
Report to PLANNING COMMITTEE

Date of Meeting: 12 March 2026

Subject: CONSULTATION FROM SCOTTISH MINISTERS REGARDING AN APPLICATION MADE UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR THE INSTALLATION AND OPERATION OF A BATTERY ENERGY STORAGE SYSTEM (BESS) AND ASSOCIATED INFRASTRUCTURE WITH A GENERATING CAPACITY OF UP TO 250 MW at KILBAGIE PAPER MILLS, KENNET, CLACKMANNAN

Report by: John Hiscox (Principal Planning Officer)

1.0 Purpose

- 1.1. To request that the Planning Committee accepts the recommendation of the Council's Planning Service in relation to the proposed Kilbagie BESS, in its capacity as statutory consultee, Clackmannanshire in this instance being the sole planning authority within whose Council area the development would be located.

2.0 Recommendations

- 2.1. It is recommended that Clackmannanshire Council, as relevant authority and statutory consultee to Scottish Ministers, does not object for the following reason:
- 2.2. By virtue of the location, design, layout, scale and purpose of the proposed development, it would not give rise to any unacceptable environmental or other planning concerns, provided that a satisfactory scheme of landscape planting to mitigate adverse visual impacts pertaining to views into the site from the A876 is implemented. The Planning Authority will recommend the imposition of relevant planning conditions for Scottish Ministers Approval under the provisions of s.36 of the Electricity Act 1989. Although the scheme includes some landscaping proposals, the Planning Authority takes the view that they are insufficient to adequately mitigate development effects. In all other respects, the proposed development is supported by the Development Plan, in particular NPF4 Policies 1, 2, 11 and 29; and LDP Policies SC14, SC23, EA4, EA11, EA20 and EA22.

3.0 Considerations

3.1 Background and Planning History

- 3.2 The Scottish Ministers, via the Energy Consents Unit (ECU), have formally consulted Clackmannanshire Council in respect of the above application submitted to them under Section 36 of the Electricity Act (1989). As the proposed development would exceed 50MW of electrical generation (installed capacity), the application falls to be considered under this Act by the Scottish Ministers and not the local planning authority as a planning application under the Town and Country Planning (Scotland) Act 1997.
- 3.3 Under the Scheme of Delegation, responses to consultations on national or major development which do not require the permission of the Council as planning authority (as is the case here) require to be considered by the Council's Planning Committee.
- 3.4 An Objection by Clackmannanshire Council as Statutory Consultee, and as the Relevant Authority within whose area the development is proposed, would automatically trigger a Public Local Enquiry (PLI), if said Objection is made to Scottish Ministers within the prescribed timescale. The prescribed timescale is able to be extended if the relevant planning authority, the Applicant and the ECU are all in agreement. In this case, the consultation response deadline has been extended from 13 December 2025 to **16 March 2026**.

Planning History:

- 3.5 This is the first formal application to be made on this site for a renewable energy development of any kind, although the project has been through pre-application screening, through which Scottish Ministers decided that the proposal does not constitute EIA development and that the application submitted for this development does not require to be accompanied by an EIA report (Clacks ref. EIA-2024-004). The project was also subject to pre-application public consultation – Clacks ref. 24/00209/PAN (Proposal of Application Notice). No other planning history within Clackmannanshire is relevant to the current consultation.
- 3.6 There has been activity in Fife, relating to a proposed very large substation north of Hawkshill (south of Kilbagie). At the time of writing of this report to Committee, a planning application relating to the part of the site in Clackmannanshire (approximately 5% of the overall site) has been submitted. The planning reference is 25/00209/FULL. A separate planning application has been submitted to Fife Council for the majority of the site (approximately 95%). The Fife planning application reference number is 25/03188/EIA. Projects in this locale tend to be under the 'Kincardine North' headline. These include a substantial site identified for a 'Proposed Underground Cable' development to the south of the site.
- 3.7 Although there appears to have been no activity since a Screening Opinion (EIA not required) was issued by Scottish Ministers in February 2025, the

Committee should be aware of the 'Meadowend Farm' BESS project on land south of Kennet village, for up to 500MW on a site of approximately 33 hectares. <https://meadowendfarmbess.co.uk/> The site is within 200-250m of the current Kilbagie BESS site on the opposite side of the A876 and would have cumulative effects with the Kilbagie development.

Site Location and Description

- 3.8 According to Section 2 of the submitted Planning, Design & Access Statement, the site, which measures approximately 5.7 hectares in area, comprises primarily agricultural land that is used for grazing and benefits from an existing access road connecting to the A977 to the east.
- 3.9 The site comprises two parcels, the western Site A at approximately 3.9 ha and eastern Site B at approximately 1.8 ha. Site A is the 'Main Site' where the BESS and associated infrastructure would be located, and Site B is to be used solely for landscape and ecological enhancements. The Site lies adjacent to and to the south and south-east of the A876, beyond which is the A977. The A876 joins the A977 at a roundabout junction to the north. Site A and Site B are separated by a Tillicoultry Quarries site, and the quarry related workings includes open storage area, warehousing, silos and internal tracks.
- 3.10 The immediately surrounding area largely comprises agricultural land. Further to the east beyond the A977 is Tulliallan Golf Club and Tillicoultry Quarries. The land to the east is largely characterised by agricultural fields and the Devilla Forest. To the west, across the A876, Lady's Brae Woodland is immediately adjacent, which is surrounded by agricultural fields; the village of Kennet is approximately 0.6 km to the north.
- 3.11 The site is immediately adjacent to the authority/county boundary with Fife Council's area but is entirely within Clackmannanshire – within the Clackmannan Community Council area (Clackmannanshire East Ward). The nearest settlements to the Site are Kennet 0.6 km to the north-west, Clackmannan 1.5 km to the north-west, and Kincardine 1.7 km to the south-east.
- 3.12 There are two listed buildings located in close proximity to the Site; Kilbagie Mill House, approximately 120m east of Site A, and Kilbagie House and Garden Walls, approximately 110 m north-east of Site A. The nearest residential properties are 125m and 130m north of the site (one of these is unoccupied) and further afield 350m to the east across a railway line, which is screened from the site by woodland belts. There is another residential property located 450m to the west of the site separated by woodland and the A876.
- 3.13 Much of the site is identified as vacant or derelict land, according to the Clackmannanshire Vacant and Derelict Land Survey (2015). The eastern parcel (biodiversity improvement area) is not within the area identified.
- 3.14 According to the Scottish Environmental Protection Agency, the site has small areas of medium and high likelihoods for surface water flooding but is not considered to be likely for river or coastal flooding.

- 3.15 Scotland Soils Land Capability for Agriculture Map confirms that the Site is comprised of land capable of producing a wide range of crops (2) and land capable of producing consistently high yields of a narrow range of crops and/or moderate yields of a wider range (3.1).
- 3.16 Local Development Plan: With the exception of the eastern parcel, the site is included in the list of 'LDP Business Estates' sites. The LDP Policy reference is B11 – Page 136 of the LDP sets out a site-specific policy for a 19.27 hectare area of ground at Kilbagie. Under 'Development Requirements', the policy states that the site is suitable for business, industrial, storage or distribution uses. In terms of opportunities described in the Policy, these include:
- Potential to improve green spaces within the business area for the use and enjoyment of those working there in association with any new development (Sustainable Communities)
 - Scope to promote rail-based freight movement (Employment and Prosperity)
 - Scope for significant planting along site perimeter to screen site and improve habitat (Environmental Assets)
 - Transport improvements/contributions dependent on the outcome of Transport Assessment. It may require a junction upgrade to A977, and improvements to Gartarry roundabout (Developer Contributions)
 - Contribution required to public art (Developer Contributions)
 - Potential to contribute to projects to support the aims and objectives of the Inner Forth Landscape Initiative, either through commuted sums to off-site projects or through the design, layout and landscaping of the development site (Developer Contributions)
- 3.17 Policy EP1 'Strategic Land for Business' makes specific reference to Kilbagie, alongside three other sites in Clackmannanshire, identifying it as suited to new business and industrial developments in accordance with the schedule of sites (as per previous paragraph). Please note the following text within the Policy:
- "Proposals for business uses not fully in accordance with the Development Requirements will only be supported where they are compatible with, and would not prejudice, the identified strategic use of the site, and would both increase the number, and widen the range and quality of jobs in Clackmannanshire."*
- 3.18 The site is not within a settlement, so can technically be described as in open countryside in LDP terms, notwithstanding that it is mostly previously developed/brownfield land. It is situated within the 'Forth' sub-area of Clackmannanshire. On the opposite (north-west) side of the A876 the Clackmannanshire South Greenbelt land area begins. This Greenbelt area is a little under 300 hectares in area, and surrounds the settlement of Kennet, while bounding Clackmannan on the south and east sides, and the eastern fringes of Alloa.
- 3.19 Landscape Character: Site A is located within the Carselands Landscape Character Type (LCT), as designated by NatureScot in 2019. Site B is largely located within the Coastal Flats LCT, which extends southeast along the northern shore of the Firth of Forth.

3.20 Key published characteristics of the Carselands LCT are:

- Flat, open, large scale Carselands of predominantly open agricultural landcover forming the floor and former floodplains of the River Forth, River Devon and Black Devon.
- Trunk roads run in parallel to the northern and southern perimeters of the Carselands.
- Distinct character of group of Hillfoot villages, and their relationship with streams issuing from Ochil Hills within Lower Devon area, as well as major overhead power lines and their pylons.
- Recent expansion of settlement boundaries at edge of carse making new development very visible.
- Open views across carse accentuated by consequent dramatic contrast with the adjacent escarpments of the Ochils and Fintry, Gargunnock and Touch Hills.

3.21 Key published characteristics of the LCT are:

- Flat, low-lying, open, large scale, exposed coastal landscapes at sea level.
- Intensively cultivated, geometrically laid out, large to medium scale, predominantly arable fields or forests with rectilinear, fenced enclosures or without enclosure.
- Variety of other land uses, particularly industrial and other built developments, golf courses and other grasslands.
- Isolated, scattered or regularly spaced farmsteads, conspicuous due to lack of screening, in contrast to the designed landscapes which are well screened by policy planting and shelterbelts.

