

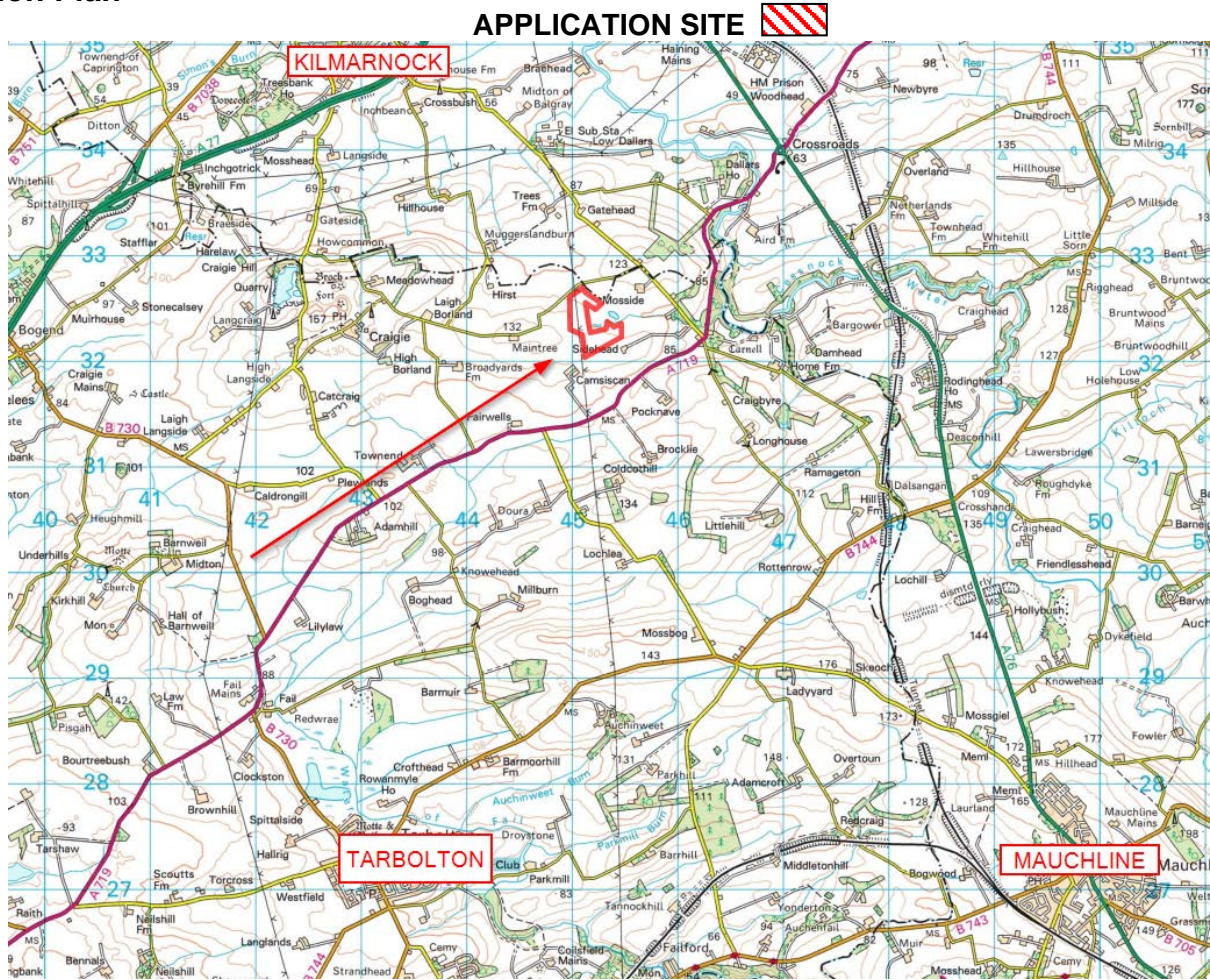
REGULATORY PANEL: 27 JUNE 2023

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

22/01029/DEEM

CAMSISCAN FARM CRAIGIE A719 FROM COUNCIL BOUNDARY SOUTH TO B730 JUNCTION AT MARCH BRIDGE CRAIGIE SOUTH AYRSHIRE KA1 5JT

Location Plan



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Summary

The development proposal involves the construction, operation and decommissioning of a 350MW Battery Energy Storage System (BESS) with associated infrastructure including access roads, sub-station buildings and supporting equipment, drainage and ponds, fencing and landscaping on existing rural/agricultural land at Camsiscan Farm, Craigue, South Ayrshire.

The BESS is proposed on agricultural land and there is the ability for the land to revert to this use and continue to operate post development life. The proposed development includes biodiversity enhancement measures and landscaping which will have ecological benefits and positive impacts on the natural environment. Impacts on the landscape character and visual amenity are the primary consideration. Whilst effects are identified as significant at first, it is considered to reduce overtime as landscaping establishes and would be contained to the local area and are not considered to result in widespread effects or effects on any valued landscapes or designations. Furthermore, suitable site design mitigation has been incorporated into the development and the relevant landscape consultees have agreed that this is appropriate and sufficient for the development.

On balance, the proposed development subject to this application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2. Based on the conclusions drawn in the policy assessment, there are no significant environmental effects that would warrant the balance to be shifted away from the significant benefit of the proposals in supporting renewable energy provision and reducing greenhouse gas emissions. This proposal aligns with the intent of primary policies of the NPF4 which seek to address the climate emergency through promoting development that minimises emissions to achieve zero carbon, restore the natural environment and adapts to the current and future impacts of climate change. Adverse effects regarding landscape, transport, ecology, built heritage and residential amenity can be mitigated and the proposed development would be acceptable overall.

REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

REGULATORY PANEL: 27 JUNE 2023

SUBJECT:	CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989
APPLICATION REF:	22/01029/DEEM
SITE ADDRESS:	CAMSISCAN FARM CRAIGIE A719 FROM COUNCIL BOUNDARY SOUTH TO B730 JUNCTION AT MARCH BRIDGE CRAIGIE SOUTH AYRSHIRE KA1 5JT
DESCRIPTION:	INSTALLATION OF A BATTERY ENERGY STORAGE SYSTEM AND ASSOCIATED INFRASTRUCTURE WITH A GENERATING CAPACITY OF UP TO 350MW
RECOMMENDATION:	NO OBJECTION

1. Purpose of Report:

- 1.1. South Ayrshire Council has been consulted by the Scottish Government, under Section 36 of The Electricity Act 1989, on an application by The Applicant for the installation and operation of a Battery Energy Storage System facility, associated infrastructure and associated ancillary development at Camsiscan Farm, Craigie, A719 From Council Boundary South to B730 Junction at March Bridge Craigie, South Ayrshire, KA1 5JT.
- 1.2. The Council is not the determining authority for this proposal but rather a consultee to the Section 36 process. This report sets out the proposed response to the Scottish Government's consultation request which was issued on the 9 December 2022.
- 1.3. Under the Council's Scheme of Delegation relative to planning, all Section 36 consultations from the Scottish Government Energy Consents Unit require to be referred to the Council's Regulatory Panel.
- 1.4. The applicant has agreed to a time extension to **[30th June 2023]** for the Council to provide its consultation response. It is imperative that the Council responds within the agreed time period, or its statutory rights would be affected.
- 1.5. Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph 2 (a), where the relevant Planning Authority notifies the Scottish Ministers that they object to the application and their objection is not withdrawn, the Scottish Ministers shall cause a public inquiry to be held.
- 1.6. Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph (3), if the Planning Authority notifies the Scottish Ministers outwith the time limit that has been agreed (i.e. **[30th June 2023]** in this case), then the Scottish Ministers may disregard a notification to object.
- 1.7. On the basis that a Planning Authority were not to respond by the agreed date then there is no mandatory requirement for a public inquiry to be held.

2. Recommendation:

2.1. It is recommended that the Regulatory Panel:

- **Submits this report to The Scottish Government as a *no objection* to the proposed BESS.**
- **Approves delegated authority to the Director of Housing Operations and Development to conclude Planning conditions with the Energy Consents Unit, should the Scottish Government be minded to grant consent.**

3. Background and Procedural Matters:

- 3.1. On **17 November 2022**, The Applicant submitted to the Scottish Government a Section 36 Application together with an application that planning permission be deemed to be granted in respect of the construction and operation of a Battery Energy Storage System (BESS) with associated infrastructure including access roads, sub-station buildings and supporting equipment, drainage and ponds, fencing and landscaping located at Camsiscan Farm, Craigie, A719 From Council Boundary South to B730 Junction at March Bridge Craigie, South Ayrshire, KA1 5JT.
- 3.2. Under Section 36 of The Electricity Act 1989, the construction of a generating station with a capacity which exceeds 50 MW requires the consent of Scottish Ministers. While BESS does not specifically generate energy, under these Regulations a generating station includes BESS.
- 3.3. The Scottish Government formally consulted the Council on the proposed development on 9 December 2022, with an original deadline for response on the application of **18 April 2023**. The Planning Service made an initial request on the 18 January 2023 for the time period to respond to be extended to the **30th June 2023** and the extension was agreed by the Applicant on **21 February 2022**.
- 3.4. The application is supported with a Planning Statement and supporting technical reports. Additional information was submitted on a number of occasions to address concerns raised by internal and external consultees resulting in the following reports being updated or submitted with the application:
 - Revised planning statement;
 - Supplementary noise assessment;
 - Revised Hydrogeological report;
 - Updated landscape ZTV maps, photomontages and visualisations;
 - Outline Habitat Management Plan.
- 3.5. Under The Electricity Act 1989 Schedule 8 and 9, Scottish Ministers are required to consider whether any proposal for a generating station is likely to have a significant effect on the environment. These Regulations stipulate that Scottish Ministers must consult the local Planning Authority, Nature Scot (formerly 'Scottish Natural Heritage'), Scottish Environment Protection Agency and Historic Environment Scotland. The Regulatory Panel are asked to note that in the event that a Planning Authority objects to a Section 36 Application, and does not withdraw its objection, a public inquiry must be held before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).
- 3.6. In reaching their decision, Scottish Ministers have to take into account the environmental information submitted with the application and supporting Planning Statement, the representations made by statutory consultative bodies and others in accordance with Schedule 8 and 9 The Electricity Act 1989, National Planning Framework 4 (NPF4) on Renewable Energy, other relevant Policy, Planning Advice Notes, the relevant Planning Authority's Development Plans and any relevant supplementary guidance.
- 3.7. The connection of the BESS with the local electricity distribution network would require consent under Section 37 of The Electricity Act 1989. This would be subject to a separate application and it is anticipated that given the location of the site and the sub-station facility this BESS would connect to (Kilmarnock South Sub-station), that the works subject to any such future Section 37 application would largely be within the East Ayrshire administrative boundary.

