

Scott Hobbs Planning

Planning Statement on behalf of:

Scott Stability Ltd

Date:

30 November 2022

Planning Supporting Statement

Proposed BESS, Land at Camsiscan
Farm, Craigie, Kilmarnock South, South
Ayrshire

shp[>]



Typical Illustration

Info

Proposed 350 MW
BESS and associated
infrastructure:

Land at Camsiscan Farm,
Craigie, Kilmarnock
South, KA1 5JT

Summary

Scott Stability Ltd, a subsidiary of Noriker Power Ltd is proposing a 350MW battery storage facility (BESS), with associated infrastructure and development. Following due process, including pre-application consultation and submission of an EIA Screening request, the application is submitted to the ECU of the Scottish Government for consent and deemed planning permission. South Ayrshire Council has determined that an EIA is not required on the basis that it is unlikely to result in effects on the environment which are sufficiently significant to require the submission of an environmental assessment. The ECU formal Screening



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1.0 Introduction

- 1.1 This Planning Supporting Statement (PSS) is submitted on behalf of Scot Stability Limited ('the Applicant') and relates to an application for consent under S36 of the Electricity Act 1989 ('the application') and also comprises a request that Scottish Ministers give a direction under section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission for the development be deemed to be granted. It addresses matters referred to in Schedule 9 to the Electricity Act, to development plan and policy guidance and to consideration of material matters.
- 1.2 The application comprises land to the north of Camsiscan Farm, Craigie, Kilmarnock South, South Ayrshire, KA1 5JT (the site).

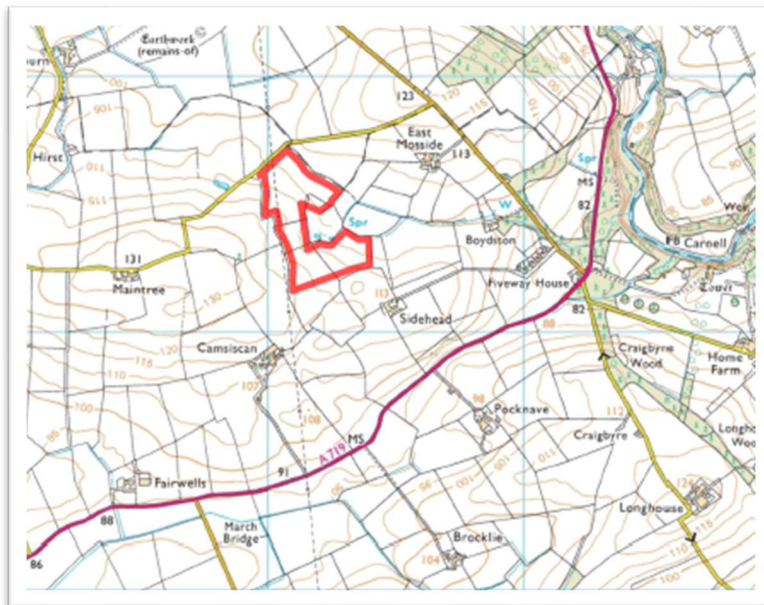


Figure 1 : Site Location – Extract of Location Plan

- 1.3 The description of the proposed development which is the subject of this application is as follows:
- 'Construction and operation of a 350MW Battery Energy Storage System (BESS) with associated infrastructure including access roads, sub-station buildings, fencing and landscaping.'*
- 1.4 This Planning Statement is part of a suite of documents submitted with the application, as outlined below. These supporting documents are in addition to the formal application documents comprising the accompanying plans, sections, and elevations. The full suite of supporting documents is as follows:
- **Planning Statement**
 - Pre-Application Consultation Report (PACR)
 - Non-Technical Summary (NTS)

- Design and Access Statement (DS)
- CONFIDENTIAL Ecology Report
- Heritage Report
- Geotechnical report
- Topographical Report
- Transport Report
- LVIA and Landscape Strategy
- Noise Assessment
- Air Quality and Sustainability Statement
- Drainage Impact Assessment and Strategy

1.5 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) dictates that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. Whilst this is an application under the Electricity Act and for deemed consent under the Planning Acts, the Planning Statement tests the proposed development against the national policy and the Development Plan and other material considerations and reaches conclusions to inform the determination of the application by the Energy Consents Unit of the Scottish Government ('ECU').

1.6 The Electricity Works Environmental Impact Assessment (Scotland) Regulations 2017 are also relevant to the proposal as the proposal comprises development falling within Schedule 2 of those Regulations. A Screening request has been submitted to the ECU and the formal Opinion is awaited. It is both the Applicants consideration and South Ayrshire Council's conclusion (regarding land within its remit) that the proposed development is unlikely to result in effects on the environment which are sufficiently significant to require a formal environmental assessment of the proposed development. The supporting documents referred to constitute an environmental report and assess the proposed development against material considerations relating to environmental factors.

Structure of Planning Statement

1.7 The PSS will, following this introduction section, describe the site and surrounding area, (Section 3), describe the proposed development (Section 2), identify relevant policy considerations (Section 4) against which the proposal is assessed (Section 5), and reach conclusion in respect of the acceptability of the proposal (Section 6).

Background

1.8 The Applicant is part of the Noriker Power Ltd group which was established in June 2015 with the intent to build and operated a portfolio of energy assets, develop projects from origination through to delivery grid services and trade on the power markets. A third company, Kilmarnock Flexpower Ltd, is a subsidiary of Scot Stability Ltd, and will be the company involved in the implementation of the consent and the construction of the facility on the ground. For the avoidance of doubt, reference to 'the Applicant' may refer to one, two or all three related companies.

