
Report to Planning Committee

Date of Meeting: 2nd May 2024

Subject: Planning Application ref: 24/00001/FULL - Installation And Operation Of A 25MW Battery Energy Storage System (BESS) Including Battery Storage Containers And Associated Inverters, Transformers, Substations, Security Fencing, CCTV, Landscaping, Drainage And Access Onto B9140 - Land At Bankhead Farm South Of Twentyfive Acre Wood, Fishcross, Clackmannanshire

Report by: Grant Baxter, Planning & Building Standards Team Leader

1.0 Purpose

- 1.1. This report provides an assessment of and makes a recommendation on the above noted planning application. The application requires to be determined by the Planning Committee as, due to the site area, it falls into the “Major” category of developments.

2.0 Recommendations

- 2.1. The application is considered to comply with the relevant provisions of the Clackmannanshire Local Development Plan and there are no material considerations that indicate it should not be approved. It is therefore recommended that the Planning Committee approve the application subject to the following conditions and reasons:

Conditions

1. The development to which this permission relates must be begun not later than the expiration of 5 years from the date of this permission or, as the case may be, when the permission is deemed to be granted.
2. This permission shall expire 40 years from the date of commencement of the development. By that time, the Battery Energy Storage System shall be decommissioned and all associated containers, buildings, plant, equipment, hardstandings, tracks and means of enclosure (with the exception of trees, hedging and soft landscaping) shall be removed from the site and the site shall be reinstated to its pre development condition suitable for agricultural use.

3. Before the installation of any container, structure, equipment, building and means of enclosure on the site, details of their external colour, design and finish shall have been submitted to and approved in writing by the Council, as planning authority. All container, structure, equipment, building and enclosures shall be finished in as uniform a non reflective colour as practicably possible. Thereafter, the development shall be implemented in accordance with the approved details.
4. Before any works commence on site, a landscaping and planting plan, including arrangements for ongoing maintenance for the duration of the development, shall have been submitted to and approved in writing by the Council as Planning Authority. Unless otherwise approved in writing by the Council as Planning Authority, the plan shall generally accord with:
 - a. The approved proposed planting layout – drawing ref: GPC1169-DR-LA-1 Rev A, and
 - b. The approved landscape and visual appraisal by AAH consultants – 2023/012

Thereafter, the development shall be implemented in accordance with such approved details.

5. The landscaping and planting plan as approved under Condition 3, above, shall be fully implemented within the first planting season following the commencement of development on site, unless otherwise agreed in writing by the Council, as planning authority.
6. Before any works commence on site, the following details shall have been submitted to and approved in writing by the Council, as planning authority;
 - (a) The location and specification for any external lighting within the site supported by a statement by a suitably experienced lighting engineer that demonstrates that the lighting will minimise the risk of light spillage beyond the development site boundary onto adjoining land, into the sky and to avoid distraction of drivers on nearby roads and minimise any impact on species in the vicinity of the site.
 - (b) A Construction Traffic Management Plan.
 - (c) Details of the surface water drainage scheme for the site. Where practicable this shall enhance the biodiversity value of the site and include measures to mitigate any adverse impacts on neighbouring land.
 - (d) Details of existing and proposed ground levels within the site, including cross sections if required.
 - (e) Details and specifications of all hard surfacing within the site.

Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.