Description of the Development

3.22 It is intended that the Kilbagie BESS would have an operational lifespan of up to 40 years. Paragraph 2.8 of the Gatecheck Report submitted with the application explains BESS:

“A BESS is an electrochemical device that charges (or collects energy from renewables like solar and wind) from the grid or a power plant and then releases that energy at a later time when it is needed. The batteries charge at off-peak times and then supply electricity to the local electricity distribution network at times of peak energy demand. BESS therefore have a key role to play in contributing toward achieving net zero targets and providing flexibility within the energy system. The batteries are contained within cabin structures similar in appearance to shipping containers.”

3.23 The apparatus and infrastructure would be sited within Site A; Site B is reserved only for biodiversity enhancement:

3.24 SITE A: The **western** area of the development comprises the following elements:

- (i) Battery area – 136 no. BESS units, in four rows of 6.1m x 2.44m x 2.9m height battery containers (up to 4m above ground level – on

- raised piers) and associated PCS apparatus (34 no. Power Conversion Systems = transformers and inverters) with a combined rated storage capacity of up to 250MW
- (ii) Hardstandings to support substation and BESS areas – total impermeable area = 1.7 hectares
 - (iii) Access/maintenance tracks around and between BESS & Substation areas (permeable)
 - (iv) O & M (Operations and Maintenance) building – 19.4m x 8.9m x 4.4m height (flat roof)
 - (v) HV (High Voltage) substation compound including transformers, overhead gantries etc. - external dimensions of structure complex approximately 89m x 44m, maximum height of structures 12m
 - (vi) 2 no. water tanks – 12.8m diameter, height to edge of roof 2.29m, approx. apex height 2.8m (not stated)
 - (vii) Storage container (12.2m x 2.4m x 2.9m height (up to 4m above ground level – on raised piers)
 - (viii) Palisade fence surrounding operational area of site – 2.4m height
 - (ix) SuDS feature
 - (x) 2 no. control rooms (12.2m x 2.4m x 2.9m height (up to 4m above ground level – on raised piers)
 - (xi) CCTV & Lighting poles – maximum height 4m
 - (xii) Landscape planting inside eastern boundary, consisting of ‘mixed scrub’ (small species trees & woody shrubs) area; elsewhere limited to native grasses and native flowering species (NB - although native broadleaved woodland species are stated on the submitted indicative landscaping plan, there are no areas identified for woodland-type planting)
 - (xiii) Underground cabling from the BESS to the substation, and from the substation to the southern site boundary

3.25 **SITE B:** The **eastern** area of the development comprises the following elements:

- (i) Landscape planting inside north-western and south-eastern boundaries, consisting of ‘mixed scrub’ (small species trees & woody shrubs) areas; elsewhere limited to native grasses and native flowering species (NB - although native broadleaved woodland species are stated on the submitted indicative landscaping plan, there are no areas identified for woodland-type planting)

3.26 Paragraph 3.6 of the Design and Access Statement advises that ‘other associated development works’ would take place in Site A. In addition to the aforementioned landscaping, the following are described:

- Temporary construction compound (intended location not shown)
- Site preparation and earthworks
- Provision of site drainage
- Provision of site access

3.27 Temporary construction compounds tend to include the following:

- temporary modular building(s) to be used as a site office;
- welfare facilities;

- parking for construction staff and visitors;
- reception area;
- fuelling point or mobile fuel bowser;
- secure storage areas for tools; and
- waste storage facilities.

3.28 Further to the receipt of additional information explaining the application in more detail in November 2025, the applicant advises that a development platform, assumed at this stage to be as flat as possible to simplify development logistics, would be formed. This is set out in Drawing Notes on drawing no. D-C-10130 'Preliminary Planning Elevations'. Note No. 2 advises "*Proposed finished levels of plateau assumed to be 9m AOD*". The current ground level AOD (Above Ordnance Datum) is shown in supporting topographical mapping and Drawing Note 5 to be between 5.8m and 9.64m AOD. According to Drawing Note 6, minimum finish levels must be 6.5m AOD in accordance with flood risk assessments.

Construction Phase:

- 3.29 The application indicates that the construction period would be approximately 18-24 months. Recommended construction hours are set out in the original Noise Impact Assessment (Section 5) as 07:30 to 18:30 Monday to Friday and 08:00 to 13:00 on Saturdays. This would include delivery activity. At this time there is no construction timetable identifying phases of work in the submitted documentation.
- 3.30 The Planning, Design and Access Statement advises that new internal access tracks would be constructed to enable construction traffic to manoeuvre and turn within the site. Construction access would be taken off the existing entrance from the A977 to the east, which already provides established access for HGVs.
- 3.31 It also advises (Para 9.149) that construction works are likely to involve initial earthworks and site levelling, construction and installation of the new infrastructure and landscaping works, with the potential for piling activities, which are highly likely to be noisy and give rise to vibration.
- 3.32 The applicant anticipates that a Construction Environmental Management Plan (CEMP) would be required and that it would be subject of a condition if consent is given. Currently, the submissions do not include an Outline CEMP.
- 3.33 The current consultation under Section 36 of the Electricity Act 1989 does not include proposals for connection to the electricity grid. A separate consent under other areas of the same Act would be necessary. This would be subject to a future consenting process, in relation to which Scottish Ministers would again be the determining body. Depending on the location of the proposed development, Clackmannanshire Council may be a consultee. Consultation under other areas of the Act can be highly similar to that under Section 36.

Decommissioning Phase:

- 3.34 According to the Planning, Design and Access Statement, the site would be restored back to agricultural use at the end of its 40-year operational period. Furthermore, Paragraph 3.1 advises that it would be “*restored to its former condition.*” This is predicted to last up to 12 months and would follow similar principles to those applied during construction in terms of environmental management.
- 3.35 The applicant anticipates that a Decommissioning Strategy would be implemented, which would be the subject of detailed approval closer to the decommissioning date.

Submission Documents

- 3.36 The application submission includes the following key documents submitted by the applicant:-
- (i) Ecological Impact Assessment
 - (ii) Transport Statement (Aug 2025)
 - (iii) Habitats Regulations Assessment (HRA) (Aug 2025)
 - (iv) Landscape and Visual Assessment (Aug 2025)
 - (v) Geo-Environmental Report (Aug 2025)
 - (vi) Cultural Heritage Assessment (Aug 2025)
 - (vii) Flood Risk Assessment (Aug 2025)
 - (viii) Planning, Design & Access Statement (Aug 2025)
 - (ix) Pre-Application Consultation Report (Aug 2025)
 - (x) Outline Battery Safety Management Plan (Aug 2025)
 - (xi) Indicative Landscape Plan (Aug 2025)
 - (xii) Noise Impact Assessment (Aug 2025) & subsequent Acoustic Response to Environmental Health Comments (Oct 2025)
 - (xiii) Drainage Strategy (Aug 2025)
- 3.37 In November 2025, in response to requests for additional information by Clackmannanshire Council officers, the following items were submitted:
- (i) Supplementary elevation drawings of the proposed substation, BESS array and associated development components
 - (ii) Detailed topographical survey of whole site (Sheets 1-6)
 - (iii) Up to date map of cumulative energy sites in study area (part of Landscape and Visual Appraisal)
 - (iv) Augmented LVIA Viewpoint Visualisations including superimposed landscape planting at 15 years post-implementation

Consultations

- 3.38 Roads and Transportation Team – No objection.
- 3.39 Environmental Health – No objection subject to conditions requiring submission and approval of (i) noise and vibration impact assessment; and (ii) lighting assessment. Requested due to absence of satisfactory/comprehensive information available in relation to both topics.

- 3.40 Council Contaminated Land Officer – No objection subject to conditions requiring site investigation and, depending on results of investigation, potential site remediation. Remediation would be followed by a verification report on completion of mitigation.
- 3.41 Regional Archaeologist – No objection subject to a condition requiring archaeological evaluation prior to commencement of development, potentially including excavation works on the development site.
- 3.42 Sustainability Team – No written representation but have not indicated any objection.

Publicity and Representations

- 3.43 The Application will be determined by Scottish Government as Determining Authority. As a result, all notifications, public consultation and advertisements are administered by the ECU. Interested/third party representations fall to be considered by ECU, not Clackmannanshire Council as local planning authority. Community Councils are statutory consultees, and must also submit their consultation responses to the ECU.
- 3.44 A letter dated 12 August 2025, from DWD as agent, to the ECU advises that the following advertising regime would be rolled out:

The application will be advertised by newspaper notice in The Herald on 13 August 2025, The Edinburgh Gazette on 15 August 2025, and Alloa Advertiser on 13 August 2025 and 20 August. A copy of the application, with a plan showing the land to which it relates, together with a copy of the documentation discussing the Company's proposals in more detail and presenting an analysis of the environmental implications, are available for public inspection in person, free of charge, at:

• Alloa Library, Spiers Centre, Primrose Place, Alloa, FK10 1AD;

*All of the application documents are available to view on the project website:
<https://www.kilbagiebess.com/>*

- 3.45 The Committee is advised that interested/third party representations including submissions by Community Councils and interest groups do not fall to be considered as material planning considerations by Clackmannanshire Council. However, Members may wish to note that at the time of writing of this report, the ECU has not published any representations on its website in relation to the proposed Kilbagie BESS. It has been confirmed by the ECU case officer that the application has not attracted any representations from interested/third parties.

The Development Plan

- 3.46 The development plan for the area currently comprises two main items: (i) National Planning Policy Framework 4 (2023); and (ii) the Clackmannanshire Local Development Plan, adopted August 2015. Whilst the development plan is not afforded primacy for the determination of applications made under Section 36 of the Electricity Act (as is the case for planning applications under the provisions of Section 25 of the Planning Act), it is nevertheless a key

material consideration that is entitled to a substantial amount of weight in the decision-making process, particularly as the application is also seeking deemed planning permission under Section 57 of the Town and Country Planning (Scotland) Act 1997 as part of this process.