- 1.9 During the past 7 years, the Applicant has developed and built over 250MW of large-scale battery and hybrid facilities in support of a renewable grid and is the first fully commercial large-scale battery project developer in the UK to both enter dynamic FFR contracts with National Grid and to build and commission the sites for those contracts.
- 1.10 In 2017, the Applicant completed its first site, a 20MW facility located near Newcastle-under-Lyme. The site was built as a hybrid comprising containerised batteries alongside engines and provided Dynamic Firm Frequency Response (DFFR) to National Grid, as well as entering the Capacity Market (CM). A further three sites were also commissioned, 30MW in total.
- 1.11 In May 2018 the Applicant won the Electrical Review Excellence Award - this award recognises projects that embrace the latest in electrical engineering, display forward-thinking design and implementation, and champion the highest environmental, safety and energy efficiency standards.
- 1.12 As of 2022 the Applicant has eight sites in commission. Their UK-wide projects currently exceed 250 MW, with sites ranging from 5MW to 50MW. The Applicant's first Scottish site (Byers Brae) was commissioned in March 2021 using an innovative approach to deliver a 30 MW facility.
- 1.13 The Applicant, uniquely, has a contract to connect to the grid and deliver 350MW within the general location of this subject site by 2025, which will help achieve the aims of national UK and Scottish governments relating to renewable energy. The prospective Applicant, therefore, is well placed and experienced to deliver the BESS facility at this site.

Pre-Application Process

- 1.14 The Applicant has engaged at pre-application stage with the ECU, as the determining authority; with South Ayrshire Council (SAC) within which boundary area the site lies and which is, therefore, a statutory consultee on the application; with Craigie Community Council (CCC), the relevant community council relating to the site, and which represents the community locally. Pre-application information has also been issued to East Ayrshire Council (EAC), as neighbouring authority.
- 1.15 Overall, discussions have been positive and are detailed within the PACR, a supporting document.
- 1.16 A site-specific website has been created <https://www.kilmarnockflexpower.com/>, which contains details of the proposed development. A copy of the submitted application will be available to download from the website.

Design and Development Evolution

- 1.17 The Applicant has carried out a thorough site finding, site sifting and design process to reach the most appropriate form of BESS development. Design revisions have included structure height, location, landscaping options, boundary and other enclosure treatment and siting for HV switch gear. This is detailed in the DAS, a supporting document to the application.
- 1.18 The suite of application documents illustrates the manner within which the proposals have evolved to address issues raised, acknowledging that not all issues can or should be addressed. The PACR report identifies the extent to which comments made during the pre-application process have been considered, addressed, or modified.

Pre-Application Conclusion

- 1.19 There is no statutory pre-application process for S36 applications for consent for battery storage sites, although the ECU has issued best practice guidance and encourages applicants to carry out such pre-application consultation. The best practice refers to all types of S36 applications including significant wind power proposals.
- 1.20 It is considered that the extent of pre-application consultation has been thorough, relative to and proportional to the proposal, in this particular location. Engagement with the ECU and SAC has been extensive and positive and consultation with the local community has followed that recommended by Craigie Community Council. The Applicant welcomed the opportunity to discuss the proposal with CCC, which has the social, economic, and environmental well-being and interests of the area and represents the local community within the area within which the application site lies.

2.0 The Proposal

2.1 This proposal seeks to meet the requirements of the contract that the Applicant has with the National Grid for the erection of a 350MW storage facility in this general location. The proposal consists of :

- a BESS with a capacity of 350MW
- some 392 battery containers placed within that compound, at 3m single height, finished in colour to specification to be agreed pursuant to conditions
- the containers will be laid out in sections with 16 containers in each section. There will be between two and four sections contained within a total of nine terraces. The southern section of the site will comprise 5 terraces, there will be one linking terrace centrally within the site leading to three terraces to the north of the site.
- There will be two inverters and two transformers at the end of each section and each terrace will be provided with short access track – for accessibility and maintenance
- A 400KV HV Switch gear apparatus will be provided at the north of the site, accommodating the infrastructure to meet National Grid Energy Network's requirements and which will comprise a Plug and Switch System (62m in length and width variable but no more than 27.2m) and an Air Insulated Switch System (120.81m in length and width no more than 14.79m in width). The apparatus will vary in height up to 11.52m.
- There will be six groups of back-up generator, auxiliary transformer, LV and control container and switchgear container distributed within the site
- A large SUDs Pond / reservoir will be provided towards the southwest of the site, with a water pump room / value room located adjacent.
- Water channel runs will be provided around each terrace and additional catchment ponds will be created downstream to collect water for pumping back to SuDs pond
- industrial style palisade and green security fencing up to 3m in height around the site
- access to the site will be provided from the gates to the north from the unnamed road



Figure 2 : Typical Layout – Extract of Site Layout Plan

- 2.2 An underground route will be provided from the BESS facility to the Kilmarnock South substation by National Grid. It is understood this route will be provided along the public highway.
- 2.3 An area of land will be maintained adjacent to the site as a habitat improvement area.
- 2.4 Approximately 100 jobs will be created during the construction of the project, and as far as possible, attempt will be made to source some jobs locally. It is also intended to source construction materials locally, as far as is practical, both to reduce costs and transportation. During the operational phase, the nature of the BESS development is one of high energy generation but low employment generation. It will largely be an unmanned site in terms of physical presence with 3-4 permanent positions created to look after the site, mainly in groundworks and landscape maintenance.

3.0 The Site and Surroundings

- 3.1 The application site covers an area of approximately 13.45 hectares and lies within the Craigie area of South Ayrshire council administrative boundaries. The site lies to the south of Kilmarnock and some 1.7 km from the existing substation at Kilmarnock South. The site lies to the north of the A719 and immediately south of the unnamed Road between East Mosside and Maintree properties.
- 3.2 It comprises four primarily agricultural fields associated with the existing farm complex of Camsiscan Farm. It lies to the north of that farm complex and to the west of East Mosside.
- 3.3 Primarily, the site is an area of gently undulating area of land of relatively small field pattern with sporadic landscaping. The field almost encircled by the site on 3 sides is more ecologically diverse containing additional vegetation.
- 3.4 Major overhead electricity lines bisect the site running in a north – south direction towards the western side of the site.
- 3.5 More specific site descriptions are contained within the supporting documents.

