



**Clackmannanshire
Council**

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Comhairle Siorrachd
Chlach Mhanann

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

Planning Committee

Thursday 2 May 2024 at 9.30 am

**Venue: Council Chamber, Kilncraigs,
Greenside Street, Alloa, FK10 1EB**



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.

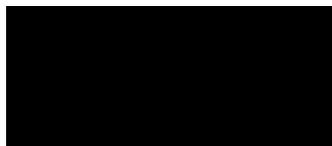
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24 April 2024

A MEETING of the PLANNING COMMITTEE will be held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA, on THURSDAY 2 May 2024 at 9.30 AM



PETE LEONARD
Strategic Director (Place)

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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 22/05/23	05
b) Planning Committee 28/09/23	09
4. Application for Approval of Reserved Matters (Ref 23/00219/MSC) - Approval Of Matters Specified In Conditions related to 10/00153/PPP For Site Masterplan (Conditions 3 And 5 a)) Including Land For Houses, Open Space, Play Provision, Landscaping, Roads, SUDs And Other Infrastructure And Option Of Land For School, Land At Branshill, Branshill Road, Sauchie – report by the Keith Johnstone, Principal Planner (Copy herewith)	13
5. Application for Approval of Reserved Matters (Ref 23/00182/MSC) Residential Development Of 157 Houses With Associated Infrastructure Including Roads, Footpaths, Landscaping, Drainage And Associated Works (Phase 1) at Land At Branshill, Branshill Road, Sauchie - report by Keith Johnstone, Principal Planner (Copy herewith)	37
6. Planning Application ref: 24/00001/FULL - Installation And Operation Of A 25MW Battery Energy Storage System (BESS) Including Battery Storage Containers And Associated Inverters, Transformers, Substations, Security Fencing, CCTV, Landscaping, Drainage And Access Onto B9140 - Land At Bankhead Farm South Of Twentyfive Acre Wood, Fishcross, Clackmannanshire - report by Grant Baxter, Planning and Building Standards Team Leader (Copy herewith)	63

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

Councillors

Wards

Councillor	Denis Coyne (Chair)	5	Clackmannanshire East	CONSERVATIVE
Councillor	William Keogh (Vice Chair)	2	Clackmannanshire North	LABOUR
Councillor	Phil Fairlie	1	Clackmannanshire West	SNP
Councillor	Mark McLuckie	1	Clackmannanshire West	LABOUR
Councillor	Donald Balsillie	2	Clackmannanshire North	SNP
Councillor	Martha Benny	2	Clackmannanshire North	CONSERVATIVE
Councillor	Fiona Law	2	Clackmannanshire North	SNP
Councillor	Jane McTaggart	3	Clackmannanshire Central	SNP
Councillor	Bryan Quinn	4	Clackmannanshire South	SCOTTISH GREEN
Councillor	Kenneth Earle	4	Clackmannanshire South	LABOUR



MINUTES OF MEETING of the LOCAL REVIEW BODY (LRB) held in the COUNCIL CHAMBER, KILNCRAIGS, ALLOA on MONDAY 22 MAY 2023 at 1.30 PM.

PRESENT

Councillor Denis Coyne (Convener) (Chair)
Councillor Kenneth Earle
Councillor Phil Fairlie

IN ATTENDANCE

Lee Robertson, Clerk to the LRB
Keith Johnstone, Planning Adviser to the LRB
Sophie Gardiner, Legal Adviser to the LRB
Gillian White, Committee Services

The Clerk advised that the Chair, Councillor Coyne had been delayed and adjourned the meeting until his arrival. The meeting commenced at 1.55 pm.

LRB(23)05 APOLOGIES

None.

LRB(23)06 DECLARATIONS OF INTERESTS

None.

LRB(19)07 NOTICE OF REVIEW – FRONT AND REAR ROOF DORMER EXTENSIONS AND INSTALLATION OF EXTERNAL ACCESS RAMP AT 44 HILL STREET, TILlicOUNTRY, FK13 6HF.

Name of Applicants:	Mr Adam Bellshaw Ms Samantha Sinclair
Site Address:	44 Hill Street, Tillicoultry, FK13 6HF
Description of the Application:	Application for front and rear roof dormer extensions and installation of external access ramp
Planning Application Ref No:	22/00258/FULL

Attending

Mr Adam Bellshaw, Applicant
Ms Samantha Sinclair, Applicant

The Convener confirmed with the Local Review Body that they had been able to access all papers for the meeting. This was duly confirmed by all members present.

The Clerk advised the Local Review Body (LRB) that under the Scheme of Delegation, the LRB were responsible for considering and determining applications for review of decisions made by officers under delegated powers in respect of planning applications for local development. The LRB should consider whether they had sufficient information before them to decide the application or if they required further information by way of further written representations from the applicant or any objectors; or by way of a hearing, where both the applicant and the objectors would be able to make oral representation. The Clerk also advised the LRB that they had the option to undertake a site visit, If the LRB decided that they had enough information, the Clerk advised that the LRB could proceed to make a decision.

At the request of the Convener, the Planning Adviser set out the information contained in the application for review, along with correspondence submitted by the applicant in support of their review; and the original report of handling and decision taken by the Planning Authority; providing the background and policy information around all submissions. The Planning Adviser also updated the LRB on the introduction of the National Planning Framework 4 which was adopted in February 2023. He advised that as the 33 policies of the NPF4 provided the latest national planning policy context for the assessment of planning applications, where it is considered there is incompatibility between the provisions of the adopted Clackmannanshire Local Development Plan 2015 and NPF4, the provisions of NPF4 will prevail. The Planning Adviser also updated the LRB on the planning history of the site including the previous application for 2 box dormers ref 22/00081/FULL which was refused; and he advised that the applicant had submitted a more recent application, reference 23/00075/FULL, for a further amended design for front and rear dormers and formation of external ramp which had been received on 13th April 2023 and was granted permission on 19th May 2023. The Planning Adviser also advised that an Enforcement Notice has been served on the applicant following construction works to the front and rear of the property to which the applicant has submitted an appeal to the Scottish Ministers on 10 May 2023.

The Local Review Body then had the opportunity to ask questions of the Planning Adviser.

The Convener adjourned the meeting at 2.35 pm to allow the opportunity for the Local Review Body to deliberate in private. When the meeting resumed at 2.46 pm, all attendees remained present.

The Convener checked with the LRB whether they felt they had sufficient information before then to proceed to decide the matter. The LRB unanimously confirmed that they did have sufficient information to decide the matter.

Voting

To uphold the decision made by the Appointed Officer	2 votes
To overturn the decision made by the Appointed Officer	1 vote

Decision

The Local Review Body, having considered the Review Application and all other documents contained within the Agenda, and having had the opportunity hear from and to ask questions of the Planning Adviser, on a division of 2 votes to 1, the Local Review Body agreed to uphold the decision of the appointed officer. The Local Review Body therefore refused planning permission for front and rear roof dormer extensions and Installation of external access ramp.

The reasons for refusal which were set out in the upheld decision of the appointed officer are noted below:

1. The proposal is contrary to Policy SC 8 of the Clackmannanshire Local Development Plan in that the scale and massing of the proposed front dormer is not in keeping with the character of the house and would adversely affect that character.
2. The proposal is contrary to Policy EA 23 of the Clackmannanshire Local Development Plan in that it is atypical of other dormers within the conservation area in terms of materials, size and position and would have an unacceptable adverse impact on it's character.
3. The proposal would set a precedent for similar developments which would adversely impact on the character of the street and surrounding conservation area.
4. There are no other material considerations that outweigh the Development plan position.

