
NORTH AYRSHIRE COUNCIL

24th April 2024

Planning Committee

Locality	Kilwinning
Reference	24/00116/CON
Application Registered	19 th February 2024
Decision Due	19 th June 2024
Ward	Kilwinning

Recommendation	No objection subject to conditions
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Location	Site to south east of Goldcraigs Roads Depot, Kilwinning
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Applicant	Flemlyland Battery Storage Ltd per LoganPM
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Proposal	Installation of a battery energy storage system and associated infrastructure with a generating capacity of up to 100MW (a consultation from the Scottish Government Energy Consents Unit ref. ECU00004984)
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1. Description

The Scottish Government's Energy Consents Unit has consulted the Council, as Planning Authority, on an application under Section 36 of the Electricity Act 1989.

The application, on undeveloped farmland to the southeast of the Goldcraigs Road Depot on the B778 to the northeast of Kilwinning, is for the development and installation of a battery energy storage system and associated infrastructure with a generating capacity of up to 100MW. The total site covers an area of approximately 8 hectares of agricultural land and woodland, with the area to be developed around 1.5 hectares.

The site is located in the rural area approximately 1km from the northeast edge of the town. The proposed site access would be opposite the Goldcraigs Road Depot, with an existing field gate to be widened. There are several houses near to the north boundary, although the distance from the houses to the nearest parts of the site to be developed would be greater than 100 metres. Several other houses nearby would be between 150m and 200m from the area to be developed.

Parts of the site are on a slope running generally downhill from southeast to northwest. The highest point of the site is at approximately 56m AOD at its north-east corner, falling to approximately 36m AOD towards the B778.

Section 36 of the Electricity Act states that consent is required from the Scottish Ministers for the construction of battery energy storage facilities with a capacity exceeding 50 megawatts. The Energy Consent Units, in accordance with The Electricity (Applications for Consent) Regulations 1990, has sought the views of the Council, as Planning Authority, on the proposed development.

The consultation includes a number of reports, plans and drawings. The proposed development includes the following components:

- the entire site would be enclosed with security fencing, and a battery compound within the site would have its own security fence;
- the battery compound would be located partially on sloping ground between an existing woodland area and the southeastern boundary of the site;
- there would be 56 battery storage units placed within the compound;
- a typical battery storage unit would be 5.5m in length, 2.4m in width and 2.8m in height. Each would be placed on a concrete base following cut and fill operations;
- the storage units would contain battery cells, cooling plant and fire suppression plant;
- along with the battery storage units, there would be 56 power converters and transformers, as well as a high voltage transformer and switchgear within the compound;
- outside of the compound, the site would have tracks, a transmission compound, water tanks, stores, fencing, CCTV security, ancillary development and landscaping including new woodland planting.

In terms of the adopted North Ayrshire Local Development Plan (LDP), the site is within an area of countryside. To the northwest of the site boundary is the B778, across which is the Council's Goldcraigs Road Depot. Immediately north, beyond an established woodland area, are several detached houses. To the northeast is Hullerhill Quarry. To the east and southeast is agricultural land and a dwelling known as Crofthead (220m from site boundary). There is a large electricity sub-station to the southwest, across the B778.

In terms of the adopted LDP, the proposal requires to be considered against Strategic Policy 1 (The Countryside Objective), Strategic Policy 2 (Placemaking), Policy 14 (Green & Blue Infrastructure), Policy 15 (Landscape & Seascape), Policy 16 (Protection of our Designated Sites); Policy 18 (Forestry, Woodland, Trees and Hedgerows) and Policy 29 (Energy Infrastructure Development). National Planning Framework 4 (NPF4) also requires consideration.

The proposed development was screened for EIA purposes during May 2023 (ref. 23/00284/EIA). The conclusion reached was that EIA was not required.

2. Consultations and Representations

A range of consultations for Section 36 applications are undertaken by the Energy Consents Unit of the Scottish Government, who have the statutory duty to determine such applications. In this respect, the Council is a statutory consultee.

