfully,


Hugh Shepherd MRTPI
Principal Planner


Public Consultation: Major development of Battery Energy Storage System (349 MW), Gibston Farm Blackhillock, Keith, Moray

 Niamh Toner
To

[tracy.colyer@moray.gov.uk](#); [theresa.coull@moray.gov.uk](#); [donald.gatt@moray.gov.uk](#); [Richard.Lochhead.msp@parliament.scot](#); [douglas.ross.mp@parliament.uk](#); [keithcommunitycouncil@gmail.com](#); [strathislacc@gmail.com](#)

Thu 11/04/2024 13:47

 Blackhillock Red Line OS Map.pdf .pdf File

 Blackhillock Public Notice.pdf .pdf File

Good afternoon.

I write to inform you of an upcoming second public consultation event. It relates to: Major development of Battery Energy Storage System (349 MW) at Gibston Farm Blackhillock, Keith, Moray (NGR 343000, 848760).

It will be held at: Keith Sports and Community Centre (Banff Road, Keith, AB55 5GT), between 1500 – 1900 on Thursday 18th April 2024.

I attach press notice that was printed in the Herald, Banffshire Advertiser, and the Northern Scot newspaper.

Yours faithfully,
Niamh
Niamh Toner
Planner

Appendix 9- Feedback Form

FEEDBACK FORM PROPOSALS EXHIBITION

We are proposing Batter Energy Storage System (BESS). The proposals are at an early stage in development but will include 349MW BESS an associated infrastructure.

We are interested in your views and some questions are posed below which you may find useful prompts. Please feel free to provide additional comments below.

1. Comment(s):
2. Suggested :
 - Do you support BESS / renewable energy / Scotland role – why?
 - Do you support the co-location of renewable energy to avoid sprawl of different sites throughout the countryside? If not, where should new BESS be sited?
 - Do you feel there is capacity for more BESS in this area – please give your reasons
3. Were you aware of Moray Council guidance document "Keith Green Energy & Infrastructure Framework (2023)" that seeks to identify spaces for renewable infrastructure and that it supports additional development in this general area?

When you have completed this form, please either:

- hand it to one of our advisors; or
- take it home and email us at info@blackhillockflexpower.com or visit our website at www.blackhillockflexpower.com ; or
- post to Blackhillock Flexpower Ltd, 272 Bath Street, Glasgow, G2 4JR.



BLACKHILLOCK

349 MW BESS

Developed by Scot Stability Ltd, Blackhillock BESS will be a 349 Megawatt project which will be capable of powering 87,500 homes for a whole day.

The project has been developed in accordance with local and national guidelines to cause minimal impact to the local area. The site will play a key role in the transition to Net Zero.



Introduction

The purpose of this consultation event is to inform you about the emerging proposal by Scot Stability Ltd (the prospective Applicant) for a proposed renewable energy development comprising the installation of a Battery Energy Storage System with associated infrastructure and access, at Gibston Farm, Blackhillock, AB55 5PB.

The Site & Surroundings

The entire area of interest comprises one parcel of agricultural land, of approximately Twenty-eight acres. The site has some elevation from East to West with the highest part of the site being toward the existing Blackhillock substation to the West. The land is framed by the existing electricity substation, Overhead Lines running throughout the field and other agricultural land surrounding the area. The wider area generally has a countryside characteristic with agricultural fields and a scattering of houses along country roads which has some industrial appearance due to overhead transmission lines and the sub-station. Additionally, the local quarry is located next to the site.

There is an unnamed road to the West, which connects the site to the A96 and the adjacent substation. The nearest main settlement and the nearest residential buildings lie at the edges of the fields of the proposed BESS storage site.

Technology

The Battery Energy Storage System (BESS) is a lithium ion battery system in which cells are packaged into modules and stacked into containers. The DC battery voltage is converted into AC using inverters and transformed to grid voltages. The BESS proposed will store energy for two hours at full power



Email: info@blackhillockflexpower.com
For more info: www.blackhillockflexpower.com

Prospective Site Layouts



Figure 1 : Proposed Planting and Landscaping Layout



Figure 2 : 3D Render of site



Figure 3 : Block Site Layout

Pre-Application Consultation

A pre-application consultation submission has been made to Moray Council. The council has consulted other statutory and non-statutory bodies as it has deemed necessary and we are in the process of discussing the issues and matters which it requires to be addressed.

