



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

Kilncraigs, Greenside Street, Alloa, FK10 1EB (Tel.01259-450000)

Planning Committee

Thursday 20 May 2021 at 1.00 pm

Venue: Via MS Teams

Date	Time
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Planning Committee

Subject to paragraphs 3.28 and 11.4 of the Scheme of Delegation, the Planning Committee has responsibility for taking decisions on planning applications and enforcing planning laws, and;

Carrying out the local authority's function in relation to street naming under section 97 of the Civic Government (Scotland) Act 1982; and

Dealing with regulatory and enforcement issues arising from matters delegated to or delivered by Development and Environment Services related to Building Standards.

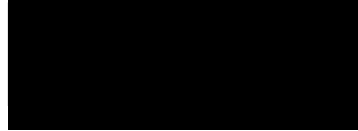
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12 May 2021

A MEETING of the PLANNING COMMITTEE will be held Via Ms Teams on THURSDAY 20 MAY 2021 at 1.00 PM.



**PETE LEONARD
Strategic Director (Place)**

B U S I N E S S

	Page No.
1. Apologies	--
2. Declaration of Interests Members should declare any financial or non-financial interests they have in any item on this agenda, identifying the relevant agenda item and the nature of their interest in accordance with the Councillors' Code of Conduct. A Declaration of Interest form should be completed and passed to the Committee Officer.	--
3. Confirm Minutes of Meetings (Copies herewith)	
(a) Local Review Body 14/01/20	05
(b) Local Review Body 22/09/20	07
(c) Local Review Body 21/01/21	09
(d) Planning Committee 01/04/21	11
4. Planning Application ref: 20/00220/FULL - Erection of Reserve Gas Generation Facility with a Proposed Generation Capacity of 22.5 MW With Associated Infrastructure Including Ancillary Buildings, Access, Fencing and Landscaping on Land South Of Hennings Wood, Collyland Road, Fishcross, Clackmannanshire - report by Keith Johnstone, Principal Planner (Copy herewith)	19

Planning Committee – Committee Members (Membership 10 – Quorum 4)

Councillors

Wards

Councillor	Donald Balsillie (Convenor)	2	Clackmannanshire North	SNP
Councillor	Jane McTaggart (Vice Convenor)	3	Clackmannanshire Central	SNP
Councillor	Tina Murphy	1	Clackmannanshire West	SNP
Councillor	George Matchett, OPM	1	Clackmannanshire West	LAB
Councillor	Martha Benny	2	Clackmannanshire North	CONS
Councillor	Helen Lewis	2	Clackmannanshire North	SNP
Councillor	Derek Stewart	3	Clackmannanshire Central	LAB
Councillor	Chris Dixon	4	Clackmannanshire South	IND
Councillor	Kenneth Earle	4	Clackmannanshire South	LAB
Councillor	Dennis Coyne	5	Clackmannanshire East	CON



MINUTES OF MEETING of the LOCAL REVIEW BODY (LRB) held within the Council Chamber, Kilncraigs, Alloa, FK10 1EB on TUESDAY 14 JANUARY 2020 at 9.30 am.

PRESENT

Councillor Jane McTaggart (In the Chair)
Councillor George Matchett QPM
Councillor Kenneth Earle

IN ATTENDANCE

Lindsay Thomson, Clerk to the LRB
Keith Johnstone, Planning Adviser to the LRB
Gillian White, Committee Services

LRB(19)01 APOLOGIES

None

LRB(19)02 DECLARATIONS OF INTERESTS

None.

LRB(19)03 NOTICE OF REVIEW – 17 GLASSFORD SQUARE, TILlicOUNTRY

Name of Applicant:	Mr John Neilson
Site Address:	17 Glassford Square, Tillicoultry, FK13 6AU
Description of the Application:	Proposed change of use of agricultural land to private garden ground; erection of dwelling house to rear of 17 Glassford Square; and formation of car parking and turning area.
Planning Application Reference Number:	18/00112/PPP

Attending

Mr John Neilson and Mrs Rhona Neilson, Applicants

The Planning Adviser set out the application and the Council's response. The Convenor also invited the Applicants to make a short statement on their application which they did. The Local Review Body then had the opportunity to ask questions of both the Planning Adviser and the Applicants.

Decision

The Local Review Body decided that they had sufficient information before them to proceed to decide the matter.

Having considered the Review Application documentation and the verbal submission from the applicant in terms of section 43A(15) of the Town and Country Planning (Scotland) Act 1997, the Local Review Body agreed to uphold the decision of the appointed officer and to refuse planning permission for change of use of agricultural land to private garden ground; erection of dwelling house to rear of 17 Glassford Square; and formation of car parking and turning area for the following reasons:

1. The proposed erection of an additional dwelling house on the site would detract from rather than maintain or contribute positively to the established character, amenity and environmental qualities of the site and the surrounding area by reason of:
 - a. The creation of a site that due to its shape could not acceptably provide for the satisfactory position of a house and the useable space available for activities associated with the domestic use of the proposed house would be inadequate and poorly arranged.
 - b. The amenity of the existing house would be adversely affected by the location of a house with associated parking and turning areas in close proximity.
 - c. The proposed erection of an additional dwelling house on the site would result in a building isolated from the grouping of existing buildings to the detriment of the landscape character of the adjacent Special Landscape Area.
 - d. The loss of more than 50% of the garden to the rear of the existing house.

The Clerk advised that she would issue a decision notice to confirm the outcome of the Local Review Body meeting.

Action

Clerk to the Local Review Body

Ends 10:04 hours



**MINUTES OF MEETING of the LOCAL REVIEW BODY (LRB) held via MS Teams on
TUESDAY 22 SEPTEMBER 2020 at 9.30 am.**

PRESENT

Councillor Jane McTaggart (In the Chair)
Councillor Chris Dixon
Councillor George Matchett, QPM

IN ATTENDANCE

Lee Robertson, Clerk to the LRB
Grant Baxter, Planning Adviser to the LRB
Melanie Moore, Committee Services

INTERESTED PARTIES

Mr Stuart Syzlak, Agent for the Applicant
Mr Dererk Pirouet, Architect for Applicant
Mr Murray Yeoman, Architect for Applicant
Mr Ronnie Beveridge, Tillicoultry, Coalsnaughton & Devonside Community Council (Objector)
Mr Christopher Noble (Objector)

LRB(20)04 APOLOGIES

None

LRB(20)05 DECLARATIONS OF INTERESTS

None.

**LRB(20)06 NOTICE OF REVIEW – LAND TO THE NORTH OF CEMETERY LODGE,
DOLLAR ROAD, TILLICOLTRY**

Name of Applicant:	Mr Michael Clayton
Site Address:	Land to the North of Cemetery Lodge, Dollar Road, Tillicoultry
Description of the Application:	Erection of 2 No houses
Planning Application Reference Number:	20/00036/FULL

The Convenor introduced the Notice of Review documents. The Local Review Body (LRB) then had the opportunity to ask questions. The Clerk asked the LRB to confirm if they had the all the relevant information they needed to proceed with consideration of the application and whether they wished to consider any further process.

The LRB agreed that they required a site visit only, with no further process, accepting that due to current Covid-19 restrictions, a risk assessment would require to be undertaken prior to attendance.

Decision

The Local Review Body agreed that a site visit would be undertaken before proceeding with consideration of the application and noted that due to Covid-19 restrictions, a risk assessment would be required prior to attendance.

The meeting of the LRB was adjourned . The Clerk advised the meeting would be reconvened once a site visit had been completed.

Action

Clerk to the Local Review Body

Ends 9:50 am



MINUTES OF RE-CONVENED MEETING of the LOCAL REVIEW BODY (LRB) held via MS Teams on THURSDAY 21 JANUARY 2021 at 9.30 am.

This is the re-convened meeting which was adjourned on 22 September 2020 for a site visit.

PRESENT

Councillor Jane McTaggart (In the Chair)
Councillor Denis Coyne
Councillor Chris Dixon
Councillor Kenneth Earle
Councillor George Matchett, QPM

IN ATTENDANCE

Lee Robertson, Clerk to the LRB
Grant Baxter, Planning Adviser to the LRB
Gillian White, Committee Services

INTERESTED PARTIES

Mr Dererk Pirouet, Architect for Applicant
Mr Murray Yeoman, Architect for Applicant
Mr Ronnie Beveridge, Tillicoultry, Coalsnaughton & Devonside Community Council (Objector)
Mr Christopher Noble (Objector)

LRB(21)01 APOLOGIES

None

LRB(21)02 DECLARATIONS OF INTERESTS

None.

**LRB(21)03 NOTICE OF REVIEW – LAND TO THE NORTH OF CEMETERY LODGE,
DOLLAR ROAD, TILLICOLTRY**

Name of Applicant:	Mr Michael Clayton
Site Address:	Land to the North of Cemetery Lodge, Dollar Road, Tillicoultry
Description of the Application:	Erection of 2 No houses
Planning Application Reference Number:	20/00036/FULL

The Chair welcomed everyone to the meeting and advised the interested parties that the meeting today was not a hearing, therefore there would be no opportunity for them to speak to the meeting. The Chair invited the Clerk to set out the protocol for the meeting.

