

# REGULATORY PANEL: 14 NOVEMBER 2024

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

24/00295/DEEM  
Braston Farm Ayr KA6 6AA

### Location Plan

APPLICATION SITE 



### Summary

The proposed development under consideration is a consultation from the Scottish Government Energy Consent Unit (ECU) for a battery energy storage system (BESS) of up to 500 megawatts (MW) with associated sub-station, comprising of battery-based electricity storage containers, associated power control infrastructure and ancillary development such as level platforms, accesses, and fencing on land to the north west of Braston Farm, Ayr, South Ayrshire.

The built development area will be approximately 7.5 hectares (“ha”). The application has taken the recognised ‘Rochdale Envelope’ approach, which is employed when some details of a project have not been confirmed and involves the developer defining a series of development parameters which together allow the assessment of a reasonable ‘worst case scenario’ within a suite of supporting technical documents. The detailed design will be controlled by conditions, should the application be granted consent.

It should be noted that the Council is not the determining authority for this proposal, but instead a statutory consultee to the Section 36 application process. Under Section 36 of the Electricity Act, if the proposal is approved, the development will also receive deemed planning permission pursuant to Section 57 (2) of the Town and Country Planning (Scotland) Act 1997.

The application site covers a total of approximately 39 ha, currently comprising grazing and pastureland (none of which is prime agricultural land) and an access road from the A713. A strip of woodland approximately 25m wide intersects the site through the centre from north-west to south-west. The site is bounded to the north by Annfield Burn and existing woodland / vegetation; to the east by existing woodland / vegetation and a caravan park (Crofthead Holiday Park); to the south by five properties and agricultural land; and to the west by agricultural land and the A713. The surrounding area is dominated by grazing and pasture land with the A77 to the north and A713 to the south-west.

The site does not form part of any statutory designated site for nature conservation with qualifying ecological interests.

Upon assessment, it is considered that the proposal accords with the strategic and overarching policies of National Planning Framework 4 (NPF4) in that it would make a significant contribution to the generation of renewable energy, helping to tackle the climate crisis. Based on NPF4 Policy 1, this would add significant weight in support of the proposed development. The proposed development - by virtue of its status as an application under the Section 36 application process - is classified as a 'National Development' in NPF4, thereby benefitting from 'in principle' policy support. This in principle support is further reiterated by NPF4 Policy 11 which supports renewable energy projects, subject to consideration of detailed matters.

Having regard to detailed and site-specific matters, any potential effects regarding landscape and visual, transport, ecology, water pollution and residential amenity can be mitigated. When assessed against the provisions of the Development Plan, there are no significant effects that would warrant the decision-making balance to be shifted away from the significant benefit of the proposed development in supporting renewable energy provision and reduction in greenhouse gas emissions.

This proposed development aligns with the intent of primary NPF4 policies 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.

Having considered the application submission as a whole including the identified benefits of the scheme, together with the consultation responses received and having balanced the developers' interest against the wider community interest, the proposal is considered to be acceptable in principle. However, the Council's own assessment and the responses of consultees have identified a range of measures that are essential to ensure that the adverse effects are properly mitigated. Accordingly, it is recommended that the Council objects to the proposal unless the conditions set out below are imposed in their entirety, unless suitable alternative conditions are agreed in writing between the Energy Consents Unit and the Planning Authority. Members should note that if the Scottish Ministers choose not to impose some or all of the conditions this should trigger a Public Local Inquiry to be held before a final decision can be reached.



**REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE**

**REGULATORY PANEL:**

<b>SUBJECT:</b>	<b>CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989</b>
<b>COUNCIL REFERENCE:</b>	<b>24/00295/DEEM</b>
<b>ENERGY CONSENTS UNIT APPLICATION REFERENCE:</b>	<b>ECU00004995</b>
<b>SITE ADDRESS:</b>	<b>Braston Farm, A713 From A77t Bankfield Roundabout South East Past Ailsa Hospital to Council Boundary, Ayr, KA6 6AA</b>
<b>DESCRIPTION:</b>	<b>Application for consent under section 36 of the electricity act 1989 for construction, operation and maintenance of a battery energy storage system (bess) up to 500mw, with associated infrastructure including a substation; new vehicular access from the A713 for construction and maintenance vehicles, new vehicular access tracks, perimeter fencing; lighting; surface water drainage infrastructure including detention basin and landscaping planting / ecological enhancements. Modification of existing site levels to create development platform areas</b>
<b>RECOMMENDATION:</b>	<b>Object to the proposal unless the conditions set out in the appendix are imposed in their entirety, unless suitable alternative conditions are agreed in writing between the energy consents unit and the planning authority.</b>

## **1 Purpose of Report:**

- 1.1 South Ayrshire Council has been consulted by the Scottish Government Energy Consents Unit (ECU) under Section 36 of The Electricity Act 1989, regarding an application by Braston New Energy (part of New Energy Partnership Limited) (“The Applicant”) for the construction and operation of a BESS with associated sub-station and other associated infrastructure (“the proposed development”) on land to the east of the A77 and south of the A70, Ayr (Grid Reference NS 36104 19498).
- 1.2 The Council is not the determining authority for this proposal but acts as a statutory consultee to the Section 36 application process. This report sets out the proposed response to the Scottish Government’s consultation which was issued on 19<sup>th</sup> April 2024. An extension of time has been agreed with the ECU for the Council to provide its consultation response by 15<sup>th</sup> November 2024.
- 1.3 Under the Council’s Scheme of Delegation, all Section 36 consultation responses prepared by the Council require to be referred to the Regulatory Panel.
- 1.4 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.
- 1.5 On the basis that a Planning Authority were not to respond by the agreed date (15 November 2024) 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 Energy Consent Unit as a position of **objection** on behalf of the Planning Authority to the Section 36 application for the proposed development (ECU Reference: ECU00004855) unless the conditions set out in the appendix below are imposed in their entirety or suitable alternative conditions are agreed in writing between the Energy Consents Unit and the Planning Authority. Members should note that if the Scottish Ministers choose not to impose some or all of the conditions this should trigger a Public Local Inquiry to be held before a final decision can be reached.
- Approves delegated authority to officers of the Planning Service to conclude planning conditions with the Scottish Government Energy Consents Unit, in writing, should the Scottish Ministers be minded to grant consent under Section 36 of the Electricity Act 1989 and deemed planning permission pursuant to Section 57 (2) of the Town and Country Planning (Scotland) Act 1997.

### **3 Background and Procedural Matters**

#### **Consenting**

- 3.1 On 3<sup>rd</sup> April 2024, Braston New Energy submitted an application under Section 36 of the Electricity Act 1989 seeking deemed planning permission pursuant to Section 57 (2) of the Town and Country Planning (Scotland) Act 1997 for the construction and operation of a Battery Energy Storage System (BESS), substation and associated infrastructure on land to the east of the A77 and south of the A70, Ayr (“the site”) (Central Grid Reference NS 36104 19498).
- 3.2 The proposed development will include Battery Energy Storage System (BESS) of up to 500MW together with associated electrical infrastructure including a substation; new vehicular access from the A713 for construction and maintenance vehicles, new vehicular access tracks; perimeter fencing; lighting; surface water drainage infrastructure including detention basin; landscaping planting and ecological enhancements; and the modification of existing site levels to create development platform areas.
- 3.3 Current methods for calculating capacity result in the combined capacity of the site being in excess of 50MW and as such, the proposed development requires an application to Scottish Ministers under Section 36 of the Electricity Act 1989.
- 3.4 Under Section 36 of the Electricity Act, if a proposal is approved, it will also receive deemed planning consent.

#### **Environmental Impact Assessment (EIA)**

- 3.5 The proposed development requires to be screened by the Scottish Ministers in accordance with Regulation 7 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 (“the Regulations”). Following a request for a screening opinion made under Regulation 8(1), Scottish Ministers are required to adopt an opinion as to whether the proposed development is or is not EIA development.
- 3.6 The Regulations set out at 8(2) the information that must accompany a request to the Scottish Ministers to adopt a screening opinion. Regulation 10 requires that the Scottish Ministers must seek that information if it is not included within the application documentation. Scottish Ministers consider that the information included in the screening request and documents supporting the request is sufficient to meet the requirements set out in Regulation 8(2), and that the submitted information has been compiled, taking into account the selection criteria in schedule 3 of the Regulations.
- 3.7 On 5<sup>th</sup> December 2023, the Applicant submitted a request that Scottish Ministers adopt a screening opinion as to whether the proposed development required the preparation and submission of an Environmental Impact Assessment (“EIA”) report. On 12<sup>th</sup> February 2024, Scottish Ministers confirmed, pursuant to the provisions of the Electricity Works (EIA) (Scotland) Regulations that the submission of an EIA report was not required.

#### EIA Screening Opinion - ECU00004995 (ECU Reference) and 23/00915/EIASCR (Council Reference)

- 3.8 Under Regulation 8(5) of the Regulations, Scottish Ministers are required to consult the Planning Authority within whose land the proposed development is situated. The Planning Authority was consulted on 12<sup>th</sup> December 2023 and responded on 26<sup>th</sup> January 2024 advising that, in their opinion, the proposed development does not constitute an EIA development.
- 3.9 The Council's EIA Screening Opinion Consultation Response to the ECU concluded that taking into account the submitted screening report, the proposed development is not likely to result in effects on the environment which are sufficiently significant to require the submission of an EIA Report.

- 3.10 On 12<sup>th</sup> February 2024, the ECU issued their EIA Screening Opinion response as determining authority which confirmed that they do not consider the proposed development to constitute an EIA development and the application submitted for this development does not require to be accompanied by an EIA report.
- 3.11 The ECU set out the following measures required to be submitted to avoid or prevent significant effects on the environment:
- Construction Environmental Management Plan;
  - Construction Traffic Management Plan;
  - Dust Management Plan (“DMP”);
  - Fire Safety Management Plan;
  - Invasive Species Management Plan; and
  - Site Waste Management Plan.
- 3.12 In reaching their decision, Scottish Ministers have taken the selection criteria in Schedule 3 of The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and all the information submitted in respect of the screening request in account and taken account of the views of the Planning Authority.

## 4 Development Proposal

- 4.1 As stated, the proposed development comprises the construction and operation of a BESS and associated substation and infrastructure on land to the east of the A77 and south of the A70, Ayr.
- 4.2 The purpose of BESS is to absorb and store excess electricity from the grid during times when renewable generation is higher than demand (e.g. in the middle of the night when it's windy) and discharge stored electricity when demand upon the grid is high.
- 4.3 The submission has taken the 'Rochdale Envelope' approach, which is employed when some details of a project have not been confirmed and involves the developer defining a series of maximum development parameters which together allow the assessment of a reasonable 'worst case scenario' within a suite of supporting technical documents. This in turn allows the relevant decision maker to understand the likely significance of any potential environmental effects. The approach has been long established in planning case law and is commonly applied in circumstances such as this.
- 4.4 Having regard to the above, and to provide the proposed development with appropriate levels of flexibility through the detailed design phase, a series of maximum development parameters are proposed, as outlined below:
- Battery Energy Storage Infrastructure and Apparatus up to 3.5m high comprising:
    - Battery units and each with their own associated heating, ventilation and air conditions (HVAC) equipment, fire detection and suppression systems;
    - Inverters;
    - Medium voltage (MV) transformers;
    - Medium voltage (MV) switchgear; and
    - Auxiliary power transformers and switchgear.
    - Maximum area of 48,160m<sup>2</sup>.
  - Substation Area comprising the following equipment and apparatus:
    - 33KV buildings housing switchgear, control and protection equipment - up to 6.4m high;
    - 275KV control building; and
    - High Voltage (HV) transformers; and associated individual pieces of equipment measuring up to 13 metres in height.
    - Maximum area of 27,402m<sup>2</sup>.
  - Site Access
    - The proposal site is accessed by a new vehicular access from the A713 and internal access tracks. These will generally be 6 metres in width.
    - Where necessary, additional width will be provided (up to 3.5 metres) to allow for delivery vehicles to manoeuvre around corners.
  - Temporary Vehicle Holding Area and Construction Compound.
    - Temporary construction compound (9,835m<sup>2</sup>) and vehicle handling area (4,236m<sup>2</sup>) will be constructed from Type 1 hardcore and will be in-situ for approximately 15 months.
    - The temporary construction compound will be provided to the west of the existing tree belt and proposed BESS development area.



- The temporary construction compound will facilitate the storage and laydown of materials and accommodate welfare facilities for construction workers such as offices, toilets, areas for secure storage of PPE and breakout area for lunch. The facilities to be provided within this area and their arrangement within the site will be confirmed by the appointed contractor and can be secured by condition.
  - A temporary vehicle holding area will be provided adjacent to the A713. The temporary vehicle holding area will contain a gatehouse. Delivery vehicles will be detained within this area until clearance is given to proceed to the compound. The incorporation of this area will prevent delivery vehicles queuing on the public highway and will safeguard existing access (including blue-light routes) to the hospital.
- Ecological enhancements
  - Minimum enhancement of existing hedgerow: 1,500 linear metres.
  - Minimum amount of new hedgerow planting: 240 linear metres.
  - Minimum amount of new woodland planting: 1.35 hectare in continuous belt of minimum 15 metres width.
  - Minimum amount of grassland enhancements: 4.5 hectares of species rich, other neutral grassland habitat inclusive of attenuation basin wet grassland habitat.
- Sustainable Urban Drainage
  - Surface water drainage infrastructure including detention basin.
  - Surface water detention pond: Minimum storage area (1,899m<sup>2</sup>) Depth (1m), Freeboard 0.3m.
  - Discharge from detention basin to Annfield Burn (maximum 33.3litres/second).
- Security Fencing and Lighting
  - Security fencing would be erected around the perimeter of the battery storage and substation development platforms. This would have a maximum height of 3 metres and are to be coloured dark green.
  - CCTV and motion detection lighting.
  - CCTV and lighting columns would be mounted at 50 metre intervals around the perimeter of the BESS and substation compounds and would be a maximum of 6 metres in height.
- Landscape Bunding
  - Maximum extent of change to existing site levels is up to +1.5m.

4.5 The maximum height of the proposed development within the substation area (having regard to any proposed change in site levels and the height of infrastructure) will not exceed 53.62m Above Ordnance Datum (AOD). The maximum height of development (battery units and associated electrical infrastructure) within the BESS area (having regard to any proposed change in site levels and the height of infrastructure) will not exceed 49.32m AOD.