This feedback will be carefully considered in the submission of the final planning application, and will be assessed in supporting documents which include but are not necessarily limited to :

- Planning Supporting Statement
- Design Statement
- Landscape and Visual Assessment and Landscaping Strategy
- Ecological Assessment
- Tree Assessment
- Noise Assessment
- Transport Assessment
- Drainage, Flooding and Water Assessment
- Local Consultation

We will consult with the local community via :

- Event No 1 – Keith Sports and Community Centre 3:00 pm - 7:00 pm on 21st March 2024
- Event no 2 – Keith Sports and Community Centre 3:00 pm - 7:00 pm on 18th April 2024
- Advertisements in the local newspaper (for each Consultation Event)
- Distribution of project leaflets

Scot Stability Ltd has also designed a web page and will make information available regarding the company, the proposal and the consultation events (Web address: www.blackhillockflexpower.com)

The public consultation events seek to inform and invite comments from the local community. The comments from this will be reviewed and implemented where appropriate and any updates and responses will be provided on the website and at any subsequent consultations.





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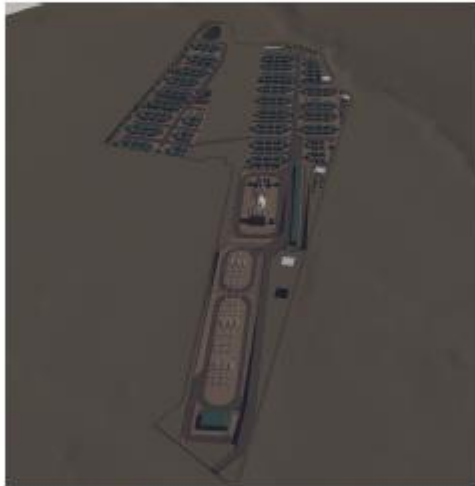


Figure 2 : 3D Render of site



Figure 3 : Block Site Layout

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Updated Landscape Layout and Site Location

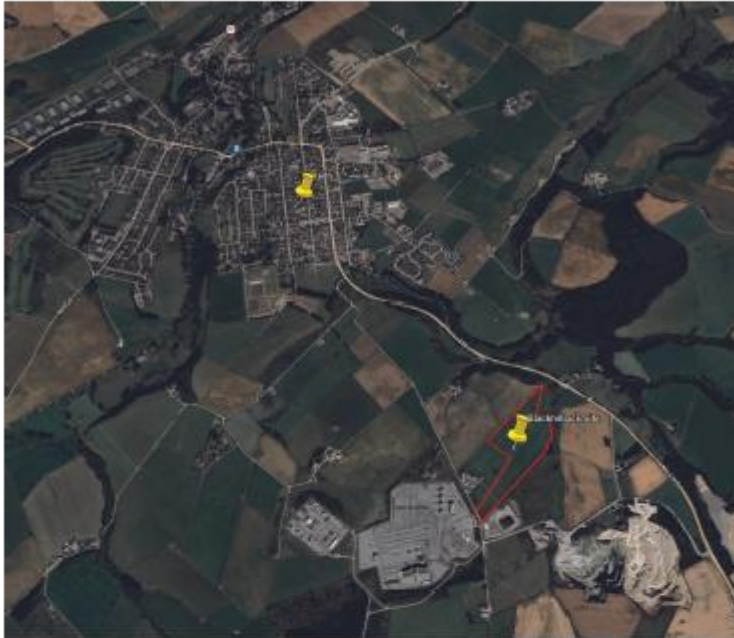


Figure 4 : Site Location



Figure 5 : Updated Proposed Landscape Layout to reflect feedback from the 1st Public Consultation as well as the current site layout. This includes additional planting on the South, West and East boundaries.