4.0 Policy and Assessment

- 4.1 There is national and local policy and guidance relative to the proposed BESS development and this general area, and which is assessed below.

NPF4

- 4.2 The Revised National Planning Framework 4 (R-NPF4) was presented to Parliament on 8 November 2022, following previous consultation and committee scrutiny, by the Minister for Public Finance, Planning and Community Wealth.
- 4.3 When adopted, NPF4 will form part of the statutory development plan relevant to the consideration of this development proposal, and subject to due procedure, will carry significant weight and will be the prevailing document in the event of any incompatibility with the local development plan (or if it is silent on that issue). Until such time, the Revised NPF4 is a material consideration in the assessment and decision making on the merits of this proposal. It is expected that R-NPF4 will be adopted and will form part of the development plan during the course of consideration and determination of the application and, therefore, is fully assessed in this PSS.
- 4.4 In his Statement on 8 November, the Minister stated that '*...Parliament specifically asked us to reflect on the views of the renewables industry, and the revised NPF4 now reflects the need to get behind the delivery of renewable energy to achieve net zero... There is a balance to be struck in relation to protecting landscape and promoting renewable energy developments. That will not be easy to achieve, and Scotland will look different in the future.*'. R-NPF4 reaffirms that Scotland's:
- Climate Change Plan has set out the approach to achieving net zero emissions by 2045,
 - Energy Strategy will set a new agenda for the energy sector in anticipation of continuing innovation and investment
 - Environment Strategy will set out the vision for tackling the twin climate and nature crises.
 - Biodiversity Strategy will set targets for halting biodiversity loss by 2030 and for restoring and regenerating biodiversity by 2045
- 4.5 R-NPF4 identifies the national spatial strategy, including a commitment to net zero ('just transition') and identifies 18 National Developments. National developments are stated as being '*significant developments of national importance that will help to deliver our spatial strategy*'.
- 4.6 Six of those support the delivery of sustainable places, including, crucially, National Development 3 - 'Strategic Renewable Electricity Generation and Transmission Infrastructure'. This National Development '*supports electricity generation and associated grid infrastructure throughout Scotland, providing employment and opportunities for community benefit, helping to reduce emissions and improve security of supply.*' The Scottish Government, by letter from the Chief Planner dated August 2020, has determined that BESS is defined as a generator of electricity. R-NPF4 defines the National Development as one which would have been classed as 'major' including '*a) On and offshore electricity generation, including electricity storage, from renewables exceeding 50 megawatts capacity*' and concludes that such developments '*will likely have an overall net positive impact on achieving national greenhouse gas emissions reduction targets*'.

- 4.7 This National Development is identified as one which will lend support to the delivery of the spatial strategy for a strong Central area to Scotland and towards the revitalisation of rural areas. It seeks to deliver a sustainable Central area, supporting net zero energy solution and improving energy efficiency. The proposed BESS will facilitate such delivery.
- 4.8 National Development 3 is recognised as being important to support *‘renewable electricity generation, repowering, and expansion of the electricity grid..... A large and rapid increase in electricity generation from renewable sources will be essential for Scotland to meet its net zero emissions targets. Certain types of renewable electricity generation will also be required, which will include energy storage technology and capacity, to provide the vital services, including flexible response, that a zero-carbon network will require. This has the potential to support jobs and business investment, with wider economic benefits.... The electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output..... Need : Additional electricity generation from renewables and electricity transmission capacity of scale is fundamental to achieving a net zero economy and supports improved network resilience in rural and island areas’*
- 4.9 At 350MW, this proposed BESS is a National Development and in principle is supporting the aims of the R-NPF4 and associated Strategies to achieve net zero emissions targets and a stable energy supply. Accordingly, it meets the requirements of the following policies :
- 4.10 Policy 11 – Energy – This policy seeks to ‘encourage, promote, and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission, and distribution infrastructure...’ and is, therefore, the most significant policy in the R-NPF4 relating to this proposal, particularly as it gives ‘significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.’ when balancing potentially conflicting materials interests.
- 4.11 It fully supports the development with Policy 11a)iii specifically referring to ‘energy storage, such as battery storage and pumped storage hydro;’
- 4.12 11c) only supports such development where net economic impact is maximised and which includes local socio-economic benefits such as employment and supply chain opportunities. The Applicant recognises the limited direct employment benefit of the BESS, post construction, though through its landscape strategy will require additional maintenance requirements. It also recognises the creation of approximately 100 jobs during the construction phase, and the requirement to provide material. It commits to utilising local suppliers and seeking employment of the local population where this is possible, all-in accordance with this policy.
- 4.13 Policy 11e) requires the project design and mitigation to address a number of factors which may be affected by the development. Not all are relevant to this proposal (for example defence interests and telecommunications) but the application supporting documents assess all relevant considerations, such as impact on communities and residential (for example, noise assessment), landscape and visual (LVIA), access (Transport Statement), nature (Confidential Ecological report). All assessments demonstrate that there is no significant impact on any factor to warrant greater weight to be paid to that consideration than to the benefit of the proposal to enhancing renewable energy provision and reducing gas emissions.
- 4.14 Policy 1 - Tackling the climate and nature crises – the development is encouraged and promoted through this policy as it is a form of development that addresses energy, emissions, and net zero.