## **5 Application Site**

- 5.1 The site is approximately 2.4 km to the east of the town of Ayr. The site extends to c.39ha and is c.45m above sea level (asl) however, only 7.5ha will be the subject of development.
- 5.2 The site comprises several fields of agricultural land divided by field boundary hedgerows. Hedgerow habitats are present throughout the site, bordering the grazing and pasture fields and a burn (Annfield Burn) also runs along the northwest boundary of the site, flowing northeast to southwest.
- 5.3 The site is predominantly bounded by further fields and pastureland with the A77 to the northwest, and the A713, Ailsa Hospital and University Hospital Ayr to the south. To the north of the A77 lies the town of Ayr and to the east of the site is Crofthead Holiday Park, separated from the site by a boundary of a mixed broadleaf trees.
- 5.4 The site is traversed by low voltage powerlines. The applicant has confirmed via email that they have agreed a diversion route and design with Scottish Power and will implement the diversion of those lines as part of the construction programme.
- 5.5 Five residential properties (including Braston Farm) are located immediately to the south of the site along an unnamed road off the A713 which terminates at Braston Farm, which is located approximately 165m south east of the proposed BESS development area. Braston Farm is owned by the freeholder of the application site, as are the two properties on the road closest to the A713. These two properties adjoin the proposed site access route, and are located approximately 275m from the proposed BESS development area. The application site freeholder does not live in any of these properties. The other two properties (Braston House and Whitegables) are privately owned, and are located approximately 130m and 200m to the south east of the proposed BESS development area.

### **Environmental Designations**

- 5.6 There are no environmental designations within the site.
- 5.7 Annfield Burn runs along the northern boundary of the site. This places a limited area of land either side of the Burn within high probability (10%) of flooding from a river and medium (0.5% chance) likelihood of surface water flooding.
- 5.8 The nearest listed building comprises the Grade C listed Alton House, Ailsa Hospital, Dalmellington Road, (ref. LB52499) which is approximately 0.4km to the south.
- 5.9 Two Sites of Special Scientific Interest (SSSI) are located within 5km of the application site (Martnaham Loch and Wood located 3.8km to the east and Maidens to Doonfoot located 3.9km to the west).
- 5.10 Two Local Wildlife Sites (LWS) are present within 2km of the Application Site (Alloway Railway Track located 1.13km to the southwest and Rozella located 1.14km to the south west). The River Ayr is a provisional LWS (pLWS) which is located 1.29km to the north.
- 5.11 There is no ancient woodland identified within or adjacent to the site.

### **Accessibility**

- 5.12 The application site is bounded to the north by A77 trunk road and to the southwest by the A713. To the east it is bounded by the access road to Braston Farm and to the north by Crofthead Holiday Park. There is a footway on the southern side of the A713 which provides access to University Hospital and Ailsa Hospital. The footway links with the footway on the western side of the access road to University Hospital.

5.13 The nearest bus stop to the application site is on Dalmellington Road approximately 0.4km to the west. The nearest railway station is Ayr which is approximately 2.8km to the northwest of the application site.

## 6 Consultation

- 6.1 As a Section 36 application, consultation on the proposed development is primarily led and undertaken by The Scottish Government (ECU), on behalf of Scottish Ministers - the determining authority. The following consultation responses received by the ECU (set out below - not including public comments received from any interested parties) are noted for informative purposes.
- 6.2 The Planning Service also undertakes consultation with internal Council departments/services, and other relevant stakeholders/statutory consultees, and the responses received are summarised below.
- 6.3 These responses are considered in the assessment of the proposed development and have informed the Planning Service's overall recommended consultation response.

### ECU – Statutory Consultees

- 6.4 **NatureScot (14<sup>th</sup> May 2024): No objection subject to conditions** – The response states that NatureScot do not consider that the integrity of any of the nearby SSSIs will be adversely affected by the proposed development. The response also states that there will no impact on statutory landscape designations. Based on the findings of the Preliminary Ecological Appraisal, there is no requirement for any species licences to be obtained prior to commencement of development. NatureScot also state that for species that can be surveyed at any time of year, pre-construction surveys should be undertaken as close to the construction period as possible, and no more than 3 months before the start of works. For species that have a restricted survey window the pre-construction surveys should be undertaken as close to the start of works as possible, and always within the most recent survey window. NatureScot refer the applicant to their guidance on dealing with construction and breeding birds, as well as guidance notes for protected species.
- 6.5 **Historic Environment Scotland (HES) (6<sup>th</sup> June 2024): No objection** – Noted that the proposal does not have an impact on designated features and therefore had no comments to make.
- 6.6 **Scottish Water (17<sup>th</sup> April 2024): No objection** – The response states that there are no Scottish Water drinking water catchments or abstraction sources in the area that may be affected by the proposed development and state that for reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer system.
- 6.7 **Scottish Environmental Protection Agency (SEPA) (29<sup>th</sup> April 2024): No objection** – SEPA have indicated no objection but referred the applicant to advice documents regarding flood risk. SEPA state that there is potential for increased surface water overland flows towards the Annfield Burn from the proposed development and consider water quantity aspects of surface water flooding to be under the remit of the Ayrshire Roads Alliance and/or South Ayrshire Council Flood Management Team.
- 6.8 **Transport Scotland (16<sup>th</sup> May 2024): No objection subject to conditions** – The response states that Transport Scotland are satisfied with the submitted Transport Statement and have no objection to the proposed development, in terms of environmental impacts on the trunk road network, subject to condition (including details of AIL routes and necessary accommodation and traffic control measures along such routes).

### ECU – Non-Statutory Consultees

- 6.9 **Joint Radio Company Windfarm Co-ordinations (9<sup>th</sup> April 2024) No objection** – Response states that the proposed development is cleared with respect to radio link infrastructure operated by the local energy networks.

- 6.10 **Glasgow Prestwick Airport (18<sup>th</sup> April 2024): No objection subject to conditions** – The response states that this non-objection relates to the current proposal subject to implementation of statutory conditions regarding cranes. The consultee refers the applicant to guidance (CAA CAP Document 1096) and makes the applicant aware that any crane erected without notification may be considered a hazard to air navigation and such a crane operates at the crane user's risk of endangering the safety of an aircraft.
- 6.11 **British Telecom (BT) (11<sup>th</sup> April 2024): No objection** – Response concluded that the proposed development should not cause interference to BT's current and presently planned radio network in the surrounding area.
- 6.12 **Scottish Gas Networks (SGN) (9<sup>th</sup> April 2024 and 6<sup>th</sup> August 2024): No objection subject to conditions** – The initial response states that there is the presence of a High Pressure Gas Transmission Pipeline in the vicinity of the proposed development. SGN state that a site meeting must be arranged to identify the location of the pipeline and discussions should take place with the applicant to discuss which measures would be necessary and could be undertaken in order to safeguard the security of the pipeline.
- 6.13 Following discussions with the applicant, SGN issued a revised consultation response on 6<sup>th</sup> August 2024. The comments state that they would be satisfied if a planning condition was to be imposed on any consent granted which makes it mandatory for the developer to undertake relevant studies, design modifications and consultations with SGN as required to define and if required to engineer out the potential risk of inducing currents and voltage onto the pipeline and associated infrastructure, prior to energisation of the BESS.
- 6.14 **The Coal Authority (12<sup>th</sup> April 2024): No objection** – Provided a response which detailed that the site does not fall within the defined coalfield. As such, there was no comment to be made from the consultee regarding the proposed development.
- 6.15 **Ayrshire Rivers Trust (ART) (14<sup>th</sup> May 2024):** The consultee comments on the potential to impact fish habitat downstream of the engineering works from any unmanaged runoff and states that construction activities should not impede movement of any migratory and resident fish populations. New water crossings (temporary or permanent) should only be installed following SEPA and Trust guidance as well as best practice guidance. Fish surveys should be done on all affected watercourses. There must be provision made for the control/removal of Japanese knotweed (JK) and giant hogweed (GHW) close to the site as any plant material from JK cannot be allowed to reach a watercourse and impact upon the riparian environment. GHW seeds can remain dormant and viable within the soil for many years and as such the soil would have to be treated as contaminated waste. Similarly, JK will either require control or removal, the removal of JK would mean treating the material as contaminated waste and require being sent to a licenced landfill. ART also advise that a comprehensive environmental monitoring programme ought to be planned for, which typically include fish surveys, invertebrate surveys and habitat monitoring to allow the consultee to understand and monitor the impact on the water environment over the duration of the works. ART recommend this to be done before, during and after surveys are carried out as best practice.
- 6.16 The applicant issued a response to ART on 5<sup>th</sup> August 2024, stating that the recommended surveys are not necessary given the nature and location of the site and proposed development. They outlined that all appropriate risk assessments will however be carried out, and all necessary mitigation will be presented in detail in a CEMP which will be a conditional requirement. Furthermore, habitat monitoring undertaken as part of the updated BNG assessment will also take fish into consideration.
- 6.17 **NATS Safeguarding (26<sup>th</sup> April 2024): No objection** – The response states that the proposed development has been examined from a technical safeguarding aspect and does not conflict with any safeguarding criteria therefore have no safeguarding objection.
- 6.18 **DIO Ministry of Defence (12<sup>th</sup> April 2024): No objection** – Provided a response which details that the proposed development falls outwith the MOD Safeguarded areas and does not affect defence interests.

- 6.19 **Office for Nuclear Regulation (Land Use Planning) (17<sup>th</sup> April 2024); No objection –** Provided a response which detailed that the proposed development site does not lie within a consultation zone around a GB nuclear site. As such, there was no comment to be made from the consultee.

### **South Ayrshire Council Internal Consultees**

- 6.20 **Independent Noise Advisor and Consultant (ACCON UK Limited – on behalf of the Council) (17<sup>th</sup> May 2024): No objection subject to conditions –** ACCON considers the approach to the noise measurement survey and noise prediction modelling to be appropriate and are satisfied that the approach to the noise impact assessment has been undertaken generally in accordance with BS 4142 and in line with the approach as agreed with South Ayrshire Council. Overall, ACCON consider that there would be no over-riding reason for refusal in respect of noise, subject to the imposition of five conditions. This includes noise level limits during daytime and night time periods, and prior to the date of final commissioning (before the BESS begins operating), that tests to ensure compliance with these levels are complied with.

### **Independent Ecology Advisor and Consultant (AECOM) – on behalf of the Council**

#### Biodiversity Net Gain related comments

- 6.21 **(3<sup>rd</sup> June 2024): No objection subject to conditions –** The Biodiversity Net Gain (BNG) Assessment should be reviewed after detailed design to ensure the commitments to habitat mitigation and enhancement on which the net gain calculations have been based are fully included in the final design, in particularly any woodland habitats present. The proposed management methods should also be reviewed. Request that at the detailed design stage a 'Post-Development habitats' plan is provided, symbolised with the UK Hab typologies to allow a direct comparison of the 'before' and 'after' habitats which could be cross referenced with the BNG Metric spreadsheet. Overall, the consultee recommends that the Council request as a condition of any planning permission that, as noted in the BNG Assessment Report, a detailed HMP be submitted. This should be based on final detailed design and an updated BNG Assessment.

#### PEA and Bat Survey related comments

- 6.22 **(12<sup>th</sup> July 2024): No objection subject to conditions –** It has been agreed with AECOM that the imposition of pre commencement conditions requiring the submission of a CEMP, Species Protection Plan and Habitat Management Plan is recommended.
- 6.23 **Scottish Fire and Rescue Service (3<sup>rd</sup> June 2024): No objection –** The consultee advised that the applicant has been pro-active in their approach to fire safety and have made every effort to comply with National Fire Chiefs Council guidance.
- 6.24 **Ayrshire Roads Alliance: Flood Risk (4<sup>th</sup> July 2024): No objection –** The Consultee considers the FRA conclusions to be reasonable with the main flood risk being identified as surface water including overland flow which has been identified as requiring a drainage strategy. The proposed development is acceptable for what is usually required from a flood risk management perspective, other than the design detention volume of a 1 in 30 + 41% Climate Change. The consultee advised that they would normally require a detention basin to be designed for the 1 in 200 year event + climate change which is 41% for this site, and that this requirement should form part of a revised drainage strategy to be submitted prior to the commencement of the proposed development.

- 6.25 **Ayrshire Roads Alliance: Roads and Transportation (ARA) (13<sup>th</sup> September 2024): No objection subject to conditions** – In relation to site access, the ARA accept the general principle of the proposed access, on the basis that the visibility splays as stated can be achieved. The ARA require that prior to the commencement of any work on site that a Road Safety Audit (RSA) Stages 1 and 2 combined is undertaken and submitted to the ARA for review. The recommendations from the RSA should be considered and addressed as appropriate within the detailed access design. The ARA will therefore seek to have controls in place around as many development trips, their associated routing and timings as is practicable through the use of a Construction Traffic Management Plan (CTMP) condition. The ARA will also require agreement on the routing of AILs to be agreed in advance, for details of the routes and any associated mitigation measures to be contained within the CTMP, and for the Applicant/Developer to enter into Section 69 and 96 agreements with ARA on behalf of Council, as deemed appropriate. Several conditions have been recommended, including in relation to junction layout details, junction visibility splay requirements, access construction requirements, prevention of water discharge onto the public road, the location and function of gates, and a CTMP.
- 6.26 **Independent Landscape Advisor and Consultant (Doug Harman) (16<sup>th</sup> July 2024 and 29<sup>th</sup> August 2024): No objection subject to conditions** – The initial consultation response stated that as the Landscape and Visual Impact Assessment (LVIA) only provides annotated photos (rather than photomontages), there is some concern that from the A77 and the open space and associated dwellings along Cedar Road, the proposed development would result in a significant visual effect in the long term as it is apparent that parts of the proposed development could remain highly visible above the trees and therefore, long term significant effects are very possible. As such, the submission of photomontages of all parts of the proposed development at year 1 and year 15 from Cedar Road was requested, with tree growth/height based on a realistic scenario.
- 6.27 The submission of three photomontage from the south-western edge of the holiday park was also requested given that from here, the views from approx. 12 lodges could be subject to significant effects during the early to middle life of the proposed development.
- 6.28 The locations of the requested photomontages (summer months only) were agreed with the applicant, and these were submitted on 16<sup>th</sup> August 2024, along with an LVIA addendum.
- 6.29 Doug Harman issued a second consultation response on 29<sup>th</sup> August 2024. This concluded that effects on several receptors would be significant (localised) for approximately 15 years (until mitigation planting matures) and that during winter months, it is likely that effects could also be significant in the longer term. The response stated that if the proposed development is consented, it is recommended that mixed woodland belts are planted in the open field alongside the A77 (outwith the application site), and along the south eastern boundary. The imposition of a condition requiring the submission of a Landscape Management Plan/Strategy was also recommended.
- 6.30 **Landscape Officer (5<sup>th</sup> July 2024 and 22<sup>nd</sup> August 2024): No objection subject to conditions** – The Landscape Officer states that the site is not covered by any natural heritage or specific landscape designations. The consultee states that they have no objection to the proposed development and the introduction of mitigation planting which consists of native woodland and understorey, hedgerows, species rich grassland and detention pond with associated planting. The Landscape Officer issued further comments on 7<sup>th</sup> August 2024, requesting the imposition of pre-commencement conditions requiring the submission of a detailed planting plan and maintenance schedule for approval. The comments state that the proposed species should include a percentage (approximately 30%) of evergreen trees to achieve screening across seasons.

