

REGULATORY PANEL: 27 JUNE 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00176/APPM

LAND TO EAST OF HOLMSTON ROUNDABOUT A77T FROM WHITLETTS ROUNDABOUT TO HOLMSTON ROUNDABOUT AYR SOUTH AYRSHIRE

Location Plan

APPLICATION SITE 



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Summary

This application seeks detailed planning permission for the installation of a battery energy storage facility (BESS) - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works on land to the east of Holmston Roundabout, Ayr. The application site is located within an area allocated as green belt in Local Development Plan 2. 6 representations (from 5 individuals) have been received which object to the proposed development and raise issues mainly focussed around: insufficient details within submission, lack of consultation, amenity, natural heritage, health and safety, traffic/transportation and planning policy. 9 consultation responses have been received which raise no objection in respect of the development. The proposed development has been assessed against the terms of relevant policies within the Development Plan (National Planning Framework 4 and South Ayrshire Local Development Plan 2) and it is considered that the proposal can be considered positively against the terms of the aforementioned documents. It is recommended that this application for planning permission be approved subject to planning conditions.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 27 JUNE 2023

SUBJECT:	PLANNING APPLICATION REPORT
APPLICATION REF:	23/00176/APPM
SITE ADDRESS:	Land to East of Holmston Roundabout A77T From Whitletts Roundabout to Holmston Roundabout Ayr South Ayrshire
DESCRIPTION:	Installation of energy storage facility - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works
RECOMMENDATION:	APPROVAL WITH CONDITIONS

APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

1. Proposal:

Site Description

The application site relates to an area of land currently used as a commercial 'Christmas Tree' field (Noble Fir plantation) and covers an area of approximately 2.19 hectares. The site is located to the east of the settlement of Ayr and is directly to the west of the existing Ayr Electrical Substation, where the proposed system will connect. Located to the south of the site is Dobbies Garden Centre, with the A70 beyond this. The River Ayr is located approximately 170m north of the site and is separated from the site by Ancient Woodland. The site is bound the east by the fir plantation, with the A77 trunk road beyond. The site boundary partly extends out to the A77 east where an existing entrance will serve as the access to the site. The topography of the site rises gently towards the east, flattening out towards the centre of the site. The site is accessible from the A77 which runs parallel along the western border of the field within which the application site is located. The existing gated access off the A77 to the site, which is used for the active commercial Christmas Tree business, forms the site entrance.

Development Proposal

The proposed development relates to the installation of a battery energy storage facility (BESS) - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works. It is stated by the applicant that the proposed system utilises proven lithium-ion battery technology which they have deployed at multiple projects at locations including England, Scotland, Ireland, the USA and Canada. Wind and solar renewable energy technologies generate electricity intermittently, depending on weather conditions which causes imbalances in the electricity network. Energy storage therefore provides a balancing role to ensure that the grid remains stable at times of stress; this proposal will allow energy to be stored at times when generation exceeds demand and then release electricity back to the national grid network when demand exceeds generation. Electricity is not physically generated on site.

In more detail, the proposals relate to the installation of the following:

Battery Enclosures

- 36 battery storage enclosures would be installed to provide approximately 49.9 MW of capacity. The battery storage enclosures would be one of two types, with the first being modified ISO-style shipping containers set on concrete foundations with typical dimensions of 13.7m long, 2.4m wide and 2.9m high. The enclosures are generally finished in a shade of white or grey – a condition will be attached in respect of external finishes. The second type are modular battery enclosures, also set on concrete foundations, which are 'packed' together to form similar dimensions to that aforementioned. These have a white finish.

Power Conversion Systems and Transformers

- 18 power conversion systems are also proposed and these have typical dimensions of 10.3m long, 6m wide and 2.5m high and are also set on concrete block foundations and would be finished in a shade of grey or white.

Substations

- Two substation units are also proposed and these would measure a maximum of 17.5m long in total, 5m wide and 4.5m high. The units would be set on a concrete foundation and finished in a shade of grey or green.

Auxiliary Transformer

- An auxiliary transformer with typical dimensions of 1.9m long, 1.9m wide and 2.1m high would be installed adjacent to the energy storage enclosures. This would be set on concrete foundations and would be finished in a shade of grey or green.

Grid Compliance Equipment

- Two grid compliance units will be required. These will measure up to approximately 4m long, 2.8m wide and 2.7m high and be finished in a shade of grey or green. They will each be set on a concrete foundation up to approximately 4.3m long and 3.1m wide.

Spares Container

- On additional ISO-style shipping containers will be located adjacent to the battery enclosures with typical dimensions of 13.7m long, 2.4m wide and 2.9m high. It would be finished in a shade of white, grey or green.

Security

- Security fencing will be installed around all four edges of the compound. Following acoustic analysis of the proposed system, this fencing will be close board wooden acoustic fencing of up to 3m in height. Stands for CCTV will also be installed, with the CCTV cameras mounted on galvanised steel posts (or similar) measuring up to approximately 4m high and set in concrete foundations. The cameras will be located adjacent to the fencing around the edge of the energy storage compound. It is stated by the applicant that the only lighting within the proposed development would be PIR 'infrared' lighting associated with the CCTV system, which would not be visible by the naked eye, together with PIR operated external lights mounted above doorways. The proposed development does not incorporate any visible, permanent artificial lighting.

Grid Connection

- Cabling will connect all equipment within the energy storage compound to the on-site customer substation. Additional underground cabling will then connect the on-site customer substation to the existing Ayr Electrical Substation (this forms no part of the application due to this element being Permitted Development).

Drainage

- A Sustainable Urban Drainage System (SUDS) will be utilised to manage on-site surface water run-off. The proposed water attenuation pond is located to the southwest of the compound, utilising the existing topography of the site.

The battery storage enclosures and associated PCS transformer units are sited in close parallel rows to reduce the amount of cabling required between each unit and to condense the area required for the overall development.

The proposed development will see the creation of new native tree and shrub planting on earth bunds to the west of the proposed compound to provide visual enclosure to the proposed development and there will also be the provision of new native tree and shrub infill planting along the southern boundary. There will also be enhancement of other areas surrounding the compound through proposed seed mixes and an ongoing landscape management of planting during the lifetime of the proposed development.

Planning Process

Planning permission is required for generating stations including construction of a BESS.