The Clerk advised that this meeting of the Local Review Body (LRB) was the reconvened meeting of the LRB Meeting held on 22 September 2020, which had been adjourned to allow a site visit to be undertaken. Unfortunately, it had not been possible, due to Covid-19 restrictions, to undertake a physical site visit therefore, the Planning Adviser had arranged a presentation of photographs from in and around the site to give members perspective.

The Planning Adviser gave an overview of all the documents submitted to the LRB for consideration and presented photographs of the site. The LRB then had the opportunity to ask questions and take advice from the Planning Adviser to the LRB and the Clerk (Legal Adviser to the LRB).

Decision

Having determined that the Local Review Body had sufficient information before it to proceed to decide the matter and having considered the Review Application documentation, the presentation of photographs (in lieu of a site visit), all representations and the information before it, in terms of section 43A(15) of the Town and Country Planning (Scotland) Act 1997, that Local Review Body agreed to put the matter to the vote.

Voting

To reverse the decision made by the appointed officer subject to conditions	4
To uphold the decision made by the appointed officer	1

On a division of 4 votes to 1, the Local Review Body agreed to reverse the decision of the appointed officer made pursuant to section 43A(8) of the 1997 Act and granted the application for planning permission (reference 20/00036/FULL) subject to appropriate planning conditions being put in place by the Planning Officers.

The reason for reversing the decision was that:

1. The applicant's existing planning permission for the site (reference 19/00133/FULL) was approved and, with the exception of the community benefit, there are no material differences between the existing permission and the application being reviewed.

The Clerk advised that a formal Decision Notice incorporating appropriate planning conditions would follow in due course.

Action

Clerk to the Local Review Body

Ends 10:30 am



**MINUTES OF MEETING of the PLANNING COMMITTEE held Via MS Teams, on
THURSDAY 1 APRIL 2021 at 9.30 AM**

PRESENT

Councillor Donald Balsillie (Convenor)
Councillor Jane McTaggart
Councillor Martha Benny
Councillor Denis Coyne
Councillor Kenneth Earle
Councillor Ellen Forson (S)
Councillor Helen Lewis
Councillor George Matchett QPM
Councillor Derek Stewart

IN ATTENDANCE

Allan Finlayson, Team Leader, Planning and Building Standards
Grant Baxter, Principal Planner
Emma Fyvie, Service Manager (Development)
Lee Robertson, Solicitor, Legal and Governance (Clerk to the Committee)
Gillian White, Committee Services

PLA(21)06 APOLOGIES

Apologies for absence were received from Councillor Chris Dixon and Councillor Tina Murphy. Councillor Ellen Forson attended as substitute for Councillor Murphy.

PLA(21)07 DECLARATIONS OF INTEREST

Councillor Denis Coyne advised that he is the Council's representative on the Dollar Academy Trust and confirmed that at the three meetings he had attended, neither Planning Application had been discussed. Having considered the objective test set out within the Councillors' Code of Conduct, Councillor Coyne confirmed that he is not required to declare an interest.

**PLA(21)08 MINUTES OF PRE-DETERMINATION HEARING OF THE PLANNING
COMMITTEE HELD ON 1 OCTOBER 2020**

The minutes of the meeting of the Pre-determination Hearing of the Planning Committee held on Thursday 1 October 2020 were submitted for approval.

Decision

The minutes of the meeting of the Pre-determination Hearing of the Planning Committee held on Thursday 1 October 2020 were agreed as a correct record.

PLA(21)09 MINUTES OF PRE-DETERMINATION HEARING OF THE PLANNING COMMITTEE HELD ON 27 OCTOBER 2020

The minutes of the meeting of the Pre-determination Hearing of the Planning Committee held on Thursday 27 October 2020 were submitted for approval.

Decision

The minutes of the meeting of the Pre-determination Hearing of the Planning Committee held on Thursday 27 October 2020 were agreed as a correct record.

PLA(21)10 MINUTES OF THE PLANNING COMMITTEE HELD ON 21 JANUARY 2021

The minutes of the meeting of the Planning Committee held on Thursday 21 January 2021 were submitted for approval.

The Convenor advised that in minute reference PLA(21)05, it had been Councillor Craig Holden that had moved the motion.

Decision

Subject to the above amendment, the minutes of the meeting of the Planning Committee held on Thursday 21 January 2021 were agreed as a correct record.

PLA(21)11 COVERING REPORT – DOLLAR PLANNING APPLICATIONS

The meeting of the Planning Committee was convened in respect of two separate major planning applications in Dollar. The Planning Applications are:

Planning Application ref: 18/00283/PPP - Mixed Use Development Comprising Residential, Employment, Commercial and Community Uses, Sports Hall, Sports Pitches And Running Track, Including Associated Landscaping And Supporting Infrastructure On Agricultural Land And Playing Fields on Land South Of Dollar, Clackmannanshire. Applicant: Cowden Farming Company & Dollar Academy

Planning Application ref: 19/00018/PPP - Mixed Use Development With Supporting Infrastructure Comprising Residential, Retail (Convenience) With Associated Parking, Open Space, Landscaping, Drainage, and Accesses from the A91 (Muckhart Road) on Land To South And East Of Dollar, Clackmannanshire. Applicant: Harviestoun

The report, submitted by Grant Baxter, Principal Planner, sought to update Members on the assessment of the planning applications since the Pre-determination Hearings (PDH) on 1st and 27th October 2020. The report also provided a summary assessment of the applications and any outstanding matters; and provided a summary of Heads of Terms of a Section 75 Agreement (Planning Obligations) between the applicants and the Council in the event that Planning Permissions in Principle be granted.

The Convenor advised that he wished to propose an amendment to the report. The Clerk advised that as set out in Standing Order 13.9 an amendment may not be moved or discussed until the original report has been moved and seconded.

Motion

That the Committee agrees the recommendations set out in the report.

Moved by Councillor Donald Balsillie. Seconded by Councillor Jane McTaggart.

Amendment

It is recommended that Committee agree to:

Delete the existing recommendation which is set out in three bullet points on pages 13 and 14 of the report and replace it with the following:-

“Recommendation

To invite Committee to note:

- That in the following reports on planning application in principle [18/00283/PPP and 19/00018/PPP] - the Planning Committee will be invited to consider a "minded to approve" recommendation subject to conclusion of a Section 75 Agreement (Planning Obligations) between the applicant and a set of Matters Specified in Planning Conditions;
- That if "minded to approve" recommendations are agreed by the Planning Committee in Items 5 and 6 on the agenda, that officers will engage in further consultation with community representatives and the applicant on outstanding matters; and that
- Following that engagement, officers will report to a future Planning Committee with finalised Heads of Terms of a Section 75 Agreement and full set of matters specified in Conditions for consideration and approval. “

Moved by Councillor Donald Balsillie. Seconded by Councillor McTaggart.

Councillor McTaggart seconded the amendment subject to the removal of the words “and approval” at the end of the paragraph at bullet 3. The Convenor agreed to amend his amendment.

The Planning Committee agreed to approve the amendment (as amended). It was noted that Councillor Lewis, due to technical difficulties, had not been present during the final decision, therefore asked for her abstention to be noted.

Decision

The Committee agreed to note:

- That in the following reports on planning application in principle [18/00283/PPP and 19/00018/PPP] - the Planning Committee will be invited to consider a "minded to approve" recommendation subject to conclusion of a Section 75 Agreement (Planning Obligations) between the applicant and a set of Matters Specified in Planning Conditions;
- That if "minded to approve" recommendations are agreed by the Planning Committee in Items 5 and 6 on the agenda, that officers will engage in further consultation with community representatives and the applicant on outstanding matters; and that
- Following that engagement, officers will report to a future Planning Committee with finalised Heads of Terms of a Section 75 Agreement and full set of matters specified in Conditions for consideration.

Action

Grant Baxter, Principal Planner

PLA(21)12 PLANNING APPLICATION

Planning Application Ref: 19/00018/PPP - Mixed Use Development With Supporting Infrastructure Comprising Residential, Retail (Convenience) With Associated Parking, Open Space, Landscaping, Drainage, and Accesses from the A91 (Muckhart Road) on Land To South And East Of Dollar, Clackmannanshire.

The report, submitted by Grant Baxter, Principal Planner, sought to update Members on the assessment of the planning application since the Pre-determination Hearing (PDH) on 27th October 2020. The report also provided a summary assessment of the application and any outstanding matters; and provided a summary of Heads of Terms of a Section 75 Agreement (Planning Obligations) between the applicants and the Council in the event that Planning Permissions in Principle be approved.

Attending

Anthony Aitken, Colliers (Agent), Speaker

Pol MacDonald, Architect, Speaker

Jessica Powell, Colliers, Observer

Nicholas Poett, Applicant, Observer

Stephen Roe, Dollar Community Development Trust, Speaker

Norman Dunning, Dollar Community Development Trust, Observer

Kenny Mitchell, Dollar Community Development Trust, Observer

Stephen Leitch, Dollar Community Development Trust, Observer

Derek McDonald, Dollar Community Council, Speaker

Calum Jackson, Dollar Community Council, Observer

Francis (surname not declared), Dollar Community Council, Observer

Anne Sutherland, Dollar Community Council, Observer

The report was introduced by Grant Baxter, Principal Planner and members of the Planning Committee had the opportunity to put questions to Mr Baxter. The Committee then heard representations from Anthony Aitken, Colliers (Agent) jointly with co-speaker Pol MacDonald (Architect); Derek McDonald, Dollar Community Council; and Stephen Roe, Dollar Community Development Trust. The members of the Planning Committee and parties making representations had the opportunity to put questions to all parties.