Appendix 12- Consultation Event 1 – Slide Show.



What We Do

Scot Stability Ltd develops and operates Battery Energy Storage System (BESS) sites, supporting the transition to a fully renewable energy grid and supplying essential support and stability services to the national grid.

- Equinor
- Asset Optimisation and Trading
- Project Commissioning
- Construction Management
- Origination



SCOT STABILITY

Blackhillock 349 MW BESS

ABOUT SCOT STABILITY



Who We Are

Scot Stability Ltd is the owner of Blackhillock Flexpower and will be responsible for the development of the Blackhillock BESS site.



In Partnership with Equinor

Scot Stability Ltd is a wholly owned subsidiary of Noriker Power Ltd and is partnered with Equinor, a global energy company.



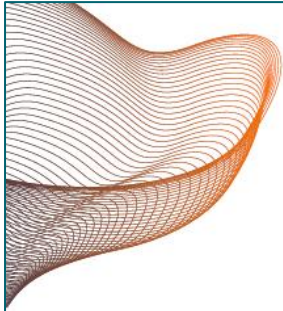
Net Zero

Scot Stability's projects support the Scottish Government's drive for net zero.

Our Projects

Noriker Power currently operates multiple active sites across the UK and is in the process of increasing its portfolio of small and large-scale projects.

- 01 Our portfolio of active sites exceeds 250 MW of Battery Storage with three active 50 MW sites.
- 02 We operate hybrid sites, which utilise engines alongside batteries, and large-scale battery energy storage sites all across the UK.
- 03 Our sites utilise renewable energy for charging and are helping support the transition to a renewable grid.
- 04 We are developing our biggest sites to date with over 2 GW of battery storage sites in development.




Technology

Our BESS sites contain battery racks which charge from the National Grid during times of low demand and release their energy into the grid in high demand.


Batteries

The batteries used on our sites are Lithium Ion Batteries which charge via a connection to the National Grid or locally generated, renewable sources during times of low demand. This energy is stored and released back into the National grid when the demand for the energy increases.



Connections

Our sites connect directly in to National Grid substations in either the distribution or transmission networks. Our sites operate in DC at much lower voltages than the National grid and use a combination of transformers and inverters to make this connection successful.



Site Services

Our sites provide stability services to the National Grid, supplying energy as required and maintaining frequency and stability. Our larger projects are capable of powering more than 100,000 homes with renewable, zero-emission (battery) power for a whole day.

OUR PREVIOUS PROJECTS

Blandford Road

A 25 MW site in the South of England, Blandford Road is our first site developed alongside Equinor and is our most recently commissioned.



Byers Brae

Our first site built in Scotland, just outside of Livingston, Byers Brae is a 30 MW site that was commissioned in 2021.



Kilmarnock South

The largest and most recent Noriker Project, Kilmarnock South is currently undergoing development.



PLANNING CONTEXT

The site is within an area identified in the **Moray Local Development Plan (2020)** as a Remote Rural Area. There are no other spatial policy designations covering the site.

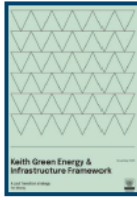

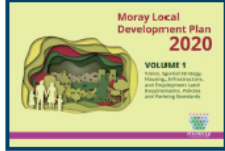
Moray Council have produced a **Green Energy & Infrastructure Framework** for the local area. The document intends to develop a strategic framework for Blackhilllock and Keith North East (NE) in order to clearly guide development proposals for grid infrastructure and energy systems/storage associated with renewable energy to the most appropriate locations in and around Keith. As such, this will be a key document in guiding the proposals at this site and will be closely reviewed in the preparation of any planning application.

The **National Planning Framework (NPF4)** is the national planning policy that sets the priorities for development and land use in Scotland. The most relevant policies are summarised below:

Policy 1 (Tackling the climate and nature crises) seeks that development should given significant weight to the climate and nature crisis.

Policy 11 (Energy) seeks to encourage, promote and facilitate all forms of renewable energy development and specifically identifies energy storage as a renewable energy form.