7. (a) the proposed vehicular access from the B9140 road into the site shall be completed prior to the delivery and installation of equipment and plant within the site and shall be constructed in accordance with the standards of the Council as Roads Authority under a Minor Roadworks Consent, with visibility splays in both directions from the access of 4.5m by 210m, within which there shall be no visual obstruction above 1m in height.
(b) The access road, turning and parking areas within the site shall be designed and drained such that no surface water or material is discharged onto the public road.
8. The development shall be constructed and operated in accordance with the Conclusions and Recommendations of the approved Noise Impact Assessment by Mabbett, specifically,
 - (a) A 4m high absorptive noise barrier with a minimum surface density of 15Kg/m² must be incorporated to the auxiliary transformer.
 - (b) The operations at the site must meet the BS 8233:2014 "Guidance on sound insulation and noise reduction for buildings" criterion and the Noise Rating curve NR 30 during daytime hours.
 - (c) The operations at the site must meet the BS 8233:2014 "Guidance on sound insulation and noise reduction for buildings" criterion and Noise Rating Curve NR 20 (with mitigation to the auxiliary transformer incorporated into the site design) for night time hours.
9. Before any works commence on site, details of habitat mitigation measures in accordance with those set out in the Ecological Impact Assessment (EclA) by R & D Ecology, dated 05/10/2023 shall have been submitted to, and approved in writing by the Council as planning authority, and thereafter fully implemented within the development.
10. If during the development work, areas of contamination are encountered, then the applicant shall immediately notify the Local Planning Authority. The nature and extent of any contamination found shall be fully assessed by way of a site investigation and an adequate site investigation report and remediation strategy shall be submitted to and approved by Local Planning Authority in writing. Any remediation work agreed shall be fully implemented and a remediation verification report submitted to and approved in writing by the Council as planning authority.
11. Before any works commence on site, the final layout and design of the development and safety management plan, including spacing between battery units, taking account of the requirements of Scottish Fire and Rescue Service and the Council's Emergency Planning Unit, shall have been submitted to and approved in writing by the Council as planning authority. For the avoidance of doubt, any required repositioning of buildings, structures and equipment on the site shall not deviate by more than 50m in any direction from that shown on the stamped approved

Revised Proposed Site Layout – APA-1169-DR-PL-002 Rev G.

Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.

11. No development shall commence until (excluding demolition of existing structures and site clearance);
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

12. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Council as planning authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reasons

1. As required by Section 58 of The Planning (Scotland) Act 2019.
2. To retain effective control over this temporary type of development and to accord with section 58 of the Town and Country Planning (Scotland) Act, 1997, as amended.
3. To consider these details yet to be submitted, and in the interest of visual amenity.
4. To ensure the landscape and visual impacts are mitigated and in the interest of the biodiversity of the area.
5. To ensure the landscape and visual impacts are mitigated and in the interest of the biodiversity of the area.
6. To consider these details yet to be submitted and in the interests of visual amenity, environmental quality, road safety.
7. In the interests of road safety.
8. In the interests of residential amenity and local environmental quality.
9. In the interests of habitat and biodiversity enhancement.
10. In the interests of local environmental quality.
11. In the interests of local environmental quality.
12. In order to ensure proper investigation and mitigation of risks associated with coal mining on the site.

Approved Drawings and Reports

APA-1169-DR-PL-001 REV B	Site Location Plan 1:1250
APA-1169-DR-PL-002 REV G	Proposed Site Plan
APA-1169-DR-PL-301 REV A	Site Location Plan 1:10000
GPC1169-DR-PL-302 REV B	CCTV Elevation
GPC1169-DR-PL-303 REV C	DNO Sub Station and Control Room Elevations
GPC1169-DR-PL-304 REV A	BESS Transformer Elevations
GPC1169-DR-PL-305 REV A	Security Fencing and Gate Elevations and Plan
GPC1169-DR-PL-306 REV A	Storage Unit Elevations and Plan
GPC1169-DR-PL-307 REV A	Battery Container Elevations and Plan
GPC1169-DR-PL-308 REV A	BESS Inverter Elevations and Plan
GPC1169-DR-PL-309 REV A	Auxiliary Transformer Elevation
GPC1169-DR-PL-310 REV B	Client Substation and Control Room Elevations and Plan
GPC1169-DR-LA-01-REVA	Proposed Planting Layout

Reports

2023/012 October 2023	Landscape and Visual Appraisal (LVA) LVA - Appendix A LVA - Appendix B LVA - Appendix C Noise Impact Assessment – Rev 3
October 2023 RDECO00083/222/01/B 05.10.23	Outline Safety Management Plan Ecological Impact Assessment

Informative note to applicant:

1 - Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation

boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

2.2 Reasons for decision

1. The development is considered to accord with the relevant policies and objectives of the Clackmannanshire Development Plan, comprising NPF4 and the adopted Clackmannanshire LDP.
2. The issues raised by a third party and by consultees can be satisfactorily mitigated or are not judged to provide sufficient or reasonable grounds to withhold permission.
3. On balance, it is considered there are no other material considerations which would outweigh the development plan support for the development and justify withholding the partly retrospective permission.