For clarification, generating stations which have a storage capacity greater than 50MW require consent to be sought under Section 36 of the Electricity Act 1989 through the Scottish Government Energy Consent Unit (ECU). The ECU consult the Planning Authority as part of their considerations and the Service presents recommendations to the Regulatory Panel to either object or not object to the proposals and their decision determines the response to the consultation. If consent is granted under Section 36, the Scottish Government have powers to direct that planning permission is deemed to be granted and there is no requirement for a separate application for planning permission to be made to the Council.

For BESS proposals that are under 50MW, as is the case with this current application, then consent is sought directly from the Council as Planning Authority and there is no involvement from the ECU.

The application proposal is 'Major' development (as the proposed capacity is, or exceeds 20 megawatts) and the scheme of delegation requires that it be presented to the Regulatory Panel for determination. The assessment section of this report concludes that the proposal complies with the South Ayrshire Local Development Plan 2 and consequently there is no requirement for referral of the application to Full Council.

A Processing Agreement has been prepared and agreed in consultation with the applicant which agrees that the Planning Service will seek to present the application to the Council's Regulatory Panel no later than 30th June 2023.

A Proposal of Application Notice (Ref. 22/00505/PAN) described as "Installation of an energy storage facility, includes the siting of battery enclosures, power conversion units and transformers, a substation, hardstanding, fencing, vehicular access, grid connection and ancillary works" was submitted on 1st June 2022. It is considered that the nature of the scheme as submitted through the current application is such that it is clearly and recognisably linked to the proposal described in the proposal of application notice.

2. Consultations:

Ayrshire Roads Alliance - no objection subject to conditions in respect of submission of a Construction Traffic Management Plan and implementation of a Sustainable Urban Drainage System (SUDS) prior to occupation.

Transport Scotland (Trunk Roads) - no objection subject to conditions in relation to:- route to be provided for any abnormal loads, any additional signage or temporary traffic control measures to be approved by TS, submission of a Construction Traffic Management Plan and wheel cleaning facilities.

Sustainable Development (Landscape and Parks) – no objection, landscaping details in respect of proposed plant numbers and densities should be submitted.

Environmental Health – no objection subject to mitigation measures outlined in the submitted Acoustic Assessment being applied.

West Of Scotland Archaeology Service – no objection subject to a standard condition in respect of the submission of a written scheme of investigation.

SGN Pipelines Maintenance - no objection subject to condition in respect of the applicant undertaking a phase to earth study prior to energisation of the energy storage facility.

Health And Safety Executive, Per Gordon Wilson - no objection.

AECOM (Ecology Consultants) – no objection, suggest attaching a condition in relation to a Species Protection Plan for bats.

Glasgow Prestwick Airport – no objection.

3. Submitted Assessments/Reports:

In assessing and reporting on a Planning application the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations.

Pre-Application Consultation (PAC) Report: This report outlines the community engagement undertaken by the applicant during the pre-application consultation period, compliance with statutory requirements and the views expressed by the local community and how the development proposals take them into consideration. The PAC Report provides a summary of the issues raised as part of the consultation exercise and provides a response to each.

Planning, Design and Access Statement: This document outlines the background to the proposed development, provides a summary of document submissions, sets out the planning-based case for the proposed development and offers the applicant's assessment of the proposal against the relevant provisions of the Local Development Plan, relevant national planning policy and other material considerations.

Transport Statement: This document provides details of the proposed transport management arrangements during construction of the proposed development and of transport movements during construction and operation. Access to the site will be taken from an existing left hand turning, approximately 200m after crossing the River Ayr from the north. There will be a 'no right turn rule' for all construction traffic entering/leaving the site. It is stated that the access track utilised in accessing the site begins at the existing site entrance, off the A77, which is currently used for the existing commercial Christmas tree business on site. On site hardstanding areas, tracks and equipment foundations shall be constructed using stone and concrete. It is further stated that once operational, the facility will be remotely controlled and as such would be unmanned. However, it is outlined that there would be a visit to the site approximately once a month by car, van or light goods vehicle to carry out regular inspections and maintenance, with parking accommodated on site.

Assessment of Acoustic Impact: The scope of this report included determining the baseline and predicting sound levels as a result of the proposed development in order to assess the level of impact in accordance with relevant guidance. Background sound measurements were undertaken at Holmston Farm from 12.15 on Friday 26th August 2022 until 09.45 on Monday 29th August 2022, with the survey position being located to the south-west of the site. The report concludes that the acoustic impact of the proposed development would be low during the daytime, evening and night periods, with the implementation of appropriate mitigation measures. The outlined mitigation measures are as follows -: installation of a 3m acoustic fence around the site or the fitting of silent kits, in the form of baffles, to the ESS HVAC units.

Historic Environment Desk-Based Assessment: This report considers the likely effect of the proposed development on cultural heritage (archaeology and built heritage), with the specific objectives being to: set out the cultural heritage baseline of the site, assess the archaeological potential of the site, assess the effects of the proposals on the cultural heritage resource within the context of relevant legislation and planning policy and determine whether, where any predicted adverse effects are identified, these effects can be mitigated. No known designated or non-designated assets were identified within the site. The assessment also considered the potential for the proposed development to adversely affect any designated and/or regionally significant heritage assets as a result of change to the setting and it was found that no such effects would result from the proposals.

Biodiversity Net Gain Assessment: This document outlines that the work involved a site visit to map habitats present using UKHab survey protocols and an assessment of the baseline condition of each habitat recorded. It states that the site visit revealed that the site was predominantly comprised of modified and neutral grassland and mixed woodland (mainly conifer). It is outlined that the proposed development does not affect irreplaceable habitats as the areas of Ancient Woodland are outside of the site boundary. The assessment goes on to state that the proposed development would deliver an increase in the habitat biodiversity value of the site of approximately 15.52%, result in no change in the linear habitat (hedgerow) biodiversity value and 100% increase in river habitats – thus meeting the requirement for biodiversity enhancement under Policy 3 of NPF4. This is subject to appropriate planting plans and management plans being developed to optimise the delivery of biodiversity performance on the site. 11 bat boxes, 4 bird boxes and 3 insect hotels are proposed within the landscape plan.

Construction Environmental Management Plan: The purpose of this document is to consider how noise, vibration, dust and other airborne pollutants, smoke and odour from construction work will be controlled and mitigated. It also considers the effects from the traffic movements to and from the site and the onsite construction activities, although construction traffic is considered in further detail within the Transport Statement. A dedicated person will manage deliveries, clear construction warning signs and junction proximity signage will be implemented, access to the construction site will be controlled by onsite personnel and all portacabins/machinery/equipment will be removed once construction is completed.