- 3.47 NPF4 sets out how the Scottish Government's approach to planning and development will achieve a net zero, sustainable Scotland by 2045. The Spatial Strategy sets out that we are facing unprecedented challenges and that we need to reduce greenhouse gas emissions and adapt to future impacts of climate change. It sets out that that Scotland's environment is a national asset which supports our economy, identity, health and wellbeing. It sets out that choices need to be made about how we can make sustainable use of our natural assets in a way which benefits communities.
- 3.48 The Spatial Strategy reflects legislation setting out that decisions require to reflect the long term public interest. However, in doing so it is clear that decision makers will need to make the right choices about where development should be located, ensuring clarity is provided over the types of infrastructure that needs to be provided, and the assets that should be protected to ensure they continue to benefit future generations. Indeed, it states simply, on page 7 that: *this means ensuring the right development happens in the right place.*
- 3.49 NPF4 Policy 11 'Energy' advises that design and mitigation to address impacts relating to the following will be demonstrated:
- impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
 - 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;
 - public access, including impact on long distance walking and cycling routes and scenic routes;
 - impacts on aviation and defence interests including seismological recording;
 - impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
 - impacts on road traffic and on adjacent trunk roads, including during construction;
 - impacts on historic environment;
 - effects on hydrology, the water environment and flood risk;
 - biodiversity including impacts on birds;
 - impacts on trees, woods and forests;
 - proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
 - the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
 - cumulative impacts.
- 3.50 The 2015 LDP includes a Spatial Strategy for Clackmannanshire, with three separate areas identified as Forth, West Ochils and East Ochils. The

proposed development is entirely within the Forth area, within which, according to the LDP (Page 17) the following LDP Aims are relevant to the proposals:

- Reinforce the green network and increase recreational opportunities through projects such as the Gartmorn Dam Green Hub and Inner Forth Landscape Initiative (under 'Social Infrastructure')
- Protect identity and landscape setting of individual settlements (Under 'Development in the Countryside and the Rural Economy')
- Encourage continued development of employment uses. (under 'Business and Employment')
- (i) Support the Inner Forth Landscape Partnership aims to conserve and enhance the heritage and landscape of the Inner Forth. (ii) Continue protection of designated sites and investigate enhancement and appropriate levels of public access and recreation (under 'The Natural Environment')
- Ensure new development does not create potential pollution 'hot spots' (under 'Protecting Environmental Resources')
- Utilise brownfield and infill sites to their full potential (under 'The Built Environment')

3.51 Proposals for renewable energy developments are generally considered under LDP Policy SC14, which states that the Council will support development proposals for all renewable energy generation, including any mitigation measures proposed, where they meet criteria relating to the following:

- landscape and visual impacts, having regard to design, scale, layout and cumulative impacts with other developments;
- the impact on natural and historic environment (including cultural heritage and biodiversity; also including cumulative effects);
- impact on aviation, defence or telecommunications interests;
- impact on local communities and individual dwellings, having regard to cumulative impacts with other developments;
- the impact on tourism, recreational interests and public access;
- the nature of proposed mitigation and restoration during construction, operation and decommissioning;
- compliance with other specified Policies of the LDP (EA13, SC14-18).

3.52 In its capacity as a consultee for the development, the key subject areas where the Council can provide an appropriately informed response relate to the following considerations:

- Renewable Energy Benefits;
- Landscape and Visual Impacts (including cumulative impacts);
- Archaeology and Cultural Heritage;
- Effects on Local Communities and Residential Interests;
- Roads, Traffic and Access; and
- Flood Risk
- Impacts on the Soil Resource

3.53 Other matters which are relevant considerations in terms of development plan policies and national policies but which have not been included in the list

above, such as (but not limited to):- Natural heritage impact including ecology and ornithology, fish and forest / woodland cover, Hydrology, Hydrogeology, and Peat, and impact on aviation safety, are all matters for Scottish Ministers to consider in accordance with consultation responses that they have received directly from individual consultees in respect of these topic areas in their decision of the proposal.

3.54 Although the Council's Sustainability Team has provided a consultation response that includes reference to natural heritage matters (published on the Council's website 9.9.25), it is not intended to review natural heritage impacts in detail within this planning report, because this is a specialist area more appropriately appraised by Ministers' consultees that specialise in such matters, namely:

- (i) Scottish Environmental Protection Agency (**Standing Advice on various matters**)
- (ii) Scottish Forestry (**Tree Felling and Planting**)
- (iii) NatureScot (**Protected Species esp birds and bats**)
- (iv) RSPB Scotland (**Birds/habitat**)

3.55 Furthermore, the application is supported by a Habitats Regulations Assessment (HRA), which includes an Appropriate Assessment relating to possible impacts on Curlew in the Firth of Forth Special Protection Area. In relation to this item, and this aspect of consideration, officers have consulted colleagues at ECU regarding any requirement for Clackmannanshire Council to undertake an independent Appropriate Assessment in the light of the HRA. The following response was received on 17 December 2025 (in the light of NatureScot's consultation response to Ministers dated 9.12.25):

"...with regard to the response from NatureScot, they state that it is unlikely that the proposal will have a significant effect on any qualifying interests either directly or indirectly. This is because there is plenty alternative foraging habitat available in the surrounding area. They haven't mentioned the requirement for an HRA/AA, so we would not pursue an HRA from them."

3.56 Footnote 5 on NatureScot's webpage 'Legislative Requirements for European Sites' [Legislative Requirements for European Sites | NatureScot](#) advises at Footnote 5: *"Scottish Ministers are the competent authority in relation to considerations under regulations 49 and 53 of the 1994 Habitats Regulations. Scottish Ministers are also the appropriate authority in relation to regulations 64 to 68 of the 2017 Regulations for activities consented under sections 36 or 37 of the Electricity Act 1989."*

4.0 Planning Assessment

4.1 The key NPF4 policies are considered to be:

- Policy 1 – Tackling the climate and nature crises
- Policy 2 – Climate mitigation and adaptation
- Policy 3 – Biodiversity
- Policy 4 – Natural places
- Policy 5 – Soils
- Policy 6 – Forestry, woodland and trees
- Policy 7 – Historic assets and places

Policy 11 – Energy
Policy 12 – Zero waste
Policy 13 – Sustainable transport
Policy 18 – Infrastructure first
Policy 20 – Blue and green infrastructure
Policy 22 – Flood risk and water management
Policy 23 – Health and safety
Policy 25 – Community wealth building
Policy 29 – Rural development
Policy 33 – Minerals

4.2 The key LDP policies are considered to be:

Policy EP1 – Strategic Land for Business
Policy SC11 – Transport Networks
Policy SC12 - Development Proposals - Access and Transport Requirements
Policy SC14 - Renewable Energy
Policy SC20 – Water Drainage Infrastructure and Capacity
Policy SC23 - Development in the Countryside - General Principles
Policy EA1 - Clackmannanshire Green Network
Policy EA2 - Habitat Networks and Biodiversity
Policy EA3 - Protection of Designated Sites and Protected Species
Policy EA4 - Landscape Quality
Policy EA9 – Managing Flood Risk
Policy EA11 – Environmental Quality
Policy EA12 – Water Environment
Policy EA13 – Significant Soil Resources
Policy EA18 – Minimising Waste in New Development
Policy EA20 – Other Archaeological Resources
Policy EA22 – Listed Buildings

4.3 Statutory Supplementary Guidance to the LDP:

SG1: Developer Contributions

4.4 Other Material Considerations:

The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (Scottish Parliament, 2011b)
Clackmannanshire Council Climate Change Strategy (including Climate Emergency Action Plan) – September 2024
Historic Environment Policy for Scotland - April 2019
Historic Environment Scotland – Managing Change in the Historic Environment – 2016
Planning Advice Note (PAN) 1/2011 - Planning and Noise
Planning Advice Note (PAN) 3/2010 – Community Engagement

4.5 Other National Policies and Strategies

Climate Change Plan 2018-2032 (Scottish Government)
The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
2020 Routemap for Renewable Energy in Scotland
2021 Net Zero Strategy (UK Government)

Scottish Government draft Energy Strategy and Just Transition Plan and related Ministerial Statement (January 2023)

*Climate Change (Emissions Reduction Targets)(Scotland) Bill – April 2024

(*Made an Act of Scottish Parliament on 22 November 2024)

Scottish Government Scottish Energy Strategy - December 2017

Renewable Energy Benefits:

- 4.6 The Climate Change (Scotland) Act 2009, set out the targets for reducing greenhouse gas emissions as an interim 42% reduction target for 2020 and an 80% reduction target for 2050. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (2019 Act) received Royal Assent on 31 October 2019 and set a target for Scotland to be carbon-neutral, meaning net-zero carbon emissions by 2045 at the latest. Additionally, the 2019 Act set out interim targets to reduce emissions by 56% in 2020, 75% by 2030 and by 90% by 2040. The 2024 Climate Change (Emissions Reduction Targets) (Scotland) Act modifies the 2009 Act, effectively replacing annual and interim targets with carbon budgets. In general terms, this means that every year between 2026 and the net-zero target year (currently 2045), Scottish Ministers must set a carbon budget. Each period covered by a Scottish carbon budget is to be 5 years. Every year, a report must be provided to the Scottish Parliament, by Scottish Ministers, stating how and whether the budget has been achieved. Scottish Government advises on its website that: *“Carbon budgets, which cover a five-year period, provide a more reliable and consistent framework for assessing sustained progress in the actions and policies that contribute to ensuring that we achieve Net Zero emissions by 2045.*

In comparison, the previous framework of interim and annual targets proved to be highly vulnerable to year-to-year fluctuations in emissions reductions. For example, the assessment of progress could be adversely affected by annual variations, such as a particularly warm or cold winter, or larger events, such as the COVID-19 Pandemic.

The levels of the carbon budget targets will be set through secondary legislation in 2025, following the receipt of the advice from the Climate Change Committee.”