3.0 **Considerations**

3.1. Background

- 3.2. The application proposes a 25 megawatt (MW) Battery Energy Storage Facility on land at Bankhead, Collyland Road, Fishcross. The site comprises 0.85Ha of farmland on the north side of the B9140 approximately 225m west of Fishcross and directly opposite the electricity sub-station that lies on the south side of this road. The site is open to the remaining farmland to the east, west and north and has hedgerow along the southern boundary with the B9140 road. A woodland known as Twenty-five Acre Wood lies close to the north. There are two sets of overhead lines running through the site, and two poles and one pylon in total.
- 3.3. The physical development comprises formation of a new access of the B9140 and road with parking and turninghead. The elements of the development mainly comprise 5No. transformers, 10No. inverters, 10No. battery units contained in shipping containers, one storage container and portable style control and sub-station buildings. These are all low-rise buildings/structures (max height 3.5m), and will be grouped together on an area of hardstanding within the central part of the site and generally laid out in a south west to north east alignment. The built element of the development accounts for approximately a third of the site area, with the parts north and south of the buildings and structures remaining largely unchanged. The site would be enclosed by palisade style metal security fencing approximately 2.5m high, with a small area of 4m high acoustic fencing around the buildings closest to Fishcross within the site.
- 3.4. The southern and majority of eastern and western boundaries will be planted with native hedging, with two new blocks of native and scrub tree planting also contained within the site to soften the visual impact of the development from the road and enhance biodiversity.
- 3.5. Planning permission is sought for a period of 40 years and all elements of the development are removable at the end of the development life. The applicant requests a planning condition to facilitate micro siting of up to 50m in each direction within the site boundary. This is to allow for flexible procurement of site equipment, as there is a variety of battery solutions which may require design changes between planning approval and implementation. The applicant has also requested that the period for commencement of the

development is 5 years as opposed to the normal 3 years, due to the extended date for the grid connection.

- 3.6. This is a “major” scale of application due to the size of the application site due generating capacity of the installation exceeding 20MW. The original site area proposed at the pre-application stage was also of “major” scale, being over 2Ha, but now reduced to 0.85Ha for the planning application. The application site has been chosen due to its proximity to the Devonside sub-station which receives the grid connection from Burnfoot Hill windfarm in the Ochil Hills, and will be connected to the sub-station via underground cables.
- 3.7. The application has been accompanied by a number of supporting documents:
- Archaeological survey: This identified no sites of archaeological interest in the site, but two sites within 500m of the boundary. No mitigation measures are proposed.
 - Flood risk assessment: The site is not shown as at risk from coastal or fluvial flooding in SEPA’s flood maps. As a small area in the north west corner of the site is shown as being at risk from surface water flooding, all proposed infrastructure would avoid this area. The development is classified as “essential infrastructure” in SEPA’s land use classification, and is appropriate for this site. Site topography is not proposed to be materially altered and permeable hard surfaces will be used, to protect adjoining land from additional surface water run-off.
 - Landscape and visual appraisal: This assesses the visual impact of the development on the surrounding landscape and proposes mitigation measures to minimise visual and landscape impact. It concludes that the site exists within a relatively open landscape with few features of value, and the landscape has a medium sensitivity to change. There are few visual receptors to be found in the study area. The findings of this appraisal conclude that, with proposed planting measures in place, the effects of carrying out the development will be acceptable.
 - Noise impact assessment: The report recommends an acoustic barrier of 4m high at a specific location on the site to ensure noise levels at the closest noise sensitive properties remain at acceptable levels. Such an acoustic barrier is shown in in the north east corner of the proposed site.
 - Design and access statement: This report describes the background to the proposals, how the design has been shaped in respect of the characteristics of the site, including development layout and landscape mitigation measures. It includes the applicant’s assessment of the proposals against development plan policies.
 - Ecological impact assessment: There are no habitat designations affecting the site. Habitats of biodiversity value within the survey area are considered to be the treelines, hedgerow and semi-improved neutral grassland. Ecological features of interest include breeding birds, bats and badgers. The assessment includes a set of recommendations to ensure impacts from the proposed development upon protected and notable

habitats and species will be mitigated in line with relevant wildlife legislation and national/local planning policy relating to biodiversity.