Statements from Councillor Graham Lindsay and Councillor Kathleen Martin were also read out to the Planning Committee by the Clerk.

Procedural Motion

That we move to the next item of business, deferring the debate and taking a decision on the current planning application until the second planning application has been heard.

Moved by Councillor Donald Balsillie. Seconded by Councillor Jane McTaggart.

Decision

The Planning Committee agreed to move to the next item of business; and deferred the debate and the decision on the current planning application until the second planning application had been heard.

At 12:10 hours, in line with Standing Order 10.25, the Convenor adjourned the meeting for a meal break. The Convenor advised the break would be for twenty minutes only and the Planning Committee would reconvene at 12:30 hours.

Councillor Stewart submitted his apologies for the afternoon session as he had a prior appointment.

When the meeting reconvened at 12:30 hours, the Clerk noted that Councillor Balsillie, Councillor McTaggart, Councillor Forson, Councillor Benny, Councillor Lewis, Councillor Earle, and Councillor Coyne were present at the meeting. Councillor Matchett QPM did not return to the meeting, therefore there were 7 members in attendance.

PLA(21)13 PLANNING APPLICATION

Planning Application ref: 18/00283/PPP - Mixed Use Development Comprising Residential, Employment, Commercial and Community Uses, Sports Hall, Sports Pitches And Running Track, Including Associated Landscaping And Supporting Infrastructure On Agricultural Land And Playing Fields on Land South Of Dollar, Clackmannanshire.

The report, submitted by Grant Baxter, Principal Planner, sought to update Members on the assessment of the planning application since the Pre-determination Hearing (PDH) on 1st October 2020. The report also provided a summary assessment of the application and any outstanding matters; and provided a summary of Heads of Terms of a Section 75 Agreement (Planning Obligations) between the applicants and the Council in the event that Planning Permissions in Principle be approved.

Attending

Robin Matthew, PCCA, Agent (Cowden Farming Company), Speaker

Andrew Wood, Bidwells, Agent (Dollar Academy), Speaker

Stephen Roe, Dollar Community Development Trust, Speaker

Norman Dunning, Dollar Community Development Trust, Observer

Kenny Mitchell, Dollar Community Development Trust, Observer

Stephen Leitch, Dollar Community Development Trust, Observer

Derek McDonald, Dollar Community Council, Speaker

Calum Jackson, Dollar Community Council, Observer

Francis (surname not declared), Dollar Community Council, Observer

Anne Sutherland, Dollar Community Council, Observer

The report was introduced by Grant Baxter, Principal Planner and members of the Planning Committee had the opportunity to put questions to Mr Baxter. The Committee then heard representations from Robin Matthew, PCCA, Agent (Cowden Farming Company), Speaker; jointly with co-speaker Andrew Wood, Bidwells, Agent (Dollar Academy); Stephen Roe, Dollar Community Development Trust, Speaker; and Derek McDonald, Dollar Community Council. The members of the Planning Committee and parties making representations had the opportunity to put questions to all parties.

Members entered into debate on the two items of business – Planning Applications [18/00283/PPP and 19/00018/PPP].

The Clerk advised that under Standing Order 13.6, that the original motion set out in the report must be moved and seconded before the Committee can enter into debate.

The Convenor advised that he would overrule Standing Orders and take the risk and allow the debate to continue.

Amendment 1

That consideration of Item 5 Planning Application ref: 19/00018/PPP and Item 6 Planning Application ref: 18/00283/PPP is deferred for at least a month to get parties around the table and come back to the Planning Committee with assurances that things have moved on. Further discussions should take place between the two developers and the community to agree the number of houses and resolve issues around education and health care. That it is also recognised that there will be further debate when the full applications come forward.

Moved by Councillor Ellen Forson.

The amendment was not seconded, therefore was not considered at that time.

Motion

To move the recommendations as set out in the report.

Moved by Councillor Kenneth Earle.

The motion was not seconded, therefore the motion fell.

The Clerk advised that as the motion was not seconded, the report cannot be discussed further. The Planning Committee must move on to consider the item of business (Item 5 (Planning Application ref: 19/00018/PPP)) which was deferred earlier in the meeting.

The Convenor confirmed that the decision had been taken earlier to defer the decision on Item 5 (Planning Application ref: 19/00018/PPP) and that the ambition was still to consider both of these items together. He reached out to the Planning Committee to consider what options were available.

The Convenor then stated the potential options as being:

- Move for deferral, maybe with guidelines that the Planning Committee sets a housing limit and encourages the developers to enter into proper discussions with the community in terms of the Section 75 arrangements;
- Alternatively, the Planning Committee may be minded to refuse if the housing numbers aren't reduced, consultation has not taken place or if the applicants are not willing to engage with the Council in terms of the Section 75 agreement.

Councillor Forson asked that consideration of Item 5 (Planning Application ref: 19/00018/PPP) and Item 6 (Planning Application ref: 18/00283/PPP) is deferred for at least a month to six weeks to allow discussions to be had, to amend things so that the Committee could be satisfied that the Local Development Plan aims are being met and that this can be clearly demonstrated.

The Convenor requested that Councillor Forson put forward her request for a deferral into a motion – to defer a decision on the two planning applications for 6 weeks to allow further discussion , to meet the Local Development Plan numbers, to ensure proper community consultation; and alignment with the Section S75 agreement.

The Convenor asked for a seconder to the amendment, however, the debate moved on and there was no seconder.

Grant Baxter, Principal Planner offered advice that while the “minded to approve” wording in the recommendation to the reports had given the members most difficulty, there is little difference in the recommendation set out in the reports to what is being discussed and suggested by members.

The Clerk reminded the Convenor of the Standing Orders for dealing with Amendments and again the Convenor confirmed he would overrule and take the risk in relation to Grant Baxter's proposed amendment to the recommendation.

Amendment 2

Item 5 (Planning Application ref: 19/00018/PPP) and Item 6 (Planning Application ref: 18/00283/PPP):

1. To remove the wording "minded to approve" from the recommendations within the report to both applications; and to insert the following:
2. To defer consideration of Item 5 (Planning Application ref: 19/00018/PPP) and Item 6 (Planning Application ref: 18/00283/PPP):
 - The deferral period is to continue the discussions in respect of the planning application in principle, subject to conclusion of a Section 75 Agreement (Planning Obligations) between the applicant and a set of Matters Specified in Planning Conditions.
 - For officers to engage in further consultation with community representatives and the applicant on outstanding matters.
 - For officers to report to a future Planning Committee with finalised Heads of Terms of a Section 75 Agreement and full set of matters Specified in Conditions for consideration and approval.
3. The timescale for the re-submission of the applications to the Planning Committee will be subject to discussions between the officers, landowners and the community.

Moved by Councillor Ellen Forson. Seconded by Councillor Martha Benny.

Voting on the Amendment 2

In terms of Standing Order 14.7, Councillor Donald Balsillie asked for a roll call vote. The Council agreed that a vote be taken by calling the roll and at this stage there were 7 members present who were eligible to vote. On the roll being called, the elected members present voted as follows:

For Amendment (7)

Councillor Ellen Forson
Councillor Martha Benny
Councillor Kenneth Earle
Councillor Helen Lewis
Councillor Jane McTaggart
Councillor Donald Balsillie
Councillor Denis Coyne

Against Amendment (0)

The amendment was carried by 7 votes to 0.

Decision

The Planning Committee agreed:

1. To remove the wording “minded to approve” from the recommendations within the report to both applications, and to insert the following:
2. To defer consideration of Item 5 (Planning Application ref: 19/00018/PPP) and Item 6 (Planning Application ref: 18/00283/PPP);
 - The deferral period is to continue the discussions in respect of the planning application in principle, subject to conclusion of a Section 75 Agreement (Planning Obligations) between the applicant and a set of Matters Specified in Planning Conditions.
 - For officers to engage in further consultation with community representatives and the applicant on outstanding matters.
 - For officers to report to a future Planning Committee with finalised Heads of Terms of a Section 75 Agreement and full set of Conditions for consideration and approval.
3. The timescale for the re-submission of the applications to the Planning Committee will be subject to discussions between the officers, landowners and the community.

Ends: 14:20 hours

Report to Planning Committee

Date of Meeting: 20th May 2021

Subject: 20/00220/FULL - Erection of Reserve Gas Generation Facility with a Proposed Generation Capacity of 22.5 MW With Associated Infrastructure Including Ancillary Buildings, Access, Fencing and Landscaping at Land South Of Hennings Wood, Collyland Road, Fishcross

Report by: Keith Johnstone, Principal Planner

1.0 Purpose

- 1.1. The Report provides an assessment of the above application for planning permission having consideration to the provisions of the Local Development Plan and any other material considerations, including the advice from consultees. It provides a recommendation on the application.
- 1.2. The proposal is for a Major Development as the development comprises an electricity generating station with a capacity that exceeds 20 Megawatts. The application has to be reported to Committee for determination rather than be determined by Appointed Officers as set out under the Council's Scheme of Delegation.