- 4.15 Policy 2 – Climate mitigation and adaptation – similarly, the development is encouraged and promoted through this policy as it is a form of development that addresses energy, emissions, and net zero, with NPF4 recognising that the form of development is one which is likely to have overall net positive impact on gas emissions.
- 4.16 Policy 3 – Biodiversity – supports development which protects biodiversity and develops positive results. The site is relatively benign in ecological terms, as demonstrated in the Confidential Ecological Report and can be accommodated not only without harm to nature, but with the positive result of being a benefit to biodiversity through improved landscaping and enhancement of the semi-enclosed field, which has higher ecological value at present. A Habitat Management Plan can be developed in accordance with the findings of the Confidential Ecological Report, post decision and pre-development to ensure that the development will result in the long-term enhancement of the area.
- 4.17 Policy 5 – Soils – this policy seeks to support carbon-rich soils, restore peatlands, and minimise disturbance to soil from development. The Ground Investigation Report, submitted as a supporting document, concludes that there is no peat associated with this site with the majority of land being sandy gravelly or gravelly clay and it is expected that the deposits will generally be able to provide sufficient bearing capacities to support the proposed light loading structures. The development will not require significant soil disturbance and complies with this policy.
- 4.18 The land is Grade 4.1 agricultural land value so does not constitute prime agricultural land and nevertheless, the proposal for energy generation constitutes an exception to this policy (5(b)(iv)). The BESS facility effectively is a reversible development. No important soils will be disturbed or damaged in the long term. Coupled with the net-positive emissions impact, the development meets the requirements of Policy 5.
- 4.19 Policy 6 – Forestry, Woodlands, and Trees – the proposal will retain the few trees on site and additional landscaping is proposed to strengthen boundary planting. The policy, therefore, supports the development.
- 4.20 Policy 23 – Health and safety – this policy seeks to not support development which is likely to have significant adverse effects on air quality (23d) and unacceptable noise impacts (23e). The supporting documents to this application demonstrate that the proposed development will have negligible impact and can be mitigated through good design.
- 4.21 Policy 29 Rural Development – seeks to encourage economic activity, innovation and diversification and identifies form of development to meet this aspiration and the policy outcome of a balanced and sustainable rural population. Energy developments are not directly identified within the scope of developments which would be supported, but the policy provides linkages to Policy 1 and 2 identified above. In association with Policy 11, therefore, it is considered that the development is in accordance with this policy.
- 4.22 It is clear from assessment of the R-NPF4 that if adopted as presented to the Parliament the policy document is supportive of the development in principle. The matters of detail which have to be assessed in relation to site specific considerations are given less weight than the overriding policy to improve renewable energy generating infrastructure such as this BESS proposed development. Such site-specific matters are addressed below.

NPF3

- 4.23 NPF3 is currently the extant national planning framework document, although is relatively out-dated (adopted in 2014) and will be superseded following the adoption of NPF4, which is expected shortly (see above). It does not form part of the development plan but contains some relevant policy and has some material weight.
- 4.24 NPF3 sought to achieve 'at least an 80% reduction in greenhouse gas emissions by 2050' and sought to increase energy generation via renewables' and to increase energy storage capabilities. Para 3.3 offers support to proposals to improve energy storage strategically '*We are also currently exploring the potential role of other storage technologies within the future energy mix*' Due to the progression of time, the change in the energy sector and the movement of NPF4 to adoption with its clear change in emphasis towards energy, it is considered that whilst the BESS proposal does not conflict with NPF3, that greater weight should be applied to the emerging NPF4 than NPF3 at this time.

Scottish Planning Policy

- 4.25 SPP has weight in the determination of this application at this time, until superseded when R-NPF4 is adopted, which is likely to be early in the application process. It is considered, therefore, that its weight is relatively limited at this time, but it remains a material consideration.
- 4.26 SPP contains a presumption in favour of sustainable development, of which the relevant principles are :
- That weight should be given to the net economic benefit of development.
 - Proposals which are well designed and make efficient use of land should be supported, as should the delivery of businesses
 - Supporting delivery of infrastructure including energy
 - Cultural and natural heritage should be protected and enhanced
 - Waste should be reduced
- 4.27 Paragraphs 154 provides support to the principle of development of renewable energy technologies and paragraphs 167 – 172 generally recognise the need to improve storage capacity, to help stabilise energy networks, and should consider off-grid connections .
- 4.28 These matters are addressed above in relation to R-NPF4 and below in relation to the development plan and site-specific matters. In principle, therefore, this BESS proposal is consistent with SPP.

South Ayrshire Local Development Plan 2022

- 4.29 SAC formally adopted its Local Development Plan 2 (SALDP) in August 2022, and which is, therefore, an up-to-date plan and comprises the development plan against which development proposals are assessed. SALDP sets out the development strategy, key policies and proposals to guide development in South Ayrshire to 2032.

- 4.30 It is considered that this proposed BESS, in supporting the aims of the national policy to achieve net zero emissions targets and a stable energy supply meets the requirements of the following policies of SCLDP, as demonstrated above and in the supporting documents and as referenced below.
- 4.31 Core Principle A1 supports the aims of the Ayrshire Growth Deal area and presumes against development which will jeopardise its long-term success.
- 4.32 The policy is not explicit to BESS, but it is clear that the proposal will be positive regarding renewable energy and sustainability and will result in economic benefit through the security of energy supply. The proposed does not, therefore, conflict with CP1.
- 4.33 Core Principle A2 seeks to promote connections and projects with neighbouring authorities. – infrastructure relating to transport, tourism, dark skies. Whilst not relating to energy proposals, it is clear that there is intention for cross-border working for projects which have strategic advantages. It is considered that this proposal, providing BESS facilities to feed into and support the existing Kilmarnock South sub-station facility is a project which requires cross-border relationships, and which benefits the local, and national need.
- 4.34 Core Principle A3 seeks to facilitate improvements to infrastructure – transport, developer contributions, LDP requirements. Energy proposals are not explicitly referred to in this Core Principle but it is clear that the proposal meets the spirit of the policy as enhanced energy supply will provide support to the beneficial infrastructure projects.
- 4.35 Core Principle B1 supports the principles of sustainable economic development, giving priority to brownfield over greenfield sites, directing development to settlements *'unless an alternative location can be justified through LDP2 policy, economic benefit or site-specific need'*.
- 4.36 Whilst there is a general presumption against development on unallocated sites in the countryside, national policy highlights the need for enhanced energy-related development, including battery storage. The DS clearly demonstrates the locational need for this development at this site. The proposal, therefore, meets the requirements of this policy.
- 4.37 Core Principle B7 supports flexible growth in the Kyle Investment Area – including small scale developments in certain areas. It does not support development on other unallocated sites on edges of settlements unless justified. As above, there is clear locational need for the development, which will contribute to enhancing opportunities in the area through increased and stable energy supply.
- 4.38 Core Principle B8 supports diversification in the countryside in appropriate locations, referring to small scale business and rural housing. There is no direct reference to BESS proposals, but it is clear that the policy does not expressly exclude this form of development. Implementation of the BESS facility will take only a small part of the larger farm holding, ensuring investment opportunity for that holding which can continue to operate into the future.
- 4.39 Core Principle C1 promotes the sustainable use of natural, built and cultural resources and seeks to safeguard and take a precautionary approach towards unrecorded natural or archaeological resource. A thorough investigation of natural, built and cultural resources has been carried out as demonstrated in the Heritage Report, LVIA and Confidential Ecology Report. There are no important features on site and the LDP map does not identify or designate any part of the site as special or sensitive. This proposal is consistent with this policy.