- Transport Assessment: This was prepared to support the proposed development and considers the existing traffic conditions in the local area, and the proposed development in terms of traffic associated with both its construction and post-construction operations. This concludes that the proposed development can be safely accessed from the local road network with negligible impact during construction. Once operational the development will not be manned and will only require periodic maintenance visits.
- Coal mining risk assessment: This collates available geological, mining, and historical data in order to assess the potential for the site to be affected by underground mining. This report identifies the need for pre-development site investigation of historic shallow coal workings and recommends relevant conditions in relation to the site investigation and any possible remedial measures.
- Outline Safety Management Plan: This assesses the safety issues around the construction and management of the installation and measures to be taken to reduce any risks.
- Pre-application (PAC) report: This report summarises the pre-application consultation process undertaken for this major planning application.

3.8. The proposed development would assist in replacing older energy infrastructure and the move to a low carbon economy by allowing electricity from the national grid to be stored in batteries at times of low demand and then exported back to the grid at times of high demand. This will support the grid and provide a more reliable supply of energy to users. Energy storage supports renewable sources of energy (such as solar, wind etc.) which provide intermittent supplies of energy. This type of facility stores excess energy generated during high-production periods (high winds, lots of sunshine etc.) and then export it back to the grid when generation is low. The Burnfoot windfarm in the Ochil Hills connects to the national grid at the Devonside sub-station, opposite the site.

3.9. As a major planning application the proposal was subject to pre-application consultation. This involved advertisement in the Alloa Advertiser as well as direct email contact with Sauchie & Fishcross Community Council, Sauchie Community Group and Fishcross & Benview Residents Association, local elected members, MPs and MSPs, SSPCA, SWT, the Woodland Trust and 29No. closest residents. Two community consultation events were held at Schawpark Golf Club and a website was created that allowed feedback to be given via a digital form.

3.10. In response, five feedback forms were received, raising a range of issues and questions. These are fully set out in the PAC report as are the applicant's responses to the points raised.

3.11. Consultations

- Roads: No objections. Advice given on junction design standards and visibility splays, access gate set-back and construction traffic management. *Comment: These matters can be addressed in planning conditions if planning permission is granted.*
- Emergency Planning Team: No objections. Emergency plan will be required and request for involvement in testing and exercising plan. *Comment: The applicant has been given direct contact details for the emergency planning team in respect of emergency planning.*
- Contaminated Land: If during the development work, areas of contamination are encountered, the applicant shall immediately notify the Council. The nature and extent of any contamination found shall be fully assessed by way of a site investigation and an adequate site investigation report and remediation strategy shall be submitted to and approved by Council. Any remediation work agreed shall be fully implemented and a remediation verification report submitted to and approved in writing by the Council.
- Regional Archaeologist: No objections
- The Coal Authority: No objection. Planning condition proposed to require intrusive site investigation and carrying out of any remediation required. *Comment: Such a condition can be applied to planning permission if granted.*
- Scottish Water: No objections
- Scottish Power: No objections
- Sauchie Community Group: No response
- Sauchie & Fishcross Community Council: No response
- Fishcross & Benview Residents' Association: No response
- Scottish Fire & Rescue Service: No formal consultation response, but informal correspondence around requirement to comply with NFCC (National Fire Chiefs Council) guidance. *Comment: The applicant has agreed to a suspensive planning condition that requires final design and layout of the development to be in accordance with SFRS and Council Emergency Planning requirements.*
- Police Scotland: No objections
- Environmental Health: No objections. Conditions recommended for construction phase. *Comment: Planning conditions on the noise levels and acoustic barriers in connection with the operation of the completed development, as generally set out in the Noise Impact Assessment, can be imposed. Any environmental nuisance caused during construction, such as noise, vibration, dust etc can be dealt with by the Council's Environmental Health Service under their legislation.*