2.0 Recommendations

- 2.1. It is recommended that the application is **REFUSED** for the following reasons;
1. The application does not comply with Policy SC23 of the adopted Clackmannanshire Local Development Plan, 2015 insofar as;
 - i) The locational justification for the development has not been satisfactorily demonstrated.
 - ii) The proposals are not considered to be acceptable in terms of their nature, scale and design quality and would appear incongruous and out of character having regard to the existing standard of visual amenity of the site and surrounding area associated with the predominantly agricultural land uses and the degree of prominence and interruption of views they would have to users of the B9140 passing the site.
 - iii) Notwithstanding the proposed landscaping measures, the proposals, by reason of their industrial nature and appearance,

scale, height, amended access arrangements and external lighting, would have a significant adverse impact on the established quality and distinctive character of this countryside area, and would detract from the landscape qualities of the surrounding area rather than enhance them. Additional mitigation such as additional natural screening would be limited by the land available to the applicant to accommodate more substantial landscaping.

- iv) The development would be in a location isolated from any existing built development that could help mitigate the landscape and visual impacts.
 - v) As a consequence of the above, it would not safeguard this part of the Clackmannanshire countryside
2. The application does not comply with Policy EA4 of the adopted Clackmannanshire Local Development Plan, 2015 insofar as;
- i) The location and design of the development has not been informed by nor is it sympathetic to the distinctive landscape character of this part of Clackmannanshire`s countryside. As a consequence, it would not maintain the landscape character of the area.
 - ii) The proposed industrial design and nature of this reserve gas electricity generation facility and ancillary buildings and enclosures are not sympathetic to the established landscape character of the area, reflected by rolling countryside in predominantly agricultural use, interspersed by hedgerows and small woodlands including attractive open views from the B9140 towards the Ochil Hills escarpment.
 - iii) A development of this nature, design and scale, which includes a number of tall features of industrial character such as five 14.5 metre high stacks, 10.0m high ventilation towers, 3.0m high palisade fencing, external lighting and large bellmouth, would have an unacceptable adverse impact on the landscape quality and visual amenity of the site and surrounding area.
 - iv) The development does not contain measures to effectively mitigate the adverse impacts or enhance the overall integrity of the surrounding landscape.
3. The development does not comply with Policies SC23 and EA4 of the Clackmannanshire Local Development Plan 2015 and, on balance, the undernoted considerations do not outweigh this conclusion either individually or collectively;
- i) The suitability of the site in relation to the availability and proximity to a gas supply and infrastructure to provide an electricity supply to the national grid,
 - ii) The benefit to be derived from this proposal towards maintaining a balanced electricity supply over the national grid,

- iii) The need for a fossil fuel based peaking plant to facilitate the increase in supply of electricity to the grid from renewable energy sources,
4. The development is not considered to be in accordance with nor contribute to the Vision Statement and Relevant Strategic Objectives set out in the Clackmannanshire Local Development Plan 2015 which seek to;
- i) Secure a transition to a vibrant low carbon economy where the environment and the services provided by nature have been protected and enhanced.
 - ii) support sustainable economic growth by supporting the development of tourism.
 - iii) support environmental sustainability by ensuring new development does not result in growth in Clackmannanshire`s net greenhouse gas emissions.
 - iv) support the natural environment by protecting and enhancing Clackmannanshire`s natural heritage, regenerating the natural environment and protecting and enhancing the distinctive landscape character.

3.0 Considerations

3.1. Background

3.2. This is an application for planning permission to build a gas-fired electricity generating facility often described as a “peaking plant”. The electricity would be generated by 5 gas engine turbines fuelled by natural gas supplied from the gas network. The turbine units would be enclosed within a building which would measure approximately 25.0 m in length by 25.0 m in width and would be 4.7 m in height. Each turbine would have a vertical exhaust stack which would terminate at a height of approximately 14.5 metres above ground level. There would also be 5 ventilation towers approximately 3.0 m square located next to a stack and these would extend to 9.7 m above ground level. An elevated access gantry would be provided next to the stacks.

3.3. The site would also contain a number of ancillary buildings or structures comprising; a steel container housing the switchgear equipment, a kiosk building containing a circuit breaker, a welfare cabin, a gas kiosk, a DNO Kiosk, a 11kv/33kv transformer, an auxiliary transformer and a 2000 litre oil lube tank. These structures would be approximately 3.5 m in height. Twelve lighting columns would be installed mainly around the perimeter of the site. These would be approximately 6.0 m in height. The site area would extend to 0.49 Ha and the external yard area would be surfaced with gravel.

3.4. The site would be enclosed and secured by 3.0 m high palisade fencing and a native species hedgerow would enclose the fence. This would comprise both new planting and retaining sections of the existing hedgerow on the east boundary. Sections of the existing hedgerow would have to be removed to create the visibility splays of the proposed access to the site.

- 3.5. The proposed access would be located where there is an existing field access. The access road would be approximately 7.5 metres wide with a bellmouth with kerbed radii. The maximum width of the bellmouth area would be approximately 23.0 metres where it abuts the B9140. The entrance gates would be set back approximately 17.0 m from the edge of the public road to allow the longest vehicle predicted to enter the site to be able to stop outwith the public road if the gates are not open. The palisade fencing would be erected on either side of the track.
- 3.6. The site comprises part of an agricultural field located on the north side of the B9140 approximately 500 metres to the west of Fishcross. The site is generally level and is bounded by a farm track on the east side and the B9140 on the south side. The neighbouring land is in agricultural use generally enclosed by fencing and sections of hedgerow. TwentyFive Acre Wood lies about 100 metres to the north of the site while to the south there are fields which extend up to the settlement edge of Sauchie. Fishcross Sub Station is situated approximately 145 metres to the west which contains 2 buildings and an enclosure which accommodates transformers and switching plant. There are overhead electricity lines associated with the Sub Station, in the vicinity of the site. This includes a high voltage line with pylons and 2 pole mounted lines, one of which crosses the field to the north and the other is in the field to the east.
- 3.7. The nearest properties to the site which are occupied comprise the houses at Engine Green and Devon Valley Drive in Fishcross (approximately 460 and 500 metres to the west respectively), The Woods Caravan Site (approximately 310 metres to the north) and properties adjacent to Sauchie Tower (approximately 460 metres to the north east).
- 3.8. The facility would have a maximum electrical output of 22.5 MegaWatts (MW). It is intended to be used to generate electricity at short notice to provide an electricity balancing service on request from the National Grid during periods of stress or fluctuation on the grid, or when there are constraints on electricity generation. The applicant has stated that plant would not generate electricity full time but intermittently as demand requires and this is expected to be for up to 2,500 hours per year.
- 3.9. The national electricity grid has historically relied on large centralised power plants which have used fossil fuels or nuclear power. Over recent years this approach has shifted as fossil fuel technologies are being replaced by renewable energy generation to reduce green house gas emissions to help target climate change. Some nuclear power plants are reaching the end of their design lives, and replacement nuclear plants take time to be implemented. While renewable energy generation capacity from wind and solar development is growing supply can be affected by factors such as weather conditions making it intermittent and less predictable than before, meaning that balancing demand and supply can be more challenging. One solution is to use “peaking plants” which can generate electricity at short notice to supply the national grid to maintain a balance. These plants can use natural gas or diesel to generate electricity. These periods are usually, but not exclusively, in the morning or early evening when demand is highest.
- 3.10. Alternative technologies include battery storage facilities which can store electricity during periods when supply exceeds demand in the grid and then

can supply electricity to maintain a balance. An application for a battery storage facility (ref 17/00120/FULL) was granted permission in 2017 on part of a nearby field located approximately 300 metres to the east of the current site. This permission approved a facility comprising up to 17 containers (l x b x h = 16m by 2.6m by 3m) containing battery storage which could store up to 50 MWh of electricity for supply to the grid. The supporting information advised that the site would store surplus electricity generated from renewable energy developments within Clackmannanshire namely at Burnfoot Hill Windfarm and Balhearty Solar Farm Array. The windfarm is connected to the grid at Fishcross and the connection cables pass the site. The permission has not been implemented to date but remains extant due to the legislative changes introduced by the Scottish Government in response to the Covid 19 pandemic. The permission is not due to expire until 31st March 2022.