- 4.7 The 250-megawatt storage facility would be substantial, with no other modern schemes of such magnitude consented or formally proposed in Clackmannanshire. In the Planning, Design and Access Statement, it is stated that: *“...the Proposed Development will provide a flexible and rapid release of electricity to allow the National Grid to regulate electricity supply and demand without any greenhouse gas emissions. Conversely, the Proposed Development will also have the capacity to absorb electricity quickly which will allow for the oversupply of the grid to be managed.”* It also states: *“...there is a growing demand by network operators for a broad range of services such as storage and management of inertia and fault levels on the grid. The Proposed Development is designed to support multiple services to enable decarbonisation of electricity supply.”* It goes on to advise that The Proposed Development will assist National Grid ESO in the following ways:

- Stabilisation of the National Grid during transition from traditional fossil fuels to renewable energy
- Storage of energy between generation and distribution to respond to wider network activity and constraints
- Providing balancing solutions in the event that a large supply of energy is required due to unforeseen demand on the network
- Ensuring supply of secure, sustainable and affordable electricity

4.8 Battery Storage Systems do not generate electricity. However, whilst the 250MW capacity does not contribute towards renewable energy generation targets itself, energy storage systems seek to resolve the unpredictability of renewable energy generation, making constant adjustments necessary to keep frequency of the national grid at 50Hz. The proposed development is therefore important in terms of supporting the move towards decarbonising the electricity network without compromising safety, security and efficiency. The proposed development provides vital support to renewable energy infrastructure and as such seeks to reduce overall greenhouses gas emissions globally.

4.9 It is clear that the introduction in the County, and in the wider region of appropriate BESS systems accords with national and local policy in terms of the principle, because they are necessary, complementary facilities that increase sustainability in relation to energy generation. Controlled storage and release of energy through BESS installations is supported by Policy 11(a)(iii) of NPF4. The potential for this development to support delivery of sustainable, renewable energy is a significant factor, especially having regard to the scale of the development and its potential capacity, in a locality already significantly influenced by the presence of electrical infrastructure development. However, it is also necessary to visit a range of more focussed topics to assess whether the application more fully accords with the development plan.

Landscape and Visual Impacts (including cumulative impacts):

4.10 Although the development is not EIA development, the application is supported by a Landscape and Visual Impact Assessment (LVIA). It provides adequate coverage, further to the provision of additional information requested by Council officers, from various viewpoints within the Zone of Theoretical Visibility (ZTV) from which the development would have the potential to be seen in the landscape, including the A876 approach route to Clackmannanshire.

4.11 The LVIA tends to demonstrate that the development would be screened or backclothed by existing vegetation from some directions, which is useful in terms of the development being assimilated into its visual environs. For example:

- From Viewpoint 2 on the A977 the development would not be visible as it would be almost fully screened by large-scale vegetation
- From Viewpoint 3 near Hawkshill (Fife), the development would be viewed in association with pylons, overhead transmission lines and existing industrial development; and would be backclothed by topography and large-scale woodland vegetation.
- From Viewpoint 4 near Craigton – similar to Viewpoint 3

- 4.12 Landscape and visual impacts are more noticeable from Viewpoint 1 (Fife) and Viewpoint 6, although the general scale of the landscape as viewed from these locations helps to assimilate the development into its surroundings, along with large scale vegetation. NB – Fife Council has responded to Scottish Ministers and has made no comment on landscape and visual impacts.
- 4.13 Viewpoint 5 shows potential visibility from the A876 in Clackmannanshire – one of the main approach routes into the County. Officers are concerned that from the stretch of road between the layby just south of the overhead transmission lines through to the point at which the A876 bridges over an existing track west of Kilbagie – a stretch of approximately 550m before the site is visually shielded by roadside plantations - visual impacts for people travelling north would be significantly adverse, in particular because the substation structure would be prominent as it would be the closest development component to the A876; but also because views deeper into the site would include substantial lateral visibility of the battery containers and other structures, which are known to be incongruous in some scenarios, particularly because of their generally light external colouring and blocky/linear arrangements.
- 4.14 The locality is characterised by industrial development and energy infrastructure to some extent. The development would add cumulatively to the visual baseline in the context of this existing characterisation in a way that is broadly complementary and relatable. However, officers are not satisfied that the proposed landscaping mitigation is adequate to offset the most significant element of all visual impacts arising, which would include substantial effects for people using the A876 over a distance of around 550m heading northwards into Clackmannanshire, and to some extent travelling southwards out of the County. For these reasons, and further to dialogue with the applicants, it is agreed that the submission of a landscaping scheme to address visual impact concerns is fundamental to the delivery of an acceptable form of development. Conditions relating to said landscaping mitigation would therefore be strongly recommended for inclusion in any consent issued by Scottish Ministers, to allow Clackmannanshire Council to appraise revised proposals at a later date, should the scheme achieve planning consent
- 4.15 The Committee is asked to note that the applicant has expressed reluctance to provide landscaping to help screen views from the A876, as set out in an email communication on 21 November 2025:

“...there is limited space within the red line boundary in the west of the site to accommodate further screen planting given the siting and area requirements of the HV / substation and the access tracks required for emergency vehicles. These constraints include:

- *There are strong technical and financial preference for the HV / substation area to be sited in this location,*
- *There is a strong preference for SuDS features to be located in the east of the Site to enable drainage requirements, thereby restricting space available in the west of the site for the HV / substation area,*

- *Space for screen planting and the HV / substation area are further restricted by the SPEN proposals to divert and underground the existing overhead lines on site along the perimeter of our site (outside our fence). The applicant is unable to plant over this cabling to maintain SPEN's access.*

The land to the west of the red line boundary and between the A876 is unregistered land and therefore the Applicant does not have control over the land to provide off-site screening planting.

Further to this, the LVIA includes a baseline description for Viewpoint 5 (A876 northbound layby, Figure copied below) which is described as having very low value owing to a north-eastern view dominated by visually detracting elements, such as electrical and highway infrastructure. The view is characterised by existing intermittent blocks of hedgerow vegetation and with the existing industrial area being screened by intermittent trees. As such, it is considered that the proposed development would not be inconsistent with the existing baseline character of views experienced from the A876.

Given the Applicant is requesting the Rochdale Envelope approach to confirm detailed design, the Applicant would be willing to agree a suitably worded planning condition with the ECU and Clackmannanshire Council to secure planting and landscaping during the detailed design phase.”

- 4.16 Implementation of landscaping mitigation relating to this stretch of the A876 is critical to the Council's appraisal of visual impacts arising from the development. This principal route into (and out of) Clackmannanshire deserves to be afforded as much protection as possible in the light of what would add conspicuously to the infrastructure baseline. In due course, therefore, the Council would carefully scrutinise any landscaping proposals submitted to ensure they are appropriate to provide long-term screening, albeit that it would take several years for it to take proper effect.
- 4.17 In respect of landscape and visual impacts, therefore, the proposals would not give rise to any unacceptable impacts that are unmitigable. This includes cumulative effects with other schemes likely to give rise to landscape and visual impacts, bearing in mind that there are no relatable schemes currently proposed in Clackmannanshire. Any applications made subsequent to consideration of the Kilbagie BESS application will bear the cumulative burden – this will be reflected in information supporting any such later application / consultation.
- 4.18 In this regard, therefore, the proposed development would be in accord with LDP Policies SC14 and SC23; and with NPF4 Policies 11 and 29.

Effects on Local Communities and Residential Interests:

- 4.19 The most likely effects on local communities and residential interests, other than those relating to visual impacts, are (i) construction traffic movements (ii) construction noise (iii) operational noise; and (iv) impacts arising from site lighting.

Construction traffic movements:

4.20 The Transport Statement confirms the following:

- (i) the construction period would last for approximately 18 months;
- (ii) during construction, the site would be accessed via the existing private road from the A977 to Kilbagie. HGV construction traffic is expected to arrive at the Site from the trunk road network. It would use the A876 and A977 and arrive at the A977 / private road junction from the north.
- (iii) There will also be a requirement for car / LGV traffic associated with the construction phase of the Proposed Development. Whilst it is not known currently where staff will originate when working at the Site, it is assumed in this TS that they will also arrive via the trunk road and therefore follow a similar route to HGV construction traffic.
- (iv) Car parking will be provided within the site during construction and once operational. The access road will be kept clear of staff car parking at all times and strictly enforced through the site CTMP. Suitable signage would be erected by the contractor to identify both parking and delivery areas and a one-way system shall be implemented where possible.
- (v) it is forecast that the Proposed Development would generate a daily peak of approximately 20 HGV deliveries (10 arrivals, 10 departures) and 24 car / LGV movements (12 arrivals, 12 departures) during the construction phase.
- (vi) a full CTMP would be prepared once a contractor for the work has been identified.
- (vii) Working hours for construction activities related to the Proposed Development would be agreed with Transport Scotland, Clackmannanshire Council and Fife Council, but are anticipated to be within:
 - 07:00 to 19:00 Monday to Friday.
 - Saturday 07:00 to 13:00; and
 - No construction should be carried out on Sundays or bank holidays unless in exceptional circumstances.
 - Any work which is required or intended to take place outside of these hours, except for emergency situations, would be subject to prior agreement and / or reasonable notice to Transport Scotland, Clackmannanshire Council and Fife Council. (*Author note – these times do not align with the recommended hours of construction in the Noise Impact Assessment – these are recommended as being 0730 to 1830 on weekdays and 0800 to 1300 on Saturdays - see paragraph 3.29 above*)

4.21 The additional traffic generated during construction may be noticeable for the few residents in a sparsely inhabited locale, but it can be acknowledged that there is already a significant amount of movement of vehicles associated with commercial activity at Kilbagie. The additional traffic generated, which essentially would be using the trunk road network, would not introduce a disproportionate change to experience of those residing close by. For these reasons, the potential impacts of construction traffic movements on local communities and residential interests are likely to be low, and would not give rise to noteworthy concerns.

Noise (Construction):

4.22 Construction noise (which is temporary) is usually controlled efficiently through adoption and implementation of a Construction Environmental Management Plan (CEMP). The application is not supported by a CEMP;

however, it is supported by a Noise Impact Assessment, which has been scrutinised by the Council's Environmental Health Service. Furthermore, the applicant anticipates that a CEMP would be the subject of planning condition.

- 4.23 The nature of the development is such that significant construction noise is likely to arise, in particular because it would involve substantial engineering work through formation of access tracks and preparation of ground in advance of the development. This would inevitably involve heavy machinery, but this should not be carried out over a protracted period. In total it is expected that the development would be delivered in eighteen months, and during stated daytime construction hours.
- 4.24 It can be noted that Kilbagie is not a quiet location during the daytime, taking into consideration its proximity to the strategic road network and daytime noise emanating from existing commercial activity close by.
- 4.25 It is considered that potential construction noise (and potentially vibration) is manageable in the context of a CEMP which would, as suggested in the Planning, Design and Access Statement, be securable via condition. However, it is also considered, as set out in the consultation response by Environmental Health on 5.11.25, that a detailed Noise and Vibration Impact Assessment would be required once the contractor has been appointed and construction methods are known. Officers agree with this recommendation, and would intend to propose a relevant condition, in the event of a positive outcome.