4. Development Proposal:

4.1. Proposal:

- 4.1.1. The Proposed Development comprises the construction and operation of a 350MW Battery Energy Storage System (BESS) with associated infrastructure including access roads, sub-station buildings and supporting equipment, drainage and ponds, fencing and landscaping on rural farmland to the east of Craigie, Kilmarnock South. BESS are developments that allow the clean, green energy generated by renewables systems such as windfarms and solar farms to be stored and released at the necessary time. A battery storage system is vital for supporting the national grid in maintaining the resilience and stability of the electricity grid, ensuring a continuous energy flow as wind and solar power naturally vary throughout the day.
- 4.1.2. The land is part of Camsiscan Farm complex and comprises of the main steading and four distinct land parcels. The development is proposed across parts of all four land parcels and is as follows: an Electricity Substation in Parcel 1, a Battery Energy Storage System (BESS) in Parcels 2 and 3, and habitat enhancement area in Parcel 4.
- 4.1.3. Full details of the proposed development can be summarised as follows:
- A BESS with a capacity of 350MW.
 - 392 battery containers placed within the compound, at 3m single height, finished in a recessive colour mid grey or olive (a brown/green tone) to be agreed pursuant to planning conditions.
 - The containers will be laid out across the site in sections with 16 containers in each section. There will be between two and four sections contained within a total of 9 terraces as outlined in the site layout drawings.
 - There will be 2 inverters and 2 transformers at the end of each section and each terrace will be provided with short access track for accessibility and maintenance.
 - A 400KV HV Switch gear apparatus will be provided at the north of the site, accommodating the infrastructure to meet National Grid Energy Networks requirements and which will comprise a Plug and Switch System (120.81m in length and no more than 14.79m in width).
 - The apparatus will vary in height up to a maximum of 11.52m. The taller components are proposed on the lower part of the site.
 - There will be 6 groups of back-up generators, auxillary transformer, LV and control container and switch gear container distributed within the site.
 - A large SUDS pond/reservoir will be provided towards the southwest of the site with a water pump room/value room located adjacent.
 - Water channel runs will be provided around each terrace and additional catchment pools will be created downstream to collect water for pumping back to SUDS pond.
 - Industrial style green or close boarded timber security fencing between 2.54m and 4m in height around the perimeter of the site.
 - Access to the site will be provided via security gates along the northern boundary from the unnamed road.
 - The road which provides access to the site runs east-west along the northern frontage of the site connecting the unnamed/Sidehead Terrace/Treeswoodhead Road. It is a single track road with no footpaths and limited passing places.
 - Road widening and improvements works will be required to accommodate large construction vehicles and equipment.
 - An underground route will be provided from the BESS facility to the Kilmarnock South substation by National Grid. It is understood this will be provided along the public highway.
 - An area for habitat enhancement will be provided in Parcel 4 in addition to a number of other biodiversity enhancement measures outlined in the HMP.
 - A Landscape Strategy is proposed incorporating trees, mix scrub, rich grassland, and meadows across the site. In addition, a new waterbody is proposed to be created and the grassland improved to better the ecological values of the site.
 - Temporary parking will be provided on-site during construction for a maximum of 35 staff.

- 4.1.3 The underground cabling route infrastructure which will directly run from the BESS facility in South Ayrshire to the substation in South Kilmarnock will largely follow the public highway which is within the East Ayrshire Local Authority boundary. The Energy Consent Unit (ECU) acting on behalf of the Scottish Ministers have consulted with East Ayrshire Council (EAC) separately for all matters within their jurisdiction. This matter is therefore not considered any further as it will be dealt with by EAC through their consultation response and future applications as required.

4.2. Application Site:

- 4.2.1. The application site covers an area of approximately 13.45 hectares and forms part of the agricultural lowland landscape in South Ayrshire. The site is located within the Craigie area approximately 2km east of Craigie village and 3km south-east of Kilmarnock and shares a portion of its eastern boundary with East Ayrshire. The proposed development is within the South Ayrshire Council administrative area and as previously set out, a separate proposal for the underground cabling route will be provided from the BESS facility to the Kilmarnock South substation by National Grid. The substation is located less than 2km away by road and is directly north of the site.
- 4.2.2. As noted in earlier sub-sections above, the site comprises four distinct land parcels within the existing farm complex and steading of Camsiscan Farm which is located to the south-east of the site. The land is bordered on all sides by hedgerows of varying diversity with the unnamed road which provides access to the site bordering the northern boundary. The A719 runs further south of the site connecting to the A76.
- 4.2.3. The land surrounding the application site contains agricultural farmland and a strong presence of farmsteads in an open landscape with occasional clusters of trees. It is an undulating pastoral landscape lying at between c. 115m and c.105m AOD and which slopes down from southwest to northeast. Overhead electricity pylons bisect the site in a north/south direction towards the western boundary of the site with these pylons terminating at the Kilmarnock South substation. There are two wind turbines located at East Mossie Farm in close proximity to the site where the unnamed road intersects with Sidehead Terrace. This is within the East Ayrshire administrative boundary.
- 4.2.4. There is a small-scale wooded river valley to the east of the site and Cessnock Water is located 1km away to the east and south-east of the site and flows near Carnell Estate and Dallars House both designated as historic gardens and landscape. There are two local nature conservation areas in this location also, located over 600m from the site at the closest point.
- 4.2.5. There are no statutory designations for landscape, built heritage or ecology within the site or directly adjacent to it.

4.3. BESS Development Proposals Planning History:

- 4.3.1. 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 application (23/00176/APPM) for a proposed standalone BESS facility and given this is below a 50MW capacity, this is being dealt with by SAC as determining authority. The reference numbers and application details for the 3 projects above can be found below:

- Planning Ref: 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.

Regulatory Panel (Planning): 27 June 2023

Report by Housing, Operations and Development Directorate (Ref: 22/01029/DEEM)

- Planning Ref: 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.
- Planning Ref: 23/00176/APPM
Site: Land To East Of Holmston Roundabout, A77T From Whitlets Roundabout To Holmston Roundabout, Ayr, South Ayrshire
Proposal: 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
Summary: This is a current planning application which SAC are considering and assessing as the determining authority.

4.3.2. It is relevant to note that these consented and proposed BESS developments are a considerable distance from the application site and would not be viewed within the same landscape context or be visible within the same setting.

4.3.3. Due to proximity of the site to the EAC administrative boundary, a search has also been undertaken of similar applications dealt with by EAC Planning Authority. It is relevant to note that there are and have been a number of screening/scoping requests for BESS proposals in the Kilmarnock area and one consented BESS near Kilmarnock South substation. At present, there are no formal consultations from the Scottish Government which EAC are dealing with. Details of the cases identified for EAC can be found below:

- 22/0002/S36 – Consented BESS with maximum capacity of 300MW – Treeswoodhead Road, near Kilmarnock South.
- 23/0006/EIASCR – BESS development - Inchbean Farm, Treeswoodhead Road, Shortlees, Kilmarnock.
- 22/0011/EIASCR - BESS – Aird Farm, Dallars Crossroads Hurlford Kilmarnock, Easy Ayrshire.
- 22/0004/S36SCR – BESS - Airtnoch Farm U40 Hareshawmuir From A719 At Hareshaw To Craigens Waterside Kilmarnock East Ayrshire KA3 6JJ.
- 22/0002/S36/SCP – BESS – Holmquarry Road, Kilmarnock.

5. Consultations:

- 5.1. Consultations on this application are primarily led and undertaken by The Scottish Government as the determining authority. The following consultation responses received by The Scottish Government Energy Consents Unit (ECU) are for noting only.
- 5.2. Comments arising from consultation within South Ayrshire Council (department services) are also summarised below and where appropriate these are also incorporated into the Assessment section of this panel report. These responses which have informed the Council's overall position as a consultee will be forwarded to The Scottish Government as part of the final recommendation.

5.3. Statutory Consultees:

5.3.1. **Historic Environment Scotland ('HES') (21/12/22): No objection.** HES have made no comment on the proposal.

5.3.2. **Nature Scot (formerly 'Scottish Natural Heritage') ('NS') (6/04/22): No Objection.** NS have advised they are generally supportive of the siting and design of the Proposed Development and are of the view that once the proposed development is operational, subject to the implementation of the landscape strategy, the local landscape would be affected to a moderate degree until the landscaping is established. They have made several additional recommendations that would further enhance the proposal and offer greater biodiversity benefits although they have noted the current proposal includes measures that go some way to meeting the policy requirements of the NPF4. Their additional recommendations which they consider would further enhance the proposed development with minor changes include:

- Pre-construction surveys undertaken for otter, great-crested newts and water voles.
- Opportunities to include wet grassland adjacent to the proposed wetland area to provide additional benefits for a range of species.

The Applicant has subsequently agreed to a condition relating to a revised Habitat Management Plan (HMP). The revised HMP will be in consultation with NS and SAC and will look to incorporate these recommendations where practical.

5.3.3. **Scottish Water ('SW') (13/12/22): No objection.** Scottish Water has no objection however their response includes an advisory note to the Applicant to be aware that their no objection does not confirm that the proposed development can currently be serviced and a separate process would be required to be followed to seek confirmation of this which would involve a Pre- Development Enquiry (PDE) directly to Scottish Water.

5.3.4. **Scottish Environment Protection Agency ('SEPA') (2/05/23): No objection.** SEPA initially identified a number of areas where further information was required to determine that the proposal would not impact existing groundwater abstractions and, on this basis, issued a holding objection. Following the submission of a revised Hydrological Risk Assessment (HRA) and further discussions on public and Private Water Supply (PWS) provision in the vicinity, SEPA advised that they were satisfied that this matter has been resolved and there would be no impact on the PWS supply in the area. Furthermore, the initial concerns raised around the methodology for assessing the presence of Groundwater Dependent Terrestrial Ecosystems (GWDTE) has also been resolved, allowing them to withdraw their holding objection. SEPA raised no objection on flood risk grounds.

SEPA advised informally that they no longer object to the Proposed Development in an email dated 2/05/23 following their initial holding objection.

5.3.5. **NATS Safeguarding ('NATS') (9/12/22): No Objection.** NATS have examined the proposal from a technical safeguarding aspect and advised that it does not conflict with their safeguarding criteria.

5.3.6. **Glasgow Prestwick Airport ('PIK') (11/1/23): No Objection.** Glasgow Prestwick Airport Limited (GPA) has no objection to this proposed development on statutory safeguarding grounds having reviewed the proposal in accordance with their obligations as a statutory consultee under the Safeguarding of Aerodromes: Scottish Planning Circular 2/2003.