4.0 Representations

4.1. As a Major development, the proposal was the subject of pre-application community consultation as required by the regulatory procedures applying to applications for Major Developments. This process had to be undertaken online due to the restrictions associated with Covid 19. An online consultation exhibition was hosted by the applicant for a period of 12 weeks which included an option to submit questions to the applicant about the proposal which they would respond to. The online event was publicised in the Alloa Advertiser and details of the event were forwarded by the applicant to Sauchie and Fishcross Community Council, Fishcross and Benview Residents Association and Sauchie Community Group. The process has been summarised by the applicant in the Pre-Application Consultation Report which has to be submitted as part of the application. This notes that the online exhibition was visited by one party, the Scottish Wildlife Trust Stirling and Clackmannanshire Local Group. The 4 points raised and the applicant's responses to these (in italics) are summarised below;

- the application should include measures to mitigate the increased emissions from the development – *the air quality assessment has demonstrated that the impact on air quality would not be significant for human and ecologically sensitive locations.*
- the landscaping scheme should comprise native plant species to support biodiversity and provide connectivity to existing green corridors near to the site – *the hedge planting has been designed to enhance habitat to promote its biodiversity value and connectivity*
- planting proposals should look beyond the site boundaries to enhance green corridor habitats near the site – *the applicant has stated that planting outwith the site boundary is not within their control.*
- the maintenance arrangements for new planting should be designed to promote its biodiversity value – *this has been reflected in the advice contained in the Preliminary Ecology Appraisal submitted with the application.*

4.2. The planning application had to be publicised in the Alloa Advertiser for Neighbour Notification reasons as there are no buildings on neighbouring

land, and as a Schedule 3 “Bad Neighbour” type of development. A total of 2 objections have been received from the following parties;

- Liz Albert on behalf of the Scottish Wildlife Trust Stirling and Clackmannanshire Local Group
- Paul Edney, owner of The Woods Caravan and Lodge Park which is located to the north of the site. The intervening distance is approximately 310 metres at its closest at present although there is an unimplemented extant permission to site up to 17 holiday lodges on land to the north of Hennings Wood (planning permission ref 17/00082/FULL) which would reduce this distance to about 280 metres.

4.3 On the following grounds;

- Given the link between the Biodiversity Emergency and Climate Change Emergencies announced by the Government, it is of concern to the Trust that the proposed development would use gas to generate electricity since this produces CO₂, a green house gas. It is noted that the UK Commission of Climate Change explains that a net zero target for carbon emissions requires deep reductions in all green house gas emissions, with remaining sources offset by measures to remove CO₂ from the atmosphere. Given the possible operating hours are the equivalent of up to 100 days a year and there are no proposals to offset the emissions, the development would undermine efforts to reduce emissions and achieve the net zero emissions target. *Comment – although not quantified, the operation of the gas fired plant would generate green house gas emissions and given the Government’s target of net zero emissions by 2045, the provision of such technology would need to be justified. The applicant has not proposed measures to offset the emissions. However, current local and national planning policy does not preclude in principle energy generation using fossil fuels although it anticipates carbon capture or other emission reduction technology.*
- While the significance of ensuring continuity of electricity supply is recognised, the need to reduce CO₂ emissions to address the Climate Change and Biodiversity Emergencies should be afforded more priority. *Comment – the Climate Change Emergency is a material planning consideration. This has to be weighed against the operational need to maintain a balanced supply of electricity over the national grid and the technology available to achieve this. As discussed in Para 3.10 above, there is potential for a low carbon alternative associated with the extant permission for a battery storage plant.*
- The installation of gas turbines which would have a life span up to the deadline for achieving net zero of 2045 should be avoided. *Comment – given the nature, scale and degree of permanence of the development, if it was to be approved it would not be reasonable to grant permission for a temporary period only.*
- If the development does obtain approval, this should be subject to the applicant funding or arranging measures designed to offset the greenhouse gas emissions from the development. This could comprise peatland restoration in Clackmannanshire or delivering more native tree planting as long term woodland cover. *Comment – the application does not contain any proposals to off set the greenhouse gas emissions which would be generated*

by the development. Such works would rely on the cooperation and agreement of the owners of the land where offsetting works would take place and while the applicant could have voluntarily investigated such an approach, without it, it is not considered reasonable or enforceable to require such an approach using conditions or a Section 75 Obligation as part of the regulatory planning process.

- Any landscaping should comprise native species and seek to create a network of green corridors in and around the site. Management measures should be designed to promote the biodiversity value of any planting.
Comment – the selection of plant species and management arrangements could be regulated using a suitably worded planning condition if permission was granted. The proposed hedgerows along the north and west boundaries and replanting along the south and east would improve the biodiversity value of the site and increase the length of green corridors. The scope to create or enhance habitat corridors outwith the site towards existing woodland areas is restricted as the applicant does not control or have an interest in the land.
- The development would be close to and visible from The Woods Caravan and Lodge Park and no consideration has been given to how noise and air quality emissions would impact on visitors to The Woods. It should be noted that while the technical assessments may conclude that emissions would not exceed acceptable parameters, these may still adversely affect the standard of amenity and environment expected by leisure visitors who value the peace and quiet of a countryside location. Noise assessments usually use calculations based on traditional bricks and mortar buildings rather than caravans. *Comment – the impact assessments undertaken by the applicant relating to noise and local air quality have considered the potential impacts on parties staying at The Woods Caravan Site. The methodology for the amended noise impact assessment included calculations which had regard to the type of construction of the caravans and lodges to recognise the difference in noise attenuation there would be compared with a typical permanent building. The Environmental Health consultation response discussed in Para 5.2 below, notes that they have concluded that the development could be operated without any significant adverse impacts on local air quality standards or from noise nuisance. It is acknowledged that on occasions the noise from the site may be perceptible within the Caravan Park although this would not be of a magnitude that would be likely to create a nuisance. Accordingly, this would reduce the weight which could be attached to this impact in the assessment process. The Landscape Visual Impact assessment submitted by the applicant includes an analysis of the theoretical visibility of the site and development from the surrounding area. This indicates that due to the topography and screening afforded by Hennings Wood and 25 Acre Wood, the proposed development would not be visible from the majority of the Park but there would be some visibility of the proposed stacks from the western end of the Park and of the stacks and parts of the buildings in a relatively narrow field of view through a gap between the two woodlands. These visible elements would be industrial in character and therefore would not enhance the standard of amenity or countryside character of the area albeit the features would be between 330 and 500 metres away at their closest.*

- The approval of a development generating noise and exhaust emissions would undermine the owners of The Woods significant investment to date and the Council's commitment to promoting the area as a visitor destination, including supporting visitor development at The Woods. When last operating, the site generated over 220,000 visitor nights per annum, by far the busiest facility of its kind in not only in Clackmannanshire but Central Scotland. *Comment – the potential impact of the proposed development on the standards of amenity enjoyed by visitors to the Caravan Park and the countryside character of the area are material planning considerations. The Park has been expanded by the owners in terms of its size and range of accommodation available and it comprises a key element of current visitor related infrastructure in the area, helping to attract visitors, stays and spending in Clackmannanshire.*
- The development would not be appropriate in the countryside and surely less sensitive locations would exist in industrial or brownfield areas. The only locational justification appears to relate to the availability of services but there must be adequate service infrastructure in more suitable locations. The development would be prominent from the B9140 which is a key route through the area and would have an adverse impact on the quality of the landscape and views from the B9140. The Council has adopted a relatively restrictive approach to planning policy for other types of development in countryside locations and it would therefore seem contradictory to support a proposal of this type which is industrial in nature. *Comment – the proposed energy generation development is considered to be industrial in terms of its nature and character. The assessment against relevant LDP policies including those relating to development in the countryside is summarised in Section 6.0 below. The applicant has indicated that the site has been selected to meet the operational constraints associated with proximity to a connection to the national grid at Fishcross Sub Station and the availability of a natural gas supply.*

5.0 Consultations

- 5.1. Roads has advised that it has no objections in principle to the site being served by an access onto the B9140 but the junction must be designed to ensure the longest vehicle likely to visit the site can pull off the public road in full before reaching the entrance gates. They have also raised concern that the information in the Transport Statement shows that an articulated vehicle exiting the site to the east would have to cross over the centreline into the other carriageway to perform the turn and the junction design should be altered to avoid this risk. The proposal by the applicant for a Construction Traffic Management Plan is supported. *Comment – the supporting information states that the longest vehicle visiting the site would be an articulated tanker which would deliver oil 2 times per calendar year. This would be approximately 15.2 metres long. The applicant has amended the access design so that the entrance gates into the site are set about 16.5 metres back from the carriageway edge. Although they argued that given the small number of articulated vehicle movements predicted per year, the risks from turning movements would not be significant, they have also increased the exit radius of the bellmouth to accommodate the left turn by the tanker without crossing the centreline of the B9140. Given the advice from Roads, the size of the vehicle involved, the fact that the section of B9140 is*

derestricted, and the unnecessary nature of the risk, it is concluded that the amended design was necessary in the interests of road safety. It is however recognised that this would result in an even larger bellmouth junction to accommodate the increased radius junction. The visibility splay for the access would be 4.5 metres by 215 metres in both directions. Subject to providing this junction geometry, the predicted frequency of vehicle movements during the operational phase is not considered to raise an unacceptable impact on the level of road safety at this location.