- 6.31 The applicant submitted an 'Outline Planting Proposals Plan' and an 'Outline Soft Landscape Management and Maintenance Plan and Schedule of Operation'. On 22<sup>nd</sup> August 2024, the landscape officer stated that they have no objections to the proposed development, subject to implementation and maintenance of the existing and proposed landscape.
- 6.32 **Environmental Health (24<sup>th</sup> July 2024): No objection subject to conditions** – Recommend that prior to the commencement of works on-site, a noise assessment is undertaken and submitted so as to determine the likelihood of noise nuisance from the proposed noise generating development on the noise sensitive receptors and identify any mitigation measures required to achieve the advised ratings.

### **Community Council's**

- 6.33 **Alloway, Doonfoot and St Leonard's Community Council (18<sup>th</sup> July 2024)** – Commented that due to the size of the site, and the buildings and structures therein, the boundaries of the site must be heavily wooded, not only with native trees as detailed on the plans, but a mixture of deciduous and evergreen native trees, in order to retain effective screening during the winter.



## **7 Supporting Information**

7.1 The application submission is accompanied by a range of supporting documentation. This includes the following:

- Hardstanding and Road Details Plans/Drawings
- Hardstanding Layout Plans
- Proposed Junction Layout Plan
- Site Location Plan
- Parameter Plan and other Plans for Approval
- Illustrative Masterplan
- Landscape Strategy Plan
- Planning Statement
- Design and Access Statement and Landscape Strategy
- Arboricultural Impact Assessment
- Archaeology and Built Heritage Impact Assessment
- Bat Activity Survey Report
- Preliminary Ecological Appraisal
- Biodiversity Net Gain (BNG) Assessment
- BNG Update Letter
- Construction Phase Dust Risk Assessment
- Drainage Impact Assessment & Strategy
- Flood Risk Assessment
- Landscape and Visual Impact Assessment (LVIA)
- LVIA Addendum
- Accurate Visual Representations Document demonstrating the impact of the revised proposed development
- Outline Planting Proposals Plan
- Materials Management Plan
- Noise Assessment
- Outline Battery Fire Safety Management Plan
- Phase 1 Geo-environmental Desk Study Report
- Pre-application Consultation Report
- Economic Impact Statement
- Sustainability and Energy Statement
- Transport Assessment

## 8 Planning History

8.1 The following recent planning history (since January 2000) is applicable to the application site:

- 04/00625/FUL: Erection of livestock building, farm waste storage and crop storage (Braston Farm, Ayr, KA6 6AA) – Approved 27<sup>th</sup> May 2004.

### Other Relevant Planning History

8.2 The site is directly adjacent to Crofthead Holiday Park, which has an extensive and longstanding planning history. The following applications are of particular relevance:

- Ref. 22/00929/FURM: Section 42 application to remove planning conditions 1, 2, 3, 4, 6, 8, 9, 10 and 11 of planning permission reference 15/01231/APPM.
- Ref. 22/00483/APPM: Change of use of field (adjoining the park on the southern side) to form extension to an existing holiday park to site an additional 150 holiday lodges.

8.3 The above applications were approved at the Council's Regulatory Panel in March 2023 and works have commenced on both sites with the Section 42 (Ref. 22/00929/FURM) related scheme on the main existing park site nearing completion.

8.4 The following applications for similar types of development to that proposed are of relevance for context:

- ECU Ref: ECU00004855 and Council Consultee Ref: 23/00671/DEEM: Application for consent under Section 36 of the Electricity Act 1989 for construction and operation of Loch Fergus solar generating facility and battery storage station with a total capacity of up to 85MW alongside associated development including solar panels, battery storage containers, security fencing, CCTV cameras, access tracks, cabling, inverters, substations, landscaping and other ancillary development – Approved by Energy Consents Unit on 22<sup>nd</sup> October 2024.
- Council Ref: 22/00625/APP: Erection of wind turbine with tip height of 99.5m and associated works including access track, crane hard standing, control cabin and temporary construction compound (Ailsa Hospital, Ayr, KA6 6AB) – Approved 19<sup>th</sup> August 2024.
- ECU Ref: ECU00004658 and Council Consultee Ref: 22/01029/DEEM: Section 36 application for 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 (Camsiscan Farm 350 MW, Craigie, Kilmarnock South, KA1 5JT) – Approved by Energy Consents Unit on 26<sup>th</sup> January 2024.
- Council Ref: 23/00176/APPM: 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 (Land to East of Holmston Roundabout, Ayr) – Approved by Energy Consents Unit on 30<sup>th</sup> June 2023.
- ECU Ref: ECU00002197 and Council Ref: 21/00387/DEEM: 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) (Proposed Wind Farm Kilgallioch, Barrhill, South Ayrshire) – Approved by Energy Consents Unit on 1<sup>st</sup> October 2021.
- ECU Ref: ECU00002112 and Council Consultee Ref: 20/01085/DEEM: Application under Section 36 of the Electricity Act 1989 (as amended) for the proposed battery energy storage system (BESS) with installed capacity to a maximum of 50MW (Proposed Wind Farm at Dersalloch, Dalmellington Road, Straiton) – Approved by Energy Consents Unit on 24<sup>th</sup> June 2021.

## 9 Development Plan

- 9.1 As this application is submitted under Section 36 of the Electricity Act 1989, consequently Section 25 of The Town and Country Planning (Scotland) Act 1997 (as amended), which requires decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise, does not apply in this instance. The Development Plan does however remain a significant material consideration which the Planning Service requires to consider in preparing its recommended consultation response. Similarly, the Development Plan is a material consideration in the determination of the application, as deemed planning permission will be granted if Scottish Ministers approve the development.
- 9.2 Following the implementation of the Planning (Scotland) Act 2019 and the adoption of National Planning Framework 4 (NPF4) on the 13<sup>th</sup> of February 2023, the current Development Plan for South Ayrshire incorporates NPF4 and the South Ayrshire Local Development Plan 2 (LDP2) (2022).
- 9.3 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 frameworks.
- 9.4 NPF4 and the policies which apply in the context of the 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. Greater weighting will be given to the assessment criteria for renewable energy within NPF4 than in LDP2 as it is the most up to date policy on this subject.

### NPF4

- 9.5 The primary policy considerations against which the proposed development will be assessed against is NPF4 Policies 1 (tackling the climate and nature crisis), 2 (climate mitigation and adaptation), and 11 (Energy).
- 9.6 Other NPF4 policies of relevance are outlined below and can be viewed in full at <https://www.gov.scot/publications/national-planning-framework-4/>.
- Policy 3 – Biodiversity
  - Policy 4 – Natural Places
  - Policy 6 – Forestry Woodland and Trees
  - Policy 13 – Sustainable Transport
  - Policy 14 – Design, Quality and Place
  - Policy 22 – Flood Risk and Water Management
  - Policy 23 – Health and Safety
- 9.7 As is set out within the ‘Transitional arrangements for NPF4’ Chief Planner letter (February 2023), NPF4 is to be read and applied as a whole, and as such no policies should be read in isolation. An assessment of the development proposal against the provisions of NPF4 follows.
- 9.8 It is worthwhile to note that in assessing the proposal, the Council is not the determining authority and is providing comments as a Statutory Consultee to the Scottish Ministers.

- 9.9 As previously stated, several comments from consultees have already been submitted directly to The Scottish Government. Consultation responses received are considered in the Council's assessment of the application, and are incorporated into the recommendation. The full text of the submissions made to the Scottish Government can be found at The Scottish Government [Energy Consents Unit website](#) (case reference ECU00004995).

#### **NPF4 - National Development**

- 9.10 NPF4 outlines eighteen 'National Developments' which are defined as developments of national importance that will assist in the delivery of the Spatial Strategy for Scotland and support the 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 greener, fairer, and more inclusive wellbeing economy.
- 9.11 Under National Development 3 (Strategic Renewable Electricity Generation and Transmission Infrastructure), any onshore electricity generation development, including electricity storage, from renewables exceeding 50 MW capacity which would normally be classed as a major application, constitutes a National Development.
- 9.12 This application for a BESS with a capacity of up to 500 MW constitutes a National Development due to exceeding the 50 MW threshold, and as such would help to support the overarching aims of NPF4 and the spatial strategies to achieve net-zero targets and provide energy through renewable sources. Despite the classification as a National Development, the proposed development must be robustly assessed against relevant national and local planning policy before any determination can be made.

#### **South Ayrshire Council Local Development Plan 2 (LDP2)**

- 9.13 The following policies of LDP2 are considered relevant to 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: Flooding and Development
  - LDP Policy: Agricultural Land
  - LDP Policy: Air, Noise and Light Pollution
  - LDP Policy: Renewable Energy
  - LDP Policy: Natural Heritage
  - LDP Policy: Land Use and Transport
- 9.14 As per NPF4, the provisions of LDP2 must be read and applied as a whole and as such, no single policy should be read in isolation. The application has been considered in this context and alongside NPF4 as the Development Plan.

## 10 Assessment

10.1 This report is structured to assess the relevant and comparable policies within NPF4 and LDP2 together and to assess any that are only in one part of the Development Plan separately. As NPF4 is the most recent Development Plan document, its policies are used as the primary considerations and structure for the assessment, with the relevant LDP2 policies also assessed.

10.2 Having regard to the Development Plan, the key considerations are identified as follows:

### Sustainable Places

10.3 Both NPF4 and LDP2 actively promote sustainable development practice through the creation of sustainable places that respect the environment and are designed to mitigate and adapt to the impacts of climate change.

10.4 Tackling the climate and nature crises, through climate mitigation and adaptation, is a fundamental requirement of the Development Plan:

- **NPF4 Policy 1 – Tackling the climate and nature crises:** This policy states that when considering all development proposals, significant weight will be given to the global climate and nature crises.
- **NPF4 Policy 2 – Climate mitigation and adaptation:** Seeks 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:** Supports the principles of sustainable development by making sure that development meets the following standards (of relevance) set out within the policy:
  - a. Respects, protects and where possible, enhances natural, built and cultural heritage resources.
  - b. Protects and safeguards the integrity of designated sites.
  - c. Protects peat resources and carbon rich soils.
  - d. Does not have a negative effect on air or water quality.
  - e. Respects the character of the landscape and the setting of settlements.
  - f. Respects, and where possible contributes to the Central Scotland Green Network.
  - g. Makes efficient use of land and resources.
  - h. Helps mitigate and adapt to the effects of climate change.
  - i. When considering development proposals, due weight will be given to the consideration of net economic benefit.

10.5 Scottish Government policy, commitments and targets for renewable energy are set out in ministerial statements, key policy documents and statutes, namely; The Scottish Governments Declaration of Climate Emergency (2019), the emissions reductions targets set out in the Climate Change (Emission Reduction) (Scotland) Act 2019, The Scottish Energy Strategy (December 2017), and the Scottish Climate Change Plan 2018 to 2032 (2020 updated).

10.6 Furthermore, the Draft Energy and Strategy and Just Transition Plan was published in January 2023. One of the key ambitions set out within this strategy is *“Energy security through development of our own resources and additional energy storage”*. The strategy outlines the importance of BESS and states: *“We urge the UK Government to make ancillary markets more accessible for Battery Energy Storage Systems (BESS) and other low carbon technologies ahead of fossil fuel powered alternatives”*.

10.7 There is a clear policy emphasis at all levels towards tackling the climate crisis, with a strong drive towards green energy and reduction of carbon. NPF4 Policy 1 sets out that significant weight must be given to tackling the climate and nature crises and thereby, proposals which support these objectives, would have significant support.

- 10.8 NPF4 Policy 2 also sets out that any development should be sited and constructed in a way to minimise lifecycle greenhouse gases. These aims need also be put in the context of sustainable development which aims to ensure that development is carried out sustainability without significant detrimental impacts which would outweigh the development's positives and carbon reduction benefits. Strategic Policy 1 (Sustainable Development) of the LDP2 sets out criteria in this regard. NPF4 puts forward a presumption in favour of development which will help tackle the climate and nature crises, but this must be balanced against any significant detrimental impacts of a development which may outweigh these positives.
- 10.9 The supporting information submitted with the application sets out that the BESS will have a capacity of up to 500 MW. This will help meet the Scottish Government's renewable energy generation targets.
- 10.10 The Planning Statement states that the proposed development is forecast to provide up to 1,241,000 MWh of power each year during times of peak demand, equating to meeting the annual electricity demand of up to circa 459,630 UK homes. Net greenhouse gas (GHG) savings of up to 386,316 tonnes of carbon dioxide equivalent (tCO<sub>2</sub>e) are forecast from its first year of operation, equating to circa 45% of baseline South Ayrshire GHG emissions, or circa 446% of South Ayrshire baseline GHG emissions relating to electricity only.
- 10.11 Based on average annual mileage of 7,400 miles for UK cars and the latest (2023) DEFRA emissions factor for average car unknown fuel, the year one GHG savings equate to taking circa 194,555 cars off UK roads.
- 10.12 The document goes onto confirm how further consideration will be given to minimising GHG emissions during the construction phase and during decommissioning.
- 10.13 The document concludes that the proposed development will support the critical need for decarbonisation of the energy system in pursuit of Scotland's (and the UK's) legally binding net zero targets, whilst at the same time addressing national and local environmental protection policy and supporting SAC's aim for a flexible and forward-looking approach to sustainable development.
- 10.14 It is considered that the proposed development would comply with NPF4 Policies 1 and 2 as it would assist in tackling the climate crisis and would have a positive effect in terms of greenhouse gas emission reduction targets.
- 10.15 In terms of LDP2 Strategic Policy 1, it is considered that the proposed development meets the criteria specified within the policy. Detailed assessment against the specific applicable criteria within this policy are set out within other sections of the report. There is a notable overlap between the criteria of LDP Strategic Policy 1 and NPF4 Policy 11 (Energy), therefore these matters will be discussed in appropriate sections below to avoid unnecessary repetition.