Flood Risk Screening and Surface Water Management Plan: This report sets out that the site is at no specific risk of flooding. An assessment of the drainage options was also undertaken, with it being concluded that drainage by infiltration is unlikely to be a viable option. As such, the proposal is to drain the site via an attenuation basin, with a restricted discharge rate into the River Ayr. It is stated that the required attenuation volume has been calculated as approximately 430 cubic metres and that this should be considered a maximum volume, based on the assumption that all permanent infrastructure (other than the access track) has an asphalt surface and that drainage by infiltration methods is not possible.

Landscape and Visual Appraisal: It is stated that the appraisal was prepared with reference to the 3rd edition of the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute in association with the Institute of Environmental Management and Assessment, 2013). Landscape and visual effects were assessed separately, although they are clearly linked. Landscape effects relate to the effects of the proposals on the physical and perceptual characteristics of the landscape and its resulting character and quality whereas, visual effects relate to the effects of specific views experienced by visual receptors and on visual amenity more generally. The appraisal outlined the methodology used, described the site context, outlined the policy context, described the proposed development, outlined landscape baseline and effects and visual baseline and effects. Overall, given the relatively low heights of the proposed development and screening by the existing mature woodland directly north-east, mature trees to the east and south and proposed mitigation measures including tree and shrub planting along the western boundary, the total extent of the landscape and visual effects would be localised and limited in nature.

Preliminary Ecological Appraisal Report: The report seeks to establish baseline conditions and determine the importance of ecological features present (or those that could be present) as far as possible, to identify potential ecological constraints to the proposed development and make initial recommendations to avoid potentially significant effects on important ecological features (where possible, to identify potential requirements for mitigation, where possible, including mitigation measures that will be required and those that may be required and to establish any requirements for more detailed surveys. The report found that 5 trees had potential to support roosting bats but that the surrounding habitats offer poor commuting and foraging potential – further survey work recommended to confirm possible presence of bat roosts. No field signs or badger setts were identified, however habitat suitable for badgers is present. The survey did not identify any field signs of otter or water vole. No amphibians were detected during the survey and no waterbodies were found with permanence, but suitable habitat was found within the site and surroundings with dense tussocky grasses, hedgerows and woodland with dead wood. The site has limited potential for nesting birds, restricted to scattered trees and the stunted coniferous woodland. The surrounding habitat provides suitable habitat for nesting and foraging birds with woodland, hedgerow and mature trees. The report recommends that prior to the commencement of works, a pre-construction site walkover take place by a suitably experienced ecologist to establish the potential presence of bat tree roosts, badger, otter field signs and breeding birds.

Protected Mammal Survey Report: This report details the results of a protected mammal survey carried out in April 2023 as a result of comment received from the Council's Ecology consultants, AECOM. Security lighting points are proposed around the perimeter of the infrastructure; however, it is understood that each security lighting unit will be positioned to face downwards into the battery storage compound and that lighting will only be activated for the purpose of illuminating electrical infrastructure when staff are required to carry out maintenance work during hours of darkness. No tree felling is proposed and assuming that there is no further requirement for tree management works on, or immediately adjacent to, the site boundary, development of a Species Protection Plan (SPP) for bats and measures to protect trees along the site boundary would be considered sufficient. Evidence of otter activity was identified along the banks of the River Ayr and a SPP should be developed and implemented. Due to lack of field evidence relation to water vole obtained within the survey area and the distance between the proposed development and nearest watercourse (River Ayr), impacts to water vole populations as a result of proposed works are considered low. While no evidence of badger and their setts were identified within the site itself, the field survey results indicate that badgers utilise the wider survey area for commuting, foraging and likely resting purposes. A pre-construction walkover survey and development of a SPP for badger should be undertaken and implemented. No evidence of red squirrel was identified within the site.

4. S75 Obligations:

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

5. Scottish Ministers Directions:

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

6. Representations:

6 representations have been received from 5 individuals which object to the proposed development. All representations can be viewed online at www.south-ayrshire.gov.uk/planning

The issues raised in the representations relate to the following points which have been grouped into subject matter:

Lack of consultation

- Live within 500m of the site and should have been informed of the proposed development.

Amenity

- Proposed development will create noise and light pollution.

Natural Heritage

- Adjacent to wildlife site and wildlife and fauna will be adversely disturbed.

Policy

- Site is located within Green Belt.

Plans/Lack of information

- Conflicting information within Location Plan/Site Plan.
- Insufficient information in respect of landscaping and bund.
- No noise pollution assessment documentation submitted.
- No information regarding radiation or electromagnetic risks.

Health and Safety

- Will the applicant be in contact with Scottish gas Network (SGN) in respect of their letter sent to South Ayrshire Council in relation to application 22/00302/PPPM?

Traffic and Transportation

- Will the applicant submit their Transport Statement to Ayrshire Roads Alliance, Transport Scotland, South Ayrshire Council Planning and SWECO with reference to application 22/00302/PPPM?
- Would the applicant install a footpath to their access point from the public pathway crossing at Holmston Roundabout? This would allow the local community to use the underpass at River Ayr to gain access to the footpath/cycle path to Coylton without having to navigate across the A77.

Other matters

- Will SAC arrange forward planning talks between the applicant, Icenl (agent for proposed 350 dwellings – 22/00302/PPPM) and the proposed upcoming Loch Fergus solar farm? Strategic planning for heavy load traffic for all 3 sites.

In accordance with the Council's procedures for the handling of Planning applications the opportunity exists for Representees to make further submissions upon the issue of this Panel Report by addressing the Panel directly. A response to these representations is included within the assessment section of this report.

7. Assessment:

The material considerations in the assessment of this planning application are the provisions of the development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), other policy considerations (including government guidance), planning history of the site, representations received and the impact of the proposal on the amenity of the locality.

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility.

(i) National Planning Framework 4 (NPF4)

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of NPF4 is set out below.

The following policies of NPF4 are considered relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 1 Tackling the Climate and Nature Crises
- Policy 2 Climate Mitigation and Adaption
- Policy 3 Biodiversity
- Policy 4 Natural Places
- Policy 6 Forestry, Woodland and Trees
- Policy 7 Historic Assets and Places
- Policy 8 Green Belts
- Policy 11 Energy
- Policy 14 Design, Quality and Place
- Policy 18 Infrastructure First
- Policy 22 Flood Risk and Water Management
- Policy 23 Health and Safety

NPF4 Aims

The primary policies of relevancy to the principle of development in this case generally seek to encourage all forms of renewable energy whilst ensuring that the ecology, character, landscape, natural setting and identity of the area is protected and enhanced. In this instance, it is noted that the proposed use of the site is located within the greenbelt where one of the forms of development which can be supported is renewable energy development. As such, the energy battery storage facility is classed as such a form of development.