- 4.40 Strategic Policy 1 - Sustainable development considers that development must meet standards, including protection of important sites, efficient use of land and resources, appropriate use of resources and infrastructure
- 4.41 The Sustainability Statement demonstrates that BESS sites have zero emissions during normal operation and make a significant contribution to the drive for net zero whilst ensuring that the local environment is far less impacted than other types of energy generation.
- 4.42 Strategic Policy 1 - Development Management requires proposals to deliver the aims of 'sustainable economic development', appropriate in scale and impact on surroundings and that development is located within a settlement boundary or otherwise justified by LDP subject to specific policies or locational need. If any development is contrary to this policy, it must demonstrate that it is in the over-riding community interest or contributes significantly to the implementation of the Ayrshire Growth Deal and will have no significant adverse environmental effects.
- 4.43 There is a clear need for enhanced energy storage proposals, as demonstrated above. This proposed development is a considerable size but efficiently uses the land to improve storage capacity without undue impact on the surrounding area. It, therefore, has significant community benefit over the local and wider area. The development is consistent with this policy.
- 4.44 LDP Policy Renewable energy support proposals for generating and using renewable energy in stand-alone locations if no significant harmful effect on residential amenity, appearance of the area and landscape character, biodiversity, historic environment, and cultural heritage
- 4.45 The supporting information submitted with the application demonstrates that there is no significant impact on any material consideration. It is accepted that there will be some local change, but it is considered that BESS facilities cannot be provided in any location without some element of change. A significant advantage to this stand-alone site is that it does not form part of any important environmental, landscape or cultural designation, and is relatively well separated from surrounding residential properties. The policy supports such forms of development and, therefore, the proposal is entirely consistent with this policy.
- 4.46 LDP Policy - Delivering infrastructure expects all new development to provide required infrastructure on site and allows off-site as necessary to accommodate the development. It identified developer contribution requirements – either by condition or other appropriate vehicle, unless the development provides significant economic, social, or environmental benefits but would be unviable if contribution required.

Renewable energy projects are identified as having to contribute to:

- off-site (transportation) infrastructure and
- local Road Network: To secure improvements to mitigate the impacts of development and ensure safety of road users.

Limited works are required off-site as demonstrated in the oCTMP and which can be accommodated within the existing road network. The Applicant will commit to such required upgrading works

- Other off-site provisions: Issues that are identified through the application process that are required to mitigate the impacts of development, such as, but not limited to, water and flood infrastructure

Limited off-site works are required as the BESS facility and associated works can largely be accommodated on-site, including SuDs and attenuation ponds with limited connections to the existing water infrastructure, but including a sluice gate downstream of the attenuation ponds to cut-off runoff in the event of a pollution incident or to prevent firewater runoff, in accordance with COMAH guidelines.

- open space and green networks, and
- improve / extend green works, especially if there are existing if gaps, improvement of biodiversity and
- Demonstrate social and environmental benefits

No areas of open space or green networks are affected by this development, which does not generate any requirement for new provision due to the characteristics of this form of development. An area adjacent to the site, however, will be set aside as habitat improvement area and for which a Habitat Management Plan can be prepared. This will enhance biodiversity and has environmental benefit.

Whilst not a significant generator of employment, jobs will be created through the construction stage (approx. 100) and operational stage (4). The Applicant will commit to engaging local persons, where practicable, and will also source materials locally where possible all of which will have social and economic benefit.

The proposal itself has a significant social and environmental benefit through the improvement of renewable energy supply to the national grid, helping to reduce emissions, contributing to achieving net zero and maintaining a stable energy supply.

- 4.47 LDP Policy - Landscape quality seeks to maintain and improve the landscape and distinctive local characteristics, to conserve features which contribute to this including community settings, patterns of woodland, fields, hedgerow and trees, rivers, historic and cultural value, geodiversity and skyline and hill features.
- 4.48 As stated, there is no sensitive designation at the site, and it is not within an identified LLA. The site is identified within the SA Local Landscape Designation Review as being within Area 7d, South Ayrshire Lowlands. The LVIA considers both landscape and visual impact and finds that the development is acceptable as impacts are as a worst case slight to moderate but which will improve with time as mitigating landscaping strengthens and are generally short distance views and short lived close to the site frontage.
- 4.49 LDP Policy - Preserving trees considers that assessment must be made of the impact of development on trees, important trees should be protected. The developable area contains no trees of interest and additional planting is proposed. The development accords with this policy.
- 4.50 LDP Policy Water environment only allows development which meets Water Framework Directive (2000/60/EC), seeking to protect water environment and not pose a risk to ground and surface waters, biodiversity of water and to maintain a buffer to water courses. LDP Policy Flood and Development also seeks to avoid potential for flooding. The Drainage Impact Assessment demonstrates that the development will not harm the water environment and is, therefore, acceptable in relation to this policy.
- 4.51 LDP Policy Agricultural policy seeks to protect prime land from irreversible development unless necessary to meet an established need and if deemed necessary for the generation of energy from renewable sources, it seeks to secure restoration once generation ceased.