5.4. Internal Scottish Government Advisors:

5.4.1. **Scottish Forestry ('SF') (27/1/23): No objection.** Scottish Forestry raise no objection to this proposal as it does not appear to impact any significant woodland interests. They request that the developer should be encouraged to ensure that existing hedges and trees be retained and incorporated into the landscape framework of new development. Any loss of mature trees should be avoided and where unavoidable, suitable compensatory planting arrangements should be proposed and agreed in advance of works commencing.

5.4.2. **Transport Scotland ('TS') (16/1/23): No objection subject to conditions.** Transport Scotland have advised they have no objection to the proposed development on the grounds of potential environmental impacts on the trunk road network subject to agreement on two conditions being accepted to manage potential adverse impacts of Abnormal Loads and the route taken to/from the site to ensure effects on the truck road network are minimised. The first condition they have requested is for a full Abnormal Indivisible Load (AIL) assessment be prepared identifying any key pinch points on the trunk road network. As part of this, they have advised that the proposed route would need to be approved prior to commencement of deliveries including any road modifications required to facilitate deliveries and traffic management measures. The second condition requires that should any traffic control measures, or signage be necessary, these measures must be implemented by a suitably qualified traffic management consultant to be approved by TS.

5.5. **Non-Statutory Consultees:**

5.5.1. **The Coal Authority (22/12/22): No objection.** The site lies outside the Coal Risk Area and therefore the Coal Authority made no specific comment on the application.

5.5.2. **Health and Safety Executive (HSE) (16/12/22): No objection.** The proposed development does not lie within the consultation cone of any of the major hazard sites or major accident hazard pipelines considered by HSE, therefore they had no comment to make.

5.5.3. **National Grid (14/12/22) No Objection.** The National Grid have advised that none of their grid assets will be affected by the proposal.

5.5.4. **Ayrshire Rivers Trust ('ART') (16/1/23): Not stated.** Ayrshires Rivers Trust have made a number of recommendations for the Applicant to consider potential impacts to fish populations, fish habitat and ecology within the Cessnock waterway. They have highlighted the potential for impacts on the adjacent waterways and habitats due to the scale of development and have recommended freshwater species and condition monitoring be undertaken during and after construction.

5.5.5. **South Ayrshire Council Environmental Health ('EH'): No objection.**

- **Noise** – no concerns raised.

- **Private Water Supply** – No issues with the Proposed Development with the private water supply to the Camsiscan Farm House and the two cottages (Iollan and Camsiscan Farm Cottage) on mains water for human consumption.

5.5.6. **West of Scotland Archaeology Service ('WoSAS') (12/1/23): No objection subject to conditions.** WoSAS have recommended that a programme of archaeological works is undertaken and implemented in accordance with a written scheme of investigation prior to works commencing. This is a standard condition also volunteered by the Applicant.

5.5.7. **South Ayrshire Council Ranger and Biodiversity Services ('RBD') (24/2/23): No objection subject to conditions.** The Council's Ranger and Biodiversity Services have acknowledged the Proposed Development will bring change to the open agricultural landscape, however they consider that landscape mitigation will assist with integrating the development into the local landscape. They also note that the Habitat Management Plan will include enhancement through targeted tree and hedgerow planting, improved grassland and creation of a large SUDS Pond Area. Subject to landscape mitigation, the proposal would overtime improve the biodiversity of the local landscape.

- 5.5.8. **South Ayrshire Council Design and Advice Officer (6/3/23): No objection subject to conditions.** The Council's Design and Advice Officer in their response have firstly acknowledged that, if approved, the BESS will cause a sudden change from open agricultural land to areas with substantial build elements. However, and at the same, they have also acknowledged that the site is not covered by any special environmental or landscape designations and they recognise that the proposed landscape scheme includes for significant planting of trees and hedges to soften the development and integrate it better into the local landscape. In addition to this, they specifically endorse the fact that small areas of broadleaved woodland within the site are proposed to be retained and enhanced and they welcome the measures to build in habitat creation in terms of improved grassland and the creation of a large SUDS pond area towards the southwest of the site. they conclude by advising that these mitigation measures (secured through condition), will increase local habitat and improve biodiversity and landscape corridors. They recommend a condition relating to a management and maintenance scheme for landscaping within the site.
- 5.5.9. **South Ayrshire Council Outdoor Access Officer (4/1/23): No objection.** The Council's Outdoor Access Officer confirmed following a review that there are no core paths or recorded public rights of way within or adjacent to site. They advise that while the fields are areas of land to which the right of responsible access (as permitted under the Land Reform (Scotland) Act 2003, applies, they see no obvious routes on the ground or signs of public access. On this basis, they confirm they have no comments to make from a public access view or perspective.
- 5.5.10. **Scottish Rights of Way and Access Society (Scot Ways) (11/1/23): No objection.** Made no comment on the application.
- 5.5.11. **ACCON UK Limited (ACCON) (19/5/23): No objection.** ACCON reviewed the Applicant's baseline noise survey and Noise Impact Assessments (NIA) and confirmed that this approach and methodology is in line with relevant guidance and the source sound power levels for all items of plant are identified appropriately. ACCON are satisfied that noise modelling has been undertaken to calculate the likely external and resulting internal noise levels at the closest noise sensitive receptors and ACCON agree with the findings in the NIA which concludes that the absolute noise level criteria can be achieved at all noise sensitive receptors.
- 5.5.12. **Carol Anderson, Landscape Architect of Carol Anderson Landscape Associates (13/4/23) No objection subject to conditions:** Carol Anderson Landscape Associates have assessed the potential landscape and visual effects of the proposed development recognising that effects are likely to be significant at first but localised in extent and would not result in widespread effects or effects on any valued landscapes or designations. Site containment due to landform, topography and vegetation is considered effective to limit effects to within 1.5km of the site. Carol Anderson Landscape Associates concludes that the incorporation of design and landscape mitigation would reduce these initial impacts overtime as landscaping establishes and the overall adverse impacts in the longer term are not considered to be significant. Conditions have been recommended to further enhance visual screening through advance planting and additional boundary planting if practical to achieve on-site and will be considered through the provision of an updated landscape plan.
- 5.5.13. **Ayrshire Roads Alliance (ARA) (12/05/2023) No objection subject to conditions.** ARA have not made any specific comment on the proposed development and do not object subject to conditions to ensure the safety and integrity of the local road network is maintained. This includes conditions relating to a structural assessment to monitor potential road damage from development traffic, an AIL assessment to ensure large vehicles can be accommodated and manoeuvre safely and a construction traffic management plan (CTMP) to be submitted for final approval to ensure appropriate measures are implemented to limit impacts and disturbance on local roads, the road infrastructure and the local community.
- 5.5.14. **Craigie Village Community Council:** No response available on ECU website at time of writing the report.

6. Applicant's Supporting Information:

- 6.1. The application submission to Scottish Ministers is accompanied by a range of supporting documentation. This includes a Planning Statement, a Non-Technical Summary Report, a Proposal of Application Notice Report alongside a suite of accompanying plans, drawings, visualisations, and photomontages/views. The Planning Statement is accompanied by a range of technical reports and in this includes landscape and visual, ecology, noise, cultural heritage, hydrology, air quality, geotechnical, transport and drainage impact.

7. Planning History:

- 7.1. Most notable in terms of planning history for the application site is the fact that there have been a number of planning applications made for Camsiscan Farm and within the immediately surrounding environment for small scale wind turbine proposals. All of these applications have either been withdrawn or refused with the application details outlined below:
- 13/00173/APP – erection of 2 wind turbines and associated meter house, formation of access track and hardstanding (Withdrawn).
 - 13/01259/APP – erection of 2 wind turbines and associated meter house, formation of access track and hardstanding (Withdrawn).
 - 15/1403/APP – erection of wind turbine, ancillary works and formation of associated access track (Refused).
 - 15/01054/APP – erection of wind turbine, ancillary works and formation of associated access track (Withdrawn).
 - 13/01392/APP – erection of wind turbine, associated infrastructure and formation of associated access track – application (Withdrawn).
 - 12/01279/APP – erection of wind turbine and formation of associated access track (Withdrawn).
 - 13/01464/APP – erection of wind turbine and formation of associated access track and hardstanding (Refused).

8. Statutory Development Plan Framework:

- 8.1. The proposal has been submitted under Section 36 of the Electricity Act 1989 and consequently Section 25 of the Planning Act does not apply. However, if approved, the Scottish Ministers will be granting deemed planning permission and consequently whilst there is no statutory requirement to have regard to the Local Development Plan, it is, nevertheless a material consideration.
- 8.2. Following the implementation of The Planning (Scotland) Act 2019 and the Adoption of the National Planning Framework 4 (NPF4) on 13 February 2023, the current Development Plan for South Ayrshire incorporates NPF4 and the South Ayrshire Local Development Plan (LDP2) (2022).
- 8.3. 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 LDP2, therefore NPF4 will prevail in the event of any incompatibility between the policy framework.
- 8.4. NPF4 and the policies which apply in the context of the development proposal subject to this application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2.

NPF4 Policy Overview

- 8.5. 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.

8.6. The following policies of NPF4 are 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 adaptation
- Policy 3 Biodiversity
- Policy 4 Natural Places
- Policy 5 Soils
- Policy 6 Forestry Woodland and Trees
- Policy 7 Historic assets and places
- Policy 11 Energy
- Policy 13 Sustainable Transport
- Policy 14 Design, Quality and Place
- Policy 22 Flood Risk and Water Management
- Policy 29 Rural Development

8.7. The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. An assessment of the proposals against the provisions of NPF4 is set out below.

NPF4 Aims and Spatial Strategy Overview

8.8. National developments are significant developments of national importance that will help to deliver the Spatial Strategy for Scotland. NPF4 identifies 18 national developments that aid in supporting the delivery of this strategy and Scotland's commitment to net zero. These support the planning and delivery of:

- sustainable places, where we reduce emissions, restore and better connect biodiversity;
- liveable places, where we can all live better, healthier lives; and
- productive places, where we have a greener, fairer and more inclusive wellbeing economy.

8.9. Six of the identified national developments support the delivery of sustainable places which is of most relevance to this Proposed Development and includes Strategic Renewable Electricity Generation and Transmission Infrastructure to support electricity generation and associated grid infrastructure around Scotland. This proposal constitutes a National Development in these terms as it supports renewable electricity generation, repowering, and expansion of the electricity grid. NPF4 recognises that additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas.

8.10. The BESS would support the overarching aims of the NPF4 and spatial strategies to achieve net zero targets and provide a stable domestic energy supply. The development is designed to support the flexible operation of the National Grid and decarbonisation of the electricity supply. The physical components of the BESS are described at section 4 above.

8.11. Being a National Development, the proposed development is therefore supported in principle by the Development Plan.