Noise (Operational):

- 4.26 According to the original Noise Impact Assessment (NIA), and in terms of predicted sound levels, the proposed items of BESS assessed are:
- 102 containerised battery units (which incorporate intermittently operational cooling systems/fans)
 - 34 power conversion units and inverter stations
 - 2 high voltage transformers

To enable existing and future sound levels to be established, baseline assessment utilising ground-based monitoring equipment was installed during day and night-time periods, as required by the relevant British Standard BS 4142.

- 4.27 The BESS would generate operational noise 24 hours a day. Some sound elements would occasionally change, meaning that sound output and nature would fluctuate. Table 5 within the NIA shows the predicted specific sound levels, calculated rating levels and determined background sound levels at the identified NSRs (Noise Sensitive Receptors). These indicate that one habitable property (North Carse) would potentially experience a significant increase in noise levels at night-time. Daytime levels are clearly expected to be within acceptable limits, largely because predicted operational noise would be less than existing background noise from sources such as road traffic and industry.

- 4.28 In Section 7 'Conclusion' the NIA highlights that operational sound predictions were prepared based on representative sound emissions data for the proposed plant and example equipment provided by the Applicant, and based on current market availability. The impact has been assessed in accordance with the method in BS 4142 in the daytime and night-time periods. Turning to the night-time scenario, although levels at North Carse are expected to increase, internal noise levels (even when a window is open for ventilation) are not expected to exceed acceptable levels, in particular because the Assessment has based its finding on a worst-case scenario, assuming maximum noise throughout operational periods which, in practice, would not occur, because not all of the noise would emanate from the site all of the time.
- 4.29 Although the Council's Environmental Health Service initially raised questions regarding the nature of the NIA, in particular with regard to survey locations for current background noise, the consultee has subsequently indicated that it does not object to the development principle. However, to date the information provided and assessed has not been able to provide full assurance regarding noise issues and mitigation, therefore the consultee remains of the view that a further NIA would be necessary if the application is successful. Officers agree with this view and would recommend a condition requiring a further NIA to be submitted and approved, if consent is issued.

Site lighting:

- 4.30 The 5.11.25 Environmental Health consultation response comprehensively assesses potential site lighting impacts:

"The applicant has stated the Planning Design and Access Statement (para 3.42- 3.44) explains the proposed lighting during construction and operation phases, and the Ecological Impact Assessment (EclA) includes further detail on lighting recommendations. The applicant states further: " As explained in the PDAS para 3.44 and Section 4.1 of the EclA (bottom of page 19), temporary lighting during construction will be carefully designed and would be directed only on the works area and turned off when not required however, these situations are avoided as far as possible. Further to this, contractors would avoid working in the dark as it is not safe." The information provided regarding lighting for the construction and operational phases is limited and vague despite the applicant's comments regarding details in the Planning Design and Access Statement and the Ecological Impact Assessment. I recommend the following condition is attached:-

Condition: A lighting assessment is required to be provided and contain the following information:-

- A description of the proposed hours of operation, light spillage, light levels and column heights*
- A layout plan of the proposed development site showing beam orientation*
- Details of the proposed equipment design including measures to prevent light spill*
- Details of the expected impact on neighbouring properties and roads*
- A statement of any proposed measures to mitigate or compensate for the possible impacts of the proposed development for example, through the planting of trees, hedges or shrubs."*

- 4.31 Officers agree that this is a matter that could appropriately be dealt with via planning condition, as although it is essential that matters of the proposed lighting are agreed, they do not need to be fully resolved at this time.
- 4.32 To conclude in respect of potential impacts on residential interests and local community, none of the topics above present any issues that would promote unmitigable conflict with relevant planning policies, in this case being NPF4 Policies 11, 23 and 29, and LDP Policies SC14, SC23 and EA11.

Impacts on archaeology and cultural heritage:

- 4.33 Direct and indirect heritage impacts have been examined within the Cultural Heritage Desk-Based Assessment (April 2025). These provide coverage to designated and non-designated heritage assets, including archaeology. A 1km study area from the boundaries of Site A and Site B has been adopted.

Designated Heritage Assets:

- 4.34 There are no listed buildings and no scheduled monuments within the site. The following designated assets are within the 1km study area and are discussed within the assessment:
- Tulliallan Castle (HES: SM736), located approximately 1 km south of Site A (Scheduled Monument)
 - Tulliallan (HES: GDL00379), located approximately 730 m southeast of Site B (Historic Garden/Designed Landscape)
 - Kennet Village (HES: CA511), located approximately 550 m north-west of Site A (Conservation Area)
 - Kilbagie House (Category B; LB1955) located approximately 144 m north-east of Site A (Listed Building)
 - Kilbagie Mill House (Category C; LB1957) located approximately 117 m north-east of Site A (Listed Building)
- 4.35 Section 7 of the study affirms that “There would be no physical or setting impacts to any built heritage assets from the Proposed Development.” (7.1)
- 4.36 Officers consider that adverse impacts on the setting of both listed buildings is highly unlikely to be a significant consideration in this case, largely because the areas around Kilbagie House are partially obscured from view by mature vegetation, and to a significant extent due to the imposition on setting already effected by historic industrial development, which interrupt and obscure views to the setting of Kilbagie House from the A876. Intervisibility between the assets and the development is highly unlikely to occur.

Non-Designated Heritage Assets:

- 4.37 There are six non-designated assets within Sites A and B, which are as follows:

Site A

- Kilbagie, Dovecote (Canmore: 48308);

- Wall near dovecote (AECOM02);
- Garlet House (Canmore: 48314);
- Trackway associated with Garlet House (AECOM03); and
- Distillery (HER: 47599).

Site B

- St Begha's Chapel (Canmore: 48070)

- 4.38 The Regional Archaeologist as specialist consultee provided a response in respect of the proposal, advising that although there may be unknown (subterranean) remains present in the locality, their form and scale is uncertain thereby resulting in no objection from an archaeological point of view, provided that an appropriate form of mitigation is implemented to allow any such putative remains to be preserved by record.
- 4.39 In the Conclusion section of the study at 8.2 'Recommendations', in relation to non-designated assets, acceptance of the requirement for further investigation is described – via planning condition.
- 4.40 It can be noted that Historic Environment Scotland (HES) indicated to Scottish Ministers on 18 September 2025 considered potential impacts on scheduled monuments and indicated that it does not have any comments to make on the proposals.
- 4.41 In the absence of any significant concerns relating to potential impacts on the Heritage/archaeological environment, the application is considered to be acceptable from a heritage point of view, primarily in the light of LDP Policy EA20, EA22 and NPF4 Policy 7. Appropriate / relevant conditions relating to matters mentioned above would be proposed, as set out in the Council Archaeologist's response.

Roads, Traffic and Access:

Road Safety:

- 4.42 The sole site access for all traffic is located east of the site, connecting from the A977 Trunk Road that runs north-south between Kincardine and Kinross which currently serves an adjacent quarry facility and an office development. The point of access is located where the boundaries between Fife and Clackmannanshire Council areas meet.
- 4.43 On the basis of all information provided, which includes a Transport Statement stating that there would be a daily peak trip generation of approximately 20 HGV deliveries (10 arrivals, 10 departures) and 24 car/ LGV movements (12 arrivals, 12 departures), the Council's Roads and Transportation Manager, as specialist internal consultee, has straightforwardly advised that there is no objection from a road safety point of view. Officers are content to accept this position.
- 4.44 For information, the Committee is asked to note that Transport Scotland, as consultee to Scottish Ministers, has indicated that it does not object to the development in terms of environmental impacts on the trunk road network. However, it notes requirement for a Construction Traffic Management Plan to

be prepared once a contractor for the work has been identified (planning condition recommended).

4.45 Access:

There are no Core Paths within the site and none that run alongside it. The proposed development would not interfere with the path network within, or connecting to Clackmannanshire. No path network improvements are proposed and no new recreational access items are proposed as part of the development.

- 4.46 The nature and location of the site, strongly associated with surrounding and adjacent industrial infrastructure, are such that there it is not linked to use as part of the recreational resource in the locality. The A876 and A977 roads tend to islandise the Kilbagie locale, so there are no obvious imperatives to seek improvement of the recreational path network in terms of connecting to other parts of said network, which are 700m away at their nearest. Proportionately, having regard to visual amenity impacts on the path network, it is considered that no specific mitigation would be justifiable. Site specific LDP Policy B11 does not identify any requirements for path network related improvements.
- 4.47 This suggests that the development would accord with relevant policies of the Development Plan, in particular NPF4 Policy 11(e)(iii) and 11(e)(vi); NPF4 Policy 13; and LDP Policies SC11, SC14.

Flood Risk:

- 4.48 The application to Ministers is supported by a Flood Risk Assessment (FRA) and Drainage Strategy. Coastal, fluvial (river) and pluvial (rainfall) flood risks have been investigated. SEPA flood mapping shows a slight coastal flood risk around the south-western boundary to Site A; whereas, SEPA surface water flood mapping shows several areas to be susceptible to flooding. Site B is not shown to be at risk of any flooding.
- 4.49 Four main waterbodies are located close to Site A: Moor Loch, Peppermill Dam, Donald's Dam and the River Forth. The main watercourses in proximity to Site A are the Canal Burn and its associated tributaries. Within the wider area of Site A, there are two other unnamed watercourses emerging from the Donald's Dam. Site A is bordered by three tributary drains to the Canal Burn, to the east, south, and west of Site A. The tributary to the south is fed by the east, and the secondary tributary on the adjacent side of the A876 from Site A is culverted under the road at two locations (to the west). The drain to the south is a direct tributary to the Canal Burn. The Canal Burn is located south of Site A. It is believed to flow from the north, at the roundabout of the A977, to the east of Site A, with the three tributaries flowing into the burn to the south of Site A. The burn flows south and discharges into the River Forth after linking with the unnamed Donald's Dam watercourse. The River Forth is located 1.5 km south of Site A.
- 4.50 According to the FRA (3.1) "*There is no identified record of local historical flooding within this area.*" In 3.2 the FRA states that "*Some reprofiling will be*

carried out based on material removal from current stockpiles located at the substation platform, however, no ground raising is proposed.”