5.2. Environmental Health has withdrawn its earlier objection to the application which had been based on inadequacies in the Air Quality Impact Assessment (AQIA) and the Noise Impact Assessment (NIA) primarily related to the uncertainty about the height of the exhaust stacks and the absence of any site specific baseline noise measurements. Following the submission of an updated AQIA and NIA, Environmental Health has advised that;

- Following consultation with relevant officers in SEPA, they no longer object to the conclusions of the updated AQIA. They are satisfied that there is sufficient information to conclude that the potential atmospheric pollutant emissions of Oxides of Nitrogen (NO_x) and Nitrogen Dioxide (NO₂) from the development would satisfy the relevant standards and would not have any significant adverse impact on human receptors.
- They no longer object to the conclusions of the updated NIA and are satisfied that the predicted noise levels would accord with the relevant criteria set out in BS4142:2014 and could meet the respective Noise Rating Levels applicable to bedrooms during night time hours and habitable rooms during the day. The noise emissions would not be likely to result in nuisance to neighbouring noise sensitive uses, including the nearest residential properties and accommodation at The Woods Caravan Site. Comment – *the updated NIA included the results of a background noise survey undertaken at the nearest noise sensitive properties at Fishcross and The Woods Caravan Park consultant's methodology included allowances related to the intermittent operation of the proposed plant and the level of attenuation to account for caravan/ lodge type structures. The NIA calculates that the change in ambient noise level during daytime would be negligible at the above locations. During night time periods, the predicted change would be negligible at the nearest houses in Fishcross and there would be a minor increase at The Woods. However, the predicted level at The Woods would still be below the 30dB criteria set out in BS8233:2014 for internal night time noise levels within bedrooms. The NIA has also calculated that during night time hours, the noise emissions would fall below the criterion set out in Noise Rating 25 and no mitigation would be required.*
- In the event that permission was granted, this should be subject to the conditions set out in their response which would; regulate the specification for the plant; require the AQIA and NIA to be reviewed if any changes to the plant specification are proposed; require an acoustic assessment to validate the noise levels generated by the actual plant before the use commences; regulate the maximum

permitted operational hours to 2,500 hours per calendar year; and regulate construction related activities.

- 5.3. The Contaminated Land Officer has raised no objections based on the Phase 1 assessment undertaken on behalf of the applicant and wishes to be consulted on the Phase 2 report once it has been completed. Final site levels will need to be clarified. *Comment – the response does not indicate that there would be any significant issues relating to ground conditions. A condition could be attached to ensure their advice is followed.*
- 5.4. The Regional Archaeologist has no objections and states that he is in agreement with the conclusions of the Heritage Impact Assessment submitted with the application. If the application is approved, he advises that a condition is attached to require a programme of archaeological works to be agreed and undertaken before development commences on site. *Comment – this could be regulated by a suitably worded condition if permission was to be granted.*
- 5.5. SEPA has confirmed that based on the updated AQIA information, it has withdrawn its earlier objection to the application subject to a condition being attached which would require the exhaust stack height of each engine to be at least 14.5m. They also have advised that the modelling of emissions was based on a worst case scenario reflecting continuous and concurrent operation of all 5 gas engines over a full calendar year (8760 hours) rather than the predicted annual hours of 2,500. Under this worst case scenario, which overestimates pollutant concentrations, they note the model predicts both short term and long term Nitrogen Dioxide (NO₂) objectives set to protect human health would not be breached as a result of emissions from the development and no significant impact on local air quality would occur. They also advise that it is for the planning process rather than SEPA to regulate the operating hours and stack height. *Comment – SEPA had originally objected to the application on the grounds of inadequate information relating to the air quality assessment in relation to local air quality management and the adequacy of the stack height assessment to be able to conclude that exhaust gas emissions would be satisfactorily dispersed. However, as discussed in para 5.2 above, they have withdrawn their objection following the submission of the amended Air Quality Impact Assessment. This conclusion was reached in consultation with Environmental Health.*
- 5.6. Scottish Water has no objections and notes that there is capacity to provide a connection to the public water supply and public sewer. Surface water will not be permitted into their combined sewer and should be managed using SUDS. *Comment – connections to the public water and sewerage systems are not proposed. The proposed layout includes a soakaway area to manage surface water.*
- 5.7. Scottish Power Energy Networks advise that they have no objection but highlight that there are overhead power lines in the vicinity of the proposal and they must reserve the right to protect and / or deviate their apparatus at the applicant's expense. *Comment – there are no over head lines within the site boundary and conflict with the proposed development is not anticipated. However, this would be a matter for the applicant to address directly with SPEN.*

- 5.8. The Coal Authority advise that although the site is within an area at higher risk from legacy mining, given the scale and nature of the development, a Coal Mining Risk Assessment is not considered proportionate in this instance and they have no objections.
- 5.9. Sauchie and Fishcross Community Council, Fishcross and Benview Residents Association and Sauchie Community Group were all consulted but have not submitted comments on the application at the time of compiling this Report.
- 5.10. Forth Valley Health Protection (NHS) was consulted on the application but no response has been received at the time of compiling this Report.

6.0 Local Development Plan

- 6.1. The application must be determined in accordance with the development plan unless material considerations indicate otherwise. The Clackmannanshire Local Development Plan (LDP) adopted in 2015, comprises the development plan. The site is located outwith the settlement boundary in countryside. The site is not allocated for change in the LDP.
- 6.2. The relevant policy provisions in the LDP are considered to be Policies;
- SC12 (Access and Transport Requirements)
 - SC23 (Development in the Countryside – General Principles)
 - EA2 (Habitat Networks and Biodiversity)
 - EA4 (Landscape Quality)
 - EA7 (Hedgerows, Trees and TPOs)
 - EA11 (Environmental Quality)
 - EA20 (Other Archaeological Resources)
- 6.3 Policy SC12 seeks to ensure developments can be accessed safely and conveniently by a choice of travel modes. Having regard to the advice received from Roads and discussed in para 5.1 above, the original design and geometry of the proposed access was not satisfactory and would have resulted in an unacceptable increase in risk to road safety. The applicant has amended the access design in to relocate the entrance gates within the site and to alter the bellmouth geometry so that articulated vehicles could enter and egress the site to the in accordance with the advice from Roads. The changes have satisfactorily addressed the concerns about road safety raised by Roads. It is acknowledged that given the proposed function of the development, accessibility by other more sustainable travel modes would not be a significant factor. Subject to the amended junction design, the development is not considered to be contrary to Policy SC12. However, as discussed in relation to Policy SC23 below, the amended design would impact on the visual amenity and character of the site. The current field access comprises a standard double metal railed gate with no kerbed or tarmacadam bellmouth.

6.4 Policy SC23 sets out general principles for any development in the countryside. It directs new developments to existing settlements and states that proposals outwith settlements will only be supported where the Council is satisfied that the applicant has demonstrated that the development would satisfy the specific criteria in the Policy. The criteria and our assessment of the development against them are summarised below;

- The requirement for a countryside location has been demonstrated. Comment - *The applicant has argued in support of the application that there is a locational justification for the development at this countryside location as it would rely on close proximity to both a suitably sized natural gas supply and a connection to the national grid both of which would be met at the site. The site would be connected to the existing electrical substation at Fishcross which is located to the east and they have reiterated that the presence of the existing electricity station is a significant and fundamental point in the location of the proposed site. In this instance, the sub station is in a countryside location. However, our assessment of this criterion has concluded that the justification for a countryside location has not been demonstrated to the satisfaction of the requirements of Policy SC23. The development comprises an electricity generating plant and a countryside location is not an essential requirement for this type of development. Indeed, the examples identified of similar developments elsewhere in Scotland include locations within industrial areas or on brownfield land. The Service approached both Scottish Power Energy Networks (SPEN) and SGN to seek clarification about the need for proximity to their respective infrastructure. SGN did not respond but SPEN indicated that while proximity of the plant to the Sub Station would minimise the costs of installing a connection and simplify obtaining permissions to install the link on third party land, operationally, the plant could be located further away. This would weaken the argument that the proposed location was essential and it is considered that the test applied by this criterion has not been satisfied. We are satisfied that there are material differences between this proposal and the previous application for a battery storage facility on a site referred to in Para 3.10 above. The battery storage development was designed to store electricity generated by renewable energy developments, including those situated within Clackmannanshire, and an important factor in site selection was its proximity to the grid connection from Burnfoot Hill windfarm to Fishcross Sub Station which passed the site. We were satisfied that there was no other more suitable site which would minimise the potential environmental, visual and landscape impacts. In this case, however, no comparable site specific locational need has been demonstrated.*
- The proposals are acceptable in their scale, nature and design quality, and their relationship to existing land uses and buildings. Comment - *The design and appearance of the gas turbine generator building would be industrial and functional. The main elements and respective heights comprise; a metal enclosure around the turbine equipment (4.7metres); a gantry access above (8.0 metres), a row of 5 ventilation towers (9.7 metres) and a row of 5 exhaust stacks (14.5 metres). There would also be a transformer and 6 other kiosk type cabins within the*

site. The site perimeter would be enclosed by a 3.0 metre high palisade fence and the access would comprise a 7.5 metre wide access road incorporating entrance gates set back some 17.0 metres behind a large bellmouth. The development would also introduce artificial lighting within the site. While the accompanying Outdoor Lighting Assessment report includes measures to minimise the impacts from lumination, it would mitigate but not avoid the introduction of artificial lighting in an isolated countryside location. Collectively, the scale, nature and design of the development are not considered to be compatible with a countryside location or reflect the design and nature of typical agricultural or countryside buildings. The development would be prominent in views from the B9140 which passes the site and there would be some visibility in longer distance views notably from parts of the Woods Caravan Site.