3.12. Representations

- 3.13. There was only one notifiable neighbouring property (the Scottish Power Sub-station, opposite), however the application was also advertised in the Alloa Advertiser, and as noted, had been subject of pre-application publicity.
- 3.14. Representations were received from the following parties:
- Mr J Wilson, 1 The Engine Green, Fishcross
 - Mrs D Coates, 3 The Engine Green, Fishcross
 - Mrs R Wright, 8 Collylands Road, Fishcross
 - Mr P Howson, 1 Howetown, Fishcross
- 3.15. These raised the following points:
- Fully support the application and need for location adjacent to sub-station.
 - Concerns about increased traffic. *Comment: The Council's Roads Service has no objection on the grounds of traffic. The development will generate very low traffic volumes once operational and construction traffic will be managed by a plan required by conditions of any consent.*
 - Concerns about noise impact. *Comment: The Council's Environmental Health Service has no objection to the development on the grounds of noise, and are satisfied with the proposed acoustic barrier around the north east corner of the installation. The Environmental Health Service can address any noise issues caused during construction.*
 - Concerns about fire risk in an area of coal mining and under HV power lines. *Comment: The Council's Emergency Planning Team, Scottish Power and Scottish Fire and Rescue Service (SFRS) have been consulted on the application and no objections have been raised by these parties. A planning condition is proposed in respect of final layout and design to be approved in consultation with SFRS and the Council's Emergency Planning team.*
 - Concerns about impact on landscape. *Comment: The development involves low level building, structures and equipment, and is located in the visual context of the adjacent sub-station and high voltage power lines and pylon. There are no specific landscape designation affecting the application site, and the development includes proposals to plant native trees and hedging to soften the visual impact of the installation.*
 - A similar application was refused and dismissed on appeal. *Comment: Planning permission for a similar energy storage installation on a smaller site, (ref: 17/00120/FULL) immediately to the east of the current application site, was granted in 2017. This was considered to comply with the development plan. The consent has not been implemented and has now expired. The representation appears however to refer to an application for "Erection of Reserve Gas Generation Facility" (ref: 20/00220/FULL) on land 100m to the west of the current application site. This proposed development was of a different nature; being a gas-fired electricity generating facility with a main building measuring 625sqm and 4.7m in height and other elements having a vertical height of 14.5m. It did not have the same locational justification as the previously approved*

battery storage facility, in that it was not demonstrated that the development required to be in close proximity to the nearby sub-station, and therefore a countryside location was not clearly justified. The landscape and visual impact was also considered to be unacceptable, particularly taking account the scale and height of the installation. A Reporter appointed to determine the appeal on behalf of Scottish Ministers agreed with the planning committee's decision in respect of the lack of locational justification and subsequent impact on landscape. They also questioned the sustainable credentials of the development, given it was predicated on burning fossil fuels to generate electricity, where as the battery storage facility was linked to energy generation from renewable sources.

- The development does not require a countryside location and is contrary to the development plan policies in this respect. *Comment: There is significant justification for the chosen location, adjacent to the Devonside sub-station, which provides the grid connection for energy generated from the Burnfoot Hill Wind Farm north of Alva.*
- Concern about impact on VHF signal used by amateur radio enthusiasts. Request for a planning condition to ensure invertors comply with UK and international standards in respect of screening and filtration of radio signals. *Comment: Whilst this matter is not a material planning consideration, the applicant advises that they have met with the representee to discuss and provide reassurance on compliance with relevant standards. The Council, as planning authority is not responsible for the applicant complying with standards and requirements of other authorities, such as in respect of electro-magnetic disturbance. Nevertheless, The applicant has confirms that the proposed BESS development would be constructed and operated in line with all adopted British standard guidelines and regulations as it relates to battery energy storage schemes. On this basis the applicant does not considered that electromagnetic interference will arise as a result of the development however confirm that the Construction Management Plan will include contact details for the site manager during both the construction and operational phases of the scheme who will be contactable 24/7 should any unforeseen issues arise at any stage. Should any unforeseen issues arise, the applicant is committed to exploring any and all mitigation measures available to the market to alleviate any issue to the satisfaction of both the complainant(s) and the Council.*

4.0 Planning Assessment

4.1 National Planning Framework 4.

The National Planning Framework 4 (NPF4) was adopted on 13th February 2023 and is now part of the statutory Development Plan. As a consequence, Scottish Planning Policy 2014 is superseded. Decisions on planning applications have to be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPF4 and the adopted Clackmannanshire Local Development Plan 2015 and associated Supplementary Guidance currently comprise the Development Plan. A review

of the Local Development Plan (LDP) is underway and will be informed by the policies in the NPF4. Planning applications will be assessed against the relevant Principles, Strategies and Policies in the NPF4 and LDP. As NPF4 provides the latest national planning policy context for the assessment of planning applications, where it is considered there is incompatibility between the provisions of the adopted Clackmannanshire Local Development Plan 2015 and NPF4, the provisions of NPF4 will prevail.