- 4.51 Section 9 of the FRA is of importance in that it recognises pluvial/surface water flood risk and recommends mitigation. At 9.1 it states: *“proposed mitigation for Site A will be based on the chosen result set out within Section 8, 0.5%AEP+CC summer storm event at a 4.5 hour critical duration. The modelling outputs suggest that Site A is at a potential risk of flooding within this event, with the substation platform, the proposed SuDS area and battery area becoming inundated. As the substation and batteries are considered critical infrastructure, these components must be protected up to the 0.5%AEP+CC event.... due to the nature of 2D rainfall modelling, it is unknown the overarching source of flood risk in the heavily inundated areas on site, battery area, substation and proposed SuDS area. Therefore, these areas flood source must be classed as a combination of fluvial and pluvial, with ability to attenuate the flooded volumes on site. The internal road of the substation is not included as it is designed to be permeable; therefore, the baseline flooding will not be changed in this location, not increasing flood risk.”*
- 4.52 Section 10 ‘Summary and Recommendations’ (of the FRA) discusses drainage strategies involving permeable surfaces (internal roads) and attenuation utilising the SuDS scheme proposed in the south/south-eastern part of Site A: *“The remaining two areas of Site A that require mitigation are the battery area and the proposed SuDS area. These areas of “combined flooding” will also be attenuated within the design drainage system utilising the firewater sub-bases and a detention basin, for water to be released into the water environment at a controlled rate. This will ensure no negative impact from flooding is experienced off-site, within the surrounding area.”*
- 4.53 The separate Drainage Strategy is entitled ‘Surface Water Management Plan’. Essentially, SuDS will be used to manage the surface water runoff from Site A. Site A will be split into three sections, to ease link between fluvial and surface water design requirements. The three sections can be split up by location, north, west and south. The battery area and substation platform are located to the north and west, respectively. These sections will provide the initial SuDS features for treatment and attenuation. All stormwater from the hardstanding areas within the sections will be isolated and initially drained through firewater sub-bases allocated underneath the substation platform (1 sub-base) and the battery islands (4 sub-bases). The southern area of Site A highlights an area that is most desirable for the development of proposed SuDS to attenuate surface water, due to Site A’s topography. The stormwater must be passed through the northern or western filtration sections before reaching the proposed detention basin. The stormwater will be conveyed to the basin by pipe infrastructure. The detention basin is designed to be impermeable. The detention basin is designed to discharge into the tributary drain to the west of Site A at the substation platform by pipe infrastructure.
- 4.54 The Council’s Roads and Transportation Manager, as Lead Local Flood Authority and specialist advisor to the Planning Service, has not identified potential flood risk as a concern in the consultation response.

- 4.55 In the absence of any significant concerns relating to flood risk impacts, the application is considered to be acceptable in this context, primarily in the light of LDP Policy EA9 and NPF4 Policy 22. LDP Policy SC20 'Water Drainage Infrastructure and Capacity' is also relevant to this consideration.
- 4.56 Notwithstanding the general acceptability of proposed surface water management principles, the aforementioned Surface Water Management Plan would not be included in the list of documents suitable for approval. This is because any such Plan would require to be updated and finalised in the likely event that the site layout is changed prior to implementation.

Impacts on the Soil Resource:

- 4.57 The loss of productive agricultural soil is a significant issue in Clackmannanshire, and throughout Scotland. The proposed development would primarily affect Class 3.1 Soils, which are productive, but not considered to be Prime Agricultural Land. A small part of the northern area of Site A is Class 2 which does constitute Prime Agricultural Land. NPF4 Policy 5 and LDP Policy EA13 recognise the significance of soils and require impacts on the soil resource to be considered.
- 4.58 The Planning, Design and Access Statement discusses soil impacts in detail in Paragraphs 9.25 to 9.41 in the light of these Policies, concluding that the application is supported by the Development Plan, in particular NPF4 Policy 5 because:
- The development comprises renewable energy generating 'essential infrastructure' – required to meet Net Zero targets
 - It has been designed to minimise impacts on the soil resource through siting, design and scale
 - The land is already allocated for business development in the Local Development Plan (so would be developed in accordance with the allocation)
 - The site will be restored to its former condition at the end of the 40-year lifespan of the BESS (decommissioning phase)
 - The location has been selected due to proximity to proposed electrical infrastructure into which the BESS would be connected
- 4.59 Officers accept the conclusions reached by the Applicant in relation to impacts on the soil resource, meaning that the application is supported by the Development Plan, in particular NPF4 Policy 5 and LDP Policy EA13.

OVERALL CONCLUSIONS:

- 4.60 The proposed development would provide essential infrastructure that would support storage and distribution of electricity. It would connect to the national grid and, as identified in NPF4 Policy 11, is integral to national objectives to increase sustainable renewal energy provisions as Net Zero targets are realised.
- 4.61 There are no overriding planning concerns arising in relation to the key issues discussed above, although it is considered that a range of conditions would be required to ensure the development is carried out and operated acceptably.

Of high importance is the requirement to secure landscaping which can offset, over time, visual impacts relating to how the development is viewed from the A876. Clackmannanshire Council would be responsible for the discharging of any conditions imposed by Scottish Ministers (not the ECU).

- 4.62 It is therefore concluded that the application is supported by the Development Plan, and as a result, it is recommended that the Scottish Ministers be informed that the Council raises no objections to the application as submitted.

5.0 Sustainability Implications

- 5.1 The development would help to facilitate the storage and distribution of a sustainable source of renewable energy that would contribute to Scotland's targets to achieve Net-Zero by 2045, and in so doing respond positively to the Climate Emergency. In principle, the delivery of storage and distribution infrastructure to support renewable electricity through the delivery of BESS projects is fully supported by national and local planning policy: The Development Plan.
- 5.2 The planning recommendation to Planning Committee identifies that although environmental impacts arising from of the development are significant, they are not overriding and can be satisfactorily managed and mitigated through the imposition of conditions. It is therefore recommended that Clackmannanshire Council, as statutory consultee to Scottish Ministers, should not object to this consultation under Section 36 of the Electricity Act 1989. This recommendation indicates that the proposed development is adequately compatible with the Council's sustainability objectives.

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	X
Our families; children and young people will have the best possible start in life	X
Women and girls will be confident and aspirational, and achieve their full potential	X
Our communities will be resilient and empowered so that they can thrive and flourish	X

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

Clackmannanshire Council Local Development Plan 2015
National Planning Framework 4

9.0 Impact Assessments

9.1 Have you attached the combined equalities impact assessment to ensure compliance with the public sector equality duty and fairer Scotland duty?
No X

9.2 If an impact assessment has not been undertaken you should explain why:

(i) Clackmannanshire Council is not the determining authority for this item (the Council is a statutory consultee); the application will be determined by Scottish Ministers

(ii) Furthermore, having regard to the final paragraph of the Council's adopted document entitled "Procedure – Producing Council and Committee Reports", it states: "*When a new plan, policy or strategy is being presented or an existing plan, policy or strategy is being reviewed, a formal "Equality and Fairer Scotland Impact Assessment " may require to be undertaken.*" This agenda item does not meet the criteria of a new plan, policy or strategy.

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".

APPENDIX 1 – DRAFT CONDITIONS PROPOSED TO SCOTTISH MINISTERS FOR INCLUSION IN THE EVENT OF CONSENT BEING GRANTED.

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

13.0 List of Plans and Other Documents Forming Part of the Planning Application

13.1 The following list of documents and plans is included in the planning decision. This list will be presented to Scottish Ministers as part of the consultation response submitted by Clackmannanshire Council, further to consideration by the Planning Committee:

Doc Ref.	Description	Date Rec'd
N/A	Location Plan	12 Aug 2025
D-C-10130	Preliminary Elevations	3 Nov 2025
M3-G-0001	Topographical Survey (Sheets 1-6)	3 Nov 2025
N/A	Battery Elevation Plan	12 Aug 2025
N/A	Control Room Elevations	12 Aug 2025
N/A	O & M Building Elevations	12 Aug 2025
N/A	Gate/Fence/Camera Details	12 Aug 2025
N/A	HV Substation Elevation Plan	12 Aug 2025
N/A	Storage Container Elevation	12 Aug 2025
N/A	Water Tank Elevations	12 Aug 2025
GRN001-009	Transformer & Inverter Elevations	12 Aug 2025
N/A	Ecological Impact Assessment	12 Aug 2025
N/A	Flood Risk Assessment	12 Aug 2025
N/A	Geo-environmental Desk Study	12 Aug 2025
N/A	Outline Battery Safety Management Plan	12 Aug 2025

Author(s)

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John Hiscox	Principal Planning Officer	2614

Approved by

NAME	DESIGNATION	SIGNATURE
Jacob Muff	Team Leader	

APPENDIX 1

DRAFT CONDITIONS PROPOSED TO SCOTTISH MINISTERS FOR INCLUSION IN THE EVENT OF CONSENT BEING GRANTED.

Part 1 - Conditions applying to the section 36 consent

1. Commencement of Development

(1) The Development shall be commenced no later than three years from the date of this Consent, or such other period as the Scottish Ministers may approve in writing.

(2) Written confirmation of the intended Date of Commencement of Development shall be provided to the Scottish Ministers and the Planning Authority as soon as is practicable after deciding on such a date and in any event no later than one calendar month prior to the Commencement of Development.

Reason: To ensure that the consent is implemented within a reasonable period and to allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.

2. Notification of Date of First Commissioning and Final Commissioning

(1) Written confirmation of the Date of First Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.

(2) 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.

Reason: To allow the Planning Authority and the Scottish Ministers to calculate the date of expiry of the consent.

3. Non-assignment

(1) This consent shall not be assigned, alienated or transferred without the prior written authorisation of the Scottish Ministers.

(2) In the event that the assignation is authorised, the Company shall notify the Planning Authority and Scottish Ministers in writing of the principal named contact at the assignee and contact details within fourteen days of the consent being assigned. Reason: To safeguard the obligations of the consent if transferred to another company.