## **Renewable Energy**

- 10.16 In addition to NPF4 Policies 1 (tackling the climate and nature crisis) and 2 (climate mitigation and adaption), Policy 11 (Energy) is the most relevant policy to the consideration of the proposed development. The policy highlights a key focus on the encouragement, promotion and facilitation of all forms of renewable energy development in both onshore and offshore environments and provides criteria for the assessment of proposals for renewable development, which, alongside corresponding criteria from LDP2 2022 will form the main structure of the assessment of the proposal presented below.

10.17 NPF4 Policy 11 states:

- a) *Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:*
  - i. wind farms;*
  - iii. energy storage, such as battery storage;*
  - vii. proposals including co-location of these technologies.*
- 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. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;*
  - iii. public access, including impact on long distance walking and cycling routes and scenic routes;*
  - iv. impacts on aviation and defence interests including seismological recording;*
  - v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;*
  - vi. impacts on road traffic and on adjacent trunk roads, including during construction;*
  - vii. impacts on historic environment;*
  - viii. effects on hydrology, the water environment and flood risk;*
  - ix. biodiversity including impacts on birds;*
  - x. impacts on trees, woods and forests;*
  - xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;*
  - xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and*
  - xiii. cumulative impacts.*

*In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.*

*Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.*
- f) *Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.*

10.18 The proposal is assessed against the above criteria below, alongside any other relevant Development Plan policies.

### **Criteria (a) and (b) – Application type and location**

10.19 The proposed development is for energy storage (BESS) battery storage system and is therefore compliant with Criteria (a).

10.20 The proposed development is not for a windfarm and the site is not located within a National Park or National Scenic area. Criteria (b) is therefore not applicable.

### **Criteria (c) – Socio-economic impact**

10.21 Criteria (c) details that development is only supported if it maximises net economic impacts, including local and community socio-economic impact benefits.

10.22 The other relevant Development Plan policies are:

- LDP2 Strategic Policy 1: When considering development proposals, due weight will be given to the consideration of net economic benefit.

10.23 The key socio-economic benefits that are associated with the proposed development are detailed within the Economic Impact Assessment submitted in support of the application, and in summary include:

#### Construction Phase Socio-Economic Benefits

- Supporting 45 person-years of employment, equating to an average of 35 full time equivalent (FTE) gross jobs during the 15-month construction period;
- Creating an average of 65 direct, indirect and induced net additional FTE employment opportunities in Scotland during construction; and
- Contributing a total net additional £5.3 million GVA to the Scottish economy.

#### Operational Phase Socio-Economic Benefits

- Supporting 20 gross person-years of employment during its operational lifetime;
- Creating 35 direct, indirect and induced net additional FTE person-years of employment in Scotland during its operational lifetime; and
- Contributing a total net additional £5 million GVA to the Scottish economy during its operational lifetime.

10.24 The applicant has also agreed to explore the possibility of using local suppliers and contractors and offering apprenticeships to South Ayrshire residents. This will be dealt with via a recommended pre commencement condition requiring the submission of an Employment and Skills Plan and Strategy.

10.25 Overall, it is considered that the net economic benefits of the proposed development have been maximised as far as reasonably possible, and that the proposed development therefore complies with Criteria (c), in addition to the other relevant policies identified.

### **Criteria (d) – International and National Designations**

10.26 This states that Development Proposals that impact on international or national designations will be assessed in relation to NPF4 Policy 4 (Natural Places).

10.27 The other relevant Development Plan policies include:

- LDP2 Policy: Natural Heritage – This states that Development, either individually or in combination with other plans or projects, which is likely to have a significant effect on a designated or proposed European Sites will be subject to an appropriate assessment of the implications for the site in view of the site's conservation objectives.

10.28 The site is not subject to any national or international designations.

10.29 Two Sites of Special Scientific Interest (SSSI) are located within 5km of the Application Site (Martnaham Loch and Wood located 3.8km to the east and Maidens to Doonfoot located 3.9km to the west).

10.30 The NatureScot consultation response to the ECU states that they do not consider that the integrity of any of the nearby SSSIs will be adversely affected by the proposed development.



10.31 As such, the proposed development is in accordance with Criteria (d).

### **Criteria (e) – Project Design and Mitigation**

10.32 Criteria (e) requires that project design and mitigation demonstrate how a number of potential impacts that will occur due to the proposed development will be addressed. In considering these impacts, significant weight will be placed on the contribution of the proposed development to renewable energy generation targets and on greenhouse gas emissions reduction targets.

10.33 This aligns with the broader policy intentions of LDP2 which supports renewable energy development provided they do not result in harmful effects on the environment.

10.34 It should be noted that the NPF4 policy 11(e) criterion does not specifically state that if any of the detailed impacts are not fully addressed, then that proposal should be deemed unacceptable, only that it must be demonstrated how the applicant has sought to address these impacts through design and mitigation.

### **Criteria e (i) – Impacts on communities and individual dwellings**

10.35 Criteria e (i) requires demonstration of how impacts on communities and individual dwellings, including residential amenity, visual impact, noise and shadow flicker are addressed.

10.36 The following LDP policies are also applicable:

- NPF4 Policy 23 (Health and Safety) - Development proposals that are likely to have significant adverse effects on air quality or are likely to raise unacceptable noise issues will not be supported.
- LDP Policy: Sustainable Development - We will support the principles of sustainable development by making sure that development meets the following relevant standards: Does not have a negative effect on air or water quality and respects the character of the landscape and the setting of settlements.
- 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.

10.37 Due to its scale, nature and means of operation, the proposed development has the potential to generate noise, nuisance, and visual amenity effects on nearby residential properties.

10.38 Compliance with Policy 11 Criteria e (i) is assessed below:

#### Visual Impact (Communities and Individual Dwellings)

10.39 It is recognised that the proposed development would result in a visual change to the current predominately rural and agricultural landscape in which the site is located.

10.40 For clarity, this part of the report considers visual impact on the amenity of communities and individual dwellings only. The wider landscape and visual impacts are considered later in the report.

10.41 However, although the site lies outside of the settlement boundary of Ayr in open countryside, its current character is subject to urbanising influences, including low voltage powerlines, the A77 and A713 roads, and the adjacent Crofthead Holiday Park.

- 10.42 The following individual dwellings / communities are within close proximity to the application site:
- Five residential properties (including Braston farm) located immediately to the south of the site along an unnamed road off the A713 which terminates at Braston Farm. Braston Farm is owned by the freeholder of the application site, as are the two properties on the road closest to the A713, which are located approximately 5m south of the proposed site access road. The other two properties are privately owned, and are unlikely to experience views of the proposed development (aside from the proposed site access road) given that they are screened by existing trees;
  - A residential estate is located approximately 100m to the north west of the site along Cedar Road on the western side of the A77 and an adjoining open space area; and
  - Crofthead Holiday Park adjoins the site to the north east. While some caravans within the site are used for permanent residential purposes, the majority are for 'holidayers' and it is acknowledged are likely to be occupied on a regular basis. Notwithstanding, the majority of caravans are orientated away from the proposed development.
- 10.43 The initial consultation response (prior to revisions being made to the proposed design) from the Council's external landscape advisor raised concern that from the A77 and the open space and associated dwellings along Cedar Road, the proposed development would result in a significant visual effect in the long term as it is apparent that parts of the proposed development could remain highly visible above the trees and therefore, long term significant effects are very possible. Given that these had not been provided, the submission of photomontages showing all parts of the proposed development at year 1 and year 15 were requested, with tree growth/height based on a realistic scenario.
- 10.44 Following this, photomontages at year 1 and 15 during the summer months have been produced and submitted for a total of four agreed viewpoints from the areas subject to the highest visibility levels (other than the dwellings to the south of the site). These are contained within the LVIA addendum.
- 10.45 Following review of these and additional consultation comments received by the Council's external landscape advisor, it was requested that further design mitigation measures were provided due to concerns that localised landscape and visual effects on the following receptors would be significant for approximately the first 15 years until the proposed mitigation planting matures, and that effects could also be significant in the longer term (especially during winter months) on the following receptors:
- Agricultural Lowlands LCT;
  - A77 users - along approx. 350m;
  - Residents along Cedar Road - approx. 12 dwellings;
  - Recreational users of open space alongside Cedar Road;
  - Residents at Crofthead Holiday Park - approx. 12 caravans; and
  - Recreational users of informal woodland footpath at Crofthead Holiday Park.

10.46 Due to the concern of the Council's Planning Service, the applicant agreed to the following additional design mitigation measures:

- The maximum height parameter for built development within the substation area will be reduced to 53.62m above ordnance datum (AOD), which is 3m less than what is shown on the photomontages;
- A proposed adjustment to the maximum height of built development within the battery storage area (battery units and associated electrical infrastructure), such that the maximum height parameter is 49.32 metres AOD;
- An additional belt of 1.5m high landscape planting - comprising Native Woodland Mix and Understorey Mix of 15m depth - will be provided on the south-eastern perimeter, providing a continuation of the proposed landscaping to the northern and eastern perimeters;
- An enhancement of the landscape planting strategy to the northern and eastern perimeters - to improve immediate screening, the size of select standard trees will be increased to extra heavy standards (14-16cm girth and 400-450cm in height), thus adding 1m to the screening height in year 1. Younger trees generally grow faster than more mature ones, so interspersing these with the understorey, combined with appropriate management and maintenance, will result in an initially effective and rapidly establishing visual screen; and
- The proportion of evergreen species within the Native Woodland and Understorey Mix will be increased from 25% (as proposed within the application currently) to 35-40%. This will be achieved by replacing one of the extra heavy standard deciduous species with an evergreen species.

10.47 An Accurate Visual Representation document was submitted on 24<sup>th</sup> September 2024 which contains photomontages of the updated proposed development from the four viewpoint locations previously agreed for the originally produced photomontages.

10.48 The proposed development will be visible to the following communities and dwellings:

- The residents of approximately nine dwellings (number 31 to 43) on Cedar Road, which are located between approximately 360m and 480m from the proposed BESS development area would have views towards the site from front facing rooms across the A77, in addition to any recreational users of the public open space/ grassed area in front of these dwellings. The year 1 visualisation indicates that the upper end of the gantry will be visible above the tree line, in the middle distance on the rising land. However, when the woodland is mature (15 year estimate), the proposed development will be screened from view. It is likely that the proposed development would be screened from view even prior to the 15 year estimated period for the trees to mature;
- Properties on the unnamed road south of the site – There are direct views of the proposed development from Braston farm which is sited approximately 165m south east of the proposed BESS development area. As outlined above however, the applicant has agreed to the provision of a woodland belt along the south-eastern perimeter of the site. Although a photomontage has not been provided for this location, it is understood that this would screen the proposed development from view once matured. Aside from the proposed site access road, there may also be filtered views through existing and proposed trees of the application site from the garden of the second closest property to the A77 until the proposed woodland matures, although photomontages from these locations have also not been provided. As previously outlined, these properties are owned by the application site freeholder, who therefore has a financial interest in the project; and



### Shadow Flicker and Glint and Glare

10.56 Shadow flicker and Glint and Glare are not applicable to the proposed development.

### Light Pollution

10.57 In relation to lighting, as is summarised with the Planning Statement, the following is proposed:

- Directional lighting may be needed during construction hours during the winter period;
- Outside normal construction hours motion-activated directional security lighting may be used at the Project site;
- Regarding external lighting during the operational phase, this is to be motion detection activated and designed in accordance with the 'Bats and Artificial Lighting in the UK' CIEEM guidance document and the 'Guidelines for consideration of bats in lighting project' document;
- Lighting will be located on poles up to 6m high and at 50m intervals;
- Lighting to be designed so that dark corridors are maintained around the boundary of the site and detention basin;
- Only luminaires with an upward light ratio of 0% will be used;
- All external luminaires used on site will lack UV elements and will be warm-white coloured (<2700 Kelvin) to reduce blue-light components; and
- LED luminaires will be used due to their sharp cut-off, lower intensity, good colour retention and dimming capability.

10.58 The Council's Environmental Health Service have been consulted, but did not make any comments in relation to light pollution.

10.59 It is considered that the lighting generated from the proposed development would not result in significant impacts that would compromise the amenity of the surrounding residential properties and environments.

### Air Quality

10.60 A Construction Phase Dust Risk Assessment has been submitted to assess the potential dust risk associated with the construction of the proposed development and provide appropriate mitigation measures to control or eliminate any such risks. In summary, the report states that:

- The construction phase is likely to lead to a temporary increase in the number of vehicles, including cars and Heavy Good Vehicles (HGVs), on the local highway network for the duration of the construction works only;
- The effect of construction road traffic emissions upon local air quality at sensitive receptors will be not significant;
- There are no sensitive ecological receptors within 50 metres of the areas within which construction activities will take place; and
- With the implementation of appropriate site-specific mitigation measures, the risk of dust impacts associated with the construction will be negligible to low and associated effects will be not significant.

10.61 The report provides suggested good practice and site-specific mitigation measures to be implemented during construction, as of which are to be included in a Construction Environmental Management Plan (CEMP), which is a recommended condition.

10.62 The Council's Environmental Health Service have been consulted, but did not make any comments in relation to air quality.

- 10.63 It is considered that the dust generated from the proposed development would not result in significant impacts that would compromise the amenity of the surrounding residential properties and environments, subject to the imposition of the recommended condition.

Conclusion – impacts on Communities and individual dwellings

- 10.64 For the reasons outlined above, the proposed development is considered to accord with the relevant Development Plan policies in relation to impact on communities and individual dwellings.

**Criteria e(ii) Landscape and Visual Impact**

- 10.65 Criteria e(ii) requires demonstration of how significant landscape and visual impacts are addressed, recognising that such impacts are to be expected for some forms of renewable energy. The policy also states that where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered acceptable.

- 10.66 The other relevant policies are:

- NPF4 Policy 4 (Natural Places): Criteria (a) states that development proposals by virtue of type, location or scale that will have an unacceptable impact on the natural environment, including landscape impacts, will not be supported.
- NPF4 Policy 29 (Rural Development): Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area.
- LDP2 Strategic Policy 2 (Development Management): States that the Council will ensure that development proposals meet several requirements, including not having an unacceptable impact on the amenity of nearby land uses, or committed development proposals (with Planning Permission or allocated LDP development sites).
- LDP2 Policy Landscape Quality: aims to 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.*

- 10.67 As outlined under the Visual Impact (Communities and Individual Dwellings) section, an LVIA has been submitted in support of the application. The principal Study Area includes both the site and the surrounding context within a 1km radius and is illustrated on Figure 1 of Appendix 2 in the LVIA. This has been informed by the production of a computer generated Zone of Theoretical Visibility (ZTV) which identifies where in the surrounding landscape the Proposed Development is likely to be visible.