Local Development Plan 2 (LDP2) Policy Overview:

8.12. The following policies of LDP2 are 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 Policy Spatial Strategy
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management
- LDP Policy: Landscape Quality
- LDP Policy: Woodland and forestry
- LDP Policy: Preserving Trees
- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Agricultural Land
- LDP Policy: Renewable Energy
- 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

8.13. The provisions of the Adopted South Ayrshire Local Development Plan 2 must, however, 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 considered below.

9. Development Plan Policy Assessment

- 9.1. This report will be structured to assess the relevant and comparable policies within the NPF4 and LDP2 together and assess any which are only in one part of the Development Plan separately. With the NPF4 being the most recent planning document, the policies within it have been used as the main structure for the report with the LDP2 policies referenced and considered throughout the assessment.
- 9.2. Having regard to the Development Plan policy considerations set out above, the following matters have been identified in the proceeding sub-sections below.

Sustainable Places:

- 9.3. The NPF4 and LDP2 promote sustainable development through creating sustainable places that respect the environment and manage and adapt to the effects of Climate Change. Tackling the climate and nature crises, through climate mitigation and adaptation, sits front and centre within the policies of the NPF4 and is also a focus of Strategic Policy 1 in LDP2.
- **NPF4 Policy 1** - When considering all development proposals significant weight will be given to the global climate and nature crises.
 - **NPF4 Policy 2** - To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.
 - **LDP Strategic Policy 1: Sustainable Development:** We will support the principles of sustainable development by making sure that development meets the standards set out within the policy. The relevant standards are considered to be:
 - Respects, protects and where possible, enhances natural, built and cultural heritage resources.
 - Protects and safeguards the integrity of designated sites.
 - Protects peat resources and carbon rich soils.
 - Does not have a negative effect on air or water quality.
 - Respects the character of the landscape and the setting of settlements.
 - Respects, and where possible contributes to the Central Scotland Green Network.
 - Makes efficient use of land and resources
 - Helps mitigate and adapt to the effects of climate change
 - When considering development proposals, due weight will be given to the consideration of net economic benefit.
- 9.4. The Scottish Government policies, commitments and targets for sustainable energy are set out in the ministerial statements, key policy documents and statute. The key ministerial statements and policies considered as part of the assessment of the current proposals are The Scottish Government's Declaration of a Climate Emergency (2019), the emissions reductions targets set out in the Climate Change (Emissions Reduction) (Scotland) Act 2019, The Scottish Energy Strategy (December 2017), and the Scottish Climate Change Plan 2018 to 2032 (2020 updated).

- 9.5. As set out in the policy framework referenced above, there is a clear national and local policy emphasis towards tackling the climate crisis and a drive towards reducing carbon emission and achieving net zero. NPF4 sets out that significant weight must be given to tackling the climate and nature crises and thereby proposals which support tackling these, would have significant support. NPF4 also sets out that any development should be sited and constructed in a way to minimise lifecycle greenhouse gases. These aims need to be put in the context of sustainable development to ensure that development is carried out sustainably and without significant detrimental impacts which would outweigh the developments positives and carbon reduction benefits. Policy 1 of the South Ayrshire LDP2 sets out a number of criteria for consideration when determining if a development meets the principles of sustainable development. A key difference between these policies is that the NPF4 puts forward a presumption in favour of development which will help tackle the climate and nature crises, but likewise, effects must be balanced against any detrimental impacts of a development which may outweigh these positives.
- 9.6. The supporting information submitted with the application highlights the importance of this development in facilitating the delivery of renewable energy infrastructure to achieve Scotland's target of net zero by 2045. In this regard, the Applicant highlights that The Scottish Government determined that a BESS is a generator of electricity and therefore would be classed as a National Development that supports the spatial strategy for Scotland. The proposed development would provide supplementary capacity for renewable energy storage and the Applicant has provided rationale and justification and to demonstrate there is a locational need for the development in this location as the site is in close proximity to Kilmarnock South substation facility.
- 9.7. On this basis, it is considered that the development would comply with Policies 1 and 2 of the NPF4 in that it would assist and contribute to tackling the climate and nature crises and would have a positive effect in terms of greenhouse gas emissions reduction targets.
- 9.8. In terms of LDP Strategic Policy 1, it is considered that the proposal meets the criteria specified within the policy. A detailed assessment against the criteria of this policy is set out below and notably there is an overlap with the criteria set out in NPF4 Policy 11 so for completeness these matters will be covered off in appropriate topic areas below to avoid repetition.
- 9.9. The proposal is considered to represent an efficient use of land and resources that are not covered by any sensitive designations or landscape and built heritage overlays. The site was selected for these reasons and due to its proximity to the Kilmarnock South substation, demonstrating a locational need for this specific location to provide energy storage capacity and provide greater security for domestic supply for the region. Furthermore, in terms of economic benefit, the supporting information has stated that this will be addressed through employment generation and sourcing of local materials during construction in addition to providing greater security of energy supply for the region. Overall, it is concluded that the proposed development would accord with the criteria set out within LDP Strategic Policy 1.
- 9.10. The proposal is considered to assist with the strategic and overarching policies of tackling the climate and nature crises which are the primary policies of NPF4 and the sustainable development policies of the LDP2. In line with NPF4, this is considered to be given significant weight in the decision-making process for this development.

Renewable Energy:

- 9.11. NPF4 Policy 11 specifically provides for all forms of renewable energy development acknowledging that to give effect to the overarching strategic aims and energy targets, low carbon and zero emissions infrastructure would generally be supported subject to meeting the policy criteria listed in part b) – e) of the Policy which is the starting point for this planning policy assessment.
- **NPF4 Policy 11 Energy**
 - a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported.....
 - iii. energy storage, such as battery storage
 - b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.
 - c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
 - d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.

- e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:
- i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker
 - ii. Landscape and visual impacts
 - iii. Public access including impact on long distance walking and cycling routes and scenic routes
 - iv. impacts on road traffic and on adjacent trunk roads, including during construction;
 - v. impacts on historic environment;
 - vi. effects on hydrology, the water environment and flood risk;
 - vii. biodiversity including impacts on birds;
 - viii. impacts on trees, woods and forests;
 - ix. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
 - x. site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans
 - xi. cumulative impacts
- **LDP Strategic Policy 1: Renewable Energy** seeks to support proposals for generating and using renewable energy in standalone 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.
 - **LDP Policy: Renewable Energy** - We 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.

9.12. At the highest level, the proposed BESS is specifically provided for by Policy 11 and is recognised by the policy as being a low-carbon and zero emissions development which merits support in principle. The development site is not located within a National Park or National Scenic Area nor does it impact on international or national designations therefore meeting criteria b) and d) of this policy and ensuring that there is no immediate constraint factor which would impact this presumption of support in principle.

Criterion c) sets out that development will only be supported where development maximises net economic impact including local and community socio-economic benefits. Limited details have been provided within the Section 36 application regarding the economic impact and socio-economic benefits aside from details regarding the construction and operational arrangements. This conveys that whilst the BESS development once established will be operated remotely by 3-4 staff members with occasional maintenance visits to the site for groundworks and landscaping, the main economic benefits are during the construction phase of up to 18 months which is estimated to create 100 jobs with an effort made to fill these positions locally. The Applicant's submission also notes that there will be a preference 'where possible' for locally sourced construction materials to limit costs and reduce transportation however this is subject to competitive tendering and constrained by the specialist nature of the equipment. While there is no clear quantified details provided in support of the application which define the suite of long-term local economic benefits that will be directly delivered by the development, it is acknowledged more broadly that this development will offer economic benefits and contributions simply by virtue of its role and the way it will function. More specifically, it 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. In addition to this, the short-term economic benefits such as the construction jobs which are cited in the supporting information for the Section 36 submission are also noted alongside the broader economic benefits anticipated.

9.13. NPF4 Part e) requires the project design and mitigation impacts to address a number of environmental factors which may be affected by the proposed development. This aligns with the broader policy wording of the LDP2 which supports renewable energy development provided they do not result in harmful effects on the environment. These impact criteria will be assessed, in turn, in the subsequent sections of the report and cover the same topics within the LDP2. It should be noted that the NPF4 policy criterion does not specifically state that if any of these impacts are not fully addressed that the development will be unacceptable, only that it must be demonstrated how they have sought to be addressed and suitably mitigated.

i) **Impacts on communities and individual dwellings, including, residential amenity, visual impact and noise**

- **LDP Policy: Air, Noise and Light Pollution** - We will not allow development which would expose people to unacceptable levels of air, noise or light pollution.

- 9.14. In considering the appropriateness of the proposed development, the NPF4 and LDP2 requires consideration of the impacts of the development on local communities including the amenity of the surrounding residents, visual impacts and noise resulting from the development.
- 9.15. The site is located within a rural area near to Craigie where there are residential properties and farmsteads sporadically distributed within this countryside location. The nearest sensitive receptors are residential dwellings on nearby farmsteads located to the west, east and southeast of the subject site. The nearest individual dwellings are located 145m to the south-east (Sidehead) and 130m-200m south-west (Camsiscan Farm) from the proposed development site. East Mosside Farm is 320m to the east, Bodyston is 500m to the south-east and Maintree is 560m to the west of the proposed development site.
- 9.16. Due to its scale, nature and means of operation, this BESS proposal has the potential to generate noise, nuisance, and visual amenity effects on adjacent residential properties. An noise assessment including an acoustic report and Landscape Visual Impact Assessment (LVIA) and appraisal have however been submitted to support this Section 36 application and these look to assess the potential adverse effects and outline what, if any mitigation is required to offset any effects quantified or established.

Visual Amenity

- 9.17. A detailed discussion on landscape and visual effects is undertaken below as it relates to the broader landscape character and the visual reach of development. Regarding residential visual amenity specifically, it is recognised that the proposed development would represent a significant visual change to the current rural, agricultural landscape in which several neighbouring dwellings are sited. The Zone of Theoretical Visibility (ZTV) visualisations and photomontages submitted by the Applicant provide a detailed assessment of the visibility of the development from key locations surrounding the site. This takes account of the landscape mitigation at year 1 and year 15 for comparison and this seeks to evidence how this mitigation will develop overtime to screen the development. There are several rural dwellings located within the vicinity of the site, with the closest neighbours identified in section 9.16 above, most likely to experience the visual presence of the development to the greatest extent due to proximity. The extent of visibility from these properties varies depending on the location, orientation, and proximity to the development site. There are no adjoining properties with direct views of the development that is not obstructed by intervening landscaping or landform to soften the full extent of the development.
- 9.18. The landscape assessment concludes that the site characteristics limit the extent of adverse effects to the localised area due to the site's self-containment resulting from the undulating landform and intervening landscaping. It is recognised that the site design and layout respond well to the site's context, topography and characteristics and does limit the visual impacts of the development from any one location/vantage point including nearby roads and residential neighbours. Confirmation has been provided from the applicant that recessive colours will be selected for the structures where possible to ensure the infrastructure is more sympathetic and blends into the rural environment, reducing the visual prominence of the built form. Although the aim of this is primarily to assist in minimising landscape impacts, this in turn will also reduce the impact on visual residential amenity. These factors, in combination with the landscape mitigation being proposed including additional woodland, tree and supplementary boundary planting will continually provide a greater level of visual screening of the development as the landscaping matures and establishes. Over time, this would assist with integrating the built form into the landscape, with visibility from surrounding properties further reducing after 15 years.
- 9.19. For the most part, views would be distant and suitably mitigated with the broader landscape continuing to be one that is predominantly rural in nature. Further to this, weight is also given to the fact that the site does not directly adjoin a residential boundary as it is surrounded by rural fields. Residents of East Mosside Farm, Sidehead and Boydston would experience the development to the greatest extent while topography obstructs visibility to residents of Camsiscan Farm and Maintree. Figure 10 of the ZTV indicates that more than 66% of the site would be visible from East Mosside and to a lesser extent may be visible from Sidehead and Boydston. At the same time, it is noted that these two properties are intersected by intervening land and orientated away from the site and their points of access are from Sidehead Terrace. Therefore, it is assessed that their context, orientation and physical separation will provide sufficient mitigation to ensure residential visual amenity is maintained for these properties.