Essential Infrastructure: The NPF4 glossary in turn identifies renewable energy forms as essential infrastructure.

PLANNING ACTIONS

The steps we have already undertaken and the next Planning Actions planned for the Blackhilllock 349 MW BESS Project.

- The application, as it exceeds 50 MWh of storage capacity, will be submitted to and determined by the Energy Consents Unit (ECU) (Scottish Ministers).
- We have entered into a pre-application enquiry with Moray Council Officers and continue to engage with them.
- We have submitted a Screening Opinion (ref: ECU00004836) to the ECU who has agreed that the proposed development would not require an Environmental Impact Assessment (EIA).

PUBLIC CONSULTATION INFORMATION

A SECOND CONSULTATION EVENT WILL BE HELD: 18TH APRIL 2024 AT 1500 – 1900 HERE AT KEITH SPORTS AND COMMUNITY CENTRE.

Note

Any comments submitted to this consultation are NOT representations to the Planning Authority (Energy Consent Unit). There will be further opportunity to make formal representations when a planning application is made.



FREQUENTLY ASKED QUESTIONS



What will the site look like?

This is the most recent layout of the site, showing indicative equipment position. The site will have additional features such as large amounts of planting not shown in the drawing.



FREQUENTLY ASKED QUESTIONS



Will the site be loud and how much light will it produce?

The site will produce some noise however, this will fall within national and local guidelines so as not to raise the noise level at any residency. We use a variety of methods including equipment selection, design and materials to minimise noise.

The site will have zero light pollution.

FREQUENTLY ASKED QUESTIONS



Does this have any benefit to the local community?

Alongside supporting national infrastructure, wherever possible our projects use locally sourced materials and contractors reside in the local area, aiming to boost the local economy. Additionally, the planting on our sites results in increased Biodiversity in the area.

FREQUENTLY ASKED QUESTIONS



How will you mitigate visual impacts?

The Blackhillock project will feature substantial planting and landscaping as well as terracing throughout the site. This combination will vastly decrease the visual impact and will seek to blend the site with the natural landscape.

FREQUENTLY ASKED QUESTIONS



What is the Fire Risk of BESS sites?

In reality, BESS sites have a very low fire risk! Alongside the low risk, we implement multiple fire detection and suppression systems and we work closely with the local Fire Department to safely design the site.

FREQUENTLY ASKED QUESTIONS



Will Construction Traffic have a big impact on the area?

As with all construction projects, there will be a temporary increase in traffic. To minimise this, we work with consultants and contractors to decide on suitable routes and times for deliveries. This is then approved by the local Council and strictly adhered to.

FREQUENTLY ASKED QUESTIONS



What happens at the end of the Project?

We put in place a full decommissioning strategy which will then be secured by a financial guarantee. At the end of the project, we will reinstate the land to its original condition or the local authority can call upon the guarantee for reinstatement.

CONTACT US



- +44 1242 500254
- info@blackhilllockflexpower.com
- www.blackhilllockflexpower.com
- 272 Bath Street, Glasgow, G2 4JR



Appendix 13- Consultation Event 2 – Slide Show.

BLACKHILLOCK BESS

2nd Public Pre-Application Consultation
18/04/2024



BLACKHILLOCK BESS PLANNING CONTEXT

The site is within an area identified in the **Moray Local Development Plan (2020)** as a Remote Rural Area. There are no other spatial policy designations covering the site.


Moray Council have produced a **Green Energy & Infrastructure Framework** for the local area. The document intends to develop a strategic framework for Blackhillock and Keith North East (NE) in order to clearly guide development proposals for grid infrastructure and energy systems/storage associated with renewable energy to the most appropriate locations in and around Keith. As such, this will be a key document in guiding the proposals at this site and will be closely reviewed in the preparation of any planning application.

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Policy 11 (Energy) seeks to encourage, promote and facilitate all forms of renewable energy development and specifically identifies energy storage as a renewable energy form.