Publicity for proposals of this type is carried out by the Energy Consents Unit, who would consider any public comments they receive.

To inform the Council's position on the proposals, a number of internal consultations were undertaken, and are summarised below:

NAC Active Travel & Transport - no objections subject to the conditions stated below:

1. Parking for construction vehicles to be within site boundary.
2. Visibility splays of 2.5 metres by 215 metres, in both directions, must be provided and maintained at exit junctions with the public road. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles.
3. The first 10 metres of the access road, at both junctions, to be hard surfaced to prevent loose material from being deposited onto the public road.
4. A road opening permit will be required to be submitted by the applicant.
5. No surface water to issue from the access onto the public road.

Response: Noted. The recommended condition could be included in the Council's response.

NAC Environmental Health - no objection subject to the rated noise level, as defined in BS4142:2014+A1:2019, from the operation of the proposed plant not exceeding 35dB at the curtilage of any existing noise sensitive property. A noise impact assessment undertaken by ITP Energised "Flemyland BESS, dated 22 August 2023, Project Number 6270" has been submitted as part of the application which indicates that compliance with the above requirement would be achieved.

Response: Noted. The recommended condition could be included in the Council's response.

NAC Flooding Officer - no objection subject to conditions that (1) the condition of the existing culvert that would accept road run-off from the site is investigated and that the culvert would be repaired or improved if necessary, and (2) the future maintenance arrangements are secured with the other owners of the culvert prior to the first use of the site as an energy storage facility. Notes that the design standards and recommendations contained in the applicant's surface water drainage strategy are generally acceptable to NAC Flooding. Provided that the measures in the drainage strategy are implemented and maintained, the proposed development would be acceptable in both flood risk management and water quality treatment terms.

Response: Noted. The recommended condition could be included in the Council's response.

West of Scotland Archaeology Service - Notes that the application lies within an area of some archaeological sensitivity and potential based on the presence of recorded sites of

prehistoric, medieval and later date in the surrounding landscape. The site contains industrial archaeological remains in the form of a lime quarry and limekilns which are mapped on Ordnance Survey First Edition Maps (c.1870). The site also involves a large area of greenfield ground that will be disturbed by this development and stands a chance of unearthing visible or buried unrecorded remains which could be of any period and which may survive below ground level. As such, an archaeological issue is raised by the proposals.

Government policy as set out in National Planning Framework 4 is that planning authorities should ensure that prospective developers arrange for any archaeological issues raised by their proposals to be adequately addressed. Since there are recorded remains and potential for buried remains at this site some form of archaeological mitigation is required for this proposal. A condition relating to the archaeological issue is recommended.

Response: Noted. The recommended condition could be included in the Council's response.

3. Analysis

As noted above, the proposal requires to be considered against Strategic Policy 1 (The Countryside Objective), Strategic Policy 2 (Placemaking), Policy 14 (Green & Blue Infrastructure), Policy 15 (Landscape & Seascape), Policy 16 (Protection of our Designated Sites); Policy 18 (Forestry, Woodland, Trees and Hedgerows) and Policy 29 (Energy Infrastructure Development). Each policy is considered individually below.

Strategic Policy 1 (The Countryside Objective)

Part c) of SP1 states that, in principle, the Council will support proposals in the countryside for "developments with a demonstrable specific locational need including developments for renewable energy production ie. wind turbines, hydroelectric schemes and solar farms." In this case, it is proposed to develop a battery energy storage facility with the associated ancillary infrastructure. The majority of the 8ha site would retain its agricultural/pastoral use with additional woodland areas created for landscape mitigation/screening purposes. Due to the proximity of the site to the Kilwinning Sub-Station, it is considered that the proposed development has a specific locational need and accords with SP1.

Strategic Policy 2 (Placemaking)

The intention of SP2 is to ensure that all development contributes to making quality places. It safeguards, and where possible enhances, environmental or amenity impacts. In this case, it is noted that the proposed battery storage units would be sited so as to minimise impacts on housing near to the site. This would be achieved by forming the main compound away from the nearby housing; retaining and restoring hedgerows and providing adequate screening in the form of earthworks and tree planting. An acoustic fence is also proposed around part of the battery compound in order to safeguard nearby housing from potential noise impacts.