A decision notice will be issued to confirm the outcome of the Local Review Body meeting.

Action

Clerk to the Local Review Body

Ends 2.48 pm



**MINUTES OF MEETING of the PLANNING COMMITTEE held in the Council Chamber,
Kilncraigs, Alloa, on THURSDAY 28 SEPTEMBER 2023 at 12 NOON.**

PRESENT

Councillor Denis Coyne (Convener)
Councillor William Keogh (Vice Convener)
Councillor Donald Balsillie
Councillor Martha Benny
Councillor Kenneth Earle
Councillor Fiona Law
Councillor Mark McLuckie
Councillor Jane McTaggart
Councillor Bryan Quinn

IN ATTENDANCE

Emma Fyvie, Senior Manager, Development
Grant Baxter, Planning and Building Standards Team Leader
Keith Johnstone, Principal Planner
Sophie Gardiner, Solicitor, Legal and Governance (on Teams)
Lee Robertson, Senior Manager, Legal and Governance (Clerk to the Committee)
Melanie Moore, Committee Services, Legal and Governance (Minute)
Gillian White, Committee Services, Legal and Governance

PLA(23)11 APOLOGIES

Apologies for absence were received from Councillor Phil Fairlie.

PLA(23)12 DECLARATIONS OF INTEREST

None.

**PLA(23)13 CONFIRM MINUTES OF THE PLANNING COMMITTEE HELD ON 4 MAY
2023**

The minutes of the Planning Committee held on Thursday 4 May 2023 were submitted for approval.

The Chair advised that there was a change to Minute Item PLA(23)08 relating to **Sauchie West Planning Appeal Update Ref 10/00153/PPP**. On page 8, line 3, the minute should read "be brought back to **Committee** for approval".

Moved by Councillor Kenneth Earle. Seconded by Councillor Jane McTaggart.

Decision

Subject to the amendment, the minutes of the Planning Committee held on Thursday 4 May 2023 were agreed as a correct record and signed by the Chair.

PLA(23)04 MATTERS ARISING

PLA(23)08 Sauchie West Planning Appeal Update ref 10/00153/PPP

Grant Baxter updated Committee on the follow up on Sauchie West. He received an update from Housing services who are now creating a new housing needs and demands assessment (HNDA), one of the key issues from the reporters that there wasn't evidence of current requirement of affordability housing in the Sauchie area. Housing will take the HNDA forward and will have documents finalised by next summer and will come back to Committee by the end of October 2024.

PLA(23)09 – Planning Application – Former Carsebridge Distillery and Warehouse Site at Carsebridge Bond, Carsebridge Road, Sauchie

Keith Johnstone updated Committee on progress. In relation to Committee's decision that permission is not granted for uses in Classes 5 and 6, he advised that the applicant has agreed to delete Class 5 and 6 from the description of the development. The description has formally been amended to only refer to Class 4. Any Planning Permission in Principle that is issued will be granted on this basis. Negotiations and work to drafts the terms of section 75 and planning conditions are still taking place including consultation with other services. It is proposed to update Committee when the Section 75 has been concluded and the conditions are finalised.

PLA(23)10 – Planning Application – Land at North and South of A91 to the West of Alva, Clackmannanshire

Grant Baxter updated Committee on the actions following the termination of the Alva West Planning Application. The decision to refuse that was issued by Officers following Committee and now have an appeal against the decision by the applicant and waiting on a decision on that.

PLA(23)05 PLANNING APPLICATION

Planning Application ref: 23/00097/FULL – Erection of Kennels For Dog Breeding, Siting of 4 No. Glamping Pods, Formation of 5 Parking Bays for Camper Vans (Partly Retrospective) at Devon River Riding Centre, Fishcross, Clackmannanshire, FK10 3AW

The report, submitted by Keith Johnstone, Principal Planner, provided an assessment of this planning application, having considerations to the provisions of the Development Plan and any other material considerations, including advice from consultees and representations received from a third party. It provided a recommendation on the application. The application is partly retrospective as some of the development has already been implemented. The application is a Local Development and would normally be determined under the Council's Scheme of Delegation by Appointed Officers. The application required to be determined by the Planning Committee following a request from an Elected Member. The reason for the request was due to the circumstances at the site where development has been undertaken in the past without obtaining planning permission.

Attending

Abbie Carruthers, Applicant's Representative

The report was introduced by Keith Johnstone, Principal Planner. Members of the Planning Committee had the opportunity to put questions to Mr Johnstone.

The Committee then heard representation from Abbie Carruthers. Members of the Planning Committee had the opportunity to put questions to Miss Carruthers.

Councillor Balsillie asked for an additional condition to be added to the motion "for the provision of chemical disposal to be put in place and how the waste is handled on site"

Motion

That Committee approves the application subject to the conditions and reasons set out in the report and to add an additional condition “for details of the arrangements to service camper van bays for the disposal of chemical toilet waste and grey water.”

Moved by Councillor Denis Coyne. Seconded by Councillor Jane McTaggart.

Decision

The Committee agreed to approve the planning permission based on the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of 3 years from the date of this permission or, as the case may be, when the permission is deemed to be granted;
2. The materials and colours of the external finishes of the 2 glamping pods still to be installed shall match the details on the approved drawings unless otherwise agreed in writing by the planning authority;
3. Before works commence to install either of the remaining 2 glamping pods hereby approved, details of the design of their layout and parking provision shall have been submitted to, and approved in writing by, the planning authority. Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed by in writing by the planning authority;
4. The use of the 4 glamping pods hereby approved shall be used solely for holiday and tourism purposes. For the avoidance of doubt, this permission does not authorise the use of the pods as the sole or main place of residence for any of their occupants;
5. Within 2 months from the date of this permission, details of a method statement shall have been submitted to and approved in writing by the planning authority, which shall facilitate monitoring by the planning authority of occupancy by individual occupiers of the glamping pods, allowing access to letting or lease records to ensure compliance with Condition 4 above. Thereafter, the development shall be operated in accordance with the approved details unless otherwise agreed in writing by the planning authority;
6. In the event that any pod remains unoccupied for its approved use for a continuous period of at least 12 months, it shall be removed from the site within 2 months of the expiration of the 12 month period and the site reinstated to its original condition within 3 months from the date of removal, unless otherwise agreed in writing by the planning authority; and
7. Prior to the first use of any of the 5 parking bays hereby approved for overnight parking by campervans, details of the arrangements to service these bays for the disposal of chemical toilet waste and grey water shall have been submitted to and approved in writing by the planning authority, and the approved arrangements implemented. Thereafter, the development shall be operated in accordance with the approved arrangements unless otherwise agreed in writing by the planning authority.

Action

Principal Planner

The Convenor adjourned the meeting at 12.57 pm at the conclusion of the previous item to allow attendees for that item to leave the meeting. The meeting resumed at 13.04 pm with 9 members present.

PLA(23)06 UPDATE – 10 GANNEL HILL VIEW, DEVON VILLAGE

The report, submitted by Lee Robertson, Senior Manager Legal and Governance, updated the Committee on the option of using the Council's compulsory purchase order (CPO) powers for a property at 10 Gannel Hill View, Devonside as provided for in the report presented to the Planning Committee on 3 November 2022.

Motion

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

Moved by Councillor Denis Coyne. Seconded by Councillor Fiona Law.

Decision

The Committee agreed to note the option to use the Council's CPO powers is unlikely to be successful and accepted by the Scottish Ministers as detailed in the considerations in paragraph 3.0.