- 9.20. In considering landscape and visual matters, the expertise of Carol Anderson, Landscape Architect of Carol Anderson Landscape Associates has been commissioned on behalf of SAC to review the LVIA assessment, photomontages and visualisations submitted by the Applicant prepared by Liz Lakes Associates. Whilst the assessment undertaken by the Carol Anderson Landscape Associates as the Council's external landscape advisor largely focuses on landscape and visual impacts, when considering the impacts of the Proposed Development close by neighbours and the potential residential visual amenity impacts, the following comment were made by this consultee:

The photomontage visualisations produced in the Supplementary Information illustrate the partial screening provided to many close-by views by the rolling landform but also the cluttered visual scene likely to be created by the introduction of complex infrastructure. Proposed woodland planting would be likely to provide screening from key roadside views after approximately 15 years or so and would mitigate the majority of significant effects on lower elevation views.

- 9.21. Whilst it is acknowledged by the Council that the Proposed Development would have some degree of impact on residential visual amenity, as captured in the opinion of the external landscape advisor above, the aforementioned mitigating factors would go some way to reducing these effects and limiting the visibility and presence of the BESS. When balanced with the policy framework and support for renewable energy developments in rural areas, these adverse visual impacts are not considered to be so significant that effects on residential visual amenity (particularly for East Mosside Farm) would be considered detrimental or to a point of breaching an unacceptable threshold. Effects on the other identified properties in the wider rural locality are not anticipated to be significant for the combination of reasons outlined above.
- 9.22. In reaching this conclusion, there is a need to exercise a degree of planning judgement taking into account a wide range of matters informed by the consideration of the detailed assessments, mitigation measures and the physical site visits undertaken by officers. Based on the above, it is considered that visual effects generated from the BESS would not result in significant impacts that would compromise the amenity of the surrounding residential properties and no such impacts would exceed a threshold whereby the BESS proposal would be deemed unacceptable on residential visual amenity grounds.

Noise

- 9.23. A noise report accompanied by a subsequent technical addendum assessment submitted as further information has been supplied by Pace Consulting in discussion with the Council's Environment Health Service and the Council's external noise consultant, ACCON UK Limited. In these discussions between both the Council's internal consultees and the Applicants technical consultants, it was agreed that because of the low background noise levels in the vicinity of noise sensitive receptors that assessing the noise emissions from the Proposed Development against an absolute noise limit would be the correct approach. The Council's Environmental Health Service stated that they would have no objections to the Proposed Development if it could be demonstrated that the absolute noise level limits that they specified could be achieved.
- 9.24. The noise sources stem from the plant and equipment inverters and transformers that are part of the Proposed BESS and these have been modelled accordingly in the Applicant's noise assessment. The Council's external noise consultant, ACCON UK Limited, have been internally consulted to specifically review the submitted documents relating to noise in order to inform Council considerations as whether the noise assessments have been carried out appropriately and to advise on the acceptability or otherwise of the proposals with respect of noise. In their assessment and response provided, ACCON UK Limited have reached the following conclusions:

Noise modelling has been undertaken in order to calculate the likely external and resulting internal noise levels at the closest noise sensitive receptors with windows partially open. The NIA has identified that the absolute noise level criteria should be achieved at all noise sensitive receptors considered in the assessment. On the basis of the above, ACCON consider that there would be no over-riding reason for refusal in respect of noise.

- 9.25. Based on the above, including the responses from the Council's Environmental Health Service and external noise consultant ACCON UK Limited, it is considered that noise generated from the BESS would not result in significant impacts that would compromise the amenity of the surrounding residential properties and environments.

Nuisance

- 9.26. The construction process has the potential to generate effects from increased traffic and HGV movements, dust and other construction related impacts on the local community. However, subject to suitably worded conditions to ensure traffic management and environmental best practice measures are implemented for the duration of these works, adverse effects can be managed to ensure significant effects on the surrounding residential environment do not arise.
- 9.27. An air quality assessment has also been submitted in support of the proposed development. The report concludes that as BESS sites have zero emissions during normal operation, they make a significant contribution to the Scottish Governments drive for net zero whilst ensuring that the local environment is far less impacted than other types of generation and has a negligible impact to the air quality. Significant or detrimental effects on air quality are therefore not anticipated.
- 9.28. In overall conclusion and based on the findings above, adverse effects on the local community in regard to noise and nuisance would not be significant. Regarding visual amenity impacts on individual residents and properties closest to the site, the abovementioned mitigating factors would ensure that visual amenity is maintained and as the development embeds itself into the landscape, views of the development would become less prominent over time.
- 9.29. NPF4 provides for renewable energy developments such as this subject to the project design and mitigation being appropriate and recognises that associated effects can be acceptable. LDP2 also supports these developments provided they will not have a harmful effect on amenity and the environment. Conditions are proposed which would ensure mitigation is in place for this and the Applicant has also proposed a condition to facilitate advanced planting (e.g. planting ahead of construction) if practical to do so which would expediate the implementation of the landscape mitigation, softening views from adjoining neighbouring properties.
- 9.30. Taking this into account and the intent of NPF4 and LDP2 in protecting residential amenity, it is considered that amenity effects when considered as a whole would not be significant.

ii) Landscape and visual impacts

- **NPF4 Policy 4** - Natural Places aims to protect, restore and enhance natural assets making best use of nature-based solutions.
 - **LDP Policy: Landscape Quality** - We 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:
 - a. Community settings, including the approaches to settlements, and buildings within the landscape;
 - b. Patterns of woodland, fields, hedgerow and tree features;
 - c. Special qualities of river, estuaries and coasts;
 - d. Historic and cultural landscape;
 - e. Geodiversity of the area;
 - f. Skylines and hill features, including prominent views.
- 9.31. NPF4 sets out that significant landscape and visual impacts need to be considered, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, these developments will generally be considered to be acceptable. The corresponding LDP2 policy is outlined above seeking to maintain and preserve the local landscape qualities and characteristics by meeting the criteria a-f.
- 9.32. NPF4 criteria a) states that development proposals by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported. The site is not located near any Special Areas of Conservation or Protection, National Parks or Scenic Areas important landscapes or reserves as set out in Policy 4. It is central to note that this site is not within a designated Local Landscape Area and is not subject to any other special landscape designation.

- 9.33. The proposed development would introduce a large-scale infrastructure development into the rural, agricultural landscape that already comprises various structures to support the BESS (this includes pylons, overhead lines and existing sub-stations). The height of the structures would vary across the site with the majority of the battery containers which make up a large aspect of the physical features of development will reach a height of approximately 3m. The maximum height of the tallest physical feature proposed as part of this development is approximately 11.52m with this relating to the switch gear apparatus (a vertical metal structure typically consisting of disconnect switches, circuit breakers and batteries). It is relevant to note that this feature has been carefully positioned centrally in the lowest part of the site to reduce visual prominence. The layout and design of the development overall incorporates a detailed landscape mitigation strategy to assist with integration of the development into the landscape and provide visual screening of the structures to limit impacts on public and private views and the character of the landscape.
- 9.34. The Proposed Development lies within the Agricultural Lowlands - Ayrshire Landscape Character Type (LCT) as defined in Nature Scot's online landscape character classification. This LCT is characterised by its gently rolling landform, small to medium sized pastoral field pattern enclosed by hedgerows and fences, dispersed farms and narrow rural roads. As previously set out, there are existing infrastructure features within the immediate landscape including electricity pylons and wind turbines which do contribute to the character and experience of the area around the site.
- 9.35. The layout and height of the proposed BESS has been designed to minimise visual impacts where possible. The structures are not proposed to break the ridge of the hill behind; containers will be single storey with new planting dispersed throughout and the taller elements, as noted above, (switch gear apparatus and also transformers and invertors) will be positioned centrally and in the lowest part of the site to reduce the visual prominence and reach.
- 9.36. As previously set out, in considering landscape and visual matters, the expertise of Carol Anderson, Landscape Architect of Carol Anderson Landscape Associates has been commissioned on behalf of SAC to review the LVIA assessment, photomontages and visualisations submitted by the Applicant prepared by Liz Lakes Associates.
- 9.37. Firstly, Carol Anderson Landscape Associates acknowledges that the Proposed Development would introduce an incongruous feature to the rural landscape and that there would be effects on the fabric and character of the site as reasonably intact rolling farmland which would be disrupted by the BESS development. Notwithstanding this and at the same time, Carol Anderson Landscape Associates recognises the sites containment as a mitigating factor making the following observations in their assessment:

These effects would not be widespread due to the containment provided by the rolling landform however and proposed woodland planting would additionally provide screening of the BESS after approximately 15 years or so.

Theoretical visibility of the Proposed Development is shown in the Zone of Theoretical Visibility map in Figure 9. Slightly higher knolls lying to the south-west at Maintree Farm, near Craigie to the west and to the north-east above Easter Mosside would limit the extent of visibility of the Proposed Development.

- 9.38. In Carol Anderson Landscape Associates expert opinion, views of the BESS would be limited to a maximum of 1.5km from the site. The position is reached partly on the basis that the location of the taller components of the Proposed Development would be located to the lower part of the site, together with the containment provided by landform which would reduce widespread intrusion. Whilst Carol Anderson Landscape Associates acknowledges the significance of effects, they quantifies these effects in light of the landscape mitigation strategy which in their view is well considered together with the intervening landform visually containing the site. The landscape assessment concludes that whilst there would be short-term (0-15 years) significant effects on the landscape extending 1.5km, once the effective screening is established, these significant effects would substantially lessen. Carol Anderson Landscape Associates as the Council's external landscape expert and advisor goes on to finalise that these significant adverse effects would be localised in extent and no formally valued landscapes would be adversely affected by the proposed development. Reference is made in their response to the proposed woodland and hedgerow planting which would mitigate the majority of significant landscape and visual effects in the medium term. Taking this in account, the overall position they reach is that the landscape effects of the BESS proposal would continually reduce overtime once the landscaping and planting has matured.