- The proposals respect the character of the site and its location and wherever possible, make a significant contribution to the enhancement of visual amenity and the quality of the surrounding landscape and green network. Comment - The site is part of a larger field used for grazing as part of an agricultural business. The surrounding land is in productive agricultural use punctuated by small woodlands such as 25 Acre Wood and Hennings Wood to the north and Maggie`s Wood to the south west. There are open views over the site from the B9140 including longer views towards the Ochil Hills to the north. The only built development nearby is the Sub Station which is functional in appearance containing 3 single storey buildings and an enclosure containing electrical equipment, the height of which is less than that of the proposed stacks. The enclosure is largely screened by tree and hedge planting planted in 5.0m strips on its east and west sides while there is a 3.0 metre high hedge which runs along part of the frontage. There is a high voltage electricity transmission line which passes to the south of the site before it crosses the B9140 before the Sub Station. There are also 3 pole mounted overhead electricity lines which cross the adjoining field to the east, one of which continues in a westerly direction to the north of the application site. While these man made elements have an influence, it is not considered that they dominate the character of the site and surrounding area which retains a rural character and amenity. Rather than helping justify further development, the addition of further man made structures would result in greater adverse cumulative impacts on landscape character and visual amenity. The proposed design of the development and landscaping proposals are not considered to make a significant contribution to the enhancement of visual amenity and the quality of the surrounding landscape and green network. The proposal for a native hedgerow around the site perimeter would improve the existing biodiversity value of the site and create habitat corridors but the scale and effect of the planting within the 1.0 metre strip of land is not considered to sufficiently mitigate the adverse visual and landscape impacts that would arise, particularly in views from the B9140.
- The adequacy of the access and any services. Comment - Further to the discussion in Para 5.1, it is considered that the risk to road safety could be satisfactorily managed subject to the design requirements advised by Roads. However, this has the effect of increasing the scale

of the access and detracting from the countryside character of the area.

- There would be no adverse effects on the integrity of the Firth of Forth Special Protection Area (SPA). Comment – *we are satisfied that the development would not adversely affect the integrity of the SPA.*
- The Policy also states that proposals for new build in locations isolated from existing development will not normally be supported while those on suitable sites adjacent to existing groups of buildings will be. Comment - *Given the site is approximately 145 metres from Fishcross Substation, there are no other buildings nearby and the site is relatively open in character, it is concluded that the site would enjoy an isolated location and in the absence of any existing cluster of buildings which could help integrate development within the area, the development would not satisfy the circumstances outlined in the final criterion summarised above.*

6.5 On balance, it is concluded that the application has not satisfactorily demonstrated that the proposed development would satisfy the criteria set out in Policy SC23 and consequently, justify a countryside location.

6.6 Policy EA2 seeks to protect and enhance habitats and landscape features which contribute to biodiversity. The applicant has submitted an Ecological Assessment in support of the application. While the development would require the removal of a section of the existing native hedgerow on the east boundary to create the visibility splay for the proposed site access, on balance, the proposed planting of a native hedgerow around the full perimeter of the site together with the conclusions about the impact on the existing biodiversity value of the site, are considered to demonstrate that the development would not adversely affect the existing habitat value and connectivity of the site. While the Service consider that the planting and habitat creation proposals would not maximise the potential scope to enhance the biodiversity value or include opportunities to enhance network connectivity on land adjacent to the site, the application is not considered to be contrary to this Policy.

6.7 Policy EA4 states that development should be designed to and located so that the landscape quality and visual characteristics of the area and the overall integrity of the local landscape character is maintained and, where possible, enhanced. It also states that particular attention should be given to safeguarding local landscape features and key views to and from the site. Our analysis has had regard to the Landscape Visual Impact Assessment (LVIA) which was submitted with the application. This Assessment concluded that the range of impacts would be suitably mitigated by the following factors; once implemented the development would have a limited impact on the local landscape character of the area, partly due to the visual containment afforded by existing woodland blocks and the topography of the area; the proposed landscaping would be consistent with other similar developments in the local context; while the visual impact of the development from the B9140 when viewed close to the site would have a detrimental effect on the existing appearance and views over the site, the impacts from viewpoints further from the site including from Fishcross and the B908 would not be significant due to mitigation by existing vegetation, the proposed hedgerow planting and

intervening distance; and, due to the presence of existing man made features related to electricity generation near to the site. As discussed in the third bullet point in Para 6.4 above, we conclude that a development of this nature, design and scale, including the five 14.5 metre high stacks, would have an unacceptable adverse impact on the landscape quality and visual amenity of the area, and that these impacts would not be sufficiently mitigated by the proposed planting of a hedgerow around the site or by the influence of the existing man made structures near to the site. Furthermore, the development would not deliver any significant enhancement of local amenity or landscape quality. The fact that the site selection process has tried to avoid locations subject to landscape related designations comprising Special Landscape Areas and Green Belt, is not considered in itself provide sufficient material grounds to outweigh this impact. The B9140 provides a well used east - west link across the Council area and provides a route to The Woods Caravan site located to the north. The development on this prominent site would have a significant adverse impact which is not considered to be mitigated by the proposed landscaping. The application is considered to be contrary to Policy EA4.

- 6.8 Policy EA7 seeks to ensure existing trees and hedgerows are retained or where removal is required, there are suitable proposals for replacement. There is an existing hedgerow along the east boundary of the site and the proposals would include the removal of a section of the hedgerow. The Site Plan refers to an existing hedgerow along the south boundary abutting the B9140 but there was no evidence of it during the site visit. Given the proposals would deliver a native hedgerow around the full perimeter of the site, the application is not considered to be contrary to this Policy.
- 6.9 Policy EA11 aims to protect the quality of the environment and states that development which could negatively impact on the environment from sources of pollution will only be acceptable where the developer has satisfactorily demonstrated that such impacts have been minimised or unavoidable impacts will be mitigated. As discussed in Paras 5.2 and 5.5 above, it is concluded that having regard to the amended NIA and AQIA reports and advice from Environmental Health and SEPA, the developer has satisfactorily demonstrated that the potential impacts on the environmental quality of neighbouring land uses and the local area have been minimised to an acceptable level in accordance with relevant guidance. Consequently, the application is not considered to be contrary to this Policy.
- 6.10 Policy EA20 seeks to protect archaeological resources and ensure any potential impact is satisfactorily assessed. Having regard to the advice from the Regional Archaeologist summarised in Para 5.4 above, it is concluded that if the application was approved, it would not be contrary to this Policy.
- 6.11 There is no specific LDP Policy relating to the provision of a gas fired electricity generating plant. There are policies which relate to renewable energy generation and specific renewable technologies (Policies SC14 – SC19) as well as to proposals for energy generation as part of a decentralised energy approach (SC13) but it is not considered that these themselves would provide grounds to withhold permission for a fossil fuel energy development. Although no sites are allocated in the LDP for this type of development, it is considered that in principle, designated employment sites would be more appropriate locations for such a project, subject to suitable mitigation.

6.12 On balance, it is considered that while the application would accord with some of the relevant LDP policies, there are significant areas of policy conflict namely related to Policies SC23 and EA4. On balance, the nature and scale of these conflicts would weigh against the principle of the development and consequently, the application is not considered to accord with the provisions of the development plan.

7.0 Other Material Considerations

7.1. There are a number of other material considerations which have informed the assessment of the application and we have considered whether these would individually or collectively would outweigh the development plan position and justify the granting of planning permission.

7.2. The advice from consultees has been discussed in Section 5.0 above and overall, these have not identified issues which, subject to appropriately worded planning conditions, would justify withholding permission.

7.3. The applicant undertook pre application consultation in accordance with the relevant regulations and the application was subsequently publicised and local community groups consulted. This has resulted in objections from 2 parties comprising the owner of the nearby caravan park and the local SWT group. Their objections have been discussed in Section 4.0 above. It is recognised that the provision of a fossil fuelled plant would not be consistent with the direction of travel in policy terms to address climate change and the Climate and Biodiversity Emergencies announced by the Scottish Government although current local and national planning policy guidance does not preclude this type of development. However, it is considered that locally, the existence of an extant permission for a battery storage facility to store surplus electricity generated from renewable sources including in Clackmannanshire, to supply the grid, weakens the arguments for the need for a further gas fired facility to fulfil this role. The predicted direct impacts of the development on the Caravan Park are not considered to be of a nature of severity that would cause nuisance but it is recognised that the development would introduce an industrial type of development which would not enhance the amenity or countryside character of the area close to the Park.

7.4. The applicant has highlighted a number of documents in the Supporting Statement to demonstrate the need for the development at this location. A summary of key documents is considered below;

- National Planning Framework 3 (2014) – this identifies 4 primary outcomes for the long term spatial development of Scotland including it being a low carbon place and a natural resilient place. The Framework acknowledges the role of thermal generation in the future energy mix including efficient fossil fuel generation fitted with carbon capture technology. It also recognises maintaining security of supply is a key objective.
- The government has published a position statement on National Planning Framework 4 which highlights national policy is expected to; actively facilitate decarbonised electricity generation and distribution,

prioritise emissions reductions, promote the switch to low and zero carbon fuel sources and encourage electrical and thermal storage.