Ends: 13.28 pm

Report to Planning Committee

Date of Meeting: 2nd May 2024

Subject: Application for Approval of Reserved Matters (Ref 23/00219/MSC) - Approval Of Matters Specified In Conditions related to 10/00153/PPP For Site Masterplan (Conditions 3 And 5 a)) Including Land For Houses, Open Space, Play Provision, Landscaping, Roads, SUDs And Other Infrastructure And Option Of Land For School, Land At Branshill, Branshill Road, Sauchie

Report by: Keith Johnstone, Principal Planner

1.0 Purpose

- 1.1. The Report provides an assessment of the above application which is a Matters Specified in Conditions (MSC) application for the approval of Masterplan for the site granted planning permission in principle (PPP) on appeal on 16th May 2023 for houses, school and associated works on land west of Branshill Road, Sauchie. The assessment has had regard to the terms of the PPP and associated Section 75, the provisions of the Development Plan and any other material considerations, including advice from consultees and representations received from third parties. It provides a recommendation on the application.

2.0 Recommendations

- 2.1. It is recommended that the application is APPROVED subject to the following conditions:-

1. The Site Masterplan drawings hereby approved shall be read in conjunction with the drawings and documents submitted with and approved as part of this application, unless otherwise agreed in writing by the planning authority.
2. The following details in the Transport Assessment by DBA dated March 2024 have still to be approved;
 - i) The finalised scope and design of the proposed measures to mitigate the impact of the development on the capacity and safety of the surrounding road network.
 - ii) The finalised routes and design of the off site Active Travel Improvement Works, including links between the site and Craigbank

Primary School, National Cycle Route 767 where it meets the A908 and along Branshill Road leading to Parkhead Road.

iii) The details of the design and specification of works to convert and upgrade the existing private road located on the east side of the site which connects Ten Acres and the B908 to an active travel route.

iv) The details within the Travel Plan, including the Residential Travel Pack

Before any construction works start on site, the details to address the above points shall have been submitted to and approved in writing by the planning authority. These shall include; finalised details of the works to alter the capacity of the junctions identified in the TA; details of the works to reduce vehicle speeds and improve pedestrian safety including on the B908 north and south of the roundabout access to the site; the submission for approval of Road Safety Assessments as proposed in the document entitled "Review of Clackmannanshire Council – Roads Consultation Comments by DBA" dated 19th April 2024; the outcome of an assessment on the design and process to deliver the stopping up of the private road described in iii) above and related timescale; a timetable and arrangements for delivery of all of the mitigation measures. Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

3. No development shall commence on the site until the following details have been submitted to and approved in writing by the planning authority;
 - a) Details of an infrastructure phasing plan including the provision of drainage and on and off site transportation works
 - b) An assessment of the risk of flooding to houses from surface water (overland flow) during design storm conditions, prepared by a suitable qualified person.
 - c) An assessment of the risk of groundwater flooding within and adjacent to the site, prepared by a suitable qualified person

Thereafter, the development shall be implemented in accordance with the approved details and any required mitigation measures unless otherwise agreed by the planning authority.

4. The Masterplan drawing and associated documents approved by this permission. only approve the framework for areas of open space, play provision, landscaping, blue and green infrastructure including green corridors. Detailed designs and specifications will require to be approved as part of further applications for MSC for each Phase of development.
5. The development authorised by this MSC permission shall not begin until the planning authority has approved in writing a planting

specification for the area of woodland abutting the north boundary of the site, including tree and shrub species, sizes, means of protection and establishment and the arrangements for implementation of the works and the approved details have been implemented, unless otherwise agreed by the planning authority.

Reasons

1. To retain effective control over the development.
2. In the interests of sustainable travel and road and pedestrian safety.
3. Insufficient details have been submitted with the application and to ensure the risks from flooding have been satisfactorily addressed.
4. Further details will be required to be approved as matters specified in conditions before development can commence in the respective phases of the development .To ensure the implementation of the planting works in the interests of visual amenity and to help sustain this area of woodland.
5. To ensure the implementation of the planting works in the interests of visual amenity and to help sustain this area of woodland.

2.2 Display of notice: A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.)

2.3 Reasons for Decision

1. The development is considered to accord with the relevant policies and objectives of the Clackmannanshire Development Plan, comprising NPF4 and the adopted Clackmannanshire LDP. The application comprises a masterplan for a long-standing LDP housing site that requires to be developed in accordance with a masterplan.
2. This is a Matters Specified In Conditions (MSC) application which follows the granting of Planning Permission in Principle (PPP) for development of land for houses, school and associated works on a site allocated for such uses in the adopted LDP (ref 10/00153/PPP). The proposals are considered to sufficiently accord with the requirements of the PPP and associated Section 75 Obligation, which require a masterplan to be submitted and approved as a first stage MSC application.
3. The issues raised by third parties and consultees can be satisfactorily mitigated or are not judged to provide sufficient or reasonable grounds to withhold permission. There will be a requirement for ongoing dialogue between the applicant and the Council's Planning and Roads

teams to agree the details of all off-site transport and travel improvements.

4. The Masterplan as amended is considered to deliver a suitable quality of development in terms of layout and design, placemaking, environmental impacts and standards of amenity and positively contribute to the development of the overall site which has PPP.
5. There are no other material considerations which would outweigh the development plan support for the development and justify withholding the partly retrospective permission.

Approved plans and reports

A list of approved plans and reports will be issued under separate cover.

3.0 Considerations

3.1. Background

3.2. The application relates to a large area of mainly agricultural land allocated for housing in the LDP, and which was granted planning permission in principle (PPP) in May 2023 following the upholding of an appeal to Scottish Ministers against the refusal by the Council. The application for PPP (Ref 10/00153/PPP) was for development of land for houses, school and associated works including open space, roads and landscaping. The site extends to approximately 53.0 Ha in area and is located immediately to the north west of Sauchie. The PPP approved up to 1,000 houses on the whole site.

3.3. The site is enclosed by woodland to the north, west and south and to the east abuts the B908 and sections of Ten Acres and Branshill Road which separate the site from the housing in this area. The site does abut the boundaries of 2 houses located on the west side of Branshill Road and a house located on the south east side of the site. The land is mainly arable farmland, and Core Path No.14 runs east-west roughly bisecting the site which provides a link between Sauchie towards Lornshill Academy, Tullibody Road and Glenochil Village. The existing site topography falls towards the Core Path from both the north and south boundaries with varying gradients some up to 1 in 5. The lowest point is at the east end next to the Core Path which is circa 29.5 m AOD rising up to around 60.0 m towards the south and north boundaries . There are also Core Paths within the woodland to the south of the site and well established informal paths through the woodlands to the north and west of the site. There is a private road which runs along part of the east boundary which connects Ten Acres with the B908, the northern half is owned by the applicant.