Essential infrastructure: The NPF4 glossary in turn identifies renewable energy forms as essential infrastructure.



PUBLIC CONSULTATION INFORMATION

THIS IS THE SECOND PUBLIC PRE-APPLICATION CONSULTATION EVENT, THE FIRST WAS HELD ON THURSDAY 21/03/24. RESPONSE TO FEEDBACK FROM THE FIRST CONSULTATION IS ON THE SUBSEQUENT SLIDES

Note
Any comments submitted to this consultation are NOT representations to the Planning Authority (Energy Consent Unit). There will be a further opportunity to make formal representations when a full planning application is made.

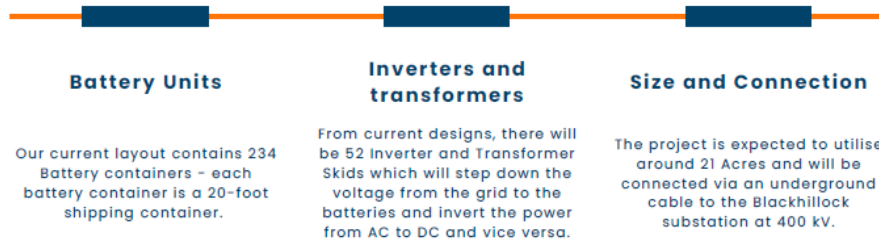


Site Location



Technical Information

Blackhillock 349 MW BESS



Initial Consultation Feedback

Advertise the event more broadly

- For this 2nd Public Pre-Application Consultation we:
- Submitted notice to more local newspapers
 - Sent letters to the closest addresses to the project and further in advance
 - Informed the local Council, Keith and Strathisla Community Council and the local MSP of the event

Initial Consultation Feedback

Concerns over the visual impact from the A96 and the Southern Boundary.



We have updated the layout to reduce the size of the equipment at the high point of the site by moving to Gas Insulated Switchgear.

Additionally, we have increased the planting on the Eastern, Northern and Western boundaries to better blend the site.

We are in the process of having photomontages and 3D renders produced.

Initial Consultation Feedback

How are we mitigating fire risk?

There is a lot of misconception around BESS fires and actually, BESS sites are very unlikely to catch fire.

To minimise any risk, we use proven suppliers in the market who comply with UL9540 requirements.

We space our battery units at a minimum of 3 metres, which is a proven safe distance to prevent propagation. Additionally, our units are located in blocks of around 10 batteries, which are spaced at greater distances.

The site will contain a dry riser system for fire suppression and each container is fit with it's own suppression system.

Initial Consultation Feedback



What will the noise impact be?



The site will produce some noise.
However, the BESS site will adhere to both local and national noise guidelines which are strictly imposed by the ECU and the Local Planning Authority.
We use multiple methods on-site to reduce the noise impact, including Acoustic Fencing, Planting and/or the use of attenuators.

Initial Consultation Feedback



Is there any benefit for the local community?



Alongside supporting National Infrastructure, wherever possible the site will use materials sourced locally and the contractors on-site will reside locally. Additionally, the planting of the project helps to increase local biodiversity.
We are currently having a Socio-Economic Assessment produced which will detail the effects of the project on the local area.

Initial Consultation Feedback



What happens at the end of the Project?



We put in place a full decommissioning strategy which will then be secured by a financial guarantee.
At the end of the project, we will reinstate the land to its original condition or the local authority can call upon the guarantee for reinstatement.

Reports



We are working with consultants on the following reports and studies.