It is noted that the proposed battery storage compound would be formed on sloping ground where cut and fill would be required to level out the ground. The cutting would take place at the top of the slope with the infilling at the bottom, near to the edge of the existing woodlands.

Existing areas of woodland would be retained. It is considered that, in certain places, the woodland plantations are in need of enhancement through additional or replacement planting to reinforce their effectiveness for screening and amenity purposes during the lifespan of the development. A condition could be recommended in this respect.

It should be noted that the proposed boundary fencing, meter building and battery energy units would not exceed 3.5m above ground level, thus minimising any visual impact on the surrounding rural landscape. The transmission compound would have equipment up to 7m in height. CCTV poles would also be erected around the site to enable monitoring of the panels and other plant to take place remotely, with heights similar to the other proposed structures. Again, the landscape and visual impact of these vertical elements would not be significant across the expansive site area, being largely screened from external viewpoints by landform and existing or proposed woodland. The site would largely be monitored remotely, with occasional maintenance visits as required. Traffic to and from the site would therefore be infrequent and not a significant source of traffic generation on the B778.

It is considered that there would be no other amenity impacts arising from the development in terms of noise, overshadowing or privacy impacts. In summary, it is considered that the proposals are acceptable in terms of SP2.

Policy 14 (Green & Blue Infrastructure)

The intention of this policy is to require that all proposals "seek to protect, create, enhance and/or enlarge our natural features and habitats which make up our green and blue infrastructure." As noted above, the proposed development would include measures to enhance biodiversity through the restoration of hedgerows, woodlands and the planting of trees. The policy notes that "support will be given to proposals which seek to enhance biodiversity... including the restoration of degraded habitats and the avoidance of further fragmentation or isolation of habitats."

A site-specific Biodiversity Enhancement Plan (BEP) would be prepared for the site as per NPF4. A supporting Preliminary Ecological Appraisal document submitted with the consultation states that "the BEP will detail measures to include within the development design which aim to support and encourage wildlife and increase the biodiversity value of the proposed development." As such, the benefits of the development, in terms of habitat restoration, creation of a wetland area (SuDS pond) and woodland creation, would exceed the baseline conditions of the land in terms of its current agricultural use.

It is considered that additional planting would be required to reinforce the woodland edge to the northwest of the proposed battery compound, since many of the existing trees are hawthorn and not high enough to form a screen in views of the development from the northwest. This does not form part of the application and it is considered necessary to recommend a condition in this regard.

Views from the southwest would be screened by the proposed new woodland, although it would take a number of decades for such planting to be effective. It is therefore considered necessary to recommend a condition to secure details of the external colour scheme for the plant and machinery within the site.

Surface water run-off would primarily be managed via a SuDS scheme which would incorporate nature positive measures to enhance biodiversity. The Council's Flooding

Officer has recommended a condition in respect of run off from the roads/tracks within the site in respect of a culvert below the B778.

Subject to appropriate conditions, the proposals are considered acceptable in terms of Policy 14.

Policy 15 (Landscape & Seascape)

The policy sets out to support development that protects and/or enhances our landscape/seascape character, avoiding unacceptable adverse impacts on both designated and non-designated landscape areas. The landscape character of the site and its surroundings is with the 'Ayrshire Lowlands' in terms of the landscape character type defined in the 'Ayrshire Landscape Assessment' produced in 1998 for the former Scottish Natural Heritage. 'Ayrshire Lowlands' is described as "an extensive area of agricultural lowland which occupies much of the Ayrshire basin.... The landform is surprisingly complex, dissected by many burns and streams draining to incised main river valleys to create an undulating lowland landscape..... Landcover is predominantly pastoral. Cattle, sheep and grassland are common."