4.2 NPF4 Policies

- Policy 1: Tackling the climate and nature crisis;
- Policy 2: Climate mitigation and adaptation
- Policy 3: Biodiversity;
- Policy 4: Natural Places;
- Policy 5: Soils;
- Policy 6: Forestry, woodland and trees;
- Policy 11: Energy
- Policy 23: Health & Safety

4.3 Clackmannanshire Local Development Plan Policies

- Policy SC9 – Developer Contributions;
- Policy SC14 – Renewable Energy;
- Policy SC23 – Development in the Countryside – General Principles;
- Policy EA2 – Habitat Networks and Biodiversity;
- Policy EA3 – Protection of Designated Site and Protected Species;
- Policy EA4 – Landscape Quality;
- Policy EA7 – Hedgerows, Trees and Tree Preservation Orders;
- Policy EA11 – Environmental Quality;
- Policy EA13 – Significant Soil Resources;

4.4 Taking account of the above policies, the following assessment can be made:

4.5 Energy

4.6 Policy 1 of NPF4 states that when considering development proposals, significant weight will be given to tackling the global climate crisis. Policy 2 supports developments being sited to adapt to current and future risks from climate change. Policy 11 on energy supports all form of renewable, low-carbon and zero emissions technologies including battery storage and co-location of technologies. Policy SC14 of the LDP also supports renewable energy developments, subject to assessment of impacts. Detailed assessment of such proposals shall include matters assessed below. The development is supported in principle by NPF4 and the LDP in respect of contributing to climate change and provision of low and zero carbon generating technologies.

4.7 Countryside location

4.8 The development requires to be located in close proximity to the Devonside electricity sub-station, which receives the grid connection from Burnfoot Hill Windfarm in the Ochil Hills. The facility is designed to work in tandem with renewable energy generation; storing energy generated during off-peak

periods and supplying this to the grid when demanded. A site of the size required and at a distance from residential properties would be difficult to find within an urban area, that also met the locational requirement of the development. NPF4 supports developments in rural areas that involve essential infrastructure, and the LDP sets out criteria where development in the countryside will exceptionally be allowed, and one criterion is where it can demonstrate a need for a countryside location. Both the NPF4 and the LDP contains other policy provisions for rural developments around impact on landscape, and biodiversity and these are considered below, however in principle, it is accepted that the development can justify a rural location.

4.9 Landscape impact

4.10 The site is currently farmland, with the main natural landscape feature in the vicinity being Twenty Acre Wood, to the north, which visually encloses the site on this side. The Devonside sub-station, is a significant man-made feature in the landscape immediately adjacent to the site, as is the high voltage pylon that sits within the site boundary, and to a lesser extent, the electricity lines on wooden poles to the north. Whilst the site is somewhat open to view, this is mainly from the B9140 road passing it, and not visible from any populated areas, nor does it have any special landscape designation. As noted, the development has an operational need to be located here, and comprises of low-rise buildings, structures and equipment. The application is supported by a landscape and visual impact assessment which proposes mitigation in the form of native hedge planting around the east, west and south boundaries (which are visible from the B9140) as well as two blocks of tree planting within the site.

4.11 Taking account of the existing landscape character, the scale and nature of the development and the proposed planting to mitigate its visual impact, the development is considered to comply with the provisions of NPF4 and the LDP in respect of landscape and visual impact.

4.12 Biodiversity

4.13 The application site is existing agricultural land with low biodiversity value. There are no statutory habitat designations affected by the proposed development. Policy 3 of NPF4 requires development proposals to contribute to the enhancement of biodiversity. This requirement strengthens the provisions of Policy EA2 of the LDP, which seeks to maximise the potential for developments to contribute to habitat enhancement. Both NPF4 and the LDP on woodland, trees and hedges seek to promote the new native woodland, tree and hedge planting. The development involves new native hedging around three sides of the site and two blocks of tree planting within it. Subject to a condition on any planning consent on the details of planting, the development can enhance biodiversity by the provision of new native planting in a location that currently has little biodiversity value.

4.14 Soils

4.15 Both NPF4 and the LDP seek to protect areas of prime agricultural land from development that would permanently sterilise such resource. In this case, the land in question is not of prime quality (Grade 3.2 – Mixed agriculture), and as

noted the development is for a period of 40 years, therefore is not permanent and due to the nature of the development, the land can be returned to agriculture in the future.