- Landscaping and Visual Impact - Improvements and Updates
- 3D Renders and Photomontages - To show the site with planting once constructed from various viewpoints
- Habitat Management and Ecology Reports
- Noise - Working to make the site as quiet as possible
- Socio-Economic Report- Analysing the effects of the site on the area and how we could provide benefit to the area
- Traffic Management Plan - Managing construction routing and traffic to cause minimal disruption

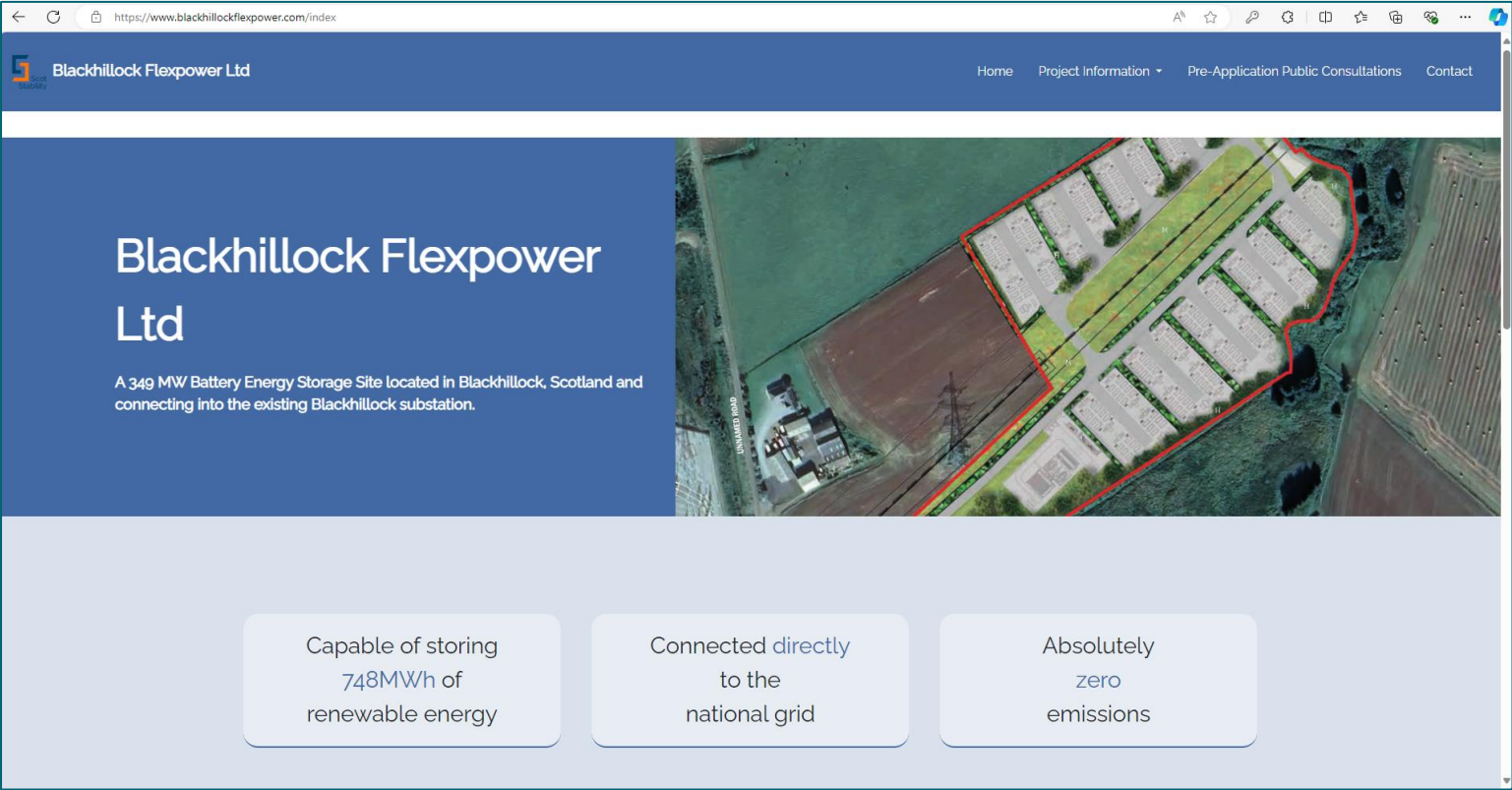
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Appendix 14 – Consultation and Information Website





Scott Hobbs Planning

24a Stafford Street
Edinburgh | EH3 7BD
0131 226 7225

info@scotthobbsplanning.com
www.scotthobbsplanning.com

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