The commentary goes on to state that "fields are often regular in shape and enclosed by beech or hawthorn hedges. For the most part the hedges are in good condition. Many field boundaries are also marked by mature hedgerow trees. These trees give the landscape a surprisingly wooded character, often forming avenues along minor roads. In places this structure has begun to decline as trees have been felled and not replaced."

A Landscape and Visual Appraisal has been included in the consultation documents. It notes that the baseline conditions consist primarily of pastoral farmland with areas of woodland in the north. The farmland is used for cattle grazing or silage production. Due to the topography, ground conditions are wet in places with overgrown vegetation. There are disused mine shafts on parts of the site.

Landscape mitigation measures are proposed as part of the proposed development. It is noted that these measures aim to establish a suitable landscape design which allows the development to be sympathetically integrated within its environment and complement the wider landscape setting.

Proposals include:

- Establishment of suitable boundary treatments to the site, including retention of existing woodland and mature hedgerow along the northern boundary, with a continuation of native woodland planting to the north-west corner;
- Further native woodland planting to the south of the hard standing within the development to provide screening and locally appropriate habitat, consisting of predominantly hawthorn and oak with wild cherry, birch and aspen;
- Individual oak tree planting to fill in gaps in southern and northern boundary tree cover, improving habitat connectivity;
- The southern part of the field is retained for biodiversity gain; and
- A SuDS pond at a low point in the site, planted with wet wildflower meadow species around the drainage for the site and to further increase biodiversity value

It is considered that, as part of the landscaping and mitigation works associated with the proposals, the opportunity has arisen to enlarge the existing woodland on the site for screening of battery storage units and other items of plant. It is noted that many of the taller

trees in the wooded area near the site access consists of ash, a species which is currently in decline due to ash dieback disease. In these areas, work is proposed to restore the woodlands and thus repair the decline to landscape character. There are several hedgerow trees on the southeast site boundary, and it is considered that additional hedgerow trees would have a positive effect on the landscape as well as having a positive biodiversity impact. A condition could be recommended to secure the details of such planting.

It is thus considered that the applicant's proposals to address landscape and visual impacts with a 'nature positive' emphasis would be acceptable in terms of Policy 15.

Policy 16 (Protection of our Designated Sites)

The policy supports proposals which would not have an unacceptable effect on our valuable natural environment as defined by a variety of legislative and planning designations. There are no designated sites directly affected by the proposed development. However, the Preliminary Ecological Appraisal considers the site within its wider environmental context and makes a number of recommendations in respect of potential impacts on wildlife. Subject to an appropriate condition, the proposals are acceptable in respect of Policy 16.

Policy 18 (Forestry, Woodland, Trees and Hedgerows)

The policy seeks to resist the loss of established woodlands, trees and hedgerows. Where loss is unavoidable as a result of development, compensatory planting is required. As discussed above, the opportunity has arisen to increase tree planting at various locations within the site, to improve existing woodland and to reinforce established hedgerows with trees and the infilling of any gaps. Subject to the recommended condition discussed above, the proposals would be acceptable in terms of Policy 18.

Policy 29 (Energy Infrastructure Development)

This policy states that support will be given to energy infrastructure development where it will contribute to the transition to a low carbon economy and have no unacceptable adverse environmental impacts. The policy requires that consideration be given to environmental, community and public safety aspects of a development.

In terms of environmental impacts, the proposals would be acceptable in terms of the detailed policies considered above, resulting in a biodiversity net gain in comparison with the baseline conditions (farmland used for cattle grazing and some woodland).

In terms of community impacts, it is considered that the proposals would contribute significantly to the generation of renewable energy targets by supporting the balance of supply and demand within the electricity transmission grid. There are no plans to create pathways through the site (there are no designated footpaths within the site at present). It is not considered that the proposals would have any adverse impacts on tourism and recreation.

In terms of public safety, the internal consultations carried out do not indicate any areas of concern with the proposals. With regard to the use of Lithium-ion batteries within the energy storage units, the supporting statement indicates that "the facility will be designed, built and operated to all relevant safety standards, and vetted by independent engineers. The facility will be safe in construction and in use and will pose no undue risk to residents."