A summary of each of the relevant NPF4 policies is set out below followed by an assessment of the proposed development against the policy consideration.

Policy 1 Tackling the Climate and Nature Crises

The purpose of this policy is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. Scotland's Climate Change (Emission Reduction Targets) (Scotland) Act 2019 targets a date of 2045 to reach net zero, with interim targets of at least 75% by 2030. Wind and solar renewable energy technologies generate electricity intermittently, depending on weather conditions which causes imbalances in the electricity network. Energy storage therefore provides a balancing role to ensure that the grid remains stable at times of stress; this proposal will allow energy to be stored at times when generation exceeds demand and then release electricity back to the national grid network when demand exceeds generation. Electricity is not physically generated on site. It is considered that the proposed development would contribute to tackling the climate emergency and therefore is in compliance with this policy.

Policy 2 Climate Mitigation and Adaptation

This policy requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. The proposed development relates to renewable energy and the development proposal is therefore deemed to accord.

Policy 3 Biodiversity

This policy is relevant to this proposal as it sets a specific requirement for development proposals subject to 'major' applications to enhance biodiversity, not just protect it and/or avoid detrimental impacts. As part of this, the test of the policy requires it to be demonstrated that the proposal will conserve, restore and enhance biodiversity including nature networks so they are in a demonstrably better state than without intervention. The applicant has submitted a Biodiversity Net Gain Assessment in support of the application which states that the proposed development would deliver an increase in the habitat biodiversity value of the site of approximately 15.52%; this is achieved through the planting of seeds which will improve moderate grassland to good neutral, creation of drainage ditches and the planting of native trees and shrubs (including silver birch, oak, downy birch and rowan). The proposal is thus deemed to comply with this policy aim.

Policy 4 Natural Places

This policy aims to protect, restore and enhance natural assets and make best use of nature-based solutions. Development proposals which by virtue of type, location or scale would have an unacceptable impact on the natural environment, will not be supported. The proposed development will largely retain the existing planting, trees and foliage along the northern, eastern and southern boundaries. Further planting is also proposed to the southern and western part of the application site. An Ecological Appraisal and Protected Mammal Survey Report have been submitted in support of the application and no protected species were highlighted within the site, although a condition will be attached in respect of Species Protection Plan. In light of the above, the proposed development is considered to accord with this policy.

Policy 6 Forestry, Woodland and Trees

This policy aims to protect and expand forests, woodland and trees. During construction the existing mature woodland immediately north-east of the site, the mature trees and hedgerow species to the east and south and the tree line which forms the western boundary of the wider field will be retained and protected. No part of the adjacent Ancient Woodland is to be felled. The development proposal is therefore considered to comply with this policy aim.

Policy 7 Historic Assets and Places

This policy aims to protect and enhance historic assets and places and to enable positive change as a catalyst for the regeneration of places, with a requirement for any potential impacts on such assets to be assessed. There are no historic assets near the site which would be impacted upon as a result of the proposed development and it is noted that the West of Scotland Archaeology Service offers no objection to the proposed development.

Policy 8 Green Belts

This policy seeks to encourage, promote and facilitate compact urban growth and use the land around our towns and cities sustainably. One of the criteria listed where development is considered to be acceptable should the land be designated as green belt within the LDP is for renewable energy developments. As the proposed development relates to a battery storage facility, the proposed use is considered to be compatible with this policy.

Policy 11 Energy

The aim of this policy is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies. The policy states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported and this includes battery energy storage. Supporting documentation has been submitted with the application and it is not considered that the proposed development would have an adverse impact on traffic, landscape, historic environment, hydrology, biodiversity or protected trees. As such, the development proposal is considered to be in accordance with this policy.

Policy 14 Design, Quality and Place

This policy seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle', that is, a design led approach which demonstrates the six qualities of a successful place; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. It sets a standard for development proposals centred around 'quality', with an expectation for proposals to be well designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places would not be supported by the policy. It is considered that the proposed development has been well considered in respect of its impact and therefore accords with this policy.

Policy 18 Infrastructure First

This policy seeks to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking the requires the impacts of development proposals on infrastructure to be mitigated. In this instance, no new roads infrastructure is required for the proposed development, while it is considered that the nature of the proposed development means that it would have no other significant infrastructure implications. The proposals are therefore compliant with this policy.

Policy 22 Flood Risk and Water Management

The purpose of this policy is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It sets criteria and circumstances where development proposals at risk of flooding or in a flood risk area will be supported and this includes essential infrastructure, water compatible uses and redevelopment of existing buildings or sites for an equal or less vulnerable use. The application site is not recorded as being at either fluvial, coastal or surface water flood risk within SEPA's flood risk maps. No objection has been received from the Ayrshire Roads Alliance (as Flood Authority) and it is therefore considered that the proposed drainage arrangements would not increase the risk of flooding elsewhere. Considering the above, the proposal is compliant with policy 22.

Policy 23 Health and Safety

This policy aims to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing. There is a High-Pressure Gas Transmission Pipeline in the vicinity of the proposed development. The building proximity distance for high pressure gas pipeline E53 is 17 metres and pipeline E27 is 15 metres, in accordance with the recommendations of The Institution of Gas Engineers document TD/1 Edition 5. It is noted that Scotland Gas Networks (SGN) offer no objection to the proposed development subject to a condition which requires the applicant to demonstrate to SGN that the proposed installation shall not compromise or pose a threat to the integrity of the pipelines or their people. An Assessment of Acoustic Impact report has been submitted in support of the development proposal and the Council's Environmental Health Service offer no objection. It is further noted that the Health and Safety Executive offer no objection to the application. In view of the aforementioned, it is considered that the proposed development accords with this policy.

Overall, and for the reasons noted above, it is considered that the proposal accords with the provisions of NPF4.

- **Local Development Plan 2 (LDP2)**

The following policies of LDP2 are considered relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- LDP Spatial Strategy
- Core Principle B1
- Core Principle C1
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Green Belt
- LDP Policy: Landscape Quality
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Renewable Energy
- LDP Policy: Historic Environment
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport

However, the provisions of the Adopted South Ayrshire Local Development Plan 2 must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context and alongside NPF4 above. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

LDP Spatial Strategy

The Spatial Strategy sets out the general approach of the Council to development planning matters. It sets the scene for the type of development approaches South Ayrshire seeks to promote and defines 'Core Principles' that form the foundation of the plan. The Strategy also contains two 'Strategic Polices' that all development proposals require to confirm to and be justified against. Specific consideration of these is set out in the sections below.