3.4 The application is a Matters Specified in Conditions (MSC) application containing details of the Masterplan for the site which is required as part of the conditions of the PPP. The Masterplan sets out the broad components and overall framework for development of up to 1000 houses over the site and shows the proposed land uses and access arrangements which will inform the delivery of the detailed MSC applications for housing, roads and footpaths,

open space, landscaping and drainage within the site as well as the potential site for a school. The site will be developed in Phases and a Phasing Plan has been submitted which identifies 9 distinct phases of residential development with completion of the first Phase by the end of November 2027 and the final Phase by November 2039. The Masterplan can be summarised as follows;

a) two versions have been submitted. One shows the area of land that is safeguarded for a possible primary school as required under the terms of the Section 75 Agreement, concluded as part of the PPP and the other shows the area without the school. The Section 75 Agreement provides the Council with the option to procure land within the safeguarded area to build a new school as an alternative to extending Craigbank Primary School should that be the preferred solution of the Council as Education authority. The Agreement has clauses built in that set a timescale for the Council to decide if the land on site is required for a school or financial contributions are taken for extending the existing school estate (likely at Craigbank Primary School). The agreement is summarised in the table in para 3.11 below. Should the Council determine that a school on site is not its preferred option, the developer would be free to apply for permission to develop the safeguarded land for housing.

b) the plan shows areas for housing development accessed from a spine road which would provide a continuous route linking the B908 in the north east to Branshill Road at the south east corner of the site. The B908 junction would be a new roundabout next to the existing Jewson`s builder merchants premises. The Masterplan shows a network of interconnecting streets and paths serving the housing areas which reflects place making principles. The existing Core Path through the site would be retained and links created to it from development on the site. The plan shows footpath links from the housing areas into the woodlands which surround the site to provide access to the existing network of paths within the woodlands.

c) Over 25% of the site would comprise open space including amenity and play spaces and SUDs. The key components would comprise; a central green corridor running east west next to Core Path 14 containing landscaped areas, SUDs designs to enhance amenity and biodiversity including rain gardens, ponds and swales, footpaths, public art and retention of the open watercourse of the Sauchie Burn; a layout and planting which will create green corridors which would connect the central area with the woodland areas at the south, south west and north boundaries of the site; an amenity space between the B908 and housing to the south west of the roundabout; pocket parks interspersed through the development for both formal and informal play; a trim trail next to the western boundary of the site; the provision of street trees and hedgerows along frontages including creating an avenue along the spine road.

d) the design approach is considered to respond well to the 6 principles identified by the Scottish Government as making successful places; Distinctive, Safe and Pleasant; Easy to Move Around, Welcoming, Adaptable and Resource efficient. The design response includes landscaping and layout to create more distinctive spaces, attractive streetscapes which are permeable, a network of roads and paths which would encourage active travel and reduce vehicle speeds, the creation of active frontages to roads and paths, and sustainable building design and planting.

3.5 A number of other documents or drawings have been submitted with the application to help demonstrate or illustrate how the masterplan would be implemented when detailed designs are submitted as further MSC applications. The first phase of development is the subject of such an application (ref 23/00182/MSC) which is for 157 houses and is also on the Agenda for determination after this application for the Masterplan. The documents include;

- Design and Access Statement
- Landscape Strategy and Open Space and SUDs Strategy
- Phasing Plan
- Landscape and Biodiversity Statement
- Arboricultural Constraints and Impact report
- Drainage Strategy Report
- Transport Assessment, Active Travel Connections and Internal Footway Links
- Flood Risk Assessment
- Mining Stabilisation Appraisal
- Landscape and Visual Assessment
- Illustrations of Urban Corridor Designs and Raingardens
- Site Earthworks and Indicative Site Cross Sections

3.6 Planning History

3.7 The site comprises an area of land which has been allocated for residential development for over 13 years. The site was first allocated for housing in the Clackmannanshire Local Plan, adopted in 2004 and this continued in the 1st Alteration to the Local Plan, adopted 2011 and the current Clackmannanshire Local Development Plan (LDP) adopted 2015.

3.8 The applicant was granted planning permission in principle in May 2023 for development of the land for houses, school and associated works following an appeal to Scottish Ministers against the refusal of the application (Ref 10/00153/PPP) by the Council in January 2021. The refusal followed the failure of the Council and the applicant to reach agreement over the measures the Council considered were required to mitigate the impacts of the development on the education estate including the proposal to increase the number of houses from 774 as allocated in the LDP to a minimum of 1000.

3.9 The permission in principle (PPP) was granted by the Reporter subject to conditions and a Section 75 Obligation between the applicant and the Council. The principle of the development has been established by the PPP which reflects the allocation in the LDP. Condition 5 a) of the PPP states that;

“5. The application or applications for the approval of MSC described in condition 3 above shall include:

a) a detailed masterplan which shall include:-

- i) site layout plans at 1:500 scale showing the position of all buildings, public utility and energy infrastructure, roads, footpaths, parking areas, public and private spaces, walls, fences, open space and play areas and landscaping;*
- ii) an infrastructure phasing plan and estimate of housing numbers in each phase of the proposed development;*
- iii) details of all roads, parking and paths within and provided for the whole development which shall be designed and constructed in accordance with the SCOTS National Roads Development Guide; and*
- iv) details of the existing and finished ground levels and finished floor levels in relation to a fixed datum.*

3.10 This MSC application has to be assessed against the compliance of the submitted details and information with the conditions attached to the PPP (the Matters Specified in Conditions) as well as the relevant provisions of the Development Plan and any other material considerations. The Section 75 Obligation also requires the submission of a draft Masterplan for the whole site alongside the first application for MSC for the site. The Section 75 prevents development commencing on site until the Masterplan has been approved by the Council. A MSC application for Phase 1 of the site for 157 houses (ref 23/00182/MS) has also been submitted and a Report is on the Agenda to follow determination of this application for the Masterplan. The terms of the Section 75 Agreement are such that approval of this “masterplan MSC application must come first, ahead of other MSC applications.

3.11 The terms of the Section 75 Obligation are summarised below. The application complies with the requirement that details of the Masterplan have to be submitted alongside the first application for approval of MSC on the site. Development has to be completed in accordance with the Masterplan.

Masterplan	<ul style="list-style-type: none"> • Draft Masterplan to be submitted alongside first application for approval of MSC on the site. • Development shall not commence on the site until the Masterplan has been approved by the Council. Once approved, the development shall be completed in accordance with the Masterplan. • Prior to commencement of development of any Phase, details of the timing and delivery mechanism of any landscaping, open space and play areas, including details of ongoing maintenance and ownership shall be agreed by the Council.
Education	<ul style="list-style-type: none"> • Prior to commencement of development, developer to prepare and submit to the

	<p>Council for approval, a detailed specification to extend Craighbank PS by 5 class bases and associated works.</p> <ul style="list-style-type: none"> • Developer and Council to agree cost of approved specification within 60 days of approval • Contribution to be paid in full prior to occupation of 300th house • Council has option to give notice that it wants to procure delivery of a new school on the site rather than extend Craighbank Primary School, Notice to be given no later than 6 months after the Council has received the contribution • Developer has to safeguard land within the site for a school. Arrangements for sale of the land set out in the S75.
<p>Delivery of Offsite Transport Works</p>	<ul style="list-style-type: none"> • Offsite works required to address impacts of the development on local transport infrastructure. These are to be identified in the TA for the site. • Council and Developer to agree the design, specification and cost of delivering the Off Site Transport Works within 20 working days of approval of the TA • Payment of Offsite Transport Contribution (per house unit) to be paid to the Council by each Phase Developer. The Contribution is calculated as total cost of works divided by the total number of housing units. Payments to be made on each biannual payment date defined in the S75 following occupation of the first house on the Phase.
<p>Public Art</p>	<ul style="list-style-type: none"> • Prior to commencement of development a Public Art Strategy shall be agreed in writing with the Council. This will set out whether art provided; on site; or using a commuted sum via a contribution; or a hybrid of on site delivery and contribution. • If onsite delivery then Strategy to include specification and design of the public art and timescales for installation. Contribution to be calculated at £250 per house unit. • If a commuted sum then payment paid by relevant phase developer as each Phase