- 4.52 In relation to this policy, the land is not classed as prime agricultural land, being grade 4.1 so whilst it is used for agricultural purposes, the proposal does not breach this policy. Additionally, it is for BESS, a form of renewable energy, and which development can be reversed in the future if and when generation ceases. The land can be returned to agricultural uses through implementation of a decommissioning and restoration plan, which can be prepared at that appropriate time. The development, therefore, is entirely consistent with this policy.
- 4.53 LDP Policy Air, noise, light pollution. Development proposals will not be allowed if it exposes people to unacceptable levels. The Air Quality and Noise reports demonstrate that, with mitigation, there will be no unacceptable emissions. There will be limited lighting at the site – only that required during the construction and decommissioning stage and for security purposes (motion activated) during operational phase. The distance to adjacent residential properties coupled with topography and existing and proposed planting will result in no unacceptable impact on amenity, consistent with this policy.
- 4.54 LDP Policy Historic environment seeks to protect, preserve, conserve and enhance the cultural heritage. There are no known constraints on site and the Heritage report recommends an archaeological programme of works to ensure no unknown interest is harmed. The proposal is consistent with this policy.
- 4.55 LDP Policy Natural heritage seeks to identify and protect international, national and local designations, and refers to protected species. There are no special environmental designations to this site, nor within immediate proximity. The Confidential Ecology Report assesses the potential impact on flora and fauna and considers that, with mitigation, the development is acceptable. The Habitat improvement area will increase the biodiversity value of the area and accordingly, the proposal complies with this policy.
- 4.56 LDP Policy Land use and transport seeks to introduce measures to keep any negative effect on road traffic to a minimum. During operational phase there will be minimal traffic movement to and from the site, based on maintenance only and which will be similar to existing local traffic movements. The impact will be more significant during construction and decommissioning stage, as demonstrated in the Transport Report, but which can be accommodated within the existing highway network.

East Ayrshire Local Development Plan

- 4.57 The development lies wholly within the South Ayrshire council boundary, with only underground cabling connecting the site to the Kilmarnock South Sub-Station. For completeness, the EALDP and EALDP2 have been considered and the proposal assessed against their provisions, in so far as applicable to the EAC boundary. The extant and emerging LDPs have similar policies to that of SAC with respect to overarching policies seeking to focus development to urban areas, to development in the countryside and to protecting areas designated as being of importance in environmental, cultural or other means, for example OP1 Overarching Policy, RH1 Rural Protection Area, RES 4 (rural housing).
- 4.58 Particularly, there is a specific policy relating to energy - E1 / RE1 Renewable Energy and IND 3 – Business & Industrial Development in rural area which provides specific support for energy storage projects, including in standalone locations, when assessed against criteria for which detailed assessment is required. The application supporting documentation addresses the means by which the proposal provides positive energy, social, economic, and ecological benefit without harm to local residents, highway safety and landscape or cultural assets.

Development Plan and Policy Summary

- 4.59 The above assessment demonstrates that there is a clear need for energy related development, including storage proposals and which should carry significant weight in considering development proposals. Policy seeks to encourage BESS facilities providing there is a locational need and the development will not cause such harm to any material consideration such that the benefit of the proposal should be outweighed by that consideration. The application documentation demonstrates that due to the absence of special designation at the site and the distance and characteristics of land between the site and surrounding houses than there will be no adverse impact which cannot be appropriately mitigated.
- 4.60 Accordingly, it is considered that the development is in accordance with national and local policy.

5.0 Assessment of Development

- 5.1 The following section assesses the main material consideration relating to the proposed development and demonstrates the manner within which regard has been paid to material considerations relating to the development and to the 'desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest' and of means of mitigating any effects, as required by Schedule 9 (3) of the Electricity Act 1989.

Principle of Development

- 5.2 The subject site lies within the countryside, outside any settlement limit and with no other particular planning designation.
- 5.3 Policy is explicit that any development outside the settlement limit must be justified on the basis of need – i.e., that there is a locational requirement for the development to be in its proposed location. BESS are included within the definition of National Development 3 in the R-NPF4, which includes a Statement of Need and clearly demonstrates the requirement for energy storage to meet national energy and emission targets.
- 5.4 The DS identifies the Applicants approach to site selection and demonstrates the justification for this application site. Additionally, the Applicant has a license to connect to the grid for the 350MW supply which demonstrates that the facility will be provided and will contribute to the delivery of NPF4 National Development 3 from 2025.
- 5.5 The proposed site is justified on the basis of :
- within the vicinity of and of sufficient size to accommodate and deliver the license requirement and available for use within the required development timescale of 2024.
 - in an 'unsensitive' area, as defined in The Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 – i.e., not identified as an SSSI, nature conservation area, European site, World Heritage Site, scheduled monument, national scenic area, national park or marine protected area
 - without constraint by virtue of existing infrastructure
 - accessible to the substation but which would not result in cumulative harmful development
 - separate from adjacent residential properties, to protect residential amenity (particularly noise and visual)
 - with access to the road network without causing highway safety issues during construction
 - with an ability to provide sufficient water to resolve any emergency issue relating to fire and which does not cause an on-going fire risk to land, trees or habitats outside the subject site / equipment.

- 5.6 The proposed site has no particular planning designation. It is clear from the above policy assessment that the site falls outside any defined settlement limit and whilst it lies within an area of significant protection regarding wind farm, this does not relate to BESS development. It lies within the Kyle Investment Area. A location within a countryside area, however, is not a negative consideration towards the development particularly as it is necessary for such facilities to be close to point of generation (e.g., wind farm or hydro plant) or to centre of distribution (i.e., the Sub-Station). This site, being approximately 1.7m from the Kilmarnock sub-station meets the latter criteria and, accordingly, a location within a rural area is appropriate.
- 5.7 As the proposal is consistent with the policies in the R-NPF4 and SALDP in locational terms, it is considered that the proposal is acceptable in principle.

Details / Site Specific Considerations

- 5.8 Policy also requires consideration of matters of detail relating to proposed BESS proposals, and for which robust supporting information and assessment has been submitted with the application. The initial baseline studies formed part of the site selection process and the design and layout of the proposed BESS facility evolved following detailed assessment of the site-specific matters.