- Core Principle B1

This states that the Council will support the principles of sustainable economic development and will: prioritise sustainable travel and development and direct development to settlements in preference to countryside areas unless an alternative location can be justified through LDP2 policy, economic benefit or site-specific need. The application site is situated immediately adjacent to an existing electricity distribution facility and the proposed development is therefore considered to represent sustainable economic development.

- Core Principle C1

This promotes the sustainable use of natural, built and cultural heritage resources and states that the Council will, among other things, ensure that development proposals safeguard protected natural and built heritage resources, follow a precautionary approach where unrecorded natural or archaeological resources may be present and protect and enhance existing green and blue networks. The application is accompanied by an Ecological Appraisal which demonstrates that the proposed development is unlikely to have any negative impacts on natural heritage resources. The West of Scotland Archaeology Service were consulted on the application and offer no objection subject to a standard condition being attached in respect of a Written Scheme of Investigation. As such, the proposed development is considered to accord with this core principle.

Strategic Policy 1: Sustainable Development

This policy provides the overarching policy for the LDP subject specific policies, and it requires to be used in the consideration of all planning applications. Certain criteria of this policy are therefore pertinent to this proposal and include (inter alia):

- Respects, protects and where possible, enhances natural, built and cultural heritage resources.
- Respects the character of the landscape and the setting of settlements.
- Incorporates sustainable urban drainage and avoids increasing (and where possible reduces) risks of, or from all forms of flooding.
- Ensures appropriate provision for waste-water treatment, avoids the proliferation of private treatment systems and connects foul drainage to the public sewerage system wherever feasible.
- Makes efficient use of land and resources.
- Embraces the principles of 'place-making' and the '6 qualities of place'.
- Does not have a negative effect on air or water quality.
- Wherever possible is in an accessible location with opportunities for the use of public transport and other sustainable means of transport.
- When considering development proposals, due weight will be given to the consideration of net economic benefit.
- Respects the Scottish Government's Zero Waste Objectives.

The proposed development is considered to generally comply with the criteria of this overarching policy noting its layout, design, scale and massing. The site is located immediately to the west of an existing electricity facility and the 36 battery storage enclosures would be one of two types, with the first being modified ISO-style shipping containers set on concrete foundations with typical dimensions of 13.7m long, 2.4m wide and 2.9m high. The enclosures are generally finished in a shade of white or grey – a condition will be attached in respect of external finishes. The second type are modular battery enclosures, also set on concrete foundations, which are 'packed' together to form similar dimensions to that aforementioned. These have a white finish. 18 power conversion systems are also proposed and these have typical dimensions of 10.3m long, 6m wide and 2.5m high and are also set on concrete block foundations and would be finished in a shade of grey or white. Two substation units are also proposed and these would measure a maximum of 17.5m long in total, 5m wide and 4.5m high. It is considered that the development will be of scale which is generally smaller in size and scale to the existing electricity facility located to the east. Consideration of each of the criteria above which relate to visual and

landscape impacts, impacts on natural resources, flooding and drainage, residential amenity and transport are assessed below in more detail in relation to the subject specific policies which focus on these topics.

In relation to the requirement of the policy to consider the 'net economic benefit' of the development and apply due weight accordingly, the supporting Planning Statement outlines that the proposed development has the potential to generate a range of economic opportunities for local businesses through the construction activities required for the proposed development as well as throughout the supply chain. Furthermore, the proposal will support the national grid by managing energy demand by storing energy during off-peak periods and releasing it during peak periods. This storage function can help by reducing demand and strain on the grid and by providing emergency back-energy which in turn can help prevent blackouts, loss of electricity provision and reduce the need for additional power generation infrastructure, all of which can be otherwise costly outcomes.

Strategic Policy 2: Development Management

This represents the overarching policy for the LDP subject specific policies for the Development Management process. As part of this, it schedules out expectations to ensure that development meets a range of criteria. Certain criteria of this policy are considered to be relevant to this development proposal, as outlined below:

- Promotes and facilitates the ability of LDP2 to deliver and achieve its aim to "make the most of sustainable economic growth that is supported by sound social and environmental objectives". It is considered that by being sited next to an existing electricity substation facility and having been designed to avoid any negative impacts on surrounding uses or the natural environment (as illustrated in supporting documentation), that the proposal accords with this aim.
- In accordance with the site's land use, as defined on the 'Proposals Maps'.
- Is appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses.
- Does not have an unacceptable impact on the amenity of nearby land uses or committed development proposals (i.e. sites with Planning Permission or allocated LDP2 development sites).
- Is appropriate to the local area in terms of road safety, parking provision and effects on the transport network.
- Makes appropriate provision for all infrastructure implications of the development.
- Includes open space and landscaping that is appropriate for the location and the use of the proposed development.

Similar to Strategic Policy 1: Sustainable Development above, it is considered that the proposed development is considered to comply with the criteria and expectations of the overarching policy noting its layout, design, scale and massing. Consideration of each of the criteria above which relate to the land use (both existing and proposed), its visual and landscape impacts, its compatibility, road safety and infrastructure and landscaping are assessed below in more detail in relation to the subject specific policies which focus on these topics.

LDP Policy: Green Belt

This policy states that the Council will only support development within the green belt if it is of a high design quality and a suitable scale and form and among several criteria, that it is required at the proposed location to provide essential infrastructure. The site is strategically located adjacent to Ayr substation and is contained by the existing and proposed vegetated boundaries. Energy storage facilities require to be located as close as possible to the substation from which its grid connection is provided in order to limit electrical losses and ensure greater efficiency of the system. Given the required need for the proposed development and its sensitive siting, the proposal is considered to accord with this policy.

LDP Policy: Landscape Quality

This policy states that the Council will maintain and improve the quality of South Ayrshire's landscape and its distinctive local characteristics. Proposals for development must conserve features that contribute to local distinctiveness, including: community settings, patterns of woodland, fields, hedgerow and tree features and the historic and cultural landscape. The application site has not been identified for its local distinctiveness and is largely contained by existing vegetated boundaries along the northern, eastern, south-eastern and western perimeters of the wider field.

While it is noted that BESS developments have potential for landscape impacts in some instances, it is considered that given the site-specific circumstances of the current application site in terms of the nature of the proposals, the location immediately adjacent to Ayr electricity substation, site topography and visibility that the development can be reasonably absorbed and there would be no adverse landscape impacts in this instance.