3.12 Consultations

3.13 Transportation has not objected to the application but having reviewed the Transport Assessment submitted with the application, has highlighted a number of issues which they consider would require further consideration or information in the interests of road and pedestrian safety and to help mitigate the impact of vehicle trips which would be generated by the development, both in relation to Phase 1 and the PPP site as a whole. These can be summarised as follows;

- a) The proposed access and strategic road layout within the site, including the spine road and connections to key active travel routes, are broadly acceptable. It is preferable that the main active travel routes within the site are on segregated paths having regard to the wider traffic impact of the development as a whole. High quality routes are important to encourage their use and help offset vehicle trips.
- b) The detailed design of public roads and footpaths will be subject to detailed assessment through the Road Construction Consent process.
- c) Although the scope of the amended TA is considered to be generally acceptable, some of the analysis of network impact and proposed mitigation measures, including the provision of active travel infrastructure and works to mitigate impacts at key road junctions and traffic calming measures on the B908, require further clarification before the conclusions of the document can be fully agreed. This also includes the design standards to retain the private road at the east side of the site to an active travel path which would no longer be open to vehicular traffic as a through route. About half of the length of the road is on land owned by a third party and outwith the site boundary. Transportation also has suggest that consideration be given to the potential of a financial contribution from the developer towards the establishment of new, or revised bus services, which could serve the development including possible “demand led transport solutions”.
- d) Further details are required in respect of dealing with any potential flood risk from surface water run off and ground water sources.
- e) Clarification is required about the long term arrangements and responsibilities to maintain SUDs within the site.

Comment – the Transport Assessment (TA) addresses the development of the whole site up to a possible 1000 houses. It is considered appropriate to assess the scope of the TA and package of mitigation measures, including measures to improve junctions on the existing road network and deliver safe and attractive active travel infrastructure outwith the site, connecting to key destinations, as part of the approval of the Masterplan. This is intended to ensure that the development can support and encourage active travel trips as an alternative to making the trips by private car and to help minimise the impact of the development on the road network. The PPP decision granted by the Reporter including the terms of the Section 75 Agreement has defined the

scope of the Offsite Transport Works. The Section 75 includes the requirement for the design, specification and costs of the Off Site Transport Works to be agreed between the Council and the developer. In addition to this, it is proposed to include a planning condition which would prevent the commencement of development on the site until the outstanding matters in the TA highlighted by Transportation have been addressed to the satisfaction of the Council as Planning Authority. The applicant is confident that they can address these matters. As these elements are already regulated by the Section 75, this would not prevent this MSC application being determined subject to such conditions. However, the terms of the PPP and Section 75 do not require the developer to deliver any more bus routes or services but only that provide safe and convenient links from within the site to existing bus stops and that the spine road is designed to be capable of accommodating buses if routes were expanded in the future. As this is an application for MSC it is not possible to make permission conditional on the delivery of additional contributions above and beyond those set out in the terms of the PPP and Section 75 Agreement. The proposed internal layout has been amended to improve the design quality and layout in terms of placemaking principles and making streets attractive to all users and not weighted in favour of the private car. There would be segregated active travel routes along the more heavily trafficked proposed spine road and to connect from the spine road to the main active travel route along Core Path 14 including with suitable crossing points. It is considered that this is an appropriate and proportionate response, balancing the levels of risk to road and pedestrian safety with attractiveness of the routes. The applicant has agreed to submit further assessments relating to surface water and ground water flood risk and this can be regulated by conditions as can be the future maintenance arrangement for SUDs. It is considered that subject to the proposed conditions, the Masterplan would satisfactorily address the advice from Transportation, having regard to the terms of the PPP and the agreed framework to mitigate impacts on the network and support active travel trips and encourage sustainable travel choices. Ongoing dialogue between the Council and developer will inevitably be required to fine tune the details of transport infrastructure, and the proposed recommendation in this case makes allowance for that.

- 3.14 Environmental Health has no objection to the application. They are satisfied that the Air Quality Impact Assessment and Noise Impact Assessment reports relating to the proposed development demonstrate that the potential impacts of the development from emissions affecting air quality and noise would not have a significant adverse impact. Further assessments would be required to support any future application for a new school within the site and these would form part of any subsequent application for MSC. An amended Construction and Environmental Management Plan (CEMP) has to be submitted and approved before any construction works commence on site. Comment – *the advice concludes that the environmental impacts and standards within the site would be satisfactory. If a school is proposed within the overall site then this would be the subject of a separate planning application and a separate AQIA and Noise Assessment could be required to support the application. A revised CEMP will have to be approved before any construction works commence on the first phase of development.*

- 3.15 SEPA was consulted on the application and they have not objected. They are satisfied that the risk for fluvial flooding has been addressed and development could proceed. Comment - *The Flood Risk Assessment submitted by the applicant covers the whole of the site and will be used to inform the detailed MSC applications for phases of development. SEPA has confirmed that it has no objection to the proposed details for Phase 1 (ref 23/00182/MS) and that the FRA may need to be updated to reflect nay changes to methodology for future Phases of development.*
- 3.16 Scottish Water has no objection. It has advised that they will not accept any surface water connections to the combined sewer system. Comment – *the site has been designed on the basis that surface water will not be connected to the combined sewer and will discharge to the existing watercourse in the site via a SUDs system.*
- 3.17 Scottish Power (SP) has advised that it has no objections in principle and notes that they have high voltage overhead lines and underground cables within the vicinity of the proposals and these may have to be diverted or protected at the applicant`s expense. Comment – *the applicant has been in communication with SP about the potential impact of the development on SP infrastructure as 4 overhead power lines cross parts of the site. The applicant has agreed arrangements to remove the overhead lines, 3 of which will be undergrounded and one will be diverted onto agricultural land to the north of the site. This work has already commenced on site and can be undertaken by SP without the need for planning permission.*
- 3.18 The Council`s Sport Development, Education and Housing Services, Sauchie and Fishcross Community Council and NHS Forth Valley were consulted on the application. No responses have been received at the time of compiling this report.
- 3.19 Representations
- 3.20 61 neighbouring properties were notified of the application and the application was publicised in the Alloa Advertiser for neighbour notification reasons.
- 3.21 Three objections have been received from the follow parties;
- a) Paul Devanny, Tnarg, Branshill Road, Sauchie.
 - b) Sharon Macfarlane, Craigiever, Branshill Rd, Sauchie
 - c) William Ritchie Greenacres, Branshill Road, Sauchie

The objections can be summarised as follows;

- the last planning application for this area which was refused was for 774 houses but this current application is for 1032 houses and a school. Why is this? Comment – *the PPP has been granted following an appeal to Scottish Ministers for up to 1,000 houses. The application is not for 1032 houses but for approval of the Masterplan drawing.*
- again the previous application, the Scottish Government stated that a school was not required, why has the school been included? Comment – *the appeal for the PPP application concluded that a contribution*

towards primary school capacity was required. The terms of the decision provides the Council with the option to procure land on the site to build a new school or to use the contribution to extend Craigbank Primary School.