- 10.68 Amendments to the proposed development have been made since the LVIA was submitted, as outlined under paragraph 10.46 of this report. Visualisations of the revised proposed development have also been submitted.

- 10.69 Impacts from a landscape and visual perspective are considered under the headings below.

### Landscape Impact

- 10.70 As is outlined within the LVIA, the site comprises of a series of medium-small regular field parcels divided by several field boundary hedgerows. Boundaries to the north and south comprise mature woodland tree belts and to the west the mature woodland associated with the Annfield Burn. The eastern boundary is formed by a fragmented field boundary hedgerow comprising of native deciduous species.
- 10.71 The site is not subject to any international, national, or local landscape related designations.
- 10.72 The application site lies within the Agricultural Lowlands - Ayrshire Landscape Character Type (LCT) as defined in NatureScot'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.
- 10.73 The Council's external landscape advisor, whose consultation comments were based on the original design (which has since been updated) concluded that the LCT as a whole would not be subject to a significant landscape effect, although until mitigation planting matures, a locally significant effect is predicted from some open locations to the north and east of the site.
- 10.74 Given that the maximum height parameters have been reduced by up to 3m and additional mitigation measures will result in enhanced screening of the proposed development in both the short and long term (i.e. future), it is considered that any impact on the landscape would not be so significant as to be unacceptable, particularly when weighted against the benefits of renewable energy in tackling the climate crisis.

### Visual Impact

- 10.75 As visual impact on residential properties and communities has already been assessed under criteria e (i) above, this section focuses on non-residential property related visual impacts only.
- 10.76 As is outlined under paragraph 10.44 above, following review of the LVIA addendum which includes the requested photomontages, consultation comments were issued by the Council's external landscape advisor. Aside from the impacts on individual dwellings and communities which have already been covered (paragraph 10.38 onwards), concerns that there would be significant localised landscape and visual effects on the following receptor was raised:
- A77 users opposite Cedar Road - along approx. 350 m gap between trees.
- 10.77 The Council's external landscape advisor's consultation comments were provided prior to the additional design mitigation measures being proposed (maximum height parameter reduction and additional planting related measures).
- 10.78 The consultation comments state that road users would experience mostly open views of the proposed development along a 350m section of the A77 when travelling south, and it would introduce a relatively prominent visual focus that detracts from the appreciation of the surrounding prevailing rural landscape. The consultation comments predict that road users would be subject to a significant visual effect for approximately 15 years and even when mitigation planting reaches maturity, it is likely that during winter months (when the potential screening effect of woodland would be much less apparent), a significant effect could be experienced where most of the site would remain noticeable through the trees.
- 10.79 As previously outlined, since these comments were issued, additional design mitigation measures have been proposed by the applicant which results in the maximum height parameter of the proposed substation area being reduced by 3m, and additional planting is proposed to enhance screening.

- 10.80 As a result of these appropriate design mitigation measures, it is now considered that the visual impact from this section of the A77 would be significantly reduced, and would not be so significant as to be unacceptable, particularly when weighted against the benefits of renewable energy in tackling the climate crisis.

#### Conclusion on Landscape and Visual Impact

- 10.81 Overall, it is considered that the proposed development will result in some adverse landscape and visual impacts until the proposed woodland planting matures, albeit on a localised level.
- 10.82 NPF4 however sets out a presumption in favour of development which contributes towards tackling the climate crisis and support for renewable energy related development is also set out within Policy 11, with this policy indicating a 'tilted balance' in favour of approval.
- 10.83 It is considered that due to the updated proposed design mitigation measures which includes a reduction in the maximum height parameter of the proposed development and a series of landscape related mitigation measures to improve screening, effects will not be so significant to warrant objecting to the proposed development when weighted against the positive benefits of this development and objectives of NPF4 with regard to renewable energy related development.
- 10.84 In conclusion, it is considered that the adverse effects identified, would, in their entirety be acceptable, and that the proposed development is therefore compliant with the relevant Development Plan policies identified.

#### **Criteria e (iii) – Public access including impact on long distance walking and cycling routes and scenic routes.**

- 10.85 Criteria e (iii) requires consideration of the impact on long distance walking and cycling routes and scenic routes.
- 10.86 The following Development Plan policies are also relevant:
- NPF4 Policy 13 – Sustainable Transport - Seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably;
  - LDP2 Policy: Land use and Transport – Development proposals should link to existing and proposed active travel networks, including walking, cycling and public transport networks; and
  - LDP2 Policy: Outdoor Access and Public Paths - We will aim to improve and protect all core paths and other significant access routes - including recognised rights of way, disused railway lines (e.g The Culzean Way), riverside walkways, wind farm access tracks and cycleways and cycle parking facilities.
- 10.87 The site does not have any core paths or recorded rights of way within or immediately adjacent to it.
- 10.88 The proposed development includes the provision of a new vehicular access from the A713 located approximately 50m to the north west of the existing farm track which provides access to five properties, terminating at Braston farm.
- 10.89 The site is in a sustainable location in terms of accessibility. As is outlined within the Transport Assessment (TA), there is a footway on the southern side of the A713 as it passes the site. This footway continues east from the proposed development, terminating at Alisa hospital which is approximately 1. km to the south east.
- 10.90 To the west, this footpath crosses the Bankfield Roundabout and leads to the A77 to the north and south and Dalmellington Road to the north east.



- 10.91 There are no dedicated cycle routes within or near the site.
- 10.92 The site is also near several bus stops, the closest being on Dalmellington Road approximately 0.4km to the west. Furthermore, Ayr Railway Station is located approximately 2.8 km to the north west.
- 10.93 The proposed development will have no impact on any existing pedestrian or cycle routes within or near the site.
- 10.94 For the reasons outlined, the proposed development is therefore considered to comply with NPF4 Policy 11 Part (e)(iii) in addition to the other relevant policies identified.

**Criteria e (iv) – Impacts on aviation and defence interests including seismological recording**

- 10.95 Criteria e (iv) requires applicants to set out how the project design and mitigation will address impacts on aviation and defence interests including seismological recording.
- 10.96 Glasgow Prestwick Airport were consulted by the ECU, and they confirmed that they do not object to the proposed development subject to the implementation of a statutory condition which requires compliance with the relevant guidance when using cranes exceeding a height of 10 metres above ground level (AGL) or that of the surrounding structures or trees (if higher). It is standard practice however for SAC to instead deal with this requirement via an advisory/informative note for the developer.
- 10.97 Furthermore, NATS Safeguarding (whose interest relates to safeguarding aerodromes, radar, navigation aid installations and flight procedures/routes) were also consulted by the ECU and have stated that the proposed development does not conflict with any safeguarding criteria and therefore have no objections to the proposed development.
- 10.98 The proposed development therefore complies with criteria e (iv).

**Criteria e (v) – Impacts on telecommunications and broadcasting installations**

- 10.99 Criteria e (v) states that it should be set out how the project design and mitigation will address impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.
- 10.100 BT were consulted by the ECU and have no objection, stating that the proposed development should not cause interference to BT's current and presently planned radio network in the surrounding area.
- 10.101 The ECU also consulted The Joint Radio Company who had no objection given that the proposed development is cleared with respect to radio link infrastructure operated by the local energy networks.
- 10.102 The proposed development is therefore considered to comply with criteria e (v).

**Criteria e (vi) – impacts on road traffic and on adjacent trunk roads, including during construction**

- 10.103 The submitted Parameter Plan shows that the proposed development would be accessed by a new priority junction on the A713 located approximately 50m to the north west of the existing unnamed access road terminating at Braston Farm. The access road to the proposed development would lead to internal site access tracks providing access throughout the site.

- 10.104 ARA (Roads and Transportation) have been consulted by the Council and have no objection, subject to the imposition of conditions including in relation to junction layout details, junction visibility splay requirements, access construction requirements, prevention of water discharge onto the public road, the location and function of gates, and a CTMP.
- 10.105 Transport Scotland (TS) have also been consulted by the ECU and state that they have no objection to the proposal, subject to conditions (including details of Abnormal Indivisible Loads (AIL) routes and necessary accommodation and traffic control measures along such routes).

#### Construction Period Traffic

- 10.106 It is stated within the Planning Statement that construction is expected to last for approximately 15 months.
- 10.107 As is outlined within the TA, the proposed site access route would also be used during the construction phase with a temporary vehicle holding area located adjacent to the site entrance allowing vehicles to be accommodated off road until such time as they are required to proceed to the temporary construction compound of development platform areas.
- 10.108 Within their consultation response, ARA (Roads and Transportation) highlight the significance of the A713 given the critical function it performs in relation to traffic movements to and from University Hospital Ayr and Ailsa Hospital, including blue light emergencies.
- 10.109 The applicant has committed to the submission of a CTMP, which would present measures to manage the traffic generated during the construction of the proposed development. This is a recommended pre-commencement condition, as advised by ARA (Roads and Transportation) and Transport Scotland. It is stated within the TA that the applicant (or contractors appointed on their behalf) will liaise with NHS Ayrshire and Arran during the preparation of the CTMP to agree measures to avoid any impact on 'blue light' traffic travelling to or from University Hospital, Ayr.
- 10.110 Vehicles delivering the transformers to the proposed development will be classed as AILs. Appendix D of the TA includes a high-level desktop-based view of the feasibility of delivering the transformers from the Port of Ayr to the proposed development. This concludes that there are "*No major concerns with access*". The imposition of a pre-commencement condition requiring the submission of a detailed AIL feasibility study has been suggested in the TA and this is a recommended condition, in addition to pre-commencement conditions recommended by Transport Scotland and ARA (Roads) requiring details of AIL routes and necessary accommodation and traffic control measures along such routes.
- 10.111 As is outlined within the TA, the existing average weekday traffic levels on the A713 during the period 0700-1900 is 11,250 vehicles. The typical busiest daily increase associated with the proposals is around 109 trips, or 1% of the background traffic flow. The increase on the A77 north of the A713 would be even lower at around 0.5% (assuming all vehicles to and from the proposed development used the section of the A77 north of the A713).
- 10.112 The TA concludes that this level of activity would be unlikely to be noticeable to other road users and in any event would be generated only during the construction of the proposed development. As such, there would be no adverse effects to capacity or safety of the surrounding road network.

#### Operational Period Traffic

- 10.113 The TA states that no permanent staff are expected to be stationed at the proposed development when it is operational, but there will be occasional visits by maintenance and operational staff. The trip generation of the proposed development, when operational, is therefore likely to be negligible.

### **Conclusions on road traffic and trunk road impact**

- 10.114 The proposed development has the potential to have some adverse effects on the road network with an increase in vehicles during the construction phase.
- 10.115 The proposed development will be subject to a number of recommended conditions, including a CTMP in order to ensure that measures are agreed in order to avoid any potential adverse impacts, and further details and mitigation measures in relation to AILs.
- 10.116 Overall, it is therefore considered that the proposed development would meet the intent of LDP2 and NPF4 policies in relation of transport.

### **Criteria e (vii) – impacts on Historic Environment**

- 10.117 Criteria e (vii) requires demonstration of how any impact on the historic environment will be addressed.
- 10.118 The other relevant policies are:
- NPF4 Policy 7 (Historic Assets and Places) - aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places;
  - LDP2 Policy: Historic Environment - We will protect, preserve and, where appropriate, conserve and / or enhance South Ayrshire's historic environment; and
  - LDP2 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 benefit of the proposal outweighs the archaeological value of the site.
- 10.119 There are no designated heritage assets on the site, or within 2km of the application site whose setting / significance would be adversely affected by the proposed development.
- 10.120 An Archaeology and Built Heritage Assessment has been submitted in support of the application. The assessment identified the following three archaeological assets within the site, as recorded in the Historic Environment Records:
- The approximate location of the pre-18th century farmstead of Braeside;
  - The route of the Old Galloway Road (suggested to be of Roman date); and
  - The former location of the house of Bank and associated gardens/orchard.
- 10.121 Pre-application discussions with WoSAS were carried out, and it was agreed that an archaeological trial trench evaluation would be undertaken. This determined that:
- No remains of archaeological significance were recorded in the proposed development platform area;
  - No evidence of archaeological remains pre-dating the modern period or of a road of Roman date were found on the line of the Old Galloway Road during the targeted trial trenching. The sections of the Old Galloway Road which would be affected by construction work are of negligible importance; and
  - The potential for buried archaeological remains associated with the house of Bank and its associated gardens / orchard was identified. The potential impact on any remains which may be present will be offset by a programme of archaeological monitoring and recording (archaeological watching brief) within this area.
- 10.122 Historic Environment Scotland (HES) have been consulted by the ECU and had no comments given that the proposed development does not have an impact on designated features.
- 10.123 It is therefore considered that the historic environment will be preserved, and that the proposed development complies with Policy 11 part (e)(vii).

## **Criteria e (viii) – Effects on hydrology, the water environment and flood risk**

10.124 Criteria e(viii) requires proposals to demonstrate how effects on hydrology, the water environment and flood risk are addressed.

10.125 The other relevant Development Plan policies are:

- NPF4 Policy 22 (Flood risk and water management) - seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.
- LDP2 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);
  - 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; and
  - e. It provides an appropriately sized buffer strip between the development and a water course.
- LDP2 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.

10.126 A Flood Risk Assessment (FRA) has been submitted in support of the application. It comprehensively evaluates the potential for flooding from various sources including coastal, pluvial (i.e. rainfall), fluvial (i.e. river) and groundwater, and outlines that:

- The application site is not vulnerable to coastal flooding and has a low risk of pluvial flooding relating to the topographic low points in the site's centre;
- Development of the site and the establishment of a formal drainage system are expected to mitigate flood risk;
- The developable parts of the site are not susceptible to fluvial flooding given their location and distance from Annfield Burn, the closest water source to the site; and
- Shallow groundwater is absent from the site which is therefore immune to groundwater flooding.

10.127 The FRA concludes that the site is considered to maintain an acceptable level of flood risk and will not elevate flood risks in other areas.