The proposed development will see the creation of new native tree and shrub planting on earth bunds to the west of the proposed compound to provide visual enclosure to the proposed development and there will also be the provision of new native tree and shrub infill planting along the southern boundary. There will also be enhancement of other areas surrounding the compound through proposed seed mixes and an ongoing landscape management of planting during the lifetime of the proposed development. It is therefore considered that the development proposal is in accordance with this policy.

LDP Policy: Preserving Trees

This policy states that ancient and veteran trees of high nature conservation and landscape value will be protected and that the Planning Authority will work with developers to agree a defined root protection area for all retained trees likely to be adversely affected by development. All such root protection areas will be safeguarded by condition throughout the course of development. It is noted that there are no Tree Preservation Orders within or close to the site but that there is an area of Ancient Woodland to the north-east of the site. However, the woodland to the north-east and existing tree lines on the perimeter of the site would be protected during construction and retained. As such, the development proposal is compliant with this policy.

LDP Policy: Water Environment

This policy states that the Council will support the objectives of the Water Framework Directive, with the WFD seeking to protect inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. The policy outlines that development should not harm the biodiversity of the water environment, should not pose an unacceptable risk to the quality of controlled waters and that it should provide an appropriately sized buffer strip between the development and a water course. It is noted that a Flood Risk Screening and Surface Water Management Plan has been submitted in support of the application and that the Ayrshire Roads Alliance (as Flooding Authority) offer no objection. The development proposal is therefore deemed to be in accordance with this policy.

LDP Policy: Flood and Development

This policy states that development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere and that the Council will assess development proposals against Scottish Environmental protection Agency's (SEPA) publication 'Flood Risk and Land Use Vulnerability Guidance' (2018), or subsequent updates. The proposed drainage arrangements ensure that the proposed development would not increase the risk of flooding elsewhere and the site is also not located within an area at risk of either fluvial, coastal or surface water flooding – as shown within SEPA flood maps. Again, it is important to note that the Ayrshire Roads Alliance offer no objection to the development proposal, subject to conditions. The proposal is therefore considered to accord with this policy.

LDP Policy: Air, Noise and Light Pollution

This policy outlines that the Council will not allow development which would expose people to unacceptable levels of air, noise or light pollution. It should be noted that the application site is immediately adjacent to an existing electricity substation and in close proximity to a busy trunk road, with the closest residential properties being located approximately 210m to the south-east. An Assessment of Acoustic Impact was submitted in support of the application and it is noted that the Council's Environmental Health Service offers no objection to the proposed development. The proposal is therefore considered to comply with this policy.

LDP Policy: Renewable Energy

This policy states that the Council will support proposals for generating and using renewable energy in stand-alone locations, and as part of new and existing developments, if they will not have a significant harmful effect on residential amenity, the appearance of the area and its landscape character, biodiversity, historic environment and cultural heritage associations. The proposed development would be sited immediately adjacent to Ayr electricity substation and as aforementioned, it is considered that the proposed development would not have an adverse impact on landscape character or biodiversity. The proposal is not considered to have an adverse impact on the historic environment or cultural heritage, as set out below. As such, it is considered that the battery storage facility represents an acceptable form of renewable energy in the locale and is therefore in full accordance with this policy.

LDP Policy: Historic Environment

This policy states that the Council will protect, preserve, and where appropriate, conserve and/or enhance South Ayrshire's historic environment. Development proposals that do not safeguard archaeological sites or resources in situ will not be supported unless it is demonstrated to the satisfaction of the Council that the benefit of the proposal outweighs the archaeological value of the site. The applicant submitted a Historic Environment Desk-Based Assessment in support of the application and the assessment concluded that the site has limited archaeological potential and that the proposed development would not impact upon any designated heritage assets or their setting. It is noted that the West of Scotland Archaeology Service offers no objection to the proposed development. The proposal therefore raises no issues with regards to this policy.

LDP Policy: Natural Heritage

This policy sets out protections for natural heritage sites, protected species and other features of nature conservation value – including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors, with development proposals which affect such sites or species only being permitted if certain criteria are met. The application is supported by a Preliminary Ecological Appraisal and Protected Mammal Survey Report. The appraisal confirms that adverse impacts on international, national or local designations due to the proposed development are not expected. Whilst no protected species were discovered within the site, the site and its surroundings do provide suitable habitat which may support badgers, otter, invertebrates, bats and nesting birds. Therefore, an appropriate condition will be attached in this regard. Based on the aforementioned, the proposal is therefore compliant with this policy.

LDP Policy: Land Use and Transport

This policy sets out a number of criteria for development proposals to meet, the most relevant in respect of this application states that the development should take appropriate measures to keep any negative effects of road traffic to a minimum. A Transport Assessment has been submitted in support of the application which highlights that access to the site will be taken from an existing left hand turning on the A77 trunk road, approximately 200m after crossing the River Ayr from the north. There will be a 'no right turn rule' for all construction traffic entering/leaving the site. It is stated that the access track utilised in accessing the site begins at the existing site entrance, off the A77, which is currently used for the existing commercial Christmas tree business on site. It should also be noted that Transport Scotland and the Ayrshire Roads Alliance offer no objection to the proposed development, subject to conditions. Considering the above, the proposal can be supported by this policy.

Summary of Assessment against LDP2

The proposed development is considered to support the aims of tackling the climate crisis, represents sustainable development and be of a layout, scale, massing and design which respects its surroundings and adjacent land uses. The proposed development would not have an adverse impact on the character of the landscape, natural environment, historic/cultural heritage or local transport network. Overall, and for the reasons noted in the assessment above, it is considered that the proposal accords with the provisions of LDP2.

(ii) **Material Considerations**

Planning History

03/01036/OUT – Erection of residential development - Withdrawn April 2005.

In South Ayrshire, there are two consented BESS facilities, both of which are ancillary to windfarm developments and which were considered by The Scottish Government, in consultation with South Ayrshire Council (SAC). These developments have been consented but neither have been constructed yet. In addition to this, there is currently a planning consultation (22/01029/DEEM) for a proposed BESS facility under consideration. The reference numbers and application details for the 3 projects above can be found below:

20/01085/DEEM (ECU Reference: ECU00002112)

Site: Proposed Wind Farm at Dersalloch, B741 Dalmellington Road Straiton, Council Boundary, Straiton, South Ayrshire

Proposal: Application under S36 of the Electricity Act 1989 (as amended) for the proposed battery energy storage system (BESS) with installed capacity to a maximum of 50MW including; BESS compound area; DC and Heating; Ventilation and Air Conditioning (HVAC) BESS units; Power conversion units housed in the inverter/converters and transformers; Modular, containerised substation building (containing switchgear and control room); Storage unit; vehicle access/parking spaces; security fencing and gate and underground cables at Dersalloch windfarm.