- the Scottish Government also stated in the previous application that they would not provide the capital to build the school. Will the developer meet the costs of building the school. Comment – the developer has to provide a contribution based on the increase in capacity associated with the approved housing. This would not be the equivalent of the cost of the new school but the contribution could be used towards this cost by the Council.
- building all these new houses will generate a greater number of children and building a primary school will accommodate these children but what about children of High School age. Has Lornshill Academy the capacity for these additional pupils? Comment – this issue was addressed at the PPP stage when the Reporter concluded that a contribution towards secondary education was not necessary.
- I was told by Planning Officer that the area directly behind my property would not be started for up to 10 years (Phase 4 & 5). Is there a guarantee that the plans agreed will not change by the time these phases are started. Comment – the applicant has submitted a Phasing Plan which sets out the planned progress of development over the site. The development is expected to be built in accordance with the framework set out in the Masterplan but the applicant would be able to seek permission to change this if it felt circumstances required it. The Masterplan does not approve the detailed layout and further MSC applications will have to be submitted for approval which will contain the detailed layout and building designs. Phasing will be measured in respect of progress on the ground, rather than set timescale (eg 10yrs until Phases 4&5, as is suggested in the representation), although a development of this scale will take several years to complete.
- The completion date is 2039, will we be expected to live around a building site until this date? Comment – the PPP is for up to 1000 houses and construction work will inevitably take place over several years, as noted. The greatest potential impacts are likely to be over a shorter smaller period when the phase nearest to the house is under construction. Construction works will be regulated by a Construction Environmental Management Plan to mitigate impacts.
- what plans have been made to increase doctors and dentists in the area and increase the capacity of dispensing chemists. The Sauchie Hallpark practice has very little doctors available for current residents in Sauchie and you plan to build 1032 houses. Comment – this is not a material consideration for the determination of this MSC application. The issue was considered as part of the PPP application and the Reporter concluded that no contribution towards health services was necessary. NHS Forth Valley have previously been consulted on the inclusion of this site in the LDP, so will be aware of the planned housing.
- is there Social housing included in the development, if so what Phase? Comment – no social housing is required by the PPP for the site.
- with the School this will increase traffic on the roads, will sufficient parking be provided. Comment – if the Council decides to build a

- school within the site, this will be the subject of a further application and this would consider issues such as adequacy of parking provision.*
- *Branshill Road has a 20 mph limit, with the increased traffic how will this be policed? Comment – this would be a matter for Police Scotland and could not be regulated under the Planning Acts. However, measures to improve road safety on Branshill Road would be delivered as part of the package of works the developer would contribute towards to mitigate the impact of the development on the local road network and to encourage trips by active travel. It would not be anticipated that existing 20mph speed limit areas would be removed.*
 - *there is no walk way along part of Branshill Road and is not suitable for parking with increased traffic and school will parking restrictions be put in place. Comment – this is not a material consideration for the application for the Masterplan. However, improvements are expected on Branshill Road as discussed in the preceding point and measures are expected to be implemented as the site is developed.*
 - *Road network incapable of handling the extra traffic even after the proposed modifications to the network. Comment – the impact on the road network was considered as part of the PPP application and this was granted on appeal. The proposal is also relates to long-standing housing proposal site in the Council's LDP. The Reporter concluded that the development would not be likely to result in significant adverse impacts on the local road network. Mitigation measures comprising off site works have to be undertaken as set out in the Transport Assessment.*
 - *Negative impact on local wildlife. Negative impact on local woodland, already an issue with vandalism and fire raising. Comment – the site is currently largely agricultural land with low biodiversity value. Indicative layout and development is considered to provide a net benefit to biodiversity having regard to the extent and type of planting and habitats that would be created while existing woodlands would be safeguarded. and supporting information and layout and habitats. While not part of the MSC, the developer has agreed to contribute to improvements to existing footpaths and greater use of the woodland for recreational use by residents is just as likely to deter anti social behaviour.*
 - *Overbearing the area. Comment – the PPP has been approved. The site has been allocated in the LDP for several years.*
 - *Water pressure already an issue and getting worse with each development. Comment – Scottish Water has no objections., The site can be satisfactorily serviced.*
 - *Complete loss of privacy, we have no neighbours and are not overlooked by anyone. Comment – the site has PPP for residential development. It has been allocated for housing development in the LDP for several years. The impact of development on the privacy and amenity of neighbouring land will be assessed as part of the consideration of the detailed layout and design in separate MSC applications.*
 - *Loss of lifestyle, we lead a rural way of life which is not compatible with a development of this scale. Comment – the site has PPP for residential development. It has been allocated for housing development in the LDP for several years.*

- School siting until a traffic impact assessment has been carried out and mitigation put in place. School location and noise impact on adjacent settlements. Comment – *if a school is to be built on the site, it would have to be the subject of a further application and issues such as traffic and noise impact would be considered as part of the application process.*
- Lack of proper public transport infrastructure. Comment – *the site is accessible by public transport. The main spine road is designed to be accessible by public transport.*
- Lack of consideration given to wildlife corridors and impact on existing wildlife (Roe deer, badgers, bats, hares, foxes, buzzards etc)
Comment – *the application is supported by an ecological survey. The site currently has little wildlife value. The Masterplan layout has been amended to enhance the biodiversity value within the site and incorporate green and blue infrastructure.*
- Impact on drainage Report from separate required and mitigation put in place. Comment – *a Drainage Impact Assessment and Flood Risk Assessment has been submitted and suitable mitigation would be provided.*
- Lack of information regarding SUDS Comment – *the current application is for approval of a Masterplan. Details will be provided before the SUDs are delivered on the site.*
- Farm track at side of my garage being used for heavy plant vehicles
Comment – *the construction arrangements will be considered before the relevant phase proceeds.*
- I know I cannot object to the view but I paid a lot of money for the view which will now be taken away and will be used to sell the new housing, double standards Comment – *loss of view is not a material planning consideration. The site has been allocated for residential development in the LDP.*

4.0 Planning Assessment

- 4.1 The application must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 The National Planning Framework 4 (NPF4) was adopted on 13th February 2023 and is now part of the statutory Development Plan. Decisions on planning applications have to be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPF4 and the adopted Clackmannanshire Local Development Plan (LDP) 2015 and associated Supplementary Guidance currently comprise the Development Plan. A review of the LDP is underway and will be informed by the policies in the NPF4. Planning applications will be assessed against the relevant Principles, Strategies and Policies in the NPF4 and the LDP. As NPF4 provides the latest national planning policy context for the assessment of planning applications, where it is considered there is incompatibility between the provisions of the adopted Clackmannanshire Local Development Plan 2015 and NPF4, the provisions of NPF4 will prevail.
- 4.3 The site is located within the settlement boundary of Sauchie as defined by the adopted LDP. It comprises land allocated as Housing Proposal Site H16

(Sauchie West) which allocates the land for residential development. During the Planning Appeal for the PPP application (10/00153/PPP) for the site, the Reporter had regard to relevant provisions of NPF4 before determining the Appeal, concluding there was no conflict between the NPF4 and the relevant LDP policies as they affect the assessment of the application.

4.4 The most relevant policy provisions of the Development Plan are considered to comprise;

4.5 NPF4 Policies

- 1 – Tackling the climate and nature crises
- 2 – Climate mitigation and adaptation
- 3 – Biodiversity
- 4 – Natural places
- 6 – Forestry, woodland and trees
- 9 – Brownfield, vacant and derelict land and empty buildings
- 13 – Sustainable transport
- 14 – Design, quality and place
- 15 – Local living and 20 minute neighbourhoods
- 16 – Quality homes
- 18 – Infrastructure first
- 20 – Blue and green infrastructure
- 21 – Play, recreation and sport
- 22 – Flood risk and water management
- 23 – Health and safety

4.6 Clackmannanshire LDP Policies

- SC5 – Layout and design principles
- SC6 – Additional design information
- SC9 – Developer contributions
- SC10 - Education, community facilities and open spaces
- SC12 - Access and Transport Requirements
- SC20 – Water and drainage infrastructure and capacity
- EA2 - Habitat networks and biodiversity
- EA3 – Protection of designated sites and protected species
- EA6 – Woodlands and forestry
- EA7 – Hedgerows, trees and TPOs
- EA9 – Managing flood risk
- EA11- Environmental quality
- EA12 – Water environment
- EA25 - The development of brownfield, unstable and contaminated land

4.7 The development is on a site allocated for residential development within the settlement boundary as defined by the LDP. The development of the site is considered to contribute to local living and compact urban growth. The proposals include significant planting and habitat creation which on balance would have a positive impact on nature recovery and would off set the loss of part of the woodland at the north east corner of the site to accommodate the new access and development. The application is not considered to be contrary to the objectives of NPF4 Policy 1.