- 9.39. In addition to the assessment provided, Carol Anderson Landscape Associates in their response have made several recommendations that they consider would add to and strengthen the proposed boundary planting as well as reduce the presence of the development (colour of cladding of the structures). As part of this, it should be noted that some of these considerations go over and above the mitigation which is considered acceptable for this development and seeks for earlier and additional planting programme to expediate and enhance the overall screening effect. Notwithstanding this, the Applicant has sought to accommodate these and agreed in principle to the recommendation for early planting as requested and has agreed to engage in further discussions regarding submitting a further landscape strategy and plan at post permission stage and prior to commencement stage, when there is a clear and defined construction plan in place. This would ensure that there is no conflict between the development and any advanced planting that can be incorporated into the site. Regarding the request for supplementary hedgerow planting, the Applicant has confirmed they would agree to further discussions prior to construction and consider the possibility of incorporating this planting within the leasing area that's within the Applicant's control. Conditions to this effect would be recommended by the Council if this Section 36 is to be granted and the Council would look to work with The Scottish Government on such conditions to ensure that the wording is flexible and takes into account the practicalities of facilitating this additional and advanced planting and what is achievable within the Applicant's control whilst at the same time maximising the opportunities for this to be undertaken in line with the recommendations provided.
- 9.40. The Council's Design and Advice Officer who have also been consulted as an internal consultee to review landscape impacts have firstly acknowledged that, if approved, the BESS will cause a sudden change from open agricultural land to areas with substantial build elements. Notwithstanding this and at the same time, they also acknowledge that the site is not covered by any special environmental or landscape designations and they recognise that the proposed landscape scheme includes for significant planting of trees and hedges which will soften the development and integrate it better into the local landscape. As part of this, they welcome endorse the fact that small areas of broadleaved woodland within the site are proposed to be retained and enhanced as they consider this will assist greatly in terms of screening the development. They conclude by confirming that they have no objections to the BESS development subject to the inclusion of a condition relating to details of the management and aftercare of the proposed landscaping. This can be covered by a suitably worded planning condition should The Scottish Government decide to grant consent.
- 9.41. Taking into consideration the opinion of the external landscape advisor alongside the observations of the Council's Design and Advice Officer, it is considered that the design and mitigation of the BESS development has utilised the landform to its advantage and the landscape strategy proposed will provide sufficient levels of mitigation in the long term. NPF4 Policy 11 recognises that landscape impacts are expected for some forms of renewable energy giving the typical scale and nature of these types of development. In this instance, the landscape advisor has concluded the landscape and visual impacts would be localised and there is general agreement that appropriate design mitigation has been proposed that is commensurate to the proposed development to ensure the overall adverse impacts in the longer term are not significant. Crucially, the Council note that no valued landscapes would be adversely impacted, and the site is not highly visible from any major roads with access and its primary frontage onto a local, unnamed road.
- 9.42. In this landscape context, adverse effects are deemed to be localised and temporary. Widespread significant impacts are not anticipated due to the sense of containment and enclosure provided by the landform combined with the proposed boundary treatment, site design and layout and landscape mitigation. While there is likely to be significant effects during the early stages following construction for the local context, these effects are able to be mitigated by the proposed woodland and hedgerow planting in the medium term and the overall effect will lessen as landscaping becomes more established within the site.
- 9.43. Separately, the Council notes that Nature Scot have been consulted on the proposal by The Scottish Government and have found that once the proposed development is operational, there will be moderate effects on the local landscape character until the landscape mitigation establishes. Particular weight is given to the fact that they are in agreement with the Applicants rationale in relation to the siting and design of the development as the landform and topography will assist with reducing the landscape and visual effects to a level that this acceptable in the context of the local landscape character.

9.44. When considered in light of Policy 11 and the overarching aims of the NPF4 in promoting renewable energy developments, any landscape and visual impacts need to be weighed up against the positive benefits of energy development such as battery storage which is provided for by this policy. The Service concludes that the context and characteristics of the local landscape including landform lends itself to containing the full extent of visual impacts and in combination with the design and landscape mitigation effects will not be so significant to warrant objecting to the proposed development when weighted against the positive benefits of this development. In conclusion, it is considered that the adverse effects identified, would, in their entirety be acceptable.

iii) Public access including impact on long distance walking and cycling routes and scenic routes

9.45. The site is proposed to be accessed from an unnamed local road and is not adjacent to any core path and there is no public right of way across the site. The road is a single-track road with no dedicated footpaths and in addition there are no bus stops within close proximity to the site. From a review of the surrounding area, there is limited provision for walking and cycling with most roads leading to agricultural land. Therefore, outside of recreational use, it is unlikely that the area would experience a high level of pedestrian and cyclist activity, nor would any scenic routes be interrupted by the proposed development. Scot Ways have been consulted on the application and have made no comment or objection in regard to public access. Additionally, the Council's Access Officer has confirmed there are no core paths or recorded public rights of way within or adjacent to the site and no obvious routes or signs of public use in the area have been observed. On that basis, Council's Access Officer has not raised any objection from a public access perspective.

9.46. Based on the above assessment, it is concluded that the development would have no significant effect on public access that would warrant an objection to the application and the application is in accordance with the Development Plan in this regard.

iv) Impacts on road traffic and on adjacent trunk roads, including during construction;

- **NPF4 Policy 13 – Sustainable transport** - To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.
- **LDP Policy: Land Use and Transport** – b) Take appropriate measures to keep any negative effects of road traffic on the environment to a minimum.

9.47. The Applicants transport assessment prepared by Velocity Transport Planning Limited focuses on the primary transport related effects during the construction phase of the development. This is when traffic generation associated with the BESS development would be at its highest with potential for adverse road safety and operational impacts to occur. The temporary increase in traffic generation on the surrounding road network would be construction vehicles transporting machinery and equipment to and from the site and staff. During the operational lifetime of the development and noting the operating model of the BESS facility, vehicle movements would be infrequent and limited to occasional cars and larger vehicles accessing the site, which would not result in any noticeable adverse impacts on the surrounding road network.

9.48. The construction phase is estimated to take around 18 months with potential for up to 10 heavy goods vehicle (HGV) movements to and from the site daily in addition to the estimated 35 staff and various mobile construction equipment being transported to/from the site on a regular basis for the duration of the construction project. The main access route on the strategic road network is likely to be the A76 which connects Kilmarnock to the north to Dumfries in the south and is located approximately 3.6km east of the site. The main routes along the local road network are via the A76 and the A719 located approximately 1.5km south of the site, which provides a vehicular link between the M77 via Galston to the east and Ayr to the west.

- 9.49. The Applicant has identified indicative routes for HGVs to travel along the A179 and Sidehead Terrace, before joining onto the unnamed access road leading onto the site. However, these access routes will be reviewed and further developed to feed into the preparation of the Construction and Traffic Management Plan (CTMP) in consultation with Transport Scotland and the Council's Roads Authority, Ayrshire Roads Alliance (ARA) alongside any other necessary mitigation measures including signage, one-lane road closures and temporary traffic management procedures, speed limits etc. In addition, the Applicant has advised that all construction movements will be carefully monitored and planned outside of peak traffic times to limit impacts on strategic roads and the local community. Once works commence, the contractors engaged will be responsible to ensure that the CTMP is followed at all times and mitigation measures implemented where required.
- 9.50. The Council's Roads Authority, Ayrshire Roads Alliance (ARA) have been consulted internally to inform the Council's overall considerations. ARA have advised that they do not object to the proposal, subject to conditions to ensure the safety and integrity of the local road network is maintained. This includes requiring a CTMP to be submitted for final approval to ensure appropriate measures are implemented to limit impacts and disturbance on local roads, the road infrastructure and the local community.
- 9.51. Transport Scotland (TS) have also been consulted and have not raised any concerns with the temporary traffic generation on the truck roads during construction. They have raised concerns with the suitability of the route proposed for Abnormal Indivisible Loads (AILs) but advised this can be dealt with via a condition requiring the submission of further details to agree a suitable route for AILs to ensure the operational efficiency of the Truck Road is not adversely impacted. TS have also recommended a condition requiring implementation of supervised traffic management control measures during delivery of materials to site by a recognised QA traffic management consultant approved by Transport Scotland. These conditions would ensure that construction traffic is carefully managed with safety measures being implemented as required to ensure the proposed development would not have a detrimental effect on the strategic road network.
- 9.52. Subject to the recommended conditions from TS and ARA and mitigation measures put forward by the Applicant, it is considered construction traffic can be managed to limit significant effects on the local and strategic road network. Nuisance effects from increased traffic, road closures etc on the local community are likely during this temporary period, however several measures have been proposed to minimise effects on road safety for these users. Once the BESS facility is operational, it is not a high traffic generating development with limited movements to and from the site and therefore, adverse effects in the long-term on the road network and for road users would be negligible.
- 9.53. On the whole, it is considered that the proposed development would meet the intent of LDP2 and NPF4 policies in relation of transport.

v) Impacts on historic environment

- **NPF4 Policy 7** - aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.
 - **LDP Policy: Historic Environment** - We will protect, preserve and, where appropriate, conserve and / or enhance South Ayrshire's historic environment. This includes the heritage asset types identified below.
 - **LDP Policy: Archaeology** - 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 benefits of the proposal outweighs the archaeological value of the site.
- 9.54. A Heritage Impact Assessment (HIA) prepared by AOC Archaeology Group has been submitted with the application to assess the potential impacts on the historical and cultural landscape within the vicinity of the development. No effects of significance have been identified within this report provided. From review, the Council notes that the site is not located near or within a Conservation Area, Historic Garden or Designated Landscape and it does not contain any listed buildings or Scheduled Monuments with the closest being over 2km and 1km respectively. The intervening landform of rolling hills and vegetation will limit adverse effects on these historic features and their setting as the proposed development would not be viewed in the same context to detract from the values and importance of these historic features. Historic Environment Scotland have been consulted by the Scottish Ministers and have offered no objection to the proposed development.