Status: Section 36 application consented by Scottish Government with SAC offering 'no objections' as a statutory consultee to process.

21/00387/DEEM (ECU Reference: ECU0005202)

Site: Proposed Wind Farm Kilgallioch, C72 From Gowlands Terrace Barrhill to Council Boundary South of Chirmorie, South from Barrhill, Barrhill, South Ayrshire

Proposal: Application for consent under section 36 of the electricity act 1989 for the proposed kilgallioch battery energy storage system (bess) & associated works including synchronous condenser (syncon)

Summary: Section 36 application consented by Scottish Government with SAC offering 'no objections' as a statutory consultee to process.

22/01029/DEEM (ECU Reference: ECU00003318)

Site: Camsiscan Farm Craigie A719 from Council Boundary South to B730 Junction at March Bridge Craigie South Ayrshire

Proposal: Installation of a battery energy storage system and associated infrastructure with a generating capacity of up to 350MW

Summary: Section 36 application with SAC currently assessing in order to provide consultation response.

Objector Concerns

6 representations from 5 different individuals have been received which object to the proposed development. The points of objection are listed below and responded to in bold.

Lack of consultation

- Live within 500m of the site and should have been informed of the proposed development.
The distance to receive neighbour notification is properties or premises within 20 metres of the application site and this is dictated by legislative requirements as set out in The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Representations can however be submitted by anyone such is the case with this representation. The development proposal was also subject to the Pre-Application Consultation process and an online event was publicised and held on Tuesday 21st June 2022.

Amenity

- Proposed development will create noise and light pollution.
The proposed development is located adjacent to the existing Ayr electricity substation, with the closest residential properties being located approximately 210m to the south-east. Residential dwellings within the settlement boundary of Ayr are separated from the site by the A77 trunk road and are approximately 225m from the application site. Moreover, existing planting, together with a proposed bund and further planting and proposed acoustic fencing would further mitigate any potential noise issues. It is also noted that the Council's Environmental Health Service offer no objection to the proposed development. It is stated within the submission that the only lighting within the proposed development would be PIR 'infrared' lighting associated with the CCTV system, which would not be visible to the naked eye, together with PIR operated external lights mounted above doorways. It is also stated that the proposed development does not incorporate any visible, permanent artificial lighting.

Natural Heritage

- Adjacent to wildlife site and wildlife and fauna will be adversely disturbed.
Reports have been submitted in support of the application which outline that the site does not contain any protected species. Nevertheless, mitigation is attached as a condition due to the surrounding habitat having the potential to support protected species.

Policy

- Site is located within Green Belt.
As outlined within the assessment, the proposed development is considered to represent an acceptable use within this green belt location.

Plans/Lack of information

- Conflicting information within Location Plan/Site Plan
It is considered that the application site boundary corresponds satisfactorily between these submitted plans.
- Insufficient information in respect of landscaping and bund
The location of the proposed bund is highlighted within the submitted plans and it is known that the bund is proposed to be 3m in height, with planting. A condition in respect of landscaping is attached.
- No noise pollution assessment documentation submitted
An Assessment of Acoustic Impact has been submitted in support of the application and the Council's Environmental Health Service offer no objection.
- No information regarding radiation or electromagnetic risks
This is not a material planning consideration in the assessment of the application.

Health and Safety

- Will the applicant be in contact with Scottish Gas Network (SGN) in respect of their letter sent to South Ayrshire Council in relation to application 22/00302/PPPM?
Planning application 22/00302/PPPM is a separate proposal for Planning Permission in Principle for the erection of a residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works. Scotland Gas Network were consulted as part of the current application and offer no objection, subject to a condition.

Traffic and Transportation

- Will the applicant submit their Transport Statement to Ayrshire Roads Alliance, Transport Scotland, South Ayrshire Council Planning and SWECO with reference to application 22/00302/PPPM?
As noted above, this is a different proposal. Transport Scotland and the Ayrshire Roads Alliance offer no objection to the current application under consideration, subject to conditions.
- Would the applicant install a footpath to their access point from the public pathway crossing at Holmston Roundabout? This would allow the local community to use the underpass at River Ayr to gain access to the footpath/cycle path to Coylton without having to navigate across the A77.
It is not considered that this proposed 'planning gain' can be reasonably achieved in this instance under this application; this is due to the nature of the proposed development and that there is no reasonable requirement for the community to access the development site which will not be publicly accessible.

Other matters

- Will SAC arrange forward planning talks between the applicant, Icení (agent for proposed 350 dwellings – 22/00302/PPPM) and the proposed upcoming Loch Fergus solar farm? Strategic planning for heavy load traffic for all 3 sites.
The planning application currently submitted requires to be assessed on its merit. As aforementioned, Transport Scotland and the Ayrshire Roads Alliance offer no objection to the current application, subject to conditions.

Consultation Responses

It is noted that consultees either do not object to the development proposal or do not object subject to the imposition of conditions and advisory notes which are all included in the recommendation below. Two proposed conditions stated by Transport Scotland are considered to be more appropriately attached as advisory notes. This is because they would not meet the test for conditions as set out in Planning Circular 4/1998: The use of conditions in planning permissions.

Impact on the Locality

The application has been the subject of various assessments as summarised elsewhere in this report. Each of these has considered the impact of the development on the locality. The application has been subject to wide ranging consultation and the responses have been summarised in the 'Consultations' section of this report, and appropriate recommendations for conditions are included within the 'Recommendation' section. Subject to the conditions, as set out below, it is considered that the proposal will deliver a sustainable renewable energy development that accords with the Development Plan and framework of planning policy.

8. Conclusion:

The proposed development comprises the installation of an energy storage facility - comprised of battery storage enclosures, associated power conversion units and transformers, substations, hardstanding area, vehicular access, grid connection and ancillary works. The application has been assessed against the Statutory Development Plan (which includes NPF4 and LDP2) and various material planning considerations which include consultation responses, representations received and the impact of the proposed development on the locality. The assessment concludes that the proposed development complies with the provisions of NPF4 and LDP2 and will deliver a sustainable development which will help to tackle the climate crisis. No objections to the proposal have been received from consultees. The points raised in the letters of objection have been fully considered and do not raise any issues that would merit a recommendation of refusal of the application. It is considered that the proposal will not have an adverse impact on the amenity of adjacent properties or the character and amenity of the locality/landscape. Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

9. Recommendation:

It is recommended that the application is approved with conditions(s).