- 4.8 Policy 2 seeks to ensure development will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and be designed to be capable of adapting to current and future risks from climate change. On balance, it is considered that the objectives of this Policy would be achieved as far as reasonably practicable having regard to; the proposed design and layout which includes measures to ensure houses are energy efficient and benefit from passive solar gain; and the methodology used in the flood assessment takes account of predicted impacts due to climate change.
- 4.9 Most of the site is agricultural land which is of relatively low biodiversity value. Whilst the existing woodland around the site would not be affected by the development and lies outwith the site boundary, a part of the woodland next to the B908 would have to be removed in order to accommodate the roundabout access which would serve Phase 1 and future development on the remainder of the PPP site. A length of hedgerow would also be removed. Policies 3, 4, 6, 20, EA2, EA3, EA4, EA6 and EA7 seek to protect and enhance natural habitats, species, nature networks, trees and hedgerows and landscape quality.
- 4.10 A number of reports have been submitted to assess the habitat value of the site, comprising a Preliminary Ecological Appraisal Report, Landscape and Biodiversity Statement, Revised Arboricultural Impact Assessment, Arboricultural Constraints Report, Phase 1 Arboricultural Method Statement and a Landscape and Visual Impact Assessment. The proposed layout, site levels and existing and proposed landscaping would ensure the development would not have an adverse impact on the established landscape character of the area. The reports do not identify any significant risks arising from the development on any protected species and would not affect any areas designated for their natural heritage value. Whilst the policy presumption would be to retain the whole of the woodland area, this is not considered practicable or justifiable given the locational and design requirements associated with creating a suitable access from the B908 to serve the wider site and maintain an acceptable standard of road safety on the B908 and nearby junctions. This has been long-established as the optimum junction location to serve the development site. The Arboricultural Assessment has highlighted that the part of the woodland area to be removed is of lower habitat quality although it forms the eastern end of a strip of mixed plantation origin woodland (Long Established woodland). This reflects the likely existence of woodland on the land since the 18th or 19th centuries which contributes to its biodiversity value. At least 13 of the trees to be removed within the woodland are dead or in a poor condition and merit felling according to the tree survey. The ecological assessment notes that the amount of tree loss would not adversely affect its function as a wildlife corridor as this part of the woodland does not connect to any woodland to the east while it would remain connected to the wooded areas to the west. The applicant has agreed that they would undertake tree planting within the woodland where the felling would take place and also in the section to the west which encloses the north boundary of the site. This would help compensate for the loss of trees and enhance and help sustain the woodland area as a whole, part of which has little tree cover where an overhead power line crosses it. This can be replanted as the line is being diverted outwith the tree belt to accommodate the development. The new planting would deliver benefits in relation to biodiversity, amenity and strengthening the visual enclosure that this tree belt

provides in views from the north of the site. The shelterbelt is owned by the adjoining farmer who has agreed to the applicant undertaking planting.

- 4.11 A suspensive condition can be attached to regulate the approval of details of the design and implementation of the planting. Any construction work would have to be undertaken in accordance with British Standard Guidelines for protection of trees during development. The applicant has submitted an Arboricultural Method Statement to demonstrate how the remaining trees would be protected.
- 4.12 The proposed layout would also introduce areas of amenity space which would be planted to enhance biodiversity, street trees and hedgerows would be planted along street frontages and the applicant has amended the SUDs design to enhance their biodiversity and amenity value, including swales and rain gardens. The applicant has advised that at least 25% of the site would comprise open space and planting and much of this is designed to enhance biodiversity. This would equate to at least 13Ha. While there are clear tensions with the need to remove a part of the woodland at the north east corner of the site, having regard to; the terms of the PPP; the locational and design justification for the proposed roundabout access; the conclusions of the technical reports in terms of the absence of any significant adverse ecological impacts; the removal of the trees are not considered to fragment the woodland habitat or adversely affect its integrity as part of a nature network; the mitigation which would be delivered by the quantity and quality of the planting and habitats created by the development to offset the habitat lost; and the development would not encroach or adversely affect the much larger areas of woodland that surround the site, it is concluded that, on balance, the proposal are acceptable and the application is not contrary to Policies 3, 4, 6, 20, EA2, EA3, EA6 and EA7.
- 4.13 Policies 13 and SC12 provide support for developments which; improve or enhance active travel infrastructure including suitable links to local facilities via active travel networks; are compatible with the sustainable travel hierarchy; are accessible by public transport; provide vehicle charging points; incorporate safe crossing points and measures to reduce vehicle speeds; and mitigate any impact on local public access routes. Proposals which generate large numbers of trips should be supported by a Transport Assessment (TA) and Travel Plan. The proposed Masterplan is considered to be compatible with sustainable travel hierarchies and has been amended to improve the quality and attractiveness of the facilities to support active travel trips within the site and to connect with footpath links surrounding the site and to routes to nearby services in Sauchie and Alloa. Some elements of the TA have still to be agreed but as discussed in Paragraph 3.13 above, this can be effectively regulated by conditions and through the terms of the Section 75 which requires agreement to be reached over the specification, costing and phasing of the off site infrastructure works. This is also an MSC application which has been submitted after the principle of development was established by the granting of PPP following an appeal to Scottish Ministers. The Reporter appointed to determine the appeal concluded that; the site is well connected to Core Paths and the active travel network and would be accessible on foot, wheeling, cycling and car; the main spine road has been designed to be capable of accommodating a bus service while the site is accessible to existing public transport provision; Lornshill Academy and Craighbank Primary

School are within walking distance of the site; and the development of up to 1000 houses is not expected to result in a detrimental impact on the operation of the local road network.

- 4.14 Policies 14, SC5 and SC6 seek to ensure developments are designed to high standards and are consistent with the 6 qualities that define successful places set out in NPF4 and Designing Places and Designing Street Guidance. The application has been supported by a number of documents which demonstrate how the layout and site design would be consistent with the 6 qualities. This includes a Design and Access Statement, illustrations of the hierarchies of streets and footpath links, landscape strategy and open space and SUDs strategy. The amended layout is considered to respond positively to the policy requirements having regard to the topography of the site and surrounding land uses. The application is not considered to be contrary Policies 14, SC5 and SC6.
- 4.15 Policy 16 seeks to support the delivery of more quality sustainable homes in the right locations. The Policy supports proposals for new homes on land allocated for housing in the LDP. The site is allocated for housing in the LDP and the proposals on the Masterplan are considered to be consistent with the requirements of the PPP. The PPP was granted following an Appeal to Scottish Ministers which considered impacts on local infrastructure facilities and services and impact on the residential amenity of the area as part of the decision making process. The application is not considered to be contrary to this Policy.
- 4.16 It is considered that the Masterplan in terms of the access and network of roads and paths, and the provisions in the associated Transport Assessment relating to the provision of off site active travel links would allow residents to meet the majority of their daily needs within a reasonable distance including by walking wheeling and cycling. This also reflects the conclusions reached by the Reporter in determining the appeal for the PPP application. The application is not considered to be contrary to Policy 15.
- 4.17 Policies 18 and SC9 seek to ensure development is served by suitable infrastructure and any impacts are adequately mitigated by the developer. The infrastructure impacts have been addressed as part of the application for PPP which was determined at appeal. The Reporter concluded that the impacts of the development on infrastructure would be properly mitigated subject to the requirements of the Section 75 and conditions. A Section 75 was concluded which secures contributions towards off site transport infrastructure works, education capacity and public art. The Section 75 sets out the arrangements for approval of any details and the payment of the contributions on a phased basis as phases of development progress. This will be kept under review to monitor progress. The application is therefore not considered to be contrary to these Policies.
- 4.18 Policies 21 and SC10 support development which will provide well designed and good quality provision for play and recreation for young people and which can be easily and safely accessed. The proposed location and function of the open spaces, including areas of public open space, pocket parks and green links are considered to accord with the requirements of Policies 21 and SC10 and complement the wider network as illustrated on the Masterplan for the site. The pocket parks will be overlooked and contain facilities for formal and