10.128 A Drainage Strategy and Impact Assessment has also been submitted. This outlines that:

- It is proposed to have a surface water drainage network within the site which will ultimately discharge into the Annfield Burn north of the proposed development area via a proposed swale outfall;
- A network of perforated pipes will be laid below ground within the development/substation areas which will convey surface water drainage to a detention basin which has been sized to the 1 in 30-year storm event with a storage capacity of 1,899m<sup>3</sup>. Water will be discharged from the detention basin to Annfield Burn at a maximum rate of 33.3 litres / second via a swale. A Hydrobrake flow control system is proposed to provide a betterment of 61% in discharge rate to the receiving watercourse;

- The drainage strategy for the proposed development will consist of separate surface water system with no foul network within the site; and
  - The proposed development has been designed for the 1 in 200 year plus 41% climate change, by utilising sustainable drainage (SuDS) measures and above ground detention pond storage before discharging to the Annfield Burn watercourse.
- 10.129 It has been confirmed by the landowner and Council's Environmental Health Service that there are no Private Water Supply users, abstractions or properties on the proposed application site or within a 5km radius.
- 10.130 Ayrshire Roads Alliance as the Council's Flooding Authority have been consulted and have no objection to the proposed development and consider the FRA conclusions to be reasonable with the main flood risk being identified as surface water including overland flow which has been identified as requiring a drainage strategy.
- 10.131 In relation to the proposed detention volume design (1 in 30 year event + 41% Climate Change), the consultee comments do however state that the Council would normally require a detention basin to be designed for the 1 in 200 year event + climate change, which is 41% for this site. The applicant has agreed to this request, and it has been agreed that a condition can be imposed which requires, when the finalised site layout is submitted for approval, that detailed design of the detention basin (to a 1 in 200 year event + climate change (41%) is to be submitted.
- 10.132 SEPA have been consulted by the ECU and raise no objection but referred the applicant to advice documents regarding flood risk.
- 10.133 The ECU have also formally consulted Scottish Water. The response states that there are no Scottish Water drinking water catchments or abstraction sources in the area that may be affected by the proposal and state that for reasons of sustainability and to protect their customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into their combined sewer proposal.

#### Conclusion on Hydrology, Water and Flood Risk

- 10.134 Overall, the proposed development would have no significant effects on hydrology or the water environment and the proposed development would not be at significant risk of flooding or increase flood risk elsewhere.
- 10.135 The proposed development is therefore considered to comply with Policy 11 Criteria (e)(viii) in addition to the other identified relevant Development Plan policies.

#### **Criteria (e)(ix) biodiversity including impacts on birds**

- 10.136 This criteria requires demonstration of how impacts on biodiversity including birds is addressed.
- 10.137 The other relevant Development Plan policies are:
- 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. Development proposals for national or major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management.
  - LDP2 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. Criterion (f) requires development to not have an unacceptably detrimental effect upon natural heritage, including wild land, birds and carbon rich soils.

- 10.138 An assessment of the ecological impacts of the proposed development during the construction and operational phases has been undertaken with the results recorded in the Bat Survey Report, Preliminary Ecological Assessment (PEA) and a Biodiversity Net Gain (BNG) Report, all of which have been undertaken in accordance with relevant best practice guidelines.
- 10.139 Further to the updates made to the proposed development, the applicant submitted a letter on 11<sup>th</sup> October 2024 which outlined the updated BNG assessment.
- 10.140 These documents are summarised below in turn.
- 10.141 The PEA states that a UK Habitats Classification survey was carried out which identified nine primary habitats on site including nationally important hedgerows, other lowland mixed deciduous woodland, wet woodland, and burn. Regionally important tree line and other Scot's pine woodland and site important neutral and modified grassland were also present on site.
- 10.142 Evidence of badger, nesting birds, and trees with bat roost potential were identified during the survey. Suitable habitat exists for bats, badger, otter, hedgehog, brown hare, birds, amphibians, reptiles, and invertebrates on and adjacent to the site.
- 10.143 Aside from the Bat Survey, the PEA states that no further surveys are necessary at this time, though a pre-commencement check within three months of works (including vegetation clearance) is recommended.
- 10.144 Several mitigation measures are recommended, including avoiding the removal of nationally and regionally important habitats, and compensating for the removal of species poor hedgerow habitats and grassland.
- 10.145 The Bat Survey Report confirms that:
- Two precautionary remote monitoring surveys and transect surveys were undertaken in August 2023 in accordance with relevant guidelines;
  - Five bat species were confirmed using the site during transect survey and remote monitoring surveys. The woodland and treeline habitats within the centre and boundaries of the site offer the greatest foraging and commuting opportunities for bats;
  - Due to the sensitive design of the project (whereby existing hedgerows are retained, apart from the removal of small sections for the creation of access points and the establishment of parameters relating to stand-off distances to habitat features and the use of sensitive lighting) the effects to Bats will be negligible; and
  - The implementation of the proposed hedgerow planting, woodland tree belts and installation of bat boxes would deliver a positive ecological impact.
- 10.146 Several mitigation measures are also recommended within the Bat Survey Report which can be secured by condition.
- 10.147 The BNG Report confirms that:
- The existing habitats present within the site provide a baseline totalling 115.74 habitat units, 22.36 linear units (hedgerows and treelines), and 3.67 watercourse units; and
  - The updated BNG letter outlines that based on the permanent loss of grassland and fragmentation of some hedgerow habitats and subsequent successful habitat creation, the proposed development is assessed as offering a 12.99% gain in habitat units and 23.43% gain in linear hedgerow units.
- 10.148 In relation to the BNG document specifically, the Council's independent Ecology Advisor and Consultant (AECOM) have no objection but recommend that a condition is imposed which requires the submission of a detailed Habitat Management Plan (HMP) which is based on the final detailed design and an updated BNG Assessment.

- 10.149 AECOM also provided a separate consultation response in relation to the Bat Survey Report and PEA. It has been agreed with AECOM that the imposition of pre-commencement conditions requiring the submission of a CEMP, Species Protection Plan and Habitat Management Plan is recommended.
- 10.150 NatureScot have been consulted by the ECU and raise no objection. Their comments contain advice on measures that would help ensure impacts on natural heritage interests are minimised. No conditions are recommended, but the response does state that it is for Scottish Ministers to determine, within the context of their own policies, whether conditions are required to secure the recommended measures.
- 10.151 Ayrshire Rivers Trust were consulted by the ECU and made several recommendations. This included fish/invertebrates surveys, risk assessments, relevant monitoring programmes and a suitable mitigation strategy in place to protect fish. The applicant issued a response to these comments to the ECU on 5<sup>th</sup> August 2024, stating that the recommended surveys are not necessary given the nature and location of the site and proposed development. They outlined that all appropriate risk assessments will however be carried out, and all necessary mitigation will be presented in detail in a CEMP which will be a conditional requirement. Furthermore, habitat monitoring undertaken as part of the updated BNG assessment will also take fish into consideration.

#### Conclusion on Biodiversity

- 10.152 Based on the consultation comments, subject to the recommendations conditions, it is considered that adverse impacts on ecological values can be avoided, remedied or mitigated.
- 10.153 In addition, the proposed development would contribute to significant biodiversity enhancement, improving the current situation by creating new habitats and offering opportunities for increased biodiversity across the site.
- 10.154 The proposed development is therefore considered to be in accordance with the relevant NPF4 and LDP2 biodiversity related policies identified (subject to imposition of the recommended conditions).

#### **Criteria e (x) impacts on trees, woods and forests**

- 10.155 Criteria e (x) requires demonstration of how impacts on trees, woods and forests are addressed.
- 10.156 The other relevant Development Plan policies are:
- NPF4 Policy 6 (Forestry, woodland and trees) - aims to protect and expand forests, woodland and trees;
  - LDP2 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; and
  - LDP2 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.

- 10.157 The Arboricultural Impact Assessment submitted in support of the application confirms the following in relation to the existing site:
- A total of 24 individual trees and 7 tree groups were recorded on site;
  - The general quality of the trees is high although there are no Tree Preservation Orders; and
  - Root protection zones and appropriate mitigation strategies have been defined to ensure that retained trees are adequately protected during the construction period.
- 10.158 The site benefits from a strong existing perimeter landscape structure including mature tree belts to the north-eastern (outwith application site) and south-western boundaries. Furthermore, the Annfield Burn and associated mature tree belt tracks along the north-western boundary of the site.
- 10.159 As demonstrated in the Landscape Strategy Plan, significant new tree planting is proposed to provide screening to the proposed development and to support an enhancement of biodiversity. This includes a native, species-rich woodland tree belt to the northern and eastern perimeter of the proposed development no less than 15m in width. Following consultation comments from the Council's external landscape advisor, woodland planting is also now proposed to the south of the proposed development. Furthermore, to improve immediate screening, the size of select standard trees will be increased to extra heavy standards (14-16cm girth and 400-450cm in height) and the proportion of evergreen species within the Native Woodland and Understorey Mix will be increased to 35-40%. This will be achieved by replacing one of the extra heavy standard deciduous species with an evergreen species.
- 10.160 As is outlined within the Design and Access Statement, the following Arboricultural related measures are proposed:
- Access to the site will utilise existing gaps in the tree belt vegetation to prevent unnecessary tree and hedgerow removal;
  - The proposed development would only require the loss of one tree and the majority of trees are located outside of the proposed development area;
  - The proposed landscaping design includes the creation of new woodland that will create connectivity with existing woodland as it establishes in the long term;
  - Where there has been a weakening of the hedgerow structure, additional native, species-rich planting will be used to supplement and enhance the existing fragmented and low-quality hedgerows within the site;
  - Minimum amount of new native, species-rich hedgerow planting to the southern boundary: 203 linear metres;
  - The parameters of the proposed development have been defined to provide an appropriate level of buffer / standoff distance to existing habitat features including hedgerows (1.5 metres); Annfield Burn (10 metres) and retained woodland (5 metres); and
  - Due to the inclusion of the new planting and the limited disturbance to existing trees on site, the net impact on the Arboricultural quality of the site will be positive in the long-term.
- 10.161 The Council's Landscape Officer has no objection to the application, subject to implementation and maintenance of the existing and proposed landscape. The comments acknowledged that the site is not covered by any natural heritage or specific landscape designations and that in time, the tree planting will help filter views into the site.
- 10.162 Alloway, Doonfoot and St Leonard's Community Council have been consulted by the Council and have requested that due to the size of the site, and the buildings and structures therein, the boundaries of the site must be heavily wooded, not only with native trees as detailed on the plans, but a mixture of deciduous and evergreen native trees, to retain effective screening during the winter. In this respect, the Council's Landscape Officer has recommended the provision of approximately 30% of evergreen trees to achieve screening across seasons. 35-40% has been proposed by the applicant.



10.163 Given that the proposed development will result in the retention of and protection of existing trees (barring one tree loss), and significant new tree and hedgerow planting is proposed, the proposal is therefore considered to be in accordance with the relevant NPF4 and LDP2 related policies identified.

**Criteria e(xi) – proposals for the decommissioning of developments, including ancillary infrastructure and site restoration; and**

**Criteria (e)(xii) - the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.**

10.164 Criteria e (xii) relates to the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans.

10.165 Section 36 consent is sought for a temporary period of 40 years after which the proposed development would be decommissioned, and the site returned to its pre-development condition.

10.166 As is outlined within the Planning Statement, the decommissioning process would involve (in summary):

- Removal of battery units and associated equipment;
- Safe decommissioning of the electrical connection to the grid;
- Removal of electrical infrastructure from the sub-station, including buildings;
- Excavation and removal of stone and concrete used for foundations, roads and surface finishing; and
- Reinstatement of topsoil and grassland seeding.

10.167 The Planning Statement states that a Site Restoration and Decommissioning Strategy will be prepared and submitted for approval not less than 18 months prior to expiry of the permission.

10.168 Overall, it is not considered that there would be any unacceptable impacts associated with the decommissioning period. Site restoration and decommissioning plans would be implemented including the measures in place to safeguard or guarantee the effective implementation of those plans. This will be controlled via appropriately worded planning conditions, including in relation to the requirement for a financial guarantee and restoration bond to be in place.

10.169 The proposal therefore complies with NPF4 Policy 11 Part e (xi and xii).

**Criteria e (xiii) – Cumulative impacts**

10.170 Criteria e (xiii) requires consideration of cumulative impacts.

10.171 Within the EIA Screening Request Report (dated November 2023), Section 7 contains a high-level appraisal of 'in-combination effects', where potential in-combination effects may be present between the proposed scheme and the following pending and approved applications:

- 14/00220/PPPM: Land at Corton A77T Bankfield Roundabout - Planning Permission in Principle for mixed use development including residential, office/business floorspace, retail, education and neighbourhood centre: Approved July 2014;
- 20/00970/PPPM: Ailsa Hospital KA6 6AB - Planning Permission in Principle for mixed use residential (circa 250 dwellings) and neighbourhood/commercial development (class 1 retail, class 2 professional services, class 3 (including sui generis) food and drink, class 8 care home, class 9 residential (sui generis flats), class 10 creche, access, car parking, servicing and associated works): Validated January 2021 and pending determination.

- 22/00302/PPPM: Land To The East Of A77T From Holmston Roundabout To Bankfield Roundabout Ayr South Ayrshire - Planning Permission in Principle for residential development and neighbourhood commercial development (class 1 retail, class 2 professional services, class 3 food and drink, class 4 office), access, landscaping, drainage and associated works: Validated May 2022 and pending determination.
  - 22/00483/APPM: Crofthead Caravan Park Ayr South Ayrshire KA6 6EN - Change of use of field to form extension to an existing holiday park to site an additional 150 holiday lodges – Approved May 2023.
  - Council Ref: 23/00176/APPM: Land to East of Holmston Roundabout, Ayr - 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 – Approved June 2023.
  - 22/00625/APP: Ailsa Hospital Ayr South Ayrshire KA6 6AB Erection of wind turbine with tip height of 99.5m and associated works including access track, crane hard standing, control cabin and temporary construction compound - Approved August 2024.
- 10.172 The principal study area for the ‘in-combination effects’ assessment includes both the application site and the surrounding context within an approximate 1km radius. This was informed by the production of a ZTV which identifies where in the surrounding landscape the proposed development is likely to be visible.
- 10.173 The in-combination appraisal has identified the potential for effects using receptor categories informed by the EIA Regulations. As identified in Table 7.2 of the EIA Screening Request Report, there is the potential for in-combination effects on the following receptors for all six of the projects identified above:
- Population and Human Health (During the construction stage, noise, vibration, lighting, air quality emissions and dust), Biodiversity (protected / notable ecology species), Soil (loss and degradation of soil resources), Water (flood risk) and Climate and Landscape (landscape character and views).
- 10.174 In relation to each receptor, the EIA Screening Request Report outlines that the individual effects from each project will be controlled by measures secured via conditions, such as Construction Environmental Management Plans and Drainage Plans etc., such that the in-combination effects are unlikely to be greater than that experienced at a project level.
- 10.175 It was requested in August 2024 that the applicant submits further information to specifically consider the overall landscape and visual related cumulative impact on the part of the Ayrshire Agricultural Lowlands to the immediate east of Ayr (lying between the A70 and the A713) given the number of potential energy related development proposals within this area.
- 10.176 It was requested that the landscape and visual related cumulative impacts of the following projects were considered:
- Loch Fergus Solar Farm project (Council ref: 23/00671/DEEM / ECU Ref: ECU00004855 – Pending (Approved by Energy Consents Unit on 22<sup>nd</sup> October 2024): located approximately 2.5km east of the site;
  - Proposed BESS adjacent to the Holmston Sub Station (Council Ref: 23/00176/APPM) – Approved 30<sup>th</sup> June 2023: located approximately 1.7km north of the site; and
  - Crofthead Holiday park extension (Council Ref 22/00483/APPM) – Approved March 2023: located approximately 500m to the east.
- 10.177 The applicant submitted an ‘Addendum to Landscape and Visual Impact Appraisal’ in August 2024 which included a Cumulative Impact Assessment section covering the three above projects. The cumulative landscape and visual impacts are outlined below.