A Construction Environmental Management Plan (CEMP) could be included as a recommended condition.

The decommissioning of the site following its operational period could be secured by condition, which could be recommended as part of the Council's consultation response.

The proposals are considered to accord with Policy 29.

The application has also been assessed against the adopted National Planning Framework 4 and it has been determined that the proposal does not raise any significant strategic planning issues which conflict with the foregoing assessment. In respect of this proposal, it is noted that the key aims of NPF4 relate to the climate and nature crises. The proposed development would store electricity from renewable sources. In addition, considerable benefits for biodiversity and nature would be created through retention of existing woodlands, wetland creation, new habitat creation and woodland planting. The remaining agricultural land could also be retained and managed in the interests of food production, or for habitat purposes.

Taking the foregoing into account, it is recommended that the Council, as Planning Authority, does not object to the proposed development and recommends the undernoted conditions to the Scottish Government's Energy Consents Unit for its consideration.

4. Full Recommendation

No objection subject to conditions.

Reasons for Decision

Condition

1. That the development hereby approved shall be implemented in accordance with the submitted plans, drawings and recommendations contained in the application unless otherwise indicated below, all to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To secure the implementation of the development in accordance with the supporting information.

Condition

2. That prior to the commencement of the development hereby approved, the applicant shall submit a Construction Environmental Management Plan for the written approval of North Ayrshire Council as Planning Authority, the scope and content of which shall be informed by the contents of the application. Thereafter, the development shall be implemented in accordance with such details as may be approved to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interests of environmental protection during the construction phase.

Condition

3. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been

submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by North Ayrshire Council as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason

To record/safeguard any archaeology within the site.

Condition

4. That, with regards to the site access (for which a road opening permit will be required):

(a) visibility splays of 2.5 metres by 215 metres, in both directions, shall be provided and maintained at the junction with the public road. No item with a height greater than 1.05 metre above adjacent carriageway level must be located within these sightline triangles.

(b) the first 10 metres of the access, measured from the heel of the carriageway, shall be hard surfaced in order to prevent deleterious material being carried onto the road and designed in such a way that no surface water shall issue from the access onto the carriageway.

(c) all parking for construction and service vehicles shall be within site boundary.

All of the above shall be carried out to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

In the interest of road safety.

Condition

5. That, in respect of the management of surface water run-off from the roads/tracks within the site:

(a) the condition of the existing culvert that would accept road run-off from the site shall be investigated. Thereafter, the culvert shall be repaired or improved if necessary, and

(b) the future maintenance arrangements are secured with the other owners of the culvert prior to the first use of the site as an energy storage facility.

All of the above shall be carried out to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To reduce the risk of flooding on the B778 as a result of road/track construction within the site.

Condition

6. That details of the colour scheme for all plant, equipment and boundary treatment to be sited or erected within the site shall be submitted for the written approval of North Ayrshire Council as Planning Authority.

Reason

To ensure the colour scheme for the development is appropriate for the rural setting of the site and its surroundings.

Condition

7. That, prior to the commencement of the development, the applicant shall submit for the written approval of North Ayrshire Council as Planning Authority a finalised scheme of earthworks, landscaping and woodland planting. The scheme shall be based on the submitted plans and shall include details of an additional area of woodland planting to be provided between the northwest edge of the battery storage compound and the existing woodland area which adjoins the B778. Additional hedgerow trees shall be included along the southeastern boundary of the site. Details of tree and plant species, planting densities, soil treatment and aftercare shall be included with the finalised scheme. Thereafter, the scheme as may be approved shall be implemented prior the development becoming operational and retained thereafter to the satisfaction of North Ayrshire Council as Planning Authority.

Reason

To mitigate landscape and visual impacts and in the interests of amenity, biodiversity and habitat creation.

Allan Finlayson
Chief Planning Officer

For further information please contact Mr A Hume Planning Officer on 01294 324318.

Appendix 1 – Location Plan