4. Serious incident reporting

(1) In the event of any serious breach of health and safety or environmental obligations relating to the Development causing harm to the environment (including harm to humans) during the period of this consent, written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers within twenty-four hours of the incident occurring, including confirmation of remedial measures taken and/or to be taken to rectify the breach.

Reason: To keep Scottish Ministers informed of any such incidents which may be in the public interest.

5. Design and Operation of Storage Technology

(1) There shall be no Commencement of Development unless and until details of the storage technology, associated infrastructure, final site layout and proposed finished site levels to be implemented, including final details of access and water supply for emergency services, have been submitted to and approved in writing by the Scottish Ministers. The storage technology details and infrastructure, including the battery storage units to be deployed, shall be consistent with the Application.

(2) Thereafter, the Development shall be installed and maintained in accordance with the approved details, unless otherwise agreed in writing by the Scottish Ministers. Reason: In the interests of protecting the environment.

Part 2 - Conditions applying to the deemed planning permission

6. Implementation in accordance with the planning permission

(1) Except as otherwise required by the terms and conditions of this consent and deemed planning permission, including condition 5 of the consent, development shall be undertaken in accordance with the Application, the planning drawings and documents listed in this Notice of Consent, and all environmental mitigation detailed in the documentation lodged by the Company or its appointed agents in support of the Application.

Reason: To ensure that development is carried out in accordance with the approved details.

7. Commencement of development

(1) The development must be commenced not later than the expiration of three years beginning with the date of this planning permission.

(2) Written confirmation of the intended date of commencement of Development shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month before that date.

Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997.

8. Decommissioning, Restoration and Aftercare: Interim Decommissioning, Restoration and Aftercare Strategy

(1) There shall be no Commencement of Development until an Interim Decommissioning, Restoration and Aftercare Strategy has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA and Transport Scotland. The Interim Decommissioning, Restoration and Aftercare Strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall provide proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions in any instance that the site as a whole, or in part, ceases to operate prior to the approval of the Detailed Decommissioning, Restoration and Aftercare Plan required under the provisions of Condition 9.

Reason: 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 when a detailed decommissioning, restoration and aftercare Plan has not yet been approved.

9. Site Decommissioning, Restoration and Aftercare: Site Decommissioning, Restoration and Aftercare

(1) The Development shall cease to generate electricity to the grid network by no later than the date falling forty years from the Date of Final Commissioning.

(2) Unless the Development has been deemed to be redundant under condition 11, no later than one year prior to the Date of Final Generation or the expiry of the section 36 consent (whichever is earlier) a Detailed Decommissioning, Restoration and Aftercare Plan shall be submitted for the written approval of the Planning Authority, in consultation with SEPA and Transport Scotland.

(3) If the Development has been deemed to be redundant under condition 11, no later than twelve months from the Date of Final Generation, a detailed Decommissioning, Restoration and Aftercare Plan shall be submitted for the written approval of the Planning Authority.

(4) The Detailed Decommissioning, Restoration and Aftercare Plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall provide:

a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases and, including details of measures to be taken to minimise waste associated with the Development and promote the recycling of materials and infrastructure components);

b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;

c) a dust management plan;

d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;

e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

f) details of measures for soil storage and management;

g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;

h) details of measures for sewage disposal and treatment;

i) temporary site illumination;

j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays; and

k) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

(5) The Development shall be decommissioned, the site restored and aftercare undertaken prior to the date falling three years after the Date of Final Generation

and in accordance with the approved detailed decommissioning, restoration and aftercare plan.

Reason: 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.

10.Financial Guarantee

(1) There shall be no Commencement of Development until 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 8 and 9 has been submitted to and approved in writing by the Planning Authority.

(2) The value of the financial guarantee shall be agreed between the Company 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 8 and 9.

(3) The financial guarantee shall be maintained in favour of the Planning Authority until the completion of all decommissioning, restoration and aftercare obligations referred to in conditions 8 and 9.

(4) The value of the financial guarantee shall be reviewed by agreement between the Company 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 9. 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 8 and 9 and best practice prevailing at the time of each review.

Reason: 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 Company.

11.Redundancy

(1) The Company shall supply to the Planning Authority written reports providing monthly details of the electricity exported by the Development via its connection to the electricity network ("the grid connection").

(2) If the Development fails to export electricity via the grid connection for a continuous period of twelve months, then it shall be deemed to be redundant and the Company shall undertake the decommissioning, restoration and aftercare of the Site as required by condition 9 (3), (4) and (5).

Reason: To ensure that if the Development becomes redundant the equipment is removed from the site, in the interests of safety, amenity and environmental protection.

12. Signage

(1) No enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless otherwise approved in writing by the Planning Authority.

Reason: In the interests of the visual amenity of the area

13. Ecological Clerk of Works

(1) There shall be no Commencement of Development until the terms of appointment of a suitably qualified, experienced, and independent Ecological Clerk of Works (“ECoW”) by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

a) impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Application, the details of the storage technology, associated infrastructure and final site layout approved under condition 5, the Construction and Environmental Management Plan approved under condition 14, and the Biodiversity Mitigation approved under condition 22 (“the ECoW works”);

b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

c) require the ECoW to submit a quarterly report to the Planning Authority summarising works undertaken on site; and

d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity, and no later than 5 working days following the incidence of non-compliance.

(2) The ECoW shall be appointed on the terms approved under part (1) throughout the period from pre-construction works, Commencement of Development to completion of construction works and post-construction site reinstatement works.

(3) Prior to the decommissioning, restoration and aftercare phases of the Development or the expiration of the operational period of the consent (whichever is the earlier), details of the terms of appointment of a suitably qualified, experienced, and independent ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to, and approved in writing by the Planning Authority.

(4) the ECoW shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction, post-construction restoration, decommissioning, restoration and aftercare phases.

14. Construction and Environmental Management Plan

(1) There shall be no Commencement of Development until a Construction and Environmental Management Plan (CEMP) containing site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to, and approved in writing by, the Planning Authority. The CEMP shall be informed by the site and ground investigation works and best practice guidance.

(2) The CEMP shall provide:

- a) a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat and other carbon rich soils), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment, evidencing all proposals comply with SEPA's guidance and the requirements of the waste management licensing regime as appropriate;
- b) details of the location, layout, formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles including the height and location of all stockpiles of aggregate, oil, fuel and chemical storage, lighting columns, and any construction compound boundary fencing required for the construction period;
- c) a dust management plan detailing all mitigation/dust suppression measures intended to reduce the impacts of dust on site, including measures to reduce dust on roads;
- d) site specific details for management and operation of any concrete batching plant (including disposal of pH-rich waste water and substances);
- e) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, turning arrangements for vehicles on site, and measures to clean the

- site entrances and the adjacent local road network;
- f) a Pollution Prevention and Incident Plan incorporating a Pollution Prevention Plan, Pollution Incident Plan and a Pollution Control Monitoring Plan, this shall include measures to protect watercourses, groundwater, management of natural surface hydrological flows (flushes, springs, etc.) and protection of peatland/soils, arrangements for the storage and management of oil and fuel and other chemicals on the site and sewage disposal and treatment;
- g) details of soil and excavated material storage and management including outline quantities, locations (other than peat and other carbon rich soils) and management of long term storage of construction-generated material to facilitate future site restoration;
- h) a drainage management strategy, including a sustainable drainage system (SUDS) design concept, demonstrating how all surface and waste water arising during and after construction is to be managed and prevented from impacting on the water environment and to mitigate flood risk;
- i) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- j) details of foul drainage arrangements;
- k) details of temporary site illumination, including measures to ensure light spill/pollution is minimised and avoids habitats within the site and does not extend beyond the immediate working area, and not beyond the site boundary;
- l) details of the construction of the access into the site, including associated drainage and the creation and maintenance of associated visibility splays;
- m) Site-specific Construction Method Statements for the following:
- i. crane pads;
 - ii. working cable trenches;
 - iii. Energy storage compound formation and installation of energy storage equipment;
 - iv. Substation compound formation, erection of associated buildings and ancillary infrastructure;
 - v. watercourse crossings including full details and plans of the design and specification of all new and upgraded watercourse crossings to be constructed, ensuring continuous flow and fish passage with no hanging culverts, noting all crossings shall be oversized bottomless arched culverts or traditional style bridges;
- n) details of post-construction restoration/reinstatement of the working areas not required during the operation of the Development and any other temporary works (including those carried out within the public road boundary);
- o) a tree felling, felling waste, replanting and management plan;
- p) A Construction Noise Management Plan including details of the management of noise and vibration during construction and post-construction restoration, including

that caused by construction traffic, to the lowest practicable levels and in accordance with BS 5228:2009 “Code of Practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration” (or any updated version/document which superseded this document) and how any properties likely to be affected by construction noise will be kept informed;

q) Construction Method Statements for all roads/tracks to be altered/formed within the development site including their width, likelihood of widening or passing places, means of drainage (which shall have regard to SUDS principles), means of construction, and edge reinstatement including verge width.

r) an environmental management plan (EMP);

s) details of ecological monitoring to be implemented over the construction period;

t) a construction biosecurity plan in relation to identified invasive species;

u) A phasing plan for the construction works; and

v) A written scheme which details the methodology for dealing with any revisions to any of the documents required under this part (3). Any revised documents will require to be submitted to and approved in writing by the Planning Authority prior to the revisions being implemented on site.

(3) The Development shall be implemented in accordance with the CEMP approved under part (1) unless otherwise approved in advance in writing by the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA Report accompanying the application, or as otherwise agreed, are fully implemented.

15. Construction Hours

(1) Construction work which is audible from any noise-sensitive receptor shall only take place between the hours of 07.30 to 18.30 on Monday to Friday inclusive and 08.00 to 13.00 on Saturdays, with no construction work taking place on a Sunday or Public Holiday. Outwith these specified hours, maintenance works, emergency works and construction works shall be limited to dust suppression, and the testing of plant and equipment. Access for security reasons, emergency responses or to effect any necessary environmental controls is permitted outwith these hours.

(2) HGV movements (excluding abnormal loads) to or from the site during construction of the Development shall be limited to 08.00 to 18.00 Monday to Friday (inclusive), and 08.00 to 16.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or Public Holiday.