4.16 Summary of assessment against NPF4 and LDP (the Development Plan)

4.17 In summary, the proposals is a form of energy storage that supports renewable energy technologies and its location in the countryside, adjacent to the Devonside sub-station is justified by its operational requirements. The location is also a suitable distance from built up areas in respect of residential amenity. The impacts of the development on landscape, biodiversity, soils and native planting have been considered in the context of the relevant policies of both NPF4 and the LDP and overall, the development is considered to comply with the relevant provisions of the development plan.

4.18 Other material considerations

4.19 No objections have been raised by any consultees to the application. A number of planning conditions will be required to set out detailed requirements, such as construction traffic, access design standards, planting specifications and coal mining surveys. In addition, the final detailed layout of the facility shall be subject to further consultation with Scottish Fire and Rescue Service and the Council's Emergency Planning Team, to ensure matters, such as separation distance between battery units is fully in accordance with standards.

4.20 The applicant has also advised that due to the nature and pace of changes in battery technology and design, they have asked for a planning condition that allows for micro-siting adjustments to be made of up to 50m in each direction within the site boundary. This is considered to be a reasonable request, and will also require that associated landscaping and planting plans to be adjusted to ensure adequate visual screening of the development, as predicated in the current scheme. A planning condition will also be required limiting the development to a 40 years period, and requiring site reinstatement following removal of the installation.

4.21 All matters raised by representations have been fully considered in this assessment and do not raise issues that would indicate the application should not be approved or that it requires to be amended in any significant way. Matters raised in one representation relate to potential interference VHF signal from electro-magnetic disturbance arising from the installation. The applicant has met with the representee in respect of this matter to ally concerns in respect of this matter. It would, however not be appropriate for the Council to impose any planning condition in respect of this technical point. This matter is not considered to be a material planning consideration. Furthermore, Circular 4-1998 on the use of planning conditions is clear that planning authorities in Scotland should not impose planning conditions related to matters and that "*a condition which duplicates the effect of other controls will normally be unnecessary*". In this case, the matter is dealt with under other non-planning regulations in respect of electro-magnetic emissions, and therefore no planning condition is proposed with regards to this matter.

4.22 Summary

4.23 The planning application complies with the development plan and there are no material considerations to indicate that it should not be approved.

5.0 Sustainability Implications

6.0 Resource Implications

6.1 *Financial Details*

6.2 The full financial implications of the recommendations are set out in the report. This includes a reference to full life cycle costs where appropriate. Yes

6.3 Finance have been consulted and have agreed the financial implications as set out in the report. Yes

7.0 Exempt Reports

7.1 Is this report exempt? Yes (please detail the reasons for exemption below) No

8.0 Declarations

The recommendations contained within this report support or implement our Corporate Priorities and Council Policies.

(1) **Our Priorities** (Please double click on the check box)

- Clackmannanshire will be attractive to businesses & people and ensure fair opportunities for all
- Our families; children and young people will have the best possible start in life
- Women and girls will be confident and aspirational, and achieve their full potential
- Our communities will be resilient and empowered so that they can thrive and flourish

(2) **Council Policies** (Please detail)

As above

9.0 Equalities Impact

9.1 Have you undertaken the required equalities impact assessment to ensure that no groups are adversely affected by the recommendations? Yes No

10.0 Legality

10.1 It has been confirmed that in adopting the recommendations contained in this report, the Council is acting within its legal powers. Yes

11.0 Appendices

11.1 Please list any appendices attached to this report. If there are no appendices, please state "none".

None

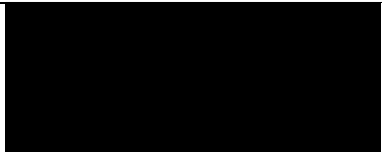
12.0 Background Papers

12.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)

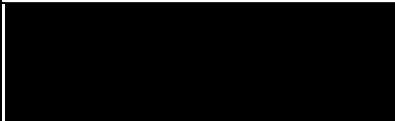
Yes (please list the documents below) No