Conditions

- (1) That the development hereby permitted must be begun within three years of the date of this permission.
- (2) That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.
- (3) That prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved.
- (4) That prior to the commencement of development, a Species Protection Plan for bats, otters and badgers shall be submitted for the prior written approval of the Planning Authority and thereafter implemented as approved.
- (5) That before any works start on site, details of the number, species and density of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion of the development, whichever is the sooner.
- (6) That before any works start on site, the developer shall submit details and specifications of the root protection area and outline measures necessary to safeguard the trees on the site during operations. This Planning Authority shall be formally notified in writing of the implementation and completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery.
- (7) That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to, and approved by the Planning Authority, in agreement with the West of Scotland Archaeology Service. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.
- (8) That energisation of the Energy Storage Facility shall not occur until the applicant has undertaken a phase-to-earth study to determine the interference levels on the Scotland Gas Networks' adjacent pipelines E27 and E53 from steady state and fault conditions of the electrical infrastructure associated with the proposed development, taking into consideration the SGN pipeline(s) and associated equipment. If required, the applicant shall also design appropriate mitigation to ensure that any induced fault voltage is within appropriate limits (in accordance with BS EN 50122-1). The results of this modelling (and mitigation, if required) will be submitted for the prior written approval of the Planning Authority, in consultation with Scotland Gas Networks, before energisation.
- (9) No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Council as Planning Authority, in consultation with the Ayrshire Roads Alliance and Transport Scotland. The CTMP shall be required to include:
 - a. Full conformation of the approved/agreed routes for use by construction traffic movements, including Abnormal Indivisible Load (AIL) movements;
 - b. A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;

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- c. Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic. Where this requires public road layout or alignment mitigation this requires to include full detailed design/construction details;
- d. Full details of all arrangements for emergency vehicle access;
- e. Measures to accommodate pedestrians and cyclists where appropriate, and details of a nominated road safety person;
- f. Measures to control the use of any direct access onto the trunk road.

Thereafter, the development shall be carried out in full accordance with the approved CTMP, unless otherwise approved in writing by the Planning Authority, in consultation with the Ayrshire Roads Alliance and Transport Scotland.

- (10) That the development shall not become operational until vehicle wheel cleansing facilities, or other suitable facilities, have been installed and brought into operation on the site, the design and siting of which shall be subject to the prior written approval of the Planning Authority, following consultation with Transport Scotland.
- (11) That surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual, the updated version published by CIRIA in March 2015. At the Road Construction Consent stage full details of the methods to be employed, following discussions with SEPA, and including where appropriate calculations, along with details of how these measures will be maintained in perpetuity, shall be submitted for the formal prior written approval of the Council as Planning Authority before any work commences on site.
- (12) That prior to operation of the development, the recommendations in the submitted Assessment of Acoustic Impact shall be implemented for the development.
- (13) In the event that equipment becomes obsolete or redundant, it shall be removed and the site reinstated to a standard acceptable by and to the satisfaction of the Planning Authority within one month of the removal of the equipment.

Reasons

- (1) To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.
- (2) To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.
- (3) In the interests of visual amenity.
- (4) To ensure that the development has no adverse impact on Protected Species.
- (5) In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
- (6) In order to ensure that no damage is caused to the existing trees during development operations.
- (7) To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.
- (8) In order to ensure that a mechanism is in place to assess and mitigate the effects of inducing unacceptable levels of electrical currents and voltage upon other utilities in the event they arise.
- (9) In the interests of road safety.
- (10) To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
- (11) To ensure that the site is drained in an acceptable and sustainable manner.
- (12) In the interests of amenity.
- (13) To minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory standard.

Advisory Notes

- (1) The proposed route for any abnormal loads on the trunk road network must be approved by Transport Scotland prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening and traffic management must similarly be approved.
- (2) Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by Transport Scotland before delivery commences.

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- (3) The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.
- (4) Trunk Road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to the effect, signed by the design organisation.
- (5) Trunk Road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

List of Determined Plans:

- Drawing - Reference No (or Description): 04874-RES-MAP-DR-XX-001 Rev 3
- Drawing - Reference No (or Description): 04874-RES-LAY-DR-PT-001
- Drawing - Reference No (or Description): 04874-RES-PCS-DR-PT-001
- Drawing - Reference No (or Description): 04874-RES-BAT-DR-PT-001
- Drawing - Reference No (or Description): 04874-RES-SEC-DR-PT-001
- Drawing - Reference No (or Description): 04874-RES-SEC-DR-PT-002
- Drawing - Reference No (or Description): 04874-RES-SEC-DR-PT-003
- Drawing - Reference No (or Description): 04874-RES-SUB-DR-PT-001
- Drawing - Reference No (or Description): 04874-RES-SUB-DR-PT-002
- Drawing - Reference No (or Description): 04874-RES-SUB-DR-PT-003
- Drawing - Reference No (or Description): 04874-RES-SUB-DR-PT-004
- Drawing - Reference No (or Description): P22-1768-EN-001 Rev F
- Other - Reference No (or Description): PAC Report
- Other - Reference No (or Description): Planning, Design and Access Statement
- Other - Reference No (or Description): Transport Statement
- Other - Reference No (or Description): Assessment of Acoustic Impact
- Other - Reference No (or Description): Historic Environment Desk-Based Assessment
- Other - Reference No (or Description): Biodiversity Net Gain Assessment
- Other - Reference No (or Description): Construction Environmental Management Plan
- Other - Reference No (or Description): Flood Risk Screening and Surface Water Management Plan
- Other - Reference No (or Description): Landscape and Visual Appraisal
- Other - Reference No (or Description): Preliminary Ecological Appraisal Report
- Other - Reference No (or Description): Protected Mammal Survey Report

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Reason for Decision (where approved):

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

Background Papers:

- Application Form, plans and submitted documents
- National Planning Framework 4 (NPF4)
- South Ayrshire Local Development Plan 2 (LDP2)
- Representations received
- Consultation responses received
- 22/00505/PAN

Equalities Impact Assessment:

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

Person to Contact:

Mr Alastair McGibbon, Supervisory Planner - Place Planning - Telephone 01292 616 177