### Cumulative landscape effects on Landscape Character LCT 66 Agricultural Lowlands

- 10.178 The Site and the three cumulative sites are situated within Landscape Character Type (LCT) 66 (Agricultural Lowlands – Ayrshire), albeit the proposed BESS adjacent Holmston Substation only lies partially within this LCT. The baseline key characteristics of LCT 66 are set out in the LVIA.
- 10.179 As is outlined within the addendum to the LVIA, the cumulative effects of all development projects being progressed would be an increased urbanising influence on the LCT, but for each site, the effects would generally be contained by the proposed embedded mitigation measures, existing mature vegetation, the topography of the landscape and would be localised. As such, the combined effect of the all the development would not be dominant or prominent in the landscape and the key characteristics of LCT 66 would be preserved.

### Cumulative Visual Effects of the Proposed Development with the identified Cumulative Sites

- Crofthead Holiday Park extension - As is outlined within the LVIA addendum, there may be occasional glimpsed and oblique views from the A77 and the open space at Cedar Road where the proposed development and the holiday park would be seen in combination prior to the proposed mitigation planting maturing, but these would be limited and experienced at a distance of c.1km. It is considered that the visual effects of the proposed development in combination with the holiday park extension would be no greater than the visual effects already established for the proposed development which is reported in the LVIA which accompanies the application;
  - Proposed BESS adjacent to the Holmston Sub Station (ref 23/00176/APPM) - As is outlined within the LVIA addendum, there are no shared visual receptors that relate to the proposed development within the site and the proposed BESS at Holmston Sub Station. Therefore, it is considered that there are no cumulative visual effects as a result of the proposed development and any development coming forward at the land adjacent to the Holmston Sub Station; and
  - Loch Fergus Solar Farm project (ref 23/00954/APP) - As is outlined within the LVIA addendum, whilst the proposed development and Loch Fergus Solar site would not be seen in combination, there would be some sequential views along the A713 (looking north), in which the developments would be seen separately but as part of the same journey). The change in views from the A713 would be minimal and fleeting such that the prevailing character of the view across the open fields would be retained. It is considered that the visual effects of the proposed development in combination with the Loch Fergus Solar Farm would be no greater than the visual effects already established for the proposed development.
- 10.180 The consultation response from the Council's external landscape advisor states that taking into account the relatively localised extent of visibility of the proposed development, and the very minimal extent of any combined cumulative visibility with the developments assessed, no significant effects are predicted.
- 10.181 There is therefore considered to be capacity within the landscape for the proposed development without generating adverse cumulative effects. The proposed development is therefore compliant with Criteria e (xiii).

### **Policy 11 Conclusion**

- 10.182 Policy 11 states that in considering impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emission reduction targets.

- 10.183 Each of the potential environmental impacts have been considered in detail above. Based on the conclusions drawn, there are no significant environmental effects that would warrant the balance to be shifted away from the significant benefit of the proposed development from a renewable energy perspective and contribution to reducing greenhouse gas emissions. This aligns with the intent of 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.
- 10.184 In terms of LDP2, a similar conclusion can be reached.
- 10.185 It is considered that the key issue can be narrowed to landscape and visual impact effects. These will however lessen overtime as a result of the proposed design mitigation measures, resulting in the proposed development being almost entirely screened from the key receptor locations once the proposed woodland planting has matured.
- 10.186 All other effects identified above can be suitably mitigated, whereby adverse effects would not be significant and compliance with the LDP2 policy framework achieved.
- 10.187 The proposed development is therefore considered to accord with the Development Plan.

## 11 Other Considerations

### Fire Risk

- 11.1 Fire safety and risk in relation to renewable development related proposals is a matter which has been subject to recent discussion at both Scottish Government and Heads of Planning Scotland (HOPS) level. At present, there is uncertainty in terms of its materiality to the Section 36 determination process as there is no government policy position or guidance on this matter.
- 11.2 There is also a Private Members Bill (Lithium-ion Battery Storage (Fire Safety and Environmental Permits) Bill) which is calling for the UK's fire and rescue services to be made statutory consultees regarding planning applications for proposed industry lithium-ion battery storage facilities. This is at First Reading Stage (the first stage of a Bill's passage through the House of Commons).
- 11.3 The applicant has submitted an Outline Battery Fire Safety Management Plan in support of their application which will be developed into a detailed plan during the detailed design phase. The Outline Plan details how, in the event of an incident, matters would be managed in a manner which safeguards fire-fighters, the local community and environmental receptors.
- 11.4 The Outline Battery Fire Safety Management Plan includes several fire risk controls which comply with the National Fire Protection Association (NFPA) 855 Standard for the Installation of Stationary Energy Storage Systems (2023), National Fire Chiefs Council (NFCC) guidance 2023 and Chubb Battery Energy Storage Systems – Fire and Explosion Guidance Document 2023. As is outlined within the Outline Battery Fire Safety Management Plan, fire risk controls include:
- Equipment procured will be of high quality and comply with all relevant safety standards;
  - Battery equipment will have undergone suitable fire testing (e.g. to UL9540A test method) demonstrating any fire won't spread to neighbouring units;
  - The battery system will be monitored 24hr per day and controlled by a Battery Management System to keep operation within safe parameters;
  - A battery cooling system will be installed as per the manufacturer's design to keep the battery cells within their safe operating temperature range;
  - An emergency control system shall electrically isolate, or place in safe state the battery system if potential hazardous condition detected;
  - The safety control system will have multiple layers of protection and redundancy in design;
  - Fire detection and suppression systems will be provided as specified by the equipment manufacturer as part of their risk assessed and tested system;
  - Separation distances between battery units will be technically justified based on large scale fire testing and manufacturers guidance;
  - Transformers will be separated according to IEC 61936-1:2021;
  - The nearest occupied building to a battery unit is c. 170 m. This greatly exceeds NFPA 855 and NFCC recommendations;
  - Deflagration ventilation and protection will be installed as appropriate to the hazard;
  - An emergency response plan will be developed and kept up to date;
  - The local Fire and Rescue Service (FRS) will be consulted regarding the Proposed Development layout, access and emergency response plan;
  - There will be multiple entry points into the proposed road, all suitable for use by the local FRS;
  - Operating staff will be regularly trained on operational procedures;

- There will be areas suitable for FRS staging and operations;
  - A below ground cellular storage tank will be constructed with a capacity of 228m<sup>3</sup>. This will provide the fire and rescue service with ease of access to a source of water to be utilised in the event of needing to deal with a fire related incident at the site;
  - The Proposed Development is being designed to facilitate a water supply of 1900 litres per minute for at least 2 hours; and
  - Equipment to be operated, inspected and maintained by competent persons in line with the manufacturers guidance.
- 11.5 Pending the outcome of the Private Members Bill, the Council have taken a precautionary approach and consulted Scottish Fire Rescue Service (SFRS). The ECU also consulted The Health and Safety Executive.
- 11.6 It is also worth noting that within the EIA Screening Opinion, the ECU requested the submission of a Fire Safety Management Plan.
- 11.7 The SFRS comments recognise that the applicant has been proactive at an early stage in their approach to fire safety, given that they reached out to SFRS at pre-application stage to review the site response plan, and have made every effort to comply with NFCC Guidelines etc., in addition to resolving a request relating to minimum firefighting water supplies.
- 11.8 There is no reference to fire risk within the Health and Safety Executive consultation comments.
- 11.9 Although there is uncertainty in terms of the materiality of fire risk to the Section 36 determination process, it is the view of the Planning Service that a precautionary approach should be taken. This can be reasonably captured through a condition requiring a detailed Battery Fire Safety Management Plan which includes response, management and mitigation measures in the event of a fire.

## **12 S36 Consultation Conclusion**

- 12.1 Having considered the application submission as a whole including the identified benefits of the scheme, together with the consultation responses received and having balanced the developer's interest against the wider community interest, the proposals is considered to be acceptable in principle. However, the Council's own assessment and the responses of consultees have identified a range of measures that are essential to ensure that the adverse effects are properly mitigated. Accordingly, it is recommended that the Council objects to the proposal unless the conditions set out below are imposed in their entirety, unless suitable alternative conditions are agreed in writing between the Energy Consents Unit and Planning Authority.

### **Recommendation**

- 12.2 Object to the proposal unless the conditions set out in the appendix are imposed in their entirety or suitable alternative conditions are agreed in writing between the energy consents unit and the planning authority.

## 13 Background Papers

- Application form plans and supporting documentation including the Planning Statement and supplementary appendices and figures
- Consultation responses to the ECU
- Representations to the ECU
- National Planning Framework (NPF) 4 - February 2023
- Draft Energy and Strategy and Just Transition Plan (published January 2023)
- Historic Environment Scotland Policy Statement
- Planning Advice Note 2/2011 'Planning and Archaeology'
- South Ayrshire Council Local Development Plan 2 - August 2022
- South Ayrshire Local Landscape Designations Review 2018
- Residential Visual Amenity Assessment Technical Guidance Note 2/19 (Landscape Institute)
- Technical Advice Note: Assessment of Noise (TAN)
- SEPA Flood Maps



**14 Person to Contact:**

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

## Appendix – Conditions (C) and Reasons (R) and Developer Notes

C1: The consent is for a period of 40 years from the date of Final Commissioning. Written confirmation of the date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.

R1: To define the duration of the consent

C2: The commencement of development shall be no later than three years from the date of this consent. Written confirmation of the intended date of commencement of development shall be provided to the Planning Authority no later than one calendar month before that date.

R2: To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of The Planning (Scotland) Act 2006.

C3: That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority.

R3: To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.

C4: Prior to the commencement of development, the following detailed design matters shall be submitted to and approved in writing by the Planning Authority:

A/ Site layout plans showing the position of all development platforms, buildings and infrastructure, roads, access arrangements, parking areas, footpaths, boundary treatments and drainage infrastructure;

B/ Block and layout plans showing proposed finished floor levels and elevations of each building and infrastructure, showing dimensions, and palettes of external materials;

C/ Proposed parking areas;

D/ Proposed footpaths;

E/ Boundary treatments and drainage infrastructure;

F/ Site section drawings showing existing and proposed ground levels; and

G/ Landscaping Strategy Plan (showing the locations and species of all existing and proposed trees, shrubs, hedges, palettes of hard landscaping features) in accordance with the 'hard landscaping', 'soft landscaping', and 'boundaries' related proposals identified on the approved Landscape Strategy Plan (reference: THEM3044 05 E). The size of trees within the native woodland and understory mix shall be heavy standards (14-16cm girth and 400-450cm in height), and the proportion of evergreen species will be at least 35%.

Thereafter the development shall be constructed in accordance with the approved levels, diagrams, elevations and sections, unless a variation is required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority.

R4: To provide the detailed development design.

C5: Prior to the commencement of development, full details of maintenance and management for the landscaping strategy plan approved under the detailed design condition (Condition 4) and a timetable for its implementation shall be submitted to and approved in writing by the Planning Authority, unless otherwise first agreed in writing by the Planning Authority. Management and maintenance shall commence within the timeable agreed with the Planning Authority.

R5: In the interest of local amenity.

C6: The maximum height of the proposed development within the substation area (having regard to any proposed change in site levels and the height of infrastructure) shall not exceed 53.62m AOD. The maximum height of development (battery units and associated electrical infrastructure) within the BESS area (having regard to any proposed change in site levels and the height of infrastructure) shall not exceed 49.32mAoD.

R6: In the interest of amenity of nearby settlements.

C7: Pre-construction surveys shall be carried out no more than 3 months prior to the commencement of development for protected species that can be surveyed at any time of the year (e.g. otter and badger), or if there is a restricted window within which a survey can only be undertaken (e.g. breeding birds, bats and water vole), as close to the start of works as possible, and always within the most recent survey window.

The surveys shall inform a Species Protection and Enhancement Plan (SPP) which shall be submitted to and approved in writing by the Planning Authority, prior to the commencement of development. Thereafter, any required work identified in the approved SPP shall be carried out in strict accordance with the approved mitigation measures and timescales set out and agreed.

R7: In the interests of the protection of species.

C8: Prior to commencement of development, the proposed route for any abnormal loads on the trunk road network must be submitted to and approved by the Planning Authority, in consultation with Transport Scotland as the trunk roads authority.

Prior to the movement of any abnormal load, details of any accommodation measures required on the trunk road network, including the removal of street furniture, junction widening and traffic management must be submitted and approved and implemented to the satisfaction of the Planning Authority, in consultation with Transport Scotland.

R8: To minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.

C9: Prior to the movement of any components and/or construction materials, any additional signing or temporary traffic control measures deemed necessary on the trunk road network due to the size or length of any loads being transported must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland.

R9: To ensure that the transportation of any components/materials will not have any detrimental effect on the road and structures along the route.

C10: Prior to the commencement of development on site, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the CEMP will consider (but not be limited to) the impact on existing habitats from noise, dust and air quality and construction activities. Where works along Annfield Burn are required, an invasive species management plan should be prepared and submitted as part of the CEMP. This shall include details of control methods such as mechanical removal and/or herbicide application as well as details of biosecurity measures such as suitable disposal of materials. The CEMP shall also include existing onsite habitat monitoring and risk assessments to be carried out before, during and after development. The approved CEMP and any required mitigation measures shall be implemented on site for the full construction period of the development, and during the operational period.