Landscape and Visual Amenity

- 5.9 The site is not within a designated Local Landscape Area and is not subject to any other special landscape designation. An LVIA has been carried out and is submitted as a supporting document.
- 5.10 The layout and height of the proposed BESS has been influenced by landscape assessment, to ensure that its visual impact is kept to a minimum. The terracing proposals have evolved, to ensure works are kept to a minimum and also to ensure that as practicable, no battery container would break the ridge of the hill. The design of the proposal has also evolved following the assessment of landscape and visual impact and following consultation with SAC and CCC. No battery unit and apparatus will exceed 3 – 4m in height, all being provided at single height only.
- 5.11 The HV Switch Gear will be higher than the battery containers, to a maximum height of some 11m. This is set within the context of the existing OH lines and pylons, however, which rise to a considerably greater height.
- 5.12 The LVIA concludes that the site positively contributes to the local landscape character as it is representative of the landscape but that whilst there would be a direct change from agricultural to infrastructure resource, the scale and degree of change on the agricultural lowlands of Ayrshire as a whole would be very limited, particularly with mitigating landscaping as proposed.
- 5.13 The LVIA also considers that due undulating location and incised landform in an otherwise open agricultural lowland, the significance of the visual effects is relatively limited, with no views from within the Carnell or Dallars.
- 5.14 Short distance views will be the most prevalent, the LVIA concluding that such impact will be Moderate to Slight Adverse and Negligible Effect, and are in many instances short lived as they occur on transient route.

- 5.15 Landscaping will be provided on boundaries and within the site, within the terraces, which will soften the appearance of the development as the landscaping matures. Visual impact, therefore, will be contained to a relatively small area so whilst it is accepted that there will be a change to the local environment, such change will be minimised and will not be significant in relation to the positive benefit of delivering National Development 3 infrastructure.

Nature – Ecology, Habitat

- 5.16 There is no special nature designation to the site or within the immediately surrounding locality - there are no Ramsar Sites, Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Sites of Special Scientific Interest (SSSIs) within 1km of the site (indeed, the closest designated site lies significantly further away to the south). Ancient Woodland Inventory (AWI) and Native Woodland Survey of Scotland (NWSS) areas lie with 500m and 1km to the east. A Confidential Ecology Report submitted as a supporting document identifies that given the distance and lack of connectivity to the site, the development is considered unlikely to affect the ancient woodlands or any specially designated area.
- 5.17 The Confidential Ecology Report does identify the potential for presence of badger, bat and bird species particularly within the trees and boundary hedgerow. It concludes that, with mitigation, the development is unlikely to affect any matter of ecological interest.
- 5.18 It is intended to retain as much as possible and strengthen existing trees and hedgerow and to carry out further survey and / or consult with Nature Scotland regarding required licenses, as required. Further mitigation will be offered by incorporating a Habitat Management Plan, with a Pollution Plan, within the Construction Method Statement, and to ensure that timing of works is carried out with sensitive seasons, and to incorporate a habitat improvement area within the field partially encompassed by the site boundaries to enhance biodiversity. This will directly benefit aspirations to enhance biodiversity.

Agricultural Land

- 5.19 The site comprises approximately 13.45 hectares of primarily grade 4.1 agricultural land. It is not, therefore, prime agricultural land and whilst being in such use is relatively low in output and productivity value and is used primarily for grazing purposes and animal feed crops.
- 5.20 The site forms part of a wider agricultural land holding. The loss of this area is not significant, and it is understood that the land holding will remain viable. Whilst the development will result in the loss of access to part of the holding as it has current access to the unnamed road, access is available elsewhere to the fields which will remain in the land holding.
- 5.21 The site will be fully decommissioned at the end of its operational life and the land will be restored and returned to its former agricultural use.
- 5.22 The proposal, therefore, will not affect agricultural land, particularly as the development can be 'reversed' in the future and re-used for agricultural purposes. The Applicant has agreed to a license of 25 +10+10 years, after which the agreement with the landowner is to decommission the site and to restore it to agricultural land for grazing purposes (as existing).
- 5.23 Decommissioning plans can be agreed towards the end of the life span of this proposed development.

Cultural Heritage

- 5.24 The site is not within a Conservation Area and does not contain any listed buildings or Scheduled Monuments within or immediately surrounding the site, the nearest being some 1km to the east and west. The site also does not lie within a Historic Gardens and Designed Landscape, the nearest being some 850m to the southeast and northeast.
- 5.25 A Heritage assessment has been carried out and which is submitted as a supporting document. The Heritage Report considers that no negligible impact is expected following completion of the development due to topography, vegetation and existing setting and relationship between the site and those special features of heritage importance.
- 5.26 The Heritage Report also concludes that there is low potential for any remains (prehistoric, Roman, early historic, medieval, post-medieval or modern) to survive within the site although there may be unknown remains which may be disturbed by construction works, which can be mitigated through standard Written Scheme of Investigation conditions.
- 5.27 On this basis, it is considered that the proposal is acceptable in terms of heritage importance and the balance falls in favour of the proposed BESS development.