- 9.55. The West of Scotland Archaeology Service (WoSAS) has reviewed the HIA and are in general agreement with its findings subject to the imposition of a relatively standard condition to implement a programme of archaeological works to be agreed by WoSAS and South Ayrshire Council. This is required as Mosside/Big Mosside is identified as a site with potential for below ground historical remains associated with the settlement which could be disturbed by the proposed development due to proximity. Such a condition would ensure mitigation measures are in place should sub-surface archaeological remains be encountered during excavation and an appropriate response is undertaken to investigate and accurately record these findings.
- 9.56. Given the above, including the assessments undertaken combined with the relevant consultee input, the Proposed Development is not considered to unduly impact any historic assets and places and any potential impact on archaeological findings can be appropriately mitigated by conditions. Overall, the historic environment will be preserved, and the proposed development would comply with Policy 7 of NPF4 and the related policies in the LDP2.

vi) Effects on hydrology, the water environment and flood risk:

- **NPF4 Policy 22** - Flood risk and water management - to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
 - **LDP Policy: Water Environment** - We support the objectives of the Water Framework Directive (2000/60/EC). We will only allow development that meets these objectives and shows that:
 - a. It will protect, and where possible, improve the water environment;
 - b. It will not pose an unacceptable risk to the quality of controlled waters (including groundwater and surface water); and
 - c. It will not harm the biodiversity of the water environment.
 - d. It seeks to avoid (or remove) instances of construction works and structures in and around the water environment;
 - e. It provides an appropriately sized buffer strip between the development and a water course.
 - **LDP Policy: Flood and Development** - Development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere. We will assess development proposals against the Scottish Environmental Protection Agency's (SEPA) publication 'Flood Risk and Land use Vulnerability Guidance' (2018), or subsequent updates.
- 9.57. The overall intent of these policies is to ensure the water environment and ecological features are protected and improved where possible and flood risk is understood and managed to accord with SEPA's advice. Furthermore, the policies require that risks to others is not exacerbated as a result of new development in flood prone areas.
- 9.58. The proposed development has the potential to impact on the water environment (including having effects on groundwater and surface water) at construction, operational and decommissioning stage. The application is accompanied by a Drainage Impact Assessment and a Preliminary Hydrogeological Risk Assessment prepared by McCloy Consulting to assess the water environment and conditions in terms of flooding, ground water resources and surface water receptors that have potential to be impacted by the proposed development.
- 9.59. In terms of flood risk, the assessment has reviewed SEPA's online Flood mapping database and considered how the development design would impact existing drainage patterns as a result of the introduction of impermeable areas across the site. The site is not identified within a floodplain and the proposed development has been designed to a 1 in 200 year return period to accommodate climate change without increasing flood risk to the site. The report considers the pre and post development run off scenario and assesses the impacts of the proposed stormwater drainage system to manage and treat run-off and limit flood risk through ensuring the surface water is appropriately discharged into the retention ponds.
- 9.60. Based on the drainage assessment, it is accepted that overall the proposed development would not exacerbate flooding or negatively impact on drainage patterns and stormwater management can be discharged without compromising the water environment.

- 9.61. The groundwater assessment studies has looked at the groundwater receptors, groundwater protection areas and private water supply sources within the vicinity of the site. Following discussions with the Applicant and SEPA an updated preliminary Hydrological Risk Assessment (HRA) was submitted identifying 1 Private Water Supply (PWS) in the locality at Camsiscan Farm. Council's Environmental Health Service reviewed this information and undertook a site walkover. Following this, they advised that the borewell at Camsiscan Farm was no longer in use as it sustained fire damage and is now unusable, therefore meaning the properties in the area are serviced by mains water supply. As there is no PWS in use for human consumption, the Council's Environmental Health Service have confirmed there is minimal risk to human health and they therefore have no objection on these grounds. Relying on this assessment undertaken by the Council's Environmental Health Service, SEPA confirmed they no longer object to the proposed development on matters relating to PWS.
- 9.62. The report identifies the nearest watercourses in terms of proximity to the development site with the nearest being an undesignated watercourse beginning at the site's eastern border flowing in an easterly direction and discharging into the Cessnock Waterway approximately 1km east of the site. Subject to standard construction and environmental management measures being implemented on-site, the proposed development is not considered to negatively impact on these watercourses. This was raised as a matter for consideration by Ayrshire Rivers Trust and it would be a matter for the Scottish Government as determining authority to decide how the recommendations of this consultee are incorporated into the overall assessment
- 9.63. In conclusion, the Proposed Development is not considered to result in significant impacts on the water environment and it is considered that it would meet the relevant policies in NPF4 and LDP2.

vii) Biodiversity including impacts on birds:

- **NPF4 Policy 3 Biodiversity** - highlights the importance of nature protection, restoration and securing biodiversity enhancements to reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.
 - **LDP Policy: Natural Heritage** - Planning Permission will not be granted for development that would be likely to have an adverse effect on protected species unless it can be justified in accordance with the relevant protected species legislation.
- 9.64. There are no special nature designations in the site or within the immediately surrounding locality. Similarly, there are no Ramsar Sites, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs) within 1km of the site.
- 9.65. A Preliminary Ecological Appraisal (PEA) and Habitat Management Plan (HMP) has been submitted in support of the proposed development to assess the likely presence or likely absence of protected or notable ecological species, identify statutory and non-statutory designated sites for nature conservation in the vicinity of the proposed development and evaluate the overall conservation status of the land within the site boundary. The assessment considers the ecological benefits of the proposal habitat enhancement areas across the site to improve biodiversity values as part of the overall development. The findings in this assessment have been informed by a number of studies undertaken by Land Use Consultants Limited and an extended Phase 1 Habitat Survey (including a desk and field study) and Preliminary Bat Roost Assessment (PBRA) undertaken at the Site in August 2022.
- 9.66. These field surveys did record several habitats on the site including nesting birds and bats and evidence of badger and non-native species was also found during field work. The HMP sets out a number of mitigation measures to protect species recorded on-site.
- 9.67. As part of initial discussions with Nature Scot an Outline HMP (oHMP) was agreed to be submitted to demonstrate the Applicant's commitment and maintenance of new biodiversity measures in accordance with Nature Scots current guidance and the details would be used to inform and secure these measures through a condition. This includes:
- An overview of the site's current ecological baseline.
 - A review of relevant national and local policy (as it relates to development-led habitat creation and management).
 - An outline and justification of the HMP's aims and objectives.
 - An outline of habitat creation and management prescriptions.

- An overview of appropriate long-term maintenance and management, along with relevant roles and responsibilities.
- 9.68. The site is located within a lowland agricultural landscape comprising of species-poor semi-improved or improved grassland which has been heavily modified by agricultural practices. In its current state, the grassland habitats identified within the HMP provide very limited nature conservation value, therefore there is an opportunity to restore these degraded habitats as required by criterion (a). There are no statutory designated sites or records of protected species with 1km of the subject site. Four ancient woodlands are within a 1km radius however the findings note they are suitably distanced to avoid being affected by the proposed development.
- 9.69. NPF4 states national development proposals would only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity. In addition to the landscape strategy and ecological protection mitigation, a number of biodiversity enhancement measures are also proposed to conserve, restore and enhance biodiversity of the development site. This includes:
- Enhancement of grassland and monoculture pasture crop through introducing diverse meadow grasslands which will create positive benefits for biodiversity. This will include selecting native species reflective of lowland Scotland and a long-term maintenance scheme making the HMP area more desirable for protected species and nesting birds by increasing the diversity and variety of species.
 - The creation of a meadow habitat would also benefit bats and badgers as it would result in increased invertebrate populations.
 - The HMP also proposes to incorporate species-rich hedgerows, retain existing trees with bat roosting potential and include targeted tree planting to enhance the ecological values of across the site.
 - Furthermore, the applicant proposes to establish a new waterbody habitat in parcel 4.
- 9.70. A combination of these measures would go some way towards improving and enhancing biodiversity across the site and therefore align with the Policy intent of the NPF4, part b) in particular.
- 9.71. The PEA and HMP has been reviewed by the Council's external ecological consultant AECOM and the Council's Ranger and Biodiversity Services and neither have raised any objections to the Proposed Development. In particular, AECOM are satisfied that all mitigation put forward is appropriate based on the information presented in the PEA. Whilst AECOM have advised that there was scope to provide Ecological Impact Assessment (EclA), given the nature of the Proposed Development and the ecological features which could be present and impacted by the proposed development, they have advised that the approach and information submitted with the inclusion of an OHMP is acceptable. AECOM have recommended conditions to manage construction and pollution impacts in accordance with SEPA guidelines to minimise potential adverse impacts on ecological values on a waterbody approximately 20 m east of the site boundary and should consent be granted, the Service would expect these to feature.
- 9.72. The Council's Ranger and Biodiversity Services have recommended that the CEMP and HMP be submitted to the Service for approval prior to works commencing which is standard practice for developments of this scale and nature. They highlight that evidence of badger has been recorded within the site with an active sett identified and regular use of the site for foraging determined in the ecological report and annotated on the HMP however the proposed development is not within 30m of the sett which has been identified. In response to this, pre-construction surveys for badger will be undertaken prior to works to confirm if any new setts are created within 30m of the development to ensure that no disturbance occurs, or the appropriate licences are obtained from Nature Scot. The Council's Ranger and Biodiversity Services has reiterated the need for a Badger Protection Plan to detail specific mitigation measures to minimise any potential impact on badgers if setts are found within the 30m distance of the development and this could be covered as a condition should consent be granted.
- 9.73. Nature Scot have responded to The Scottish Government separately as a consultee to the application and the Service notes that following ongoing discussions with the Applicant have not raised any objection to the proposed development. While they approve of the measures put forward to enhance biodiversity, they have made additional recommendations for further biodiversity enhancements across the site which could be included with relatively minor changes to the proposal. The Applicant has advised they would accept a detailed HMP condition to facilitate post consent discussions to include additional habitat improvement areas taking these recommendations onboard. It is considered that the proposal sufficiently provides for biodiversity enhancement within the landscape strategy and OHMP that achieves the intent of the policy criteria of NPF4.

9.74. Based on the input from the Council's Ranger and Biodiversity Services and AECOM as the Council's external Ecological advisor, subject to the targeted mitigation measures proposed as part of the planning and design of the development and measures to limit impacts on protected species found onsite, it is considered that adverse impacts on ecological values can be avoided, remedied or mitigated. In addition, given the low conservation values of the site at present, it is considered that the proposal would contribute to biodiversity enhancement improving the current situation by creating new habitats and offering opportunities for increased biodiversity across the site.