R10: In order to understand and monitor the impact on species over the duration of the works.

C11: During the daytime period (07:00 – 23:00) the rating level of the development derived in accordance with British Standard (BS) 4142:2014 + A1:2019 'Methods for rating and assessing industrial and commercial sound' will not exceed the representative background sound level by more than +5dB when measured externally at the nearest noise sensitive receptors, as existing or consented at the time of this consent.

During the night-time period (23:00 – 07:00) the rating level of the development derived in accordance with British Standard BS 4142:2014 + A1:2019 'Methods for rating and assessing industrial and commercial sound' will not exceed 30 dB when measured internally at the nearest noise sensitive receptors, as existing or consented at time of this consent.

Written confirmation of the location of any noise sensitive premises and premises that are financially involved shall be provided to the Planning Authority prior to the commencement of development.

Prior to the date of Final Commissioning, the applicant shall submit to the Planning Authority for written approval a list of proposed independent consultants who shall undertake compliance and validation measurements to demonstrate compliance with the parts (1) and (2) above on the written request of the Planning Authority.

Any variation from compliance determined by the validation measurements shall be mitigated for in order to comply with parts (1) and (2) above subject to agreement with the Planning Authority.

R11: To protect nearby residents from undue noise and disturbance.

C12: Prior to the commencement of development, an updated Biodiversity Net Gain (BNG) Assessment based on the 'Recommendations to Provide Net Gain' outlined in Section 4.2 of the approved Biodiversity Net Gain Assessment report, and which includes a plan of the 'post-development habitats' (symbolised with the UK Habitat Classification typologies), shall be submitted to and approved in writing by the Planning Authority.

R12: In order to ensure that commitments to habitat mitigation and enhancement on which the BNG calculations have been based are included in the final design, and in the interest of habitat mitigation and enhancement.

C13: Prior to the commencement of development, a Habitat Management Plan which sets out measures for the establishment and long-term management and monitoring of newly created and retained habitats to maximise benefits for biodiversity shall be submitted to and approved in writing by the Planning Authority. The Habitat Management Plan shall include a programme for the implementation of the agreed measures. The approved Habitat Management Plan shall be implemented in accordance with the approved details.

R13: In the interests of the protection and enhancement of habitats and species.

C14: Prior to the commencement of development, a revised Drainage Strategy for the site including a detention basin which is designed for a 1 in 200-year event + climate change allowance of 41% shall be submitted to and approved in writing by the Planning Authority. The Drainage Strategy shall include details of the programme for implementation of the drainage system. The approved Drainage Strategy shall thereafter be implemented in accordance with the approved details.

R14: In the interests of mitigating flood risks of the development

C15: Prior to the commencement of development, plans detailing the proposed access junction layout shall be submitted to and approved in writing by the Planning Authority in consultation with ARA. The junction layout shall accord with the standards as set out in the SCOTS National Roads Development Guide.

R15: In the interest of road safety and to ensure an acceptable standard of construction.

C16: Junction access visibility sightline splays of 4.5 metres by 120 metres, as shown in Drawing Number TP888/SK/001 of the Transport Statement, shall be maintained in both directions at the junction with the public road, prior to the commencement of construction work. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays.

R16: In the interest of road safety and to ensure an acceptable standard of construction, and to avoid the possibility of unnecessary reversing of vehicles onto the public road.

C17: The proposed access shall be constructed in accordance with the specifications in the SCOTS National Roads Development Guide. The access shall be constructed, as approved by condition and in conjunction with any necessary Roads Construction Consents and/or Permits.

R17: In the interest of road safety and to ensure an acceptable standard of construction.

C18: Prior to occupation of the development any gates shall be set back a minimum of 10 metres from the rear of the public footway/ roadway, and open inwards away from the public roadway.

R18: In the interest of road safety.

C19: Prior to the commencement of development, a plan for the removal of infrastructure and physical components which become obsolete or redundant prior to the final decommissioning of the BESS shall be submitted to and approved by the council. The plan shall include the timescales within which obsolete or redundant infrastructure and physical components will be removed from the site.

R19: In the interest of amenity.

C20: Prior to the commencement of the development, details of an Employment and Skills Plan and Strategy, in order to demonstrate commitment to recruit local labour for the duration of the construction of the development, shall be submitted to, and approved by the Planning Authority. The approved document shall be implemented as part of the construction of the development. The document shall outline:

- I) the measures proposed to recruit local people including apprenticeships
- II) mechanisms for the implementation and delivery of the Employment and Skills Plan and Strategy
- III) measures to monitor and review the effectiveness of the Employment and Skills Plan and Strategy in achieving the objective of recruiting and supporting local labour objectives

Within one month prior to construction work being completed, a detailed report which takes into account the information and outcomes about local labour recruitment pursuant to items (i) and (ii) above shall be submitted to and approved by the Planning Authority.

R20: To be in accordance with NPF4 Policy 11(e) in relation to maximizing local employment opportunities.

C21: Prior to the commencement of development, a Written Scheme of Archaeological monitoring and recording (archaeological watching brief) during ground-breaking works adjacent to the former location of Bank house (where the potential for the survival of buried archaeological remains associated with the house and its orchard grounds has been identified within the approved 'Archaeology and Built Heritage Impact Assessment') shall be submitted to and approved in writing by the Planning Authority. The approved written investigation and programme of works including any measures therewithin shall be implemented on site and shall remain in place for the duration of the construction phase of the areas subject to the investigation, unless otherwise agreed in writing by the Planning Authority. Any modifications or updates required for the approved written investigation and programme of works shall first be subject to the written approval of the Planning Authority and implemented thereafter as approved.

R21: To establish whether there are any archaeological interests on this site and allow for archaeological excavation and recording.

C22: Prior to the commencement of development on site, a full Emergency Action Plan shall be submitted to and approved in writing by the Planning Authority. This shall include a Fire Safety Management Plan which outlines the measures in place to limit the fire risk, and a response and management plan in the event of a fire. Thereafter, the development shall be constructed, implemented and operated in strict accordance with the measures contained within the approved Emergency Action Plan, and these shall be maintained for the lifetime of the development, unless otherwise agreed in writing by the Planning Service.

R22: In the interest of health and safety.

C23: Prior to the commencement of development, a Decommissioning, Restoration and Aftercare Strategy shall be submitted to and approved in writing by the Planning Authority. The strategy shall comprise of measures for the decommissioning of the development, restoration and aftercare of the site and will include, without limitation, a Decommissioning, Restoration and Aftercare Plan with proposals for the removal of the above ground elements of the development, confirmation of the status of subterranean elements of the development (retention, removal, or other such proposal), the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

R23: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

C24: The development shall be decommissioned, the site restored, and aftercare thereafter undertaken in accordance with the decommissioning, restoration and aftercare strategy and associated plan approved under Condition 23, within one year of the expiry of the consent or within one year of permanent cessation of the use of the development site for the purpose of operating the approved Battery Energy Storage System, whichever is the sooner, unless otherwise agreed in writing in advance with the Planning Authority.

R24: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

C25: Prior to the commencement of development, a bond or other form of financial guarantee in terms which secures the cost of performance of all decommissioning, restoration and aftercare obligations referred to in conditions 23 and 24 has been submitted to and approved in writing by the Planning Authority.

The value of the financial guarantee shall be agreed between the applicant and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations referred to in conditions 23 and 24.

The financial guarantee shall be maintained in favor of the Planning Authority until the completion of all decommissioning, restoration and aftercare obligations referred to in conditions 23 and 24.

The value of the financial guarantee shall be reviewed by agreement between the applicant and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional not less than every five years, and at the time of the approval of the detailed decommissioning, restoration and aftercare plan approved under condition 23. The value of the financial guarantee shall be increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations referred to in conditions 23 and 24 and best practice prevailing at the time of each review.

R25: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the applicant.

C26: No battery energy storage infrastructure and apparatus, substation infrastructure or buildings, or any other infrastructure constructed on site shall display any illuminated text, sign, logo, or advertisement, other than those required by law under other legislation.

R26: in the interest of visual amenity

C27: No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with ARA. The CTMP shall be required to include:

1. Confirmation of routes for use by Abnormal Indivisible Load (AIL) movements, along with details of any route restrictions for other development trips (non AIL movements) including construction traffic;
2. Before and after construction inspection surveys of all roads and structures (including video condition survey) to be used to access the development site - the full scope of which will first be agreed in writing by the Roads Authority. The before and after surveys shall form the basis for establishing any reinstatement costs for damage due to abnormal traffic conditions and /or loading associated with the development of the site. The applicant shall be liable for the costs of these works;
3. Full details of swept path analysis of the abnormal load route on public roads within the remit of South Ayrshire Council accommodating the largest size of vehicle expected to be used during the transportation of turbine components;
4. A full breakdown of all vehicle numbers anticipated to be generated by the development over the construction period, broken down by vehicle classification. The detail provided shall require to be sufficient to highlight periods of peak development traffic generation, and provide both estimated daily and weekly trip number estimates;
5. Full details of any mitigation and/or control measures required on the public road network to facilitate construction traffic, including AILs. Where this requires public road layout or alignment mitigation this requires to include full detailed design/ construction details;
6. Full construction details of any new, or upgraded, junctions onto the existing public road network, as may be required;
7. Details of measures/ contractual agreements to be put in place to manage the compliance of contractors and sub-contractors with using agreed/approved construction traffic routes. This shall include any associated monitoring procedures, and any specific training and disciplinary measures to be established to ensure the highest standards are maintained;
8. Details of all public road signing and lining arrangements to be put in place during both the construction period, and for the operation of the site thereafter, as may be required. This detail shall include any additional advisory/warning signage and/or temporary traffic control measures which may be required during the construction period;
9. Full details of all arrangements for emergency vehicle access;
10. Full details of measures to minimise traffic impacts on existing road users including consideration of avoiding busy road periods, and requirements for all drivers to drive in a safe and defensible manner at all times;
11. Measures to accommodate pedestrians and cyclists and details of a nominated road safety person;



12. All materials delivery lorries (dry materials) to be sheeted to reduce dust and spillage onto the public roads;

13. Details of wheel wash facilities to be established at the site entrance or an alternative suitable location to ensure no tracking of mud onto the public highway;

14. Details of the provision of construction updates on the project website and a newsletter to be distributed to residents within an agreed distance of the site;

15. Full details on the process for the identification and undertaking of any necessary repairs to the construction traffic route, including the mechanism for coordination with the Roads Authority;

16. A Travel Plan for the construction phase of the development to minimise private car travel during the construction phase of the development.

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

Reason: In the interests of road safety.

C28: That the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the approval of the Planning Authority in consultation with ARA, before any work commences on site. Thereafter, the approved measures shall be implemented before works commence on site.

Reason: In the interest of road safety and to avoid the discharge of water onto the public road.

## **Informative Notes For Developer**

### **Scottish Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **SEPA**

Since the proposed development does not involve land raising within the functional floodplain, we refer the applicant to our [Standing Advice guidance](#) on flood risk for further information.

Details of regulatory requirements and good practice advice, for example in relation to private drainage, can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [SWS@sepa.org.uk](mailto:SWS@sepa.org.uk).

## **Glasgow Prestwick Airport**

Guidance should be considered relevant to users of all cranes exceeding a height of 10 metres above ground level (AGL) or that of the surrounding structures or trees (if higher).

For guidance to crane users on the crane notification process and obstacle lighting and marking please refer to CAA CAP Document 1096 which is available at: <http://www.caa.co.uk>.

Please be aware any crane erected without notification may be considered a hazard to air navigation and such a crane operates at the crane user's risk of endangering the safety of an aircraft.

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

To obtain permission to work within the trunk road boundary the developer should contact the Area Manager through the general contact number 0141 272 7100.

The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

## **NatureScot**

### Ground or Vegetation Clearance

Ground or vegetation clearance works should be undertaken outwith the main bird nesting season (March-August inclusive). If this is not possible, a suitably experienced ecologist should check the development site before work commences to determine the presence of any nesting birds. If nesting birds are found, a suitably sized buffer zone should be set up around the nest and no work within this zone should commence until the young have fledged or the nest is no longer in use. This will ensure that no nests are destroyed during the site construction works and no offences are committed under the Wildlife and Countryside Act 1981 (as amended).

## **Scottish Gas Networks**

### Preventing the risk of inducing currents and voltage onto the SGN pipeline

Prior to the energisation of the development, the developer, in consultation with SGN, shall undertake relevant studies, design modifications and consultations to prevent the risk of inducing currents and voltage onto the pipeline and associated infrastructure.

## **ARA Roads**

### Road Opening Permit:

That a Road Opening Permit is required in addition to planning consent for any work to be undertaken within the public road limits. An application for a Road Opening Permit should be made separately to the ARA as Roads Authority, prior to works commencing on site.

### Roads (Scotland) Act:

The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.

### New Roads and Street Works Act 1991:

In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

### Costs of Street Furniture:

The Council as Roads Authority advises that any costs associated with the relocation of any street furniture shall require to be borne by the applicant / developer.

### Costs of TROs:

The Council as Roads Authority advises that promotion of Traffic Regulation Orders resulting from this development shall require to be fully funded by the applicant – including any relevant road signs and markings.

### Signage to TSRGD 2016:

The Council as Roads Authority advises that only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2016' are permitted within public road limits.

### RSA Stage 1&2 Combined:

The Council as Roads Authority advises that prior to the commencement of works to construct any new or amended roads infrastructure; a Stage 2 Road Safety Audit in compliance with GG 119 of the Standard for Highways Design Manual for Roads and Bridges shall be submitted for the approval of the Planning Authority in consultation with ARA. This applies to all proposed new roads and any alterations to existing roads carried out under a Section 56 Agreement with the Council as Roads Authority & the applicant. The requirement to complete a Road Safety Audit includes for addressing the recommendations contained within the audit report.

### Abnormal Loads (S96 Agreement):

The Council, as Roads Authority, reserves the right to reclaim any extraordinary maintenance costs which may be incurred as a result of this development under Section 96 of the Roads (Scotland) Act 1984. As such, the developer shall be required to enter into a formal agreement with the Council indicating their acceptance of such liability under a Section 96 Agreement.

### Tonnage Contribution (S69 Agreement):

The Council, as Roads Authority, reserves the right to seek a contribution based on the tonnage of construction material imported using local public roads within South Ayrshire Council under Section 69 of the Local Government (Scotland) Act 1973. As such, the developer shall be required to enter into a formal agreement with the Council indicating their acceptance of such a contribution under a Section 69 Agreement.

## **Environmental Health**

### Construction Hours

Construction work shall only take place between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on public holidays.