Community Impact

- 5.28 The site lies within the Craigie Community area, which is a relatively sporadically populated area. During consultation, CCC recognised the requirements for the proposed development, understanding the national need for BESS facilities and that locally there would be benefit through enhanced power networks.
- 5.29 The site lies some 150m from the nearest residential property (based on a farm) ridge of a hill). There are a limited number of residential properties within the area, being sporadically distributed within this countryside location. Mitigation in terms of emission controls and acoustic fencing can be provided to reduce noise emissions from the equipment towards the relatively limited number of surrounding residential properties. Accordingly, any impact from the development in terms of loss of residential amenity from noise, visual impact or general activity would not be significant in relation to the benefit of the proposal in terms of contribution to National Development 3 and energy targets.
- 5.30 Nevertheless, the Noise Assessment and LVIA demonstrate that impact to those residential properties will not be significantly harmful due to existing and proposed topography, vegetation and separating distance subject to completion of mitigation measures such as enhanced planting, acoustic treatment and restrictions on machinery noise levels. During the operational stage, activity at the site will be negligible as the BESS facility is primarily unmanned.
- 5.31 It is acknowledged that there may be short term impact during the construction period. However, this is temporary and relatively short term and will be mitigated through restrictions on hours of construction. The Transport Report and Impact Assessment submitted as supporting documents demonstrate the manner within which the construction activity will be controlled and can be covered by condition for the submission of a detailed CEMP prior to works starting on site.
- 5.32 There will be a necessity for temporary illumination at the site during the construction period, which is expected to be approximately 18 months. The Applicant will ensure that lighting is minimised as much as possible and directed into the site (in line with operational requirements). During the operational stage, there will be no requirement of lighting, other than motion-controlled security lighting and occasional maintenance.

- 5.33 It is considered, therefore, that whilst there will be a change to the immediate countryside landscape, the development will not result in harm to the amenity of residents and the wider community to an extent which outweighs the wider benefit of the development.

Access and Transport

- 5.34 The site is not adjacent to any core path and there is no public right of way across the site. Access to the site will be from the unnamed road, at its northern point. The transport reports conclude that construction access can be provided from this existing road subject to required modification and widening at the access. The land which may be required for widening is within the landownership of the same landowner as this site.
- 5.35 The Transport Report details the means by which construction traffic will access and egress from the site and concludes that the facility can be constructed without harm to highway safety, subject to detailed management processes and minor works to the existing highway, all of which can be controlled by condition.
- 5.36 The proposal, therefore, will not impact pedestrian, cycle, or vehicular use of the surrounding public highway.

Drainage / Flooding

- 5.37 The Drainage Impact Assessment, submitted as a supporting document, considers that as the site is currently undeveloped greenfield, there will be an increase in the rate and volume of runoff compared to the existing position. However, mitigation is proposed which will result in appropriate drainage being provided to ensure surface water can be properly drained without contaminants entering the water system and without causing any local flooding.
- 5.38 The proposed reservoir can provide a water supply to ensure the battery units are cooled and in any case of emergency.

5.39 Soils

- 5.40 The site is not within a defined Coal Authority mining reporting area and the Ground Conditions Report, submitted as a supporting document, demonstrates that there is no peat at the site. The proposal can be accommodated on site with minimum soil disturbance.

Utilities and Infrastructure

- 5.41 There are no known or recorded contaminating or hazardous sites within 500m of the site nor any main utilities within the immediate vicinity of the site with the exception of the National Grid pylon which lies to the western side of the site. The location of the pylon has been fully taken into consideration in the design layout of the BESS facility and which is proposed entirely to the east of the pylons, leaving the required area free from development. The perimeter fencing to be erected around the BESS will be set in from the site boundaries to protect the corridor area to the pylons.

Conditions

- 5.42 The assessment demonstrates that the balance in determination of this development should fall in favour of granting consent under S36, and deemed planning consent, as no site-specific detail would be breached to such an extent to warrant refusal particularly when the benefit of the proposed development to contributing to enhanced energy provision is taken into consideration.

5.43 It is acknowledged that certain mitigation will be required to minimise any potential impact, and which will relate to :

- Approval of and implementation of detailed CTMP and CEMP prior to works starting
- Detailed Landscaping plans prior to works starting and completion in the first planting season following completion of the development
- Approval of and implementation of detailed Habitat Management Plan prior to works starting, and obtaining licenses as may be necessary from Nature Scot
- Approval of decommissioning programme of works prior to the site becoming non-operational and implementation of those works after operations cease
- Habitat Restoration Plan and method statement prior to the site becoming non-operational and implementation of those works after operations cease
- Limitation on noise emissions from the installations and provision of acoustic treatment in accordance with the Noise Assessment
- Archaeological Watching Brief
- Final agreement of technical equipment prior to works starting.

6.0 Conclusion

- 6.1 Consent and deemed planning permission is sought from the Scottish Ministers under Section 36 of the Electricity Act 1989 for a 350MW BESS facility proposed on land near Craigie, in the South Ayrshire administrative area. In determining the application, it is necessary for the Scottish Ministers to determine whether the requirements of Schedule 9 of that Act have been met, taking into consideration also national policy relating to energy and planning.
- 6.2 BESS facilities are recognised as being essential to support the continued development of renewable energy sources and to enhance the National Grid network to ensure sufficient supply of stable energy . The development, therefore, will be of national and local benefit.
- 6.3 The application is supported by a full suite of assessments which demonstrate that careful consideration has been paid to the appropriate siting and design of the facility, to ensure appropriate connection to the grid, without significant adverse impact on the environment. It is a site which benefits from no special landscape, nature or cultural designation and is set apart from the surrounding sporadic residential dwellings. It is acknowledged that the development will change the local landscape, but siting, design and planting mitigation is proposed which will reduce any potential impact.
- 6.4 The proposed development has been tested against relevant national and local policy and it is considered that, subject to mitigation, there will be no significant environmental effects and the proposed BESS facility will not have any adverse impact on any material matter as :
- The development complies with the requirements of the revised NPF4 and the recently adopted development plan
 - There will be benefit from the proposal to the National Grid, to decarbonising electricity supply and meeting renewable energy and gas emission targets
 - Connection can be made to the grid, at the existing Kilmarnock substation, via the existing public highway, further reducing environmental impact
 - There will be economic benefit through employment generation particularly during the construction period
 - The site is set apart from surrounding residential properties which amenity will be maintained through intervening landform, planting and acoustic features
 - There are no special environmental, landscape or cultural designations in the vicinity of the site so the development will be carried out in a non-sensitive countryside location of poorer grade agricultural land
 - Access to the site can be achieved via the existing highway with limited requirement for improvement or modification.
- 6.5 The Scottish Ministers, therefore, are respectfully requested to grant S36 consent and deemed planning permission.



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