9.75. The Proposed Development is considered to be in accordance with the relevant NPF4 and LDP2 policies.

viii) Impacts on trees, woods and forests;

- **NPF4 Policy 6 Forestry, woodland and trees** - aims to protect and expand forests, woodland and trees
- **LDP Policy: Preserving Trees** - When assessing proposals for development that might involve loss of, or work to trees, we will consider how much it would affect the local area and will take measures to protect trees, especially those covered by a provisional or confirmed Tree Preservation Order. Ancient and veteran trees of high nature conservation and landscape value will be protected.
- **LDP Policy: Woodland and Forestry** - We will support proposals for woodland and forestry that are: a. Consistent with the objectives and main actions of the Ayrshire and Arran Woodland Strategy; and b. Sympathetic to the environmental (including landscape and visual impacts), nature and wildlife interests of the area, and, wherever appropriate, provide recreational opportunities for the public. Relevant advice contained within The Scottish Government's Policy on Control of Woodland Removal will be taken into account when determining planning applications

9.76. The development site contains existing trees and hedgerow planting along the boundaries of the site, the majority of which are proposed to be retained or strengthened as part of the mitigation incorporated in the landscape strategy and HMP.

9.77. In assessing the development's impact on trees, woods and forests, it is noted that the proposed development would not result in the loss of ancient woodlands or veteran trees or impact on native woodlands, hedgerows and individual trees of high biodiversity value in line with this policy. One of the key aims of the HMP is to increase species diversity and the connectivity of green corridors through the provision of species rich hedgerows and targeted tree planting in suitable locations across the site to expand and maintain existing habitats for birds and bats. Additional targeted tree planting proposed to increase tree cover and create and maintain green corridors for bats, badger and birds and supplement the established boundary planting across the site to meet criteria a) of NPF4.

9.78. The existing woodland area in parcel 4 will be preserved and two trees within this same area are proposed to be retained due to their bat roosting potential. The site has not been identified in the Forestry and Woodland Strategy as being suitable for woodland creation however, the tree planting proposed as indicated in the landscape strategy has been designed to integrate into the established woodland area to enhance and extend the vegetation cover across the site and improve ecological connectivity.

9.79. Overall, the proposed development would not significantly impact on the existing woodland and trees and weight is given to the fact that it aims to provide enhanced tree cover that integrates with the existing woodland and hedgerow planting across the site.

9.80. The Proposed Development is in accordance with the relevant NPF4 and LDP2 policies.

ix) Proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration.

9.81. The Applicant's intention is that the site will be fully decommissioned at the end of its operational life and the land will be restored and returned to its former agricultural use. Traffic associated with the decommissioning and restoration of the site are likely to be similar to those associated with the construction period, though would likely be lesser in volume.

- 9.82. Limited details of the decommissioning phase have been included in the planning statement; however the applicant has volunteered the following measures:
- Approval of decommissioning programme of works prior to the site becoming non-operational and implementation of those works after operations cease.
 - Habitat Restoration Plan and method statement prior to the site becoming non-operational and implementation of those works after operations cease.
- 9.83. These details would be agreed with SAC at a time specified in conditions (likely six months prior to decommissioning) and would set out details of the removal of the proposed Development, the removal of all components for reuse, recycling or disposal, the treatment of ground surfaces, the management and timing of the works and environment management provisions. In terms of site restoration, it is intended that the site would be restored to its current condition to be used for agricultural purposes.
- 9.84. On that basis, it is not considered there would be any unacceptable impacts associated with the decommissioning period. Site restoration plans would be implemented including the measures in place to safeguard or guarantee the effective implementation of those plans.

x) Cumulative impacts

- 9.85. Cumulative effects have not been identified in any of the above assessments. The proposed development is not located in close proximity to any other proposed or consented BESS developments or other notable energy developments such as substantial windfarms. Therefore, there is considered to be absorption capacity within the landscape for this development without generating adverse cumulative effects. In particular, the BESS developments identified in the initial sub-sections of this report, are suitably distant from the site and would be physically and visually separated by the rolling landform that is evident within the broader rural environment. Equally, there are no substantial windfarms or other notable renewable generating stations, existing or proposed within the local landscape or visible from the site. For these reasons, these developments would not be viewed within the same setting or landscape context of any other development, ensuring that the Proposed Development would not give rise to any cumulative effects.

10. Policy 11 Conclusion

- 10.1. Policy 11 states that in considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets. Each of these potential environmental impacts have been considered in detail in Section 9 above. Based on the conclusions drawn, there are no significant environmental effects that would warrant the balance to be shifted away from the proposal's significant benefit to enhancing renewable energy provision and reducing greenhouse gas emission. This aligns with the intent of primary policies of the NPF4 which seek to address the climate emergency through promoting development that minimises emissions to achieve zero carbon, restore the natural environment and adapts to the current and future impacts of climate change.
- 10.2. In terms of LDP2, a similar conclusion can be reached. The key issue is narrowed to landscape effects and while identified as significant at first, will lessen overtime and are anticipated to be contained to the local area and are not considered to result in widespread effects or effects on any valued landscapes or designations. Furthermore, the landscape experts agree that suitable design mitigation has been incorporated into the development. All other effects identified above can be suitably mitigated, whereby adverse effects would not be significant and compliances with the LDP 2 policy framework achieved.
- 10.3. The Proposed Development is therefore considered to accord with the Development Plan.

11. Other Impacts:

Agricultural land/Soils:

- **NPF4 Policy 5 Soils** - aims to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development and sets out that development on peatland, carbon rich soils and priority peatland can be acceptable where the development is for generation of green energy and aids the reduction in green house gases.
- **LDP Policy: Agricultural Land** - seeks to protect prime agricultural land and where it is essential be used for the generation of energy from a renewable source, all development proposals must make secure provision for restoration to return the land to its former status once generation has ceased.

- 11.1. A Geotechnical Report prepared by Raeburn Drilling & Geotechnical (Northern) Limited on behalf of the applicant was submitted with the planning application outlining the results of intrusive ground investigations undertaken across the site to determine ground and groundwater conditions and identifying any potential engineering constraints to inform the foundation design of the Proposed Development. Soil testing and peat probing surveys formed part of the investigations. Peat was not encountered during these site works. It was determined that the underlying natural soils comprised glacial till of sandy slightly gravelly or gravelly clay.
- 11.2. The site is not designated as prime agricultural land (Class 1, 2 or 3.1) in the land capability classification for agriculture (James Hutton Institute) instead it is grade 4.1 agricultural class and is not classed as a highly valued soil that requires additional protection (NPF4 Policy 5b)). The land has been primarily used for grazing and has not been identified as highly productive rural resource. The Proposed Development would be decommissioned at the end of the life span of the BESS operations allowing the land to be returned to its former agricultural use. On this basis, it is considered that the development is in compliance with NPF4 in this regard.
- 11.3. Based on the above assessment and the conclusions drawn in sections 9.79 - 9.82, it is considered that the development is in compliance with NPF4 and LDP 2 policies as there would be no significant effect on soils as the site is not identified as prime agricultural land or a highly valued soil resource.

Rural Development/Design:

- **NPF4 Policy 29 Rural Development** - To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.
 - **NPF4 Policy 14 Design, quality and place** - Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale and will be consistent with the six qualities of successful place – Health, Pleasant, Connected, Distinctive, Sustainable, Adaptable.
- 11.4. These matters have been traversed within the policy assessment above and within the Applicant's Planning Statement. The benefits of Proposed Rural Development and design and can be summarised as follows:
- The Proposed Development has been found to be in generally accordance with the Development Plan and is designed to support the flexible operation of the National Grid and decarbonisation of electricity supply in support of UK targets and national planning policy.
 - The Proposed Development is located in close proximity to the existing Kilmarnock South substation, avoiding the need for lengthy transmission cables, ensuring an efficient and straightforward connection to the grid when required;
 - The Development Site is not in a sensitive location in respect of critical environmental considerations including landscape designations, natural and cultural heritage, noise, air, hydrology and flood risk considerations;
 - The Proposed Development is located with an isolated, rural location, and is sufficiently mitigated to limit impacts on sensitive receptors;
 - The Proposed Development is relatively well contained due to landform, topography and landscape will not result in any wider cumulative impact;
 - The Development will result in the creation of jobs for the local community during the construction period; and

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- The design of the Proposed Development buildings and structures and landscape strategy have been taken into great consideration, and overall while there will be landscape effects, the majority of these have been suitably designed in response to the sites characteristics.

12. Overall Conclusion:

- 12.1. The Proposed Development is considered to accord with the Development Plan being the NPF4 and LPD 2. The report sets out several matters which can be addressed by condition to mitigate the degree of adverse effects to an acceptable level.

13. Recommendation:

- 13.1. It is recommended that no objection be raised to this BESS development and that the Regulatory Panel delegate authority to the Director of Housing Operations and Development to conclude Planning conditions with the Energy Consents Unit relating to the following matters, should The Scottish Government be minded to grant consent as determining authority.

- All conditions requested by statutory consultees.
- All mitigation proposed within the Planning Statement.
- Appropriate noise condition to ensure development operates in accordance with findings and levels of revised Noise Impact Assessment Report.
- Restrictions on construction hours and days.
- Updated Landscape Strategy Plan including consideration for advance planting in line with construction and supplementary boundary planting.
- Scheme of protection/maintenance for all existing/proposed landscaping within and on the boundaries of the site.
- Final details of the design, material and colour finishes for all physical components of the development.
- Habitat Management Plan (HMP) to comply with Nature Scot requirements.
- Pre-construction habitat, protected species and bird surveys with necessary associated mitigation.
- Restriction on work times of the year in relation to findings in the HMP.
- Archaeological Watching Brief and Written Scheme of Investigation.
- Construction Environmental Management Plan (CEMP) including a Construction Method Statement (CMS) and various other supporting plans.
- Removal of infrastructure/physical components in the event they become obsolete or redundant.
- Decommissioning Programme of Works and Restoration Plan (including Habitat Restoration Method Statement).
- Restriction on signage or illumination of infrastructure except for those required by law under other legislation.
- Conditions requested by Ayrshire Roads Alliance as Council's Roads Authority (Implementation of Traffic Control Measures, Construction Traffic Management Plan (CTMP), Abnormal Indivisible Load and Access Road Assessment, Land Acquisition and Structural Assessments and Video Surveys).

Background Papers:

1. Application form plans and supporting documentation including the Planning Statement supporting technical assessments, additional technical assessments/further information and supplementary appendices and figures.
2. Consultation responses to the ECU
3. National Planning Framework 4
4. Adopted South Ayrshire Council Local Development Plan 2
5. Historic Environment Scotland Managing Change in the Historic Environment - Setting
6. Planning Advice Note 2/2011 ' Planning and Archaeology'
7. South Ayrshire Local Landscape Designations Review (2018)
8. Residential Visual Amenity Assessment Technical Guidance Note 2/19 (Landscape Institute)
9. The Control of Woodland Removal Policy 2019
10. Forestry and Woodland Strategy – 2019 (Scottish Government)
11. Land Use Planning System SEPA Guidance Note 31
12. SEPA Flood Maps
13. Technical Advice Note: Assessment of Noise (TAN)

Person to Contact:

Mrs Erin Goldie, Coordinator (Place Planning) - 01292 616 367