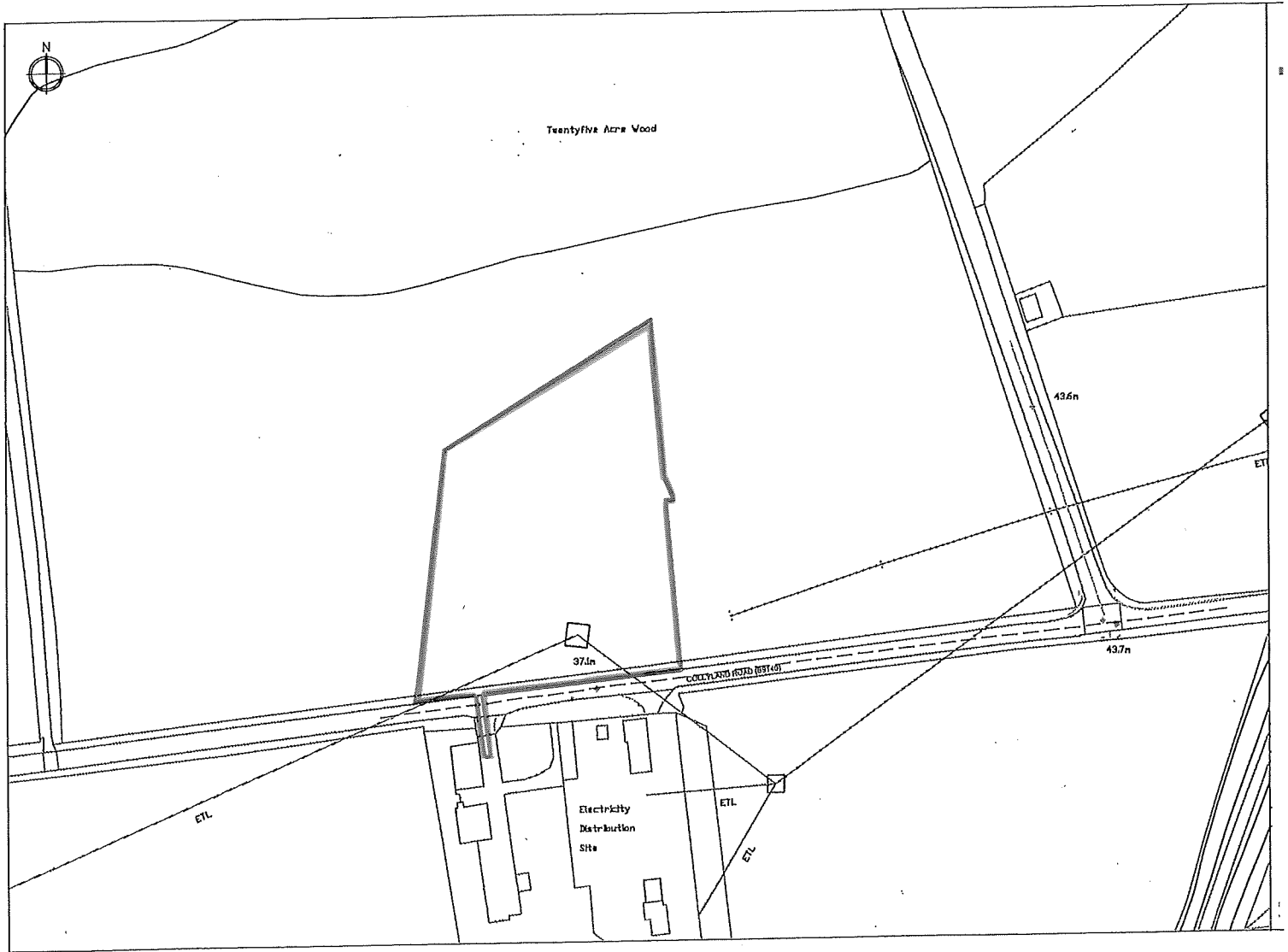
- Adopted Clackmannanshire Local Development Plan 2015
- NPF4, 2023

Author(s)

NAME	DESIGNATION	SIGNATURE
Grant Baxter	Planning & Building Standards Team Leader	

Approved by

NAME	DESIGNATION	SIGNATURE
Emma Fyvie	Senior Manager, Development	



LEGEND

_____ Application Boundary



Clackmannanshire Council
www.clacks.gov.uk

Comhairle Storrachd
Chlach Mhanann

24/00001/FULL - Installation And Operation Of A 25MW Battery Energy Storage System (BESS) Including Battery Storage Containers And Associated Inverters, Transformers, Substations, Security Fencing, CCTV, Landscaping, Drainage And Access Onto B9140 at Land at Bankhead Farm South Of Twentyfive Acre Wood Fishcross, Clackmannanshire