Reason: In the interests of local amenity, to restrict noise impact and the protection of the local environment.

16. Traffic Management Plan

(1) There shall be no Commencement of Development until a Traffic Management Plan has been submitted to, and approved in writing by, the Planning Authority, who will first consult with any relevant adjoining Planning Authorities it deems to have a relevant interest. The Traffic Management Plan shall provide:

- a) the routing of all traffic associated with the Development on public roads,
- b) vehicle numbers, signing and lining arrangements, a breakdown of proposed deliveries by type and month, agreed access and excluded routes, all mitigation measures (including wheel-washing and sheeting of construction vehicles as necessary);
- c) measures to ensure that the specified routes are adhered to, including monitoring procedures, vehicle tagging system, driver code of conduct details, and contact list;
- d) details of all signage and lining arrangements to be put in place;
- e) provisions for emergency vehicle access;
- f) measures to minimise traffic impacts on existing road users, including voluntary Heavy Good Vehicle speed limits;
- g) measures to accommodate pedestrians and cyclists;
- h) identification of a nominated person to whom any road safety issues can be referred.

(2) The approved Traffic Management Plan shall be implemented in full, unless otherwise approved in advance in writing by the Planning Authority.

Reason: In the interests of road safety.

17. Community Liaison Group

(1) There shall be no Commencement of Development unless and until a plan for the establishment of a Community Liaison Group has been submitted to and approved by the Planning Authority.

(2) The Community Liaison Group plan shall set out provision for the group to act as a vehicle for the community to be kept informed of project progress, should it wish to be so informed, and, in particular, to allow discussion on the provision of relevant transport-related mitigation measures as set out in the Traffic Management Plan approved in accordance with Condition 16.

(3) The Community Liaison Group plan will provide for the maintenance of the Community Liaison Group, should the community wish such a group to be set up, until the BESS construction has been completed and is fully operational.

(4) The Community Liaison Group plan shall be implemented as approved.

Reason: To minimise interference with the safety and free flow of the traffic on the local and trunk roads and to minimise adverse impacts on residents and local businesses in the area.

18.Noise

(1) Notwithstanding any information previously submitted with the Section 36 application, including the additional Technical Note provided by AECOM to Scottish Ministers on 9 October 2025, a detailed Noise and Vibration Impact Assessment including reference to specified construction methods and related mitigation shall be submitted to and approved in writing by the Planning Authority prior to the commencement of any construction works. Thereafter, the development shall be carried out in strict accordance with the details approved in response to this condition.

Reason: To ensure that all possible measures have been undertaken to minimise potential effects on residential amenity afforded to occupiers of nearby properties.

19.Lighting

(1) No electricity shall be exported to the grid network on a commercial basis from any of the battery energy storage units constructed as part of the Development unless and until:

- (a) details of the proposed external lighting to be installed within the application site have been submitted to and approved in writing by the Planning Authority, and,
- (b) the Planning Authority has confirmed in writing that all external lighting has been installed fully in accordance with the approved details.

Reason: To ensure that the development does not give rise to external lighting that is unacceptably visually intrusive in the locality.

20. Landscaping Planting Scheme (Mitigating Visual Impacts)

(1) Notwithstanding any information previously submitted with the Section 36 application, a detailed Landscaping Planting Scheme shall be implemented as part of the development, in accordance with details that have first been submitted to and approved in writing by the Planning Authority. The Scheme shall include details relating to the following matters (this list is not exhaustive):

- (a) preparation of the planting areas
- (b) timing and phasing of planting including dates prior to, and following commencement of development construction
- (c) methods of support and protection of the planted material, including removal of non-vegetative items (stakes, ties, guards, weed suppression coverings) once the landscaping is established

(d) details of maintenance and aftercare for the lifetime of the development including replacement of failures and thinning of treed areas

(2) Thereafter, the development shall be carried out in strict accordance with the details approved in response to this condition.

Reason: The proposed development will give rise to adverse visual impacts for users of the A876 approach route to Clackmannanshire over a stretch of approximately 500m, in particular due to the open nature of the site, its proximity to the route and potentially high level of visibility of the substation element of the development; also due to the highly visible and potentially incongruous nature of other components of the development, including the battery containers. The mitigation through landscaping planting required by this condition will help to reduce visual impacts to an acceptable level during the operational lifetime of the development. The proposed mitigative landscaping forming part of the development proposals (submitted with the application) does not attempt to address adverse visual impacts relating to this route, are therefore not fully fit for purpose.

Archaeology

21. Programme of Archaeological Works

(1) There shall be no Commencement of Development unless an archaeological Written Scheme of Investigation (WSI) has been submitted to, and approved in writing by, the Planning Authority. The WSI shall provide details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the Written Scheme of Investigation will be provided throughout the implementation of the programme of archaeological works. The WSI shall also detail how any requirement for reporting, post-excavation analysis, archive deposition, publication of results, and the delivery of public benefit (including how this will be recorded and reported) will be undertaken.

(2) A programme of archaeological works must be carried out in accordance with the approved WSI, and any addendums to it, as agreed under part (1).

(3) The Company shall afford access at all reasonable times during development to the Council Archaeologist or a nominated representative and shall allow them to observe work in progress

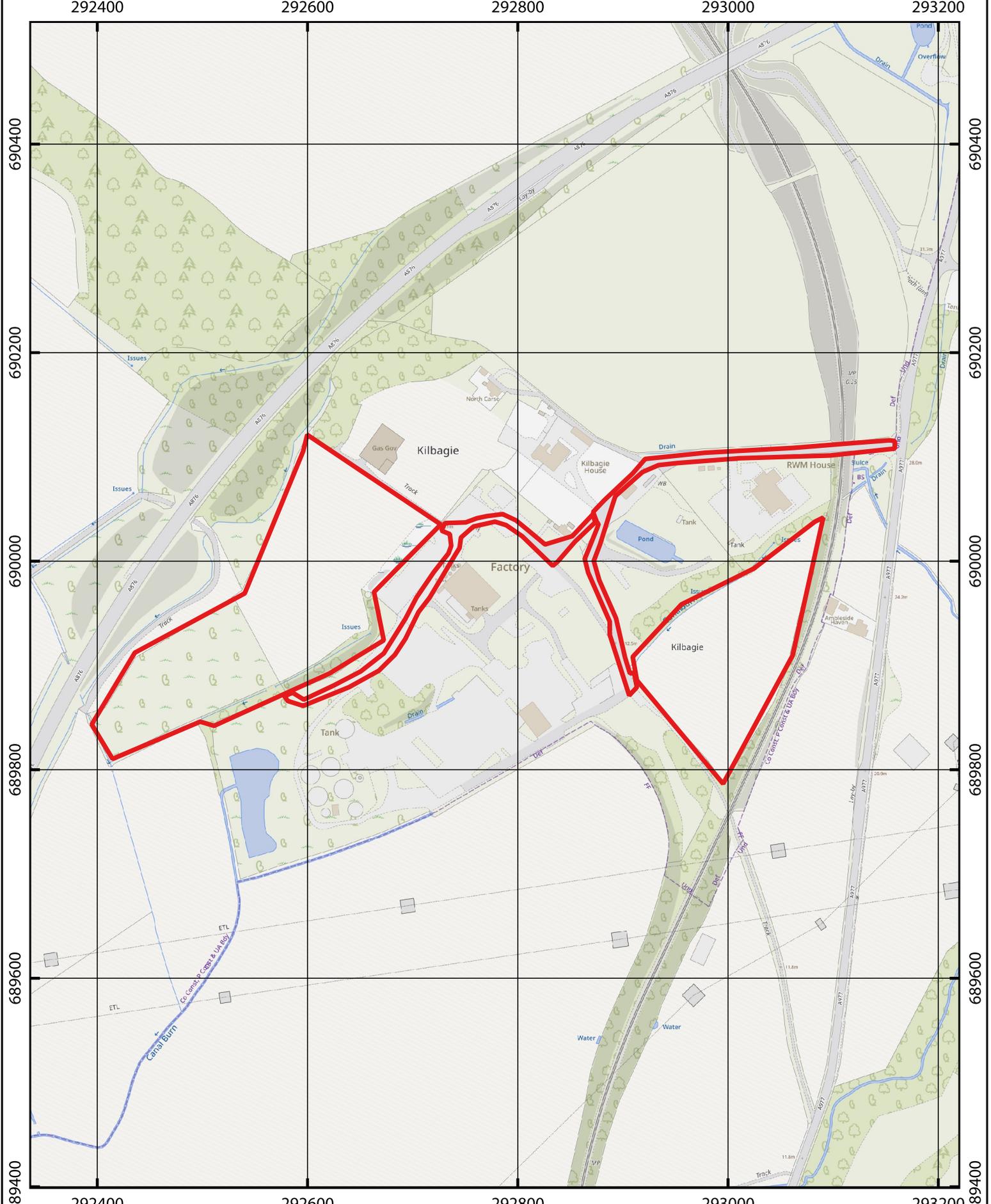
(4) Should the archaeological works carried out under part (2) reveal the need for post excavation analysis, the development hereby approved shall not be occupied or brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results, including additional public engagement, and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To ensure the protection or recording of archaeological features on the site.

22. Biodiversity Mitigation Plan (Including Biodiversity Enhancement)

(1) Notwithstanding any information submitted with, and forming part of the Section 36 Application to Scottish Ministers, the development shall be undertaken in accordance with a Biodiversity Management and Enhancement Plan, which shall be informed by, and build upon survey information and mitigation proposed within the Ecological Impact Assessment dated May 2025 (AECOM Limited).

Reason: To secure biodiversity enhancement; and to protect existing species and habitat.



25/00143/S36 – Kilbagie Paper Mills, Kennet, FK10 4DY

Consultation From Scottish Ministers Regarding An Application Made Under Section 36 Of The Electricity Act 1989, For The Installation And Operation Of A Battery Energy Storage System (BESS) And Associated Infrastructure With A Generating Capacity Of Up To 250 MW (Located On Land To The North East Of Kincardine and East Of Kilbagie)

 **Clackmannanshire Council** Comhairle Siorrachd Chlach Mhanann
www.clacks.gov.uk



Scale: 1:1250

Date:
19 Feb 2026

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