- Scottish Planning Policy (SPP), 2014 – the SPP highlights that planning must facilitate the transition to a low carbon economy and that the Government's strategy facilitates electricity generation which will help reduce green house gas emissions from the energy sector. It supports the expansion of renewable energy generation and technologies and energy storage projects and encourages strategic development plans to support improvements to energy generation and storage to support a low carbon economy. The text; highlights that energy storage schemes help to support the development of renewable energy and maintain stability of the electricity network; emphasises the importance of the plan-led approach to development; promotes business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments; and that planning authorities should give due weight to the net economic benefit of proposed development. The SPP does not refer directly to fossil fuelled peaking plant technology but it does say that proposals for energy generation from non renewable sources may be acceptable where carbon capture or other emission reduction infrastructure is proposed. It sets out a number of considerations when assessing applications for energy infrastructure projects including; the net economic impact; the scale of contribution towards renewable energy targets; the effect on green house gas emissions; impacts on communities, landscape and tourism; and opportunities for energy storage.
- Scottish Government Climate Change Plan (2018) – this outlines the pathway to achieve the target for net zero emissions of all green house gas emissions by 2045. In relation to energy considerations, it notes; that the progress with decarbonisation of electricity will need to continue in the future to support the decarbonisation of transport and buildings; green hydrogen production may be important in balancing generation and demand as a result of variable renewable energy generation and replace the use of natural gas; support will be given to technologies which can replace services dependent on fossil fuel power to help reduce green house gas emissions; and any system is robust and can manage fluctuations and interruptions to supply.
- Scottish Energy Strategy (2017) - this includes a number of priorities comprising; decarbonisation of heat; supporting smarter local energy projects; recognising that efficient and flexible gas fired generation can complement a high renewables future, especially if fitted with carbon capture technology; and supporting electricity storage technologies including battery storage.

7.5 Our assessment of the above statements on policy and guidance as they relate to energy generation notes that they recognise a need for flexibility and resilience in the electricity network to maintain a security of supply and that the fluctuating nature of renewable energy developments will require technologies which can effectively balance supply and demand some of which is currently reliant on natural gas. However, the documents also highlight; the

overarching need to decarbonise the energy sector to achieve the targets for the reduction in green house gas emissions; the support for energy storage technology which can replace fossil fuel sources; and future fossil fuel based generation should be subject to emission reduction infrastructure. We also approached National Grid to seek more information to help clarify the need for such plants but we have not received a response. It is concluded that, on balance, the above policies or guidance do not provide a significant level of support for the development or its locational justification.

- 7.6 The applicant has also argued that whilst a gas fired peaking plant is not a renewable energy development itself, it is an important component of the switch to decarbonised electricity production and supply over the National Grid from renewable sources as it can provide back up to balance supply and demand when there is intermittent supply for renewable technologies. As such, it should be considered to be an enabler of the expansion of renewable electricity production which should receive positive weight. It is recognised that this technology has been used to fulfil this role, other technologies exist and an alternative solution exists associated with the extent permission for a battery storage facility on a nearby site which would not rely on generation by fossil fuels.

8.0 Conclusions

- 8.1 Our assessment of the application is that it would not accord with the provisions of the Local Development Plan mainly related to its industrial nature and design and the adverse impacts it would have on the established amenity and landscape character of this countryside location. It is considered that the applicant has not demonstrated that the development would satisfy the relevant criteria set out in Policies SC23 or the requirements of Policy EA4.
- 8.2 A number of material considerations have been presented by the applicant to provide support for the development in relation to the locational justification for the site in proximity to suitable infrastructure and the need for the development to support the transition to a low carbon electricity generation system. However, our assessment of these matters has concluded that they would not either individually or collectively attract sufficient weight to outweigh the conflict with the LDP position relating to the detrimental impact that the development would have on the established amenity and landscape character of this countryside location. The existence of an extant permission for a battery storage facility on nearby land which could also fulfil the same function and could be supplied by electricity from renewable sources; as well as the concern raised about the impact on tourism; are also considered to weigh against the application.
- 8.3 On balance, having regard to the conflict with Policies SC23 and EA4, and with the Vision and Strategic Objectives of the LDP, which seek to secure a transition to a vibrant low carbon economy where the environment and the services provided by nature have been protected and enhanced, based on sustainable economic growth, environmental sustainability and protecting and enhancing the distinctive landscape character of the area, the application is therefore recommended for refusal.

9.0 Resource Implications

9.1. *Financial Details*

9.2. 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

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

9.4. *Staffing*

10.0 Exempt Reports

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

10.0 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
Women and girls will be confident and aspirational, and achieve their full potential
Our communities will be resilient and empowered so that they can thrive and flourish

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

11.0 Equalities Impact

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

12.0 Legality

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

13.0 Appendices

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

None

14.0 Background Papers

14.1 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)

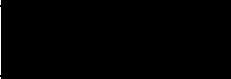
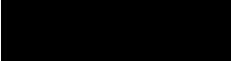
Yes (please list the documents below) No

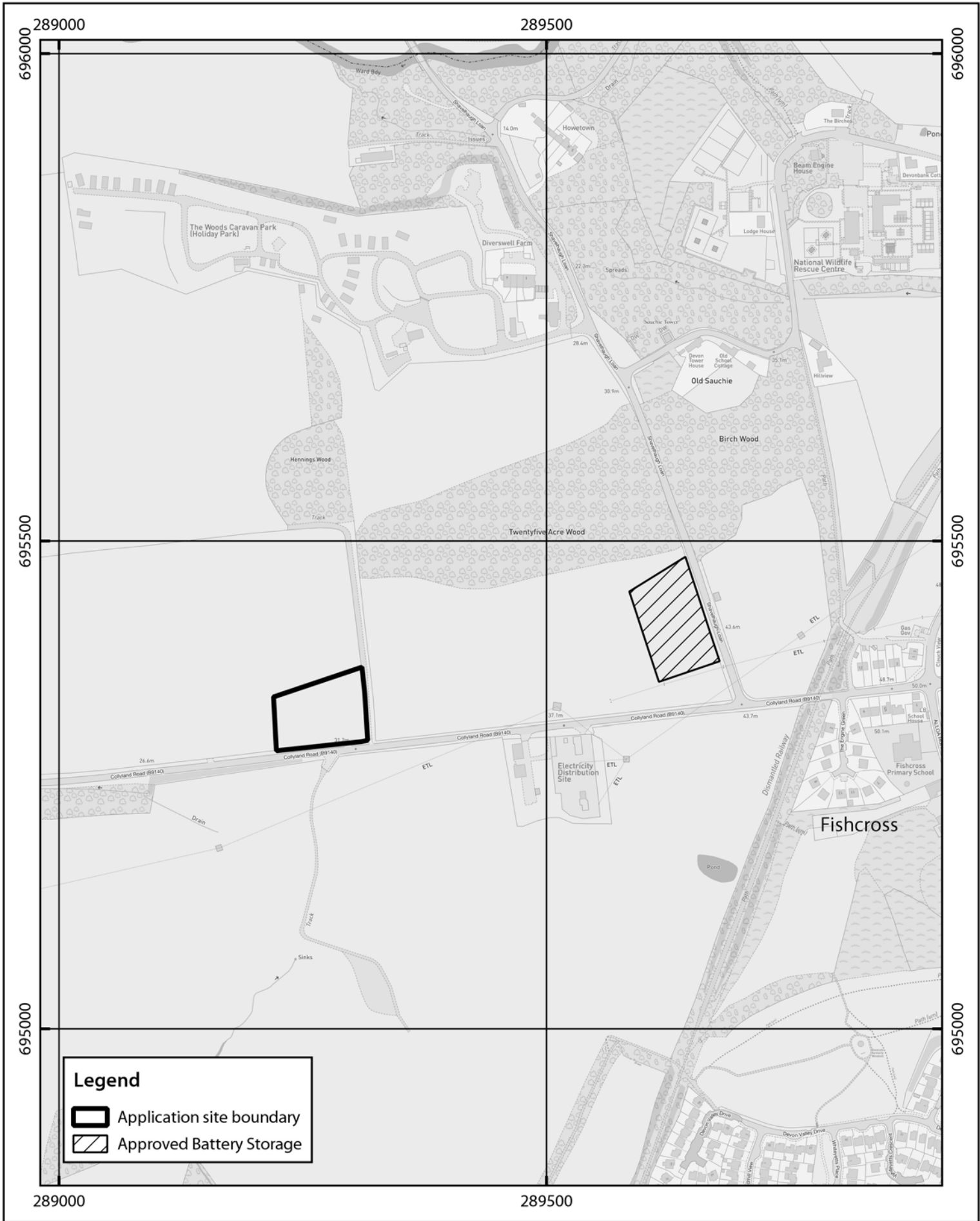
- Clackmannanshire Local Development Plan, 2015
- National Planning Framework 3
- Scottish Planning Policy

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Approved by

NAME	DESIGNATION	SIGNATURE
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Allan Finlayson	Team Leader	



20/00220/FULL – Land South Of Hennings Wood, Collyland Road, Fishcross

Erection of Reserve Gas Generation Facility with a Proposed Generation Capacity of 22.5 MW With Associated Infrastructure Including Ancillary Buildings, Access, Fencing and Landscaping

Clackmannanshire Council
www.clacks.gov.uk

Comhairle Siorrachd Chlach Mhanann



Date:
07 May 2021

Ward: Clackmannanshire Central
0 50 100 150 200 250 metres

OS Grid Ref: NS953892

Scale: 1:5,000

Development & Environment
Tel: 01259 450 000
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