informal play. The layout is considered to respond positively to the character and topography of the site. The development will also be integrated with the existing footpath network within and around the site, including the Core Path through the main site and the Core Path and more informal paths on surrounding land thereby providing access to surrounding woodlands and countryside.

- 4.19 Policies 22 and EA9 seek to ensure development is not at an unacceptable risk of flooding or will not result in an unacceptable increase on flood risk elsewhere. Policies 22, EA12 and SC20 require development to; protect and where possible enhance the water environment; manage surface water by SUDs which should integrate with and where possible enhance blue - green infrastructure; and provide a Drainage Impact Assessment where appropriate. Following the submission of a revised FRA, SEPA has advised that it has no objection on flood risk grounds. The Council's Flooding Officer has advised that further information is required to demonstrate that the potential risk from surface water run off (overland flow) during design storm events, and from groundwater has been satisfactorily considered and addressed including in relation to site layout and ground and finished ground floor levels. Such matters will be addressed through detailed design within the development site, and the absence of this information does not preclude the determination of the application for the Masterplan. The additional details can be regulated using a suitably worded condition. The layout would incorporate a number of SUDs features which would be installed and formed as the development progresses in order to manage the surface water associated with the site and the Phases. The Masterplan and associated documents show how these would be integrated to create areas which would have a positive impact on the amenity and biodiversity value of the site. The SUDs design has been amended by the applicant in response to advice from the Council to introduce more measures to deliver amenity and biodiversity improvements as well as water quantity and water quality. The design has been revised to include rain gardens, filter strips, swales, wetland areas and a pond area in the central area of open space. The type and quality of blue – green infrastructure proposed is now considered to be of an appropriate quality. The detailed designs will have to be submitted for approval as part of the MSC applications for future phases of houses (or the school). The application is not considered to be contrary to the above Policies.
- 4.20 Policies 23 and EA11 seek to ensure development will not result in any unacceptable impact on environmental quality such as from noise or odours or light pollution. Environmental Health is satisfied with the conclusions of the Noise Impact and Air Quality Impact reports including detailed measures to mitigate road noise on the houses closest to the B908 in Phase 1. The Noise Report concludes that impact from noise at the nearby builder's merchants is not predicted to result in any noise nuisance to occupants of the new houses in Phase 1. It is considered that the details within the Masterplan are consistent with these findings and the application is not contrary to Policies 23 and EA11.
- 4.21 On balance, and subject to the proposed conditions, it is concluded that the Masterplan drawings and associated documents would not be contrary to the provisions of the Development Plan and many of the Policies would provide

support for the proposed development based on the information submitted to date.

5.0 Other Material Considerations

5.1 A number of other material considerations have been identified which have also informed the assessment of the application. These are summarised below;

5.1.1 The MSC details in the Masterplan drawing and supporting documents are considered sufficient to address the requirements of Condition 5 a) of the PPP Ref 10/00153/PPP. The details are also considered to be consistent with the requirements and terms of the Section 75 Obligation as it relates to the Masterplan process and the conclusions of the Reporter set out in the Appeal decision letter about the purpose of the Masterplan. The detailed design and mechanisms for implementation and maintenance will be the subject of subsequent MSC applications for the various Phases of development. The Section 75 requires details of the timing, delivery mechanism and arrangements for ongoing maintenance of any open space, landscaping and play areas to be agreed prior to the commencement of development on the respective Phase.

5.1.2 Having regard to the advice received from consultees, it is considered that subject to the proposed conditions, and taking cognisance of the requirements of the Section 75 and conditions attached to the PPP, the responses would not justify withholding permission. It is acknowledged that the proposals do not yet fully accord with the advice from Transportation, mainly in relation to the use of some areas where active travel trips would use shared surface spaces or footways rather than on fully segregated paths, and the advice that consideration is given to the developer providing a contribution towards public transport service provision. However, as discussed in Paragraph 3.13, it is considered that there would not be reasonable or justifiable grounds to withhold or delay granting permission for these reasons and the proposed street hierarchy approach would provide a suitable network and environment to support active travel trips.

5.1.3 The issues raised by the objectors have been carefully considered. However, for the reasons summarised in Paragraph 3.21 above, these are not considered individually or collectively, to justify withholding approval of the MSC for the Masterplan.

5.1.4 The layout, access and uses are considered to be compatible with neighbouring land uses and would not adversely affect the established standards of amenity and privacy of neighbouring houses or the character and amenity of the surrounding area.

5.1.5 The proposed development is considered to accord with the relevant advice published in the Council's Supplementary Guidance relating to; 3- Placemaking; 4 - Water; 6 - Green Infrastructure; 7 - Energy Efficiency and Low Carbon Development and 8 - Woodlands and Forestry.

5.1.6 It is concluded that there would not be any other material considerations which would justify withholding permission.

5.2. In conclusion, it is considered that subject to the proposed conditions, the application would not be contrary to the provisions and policies in the Development Plan, would accord with the relevant conditions of the PPP and requirements of the Section 75, and, as discussed above, there would not be any material considerations which would outweigh the level of Development Plan support for the application and justify withholding permission.

6.0 Sustainability Implications

6.1 The development relates to a residential expansion site allocated in the Development Plan on the edge of Sauchie. The proposals are considered to accord with the principles of NPF4 in relation to delivering sustainable and liveable places.

7.0 Resource Implications

7.1 Financial Details

7.2 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

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

8.0 Exempt Reports

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

9.0 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)

10.0 Equalities Impact

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

Yes No

11.0 Legality

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

12.0 Appendices

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

None

13.0 Background Papers

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

Yes (please list the documents below) No

- Adopted Clackmannanshire Local Development Plan 2015
- NPF4, 2023

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
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LEGEND

Application Boundary



Clackmannanshire Council

www.clacks.gov.uk

Comhairle Siorrachd Chlach Mhanann

23/00219/MSC - Approval Of Matters Specified In Conditions related to 10/00153/PPP For Site Masterplan (Conditions 3 And 5 a)) Including Land For Houses, Open Space, Play Provision, Landscaping, Roads, SUDs And Other Infrastructure And Option Of Land For School Land At Branshill, Branshill Road, Sauchie, Clackmannanshire

Report to Planning Committee

Date of Meeting: 2nd May 2024

Subject: Application for Approval of Reserved Matters (Ref 23/00182/MSC) - Residential Development Of 157 Houses With Associated Infrastructure Including Roads, Footpaths, Landscaping, Drainage And Associated Works (Phase 1) at Land At Branshill, Branshill Road, Sauchie

Report by: Keith Johnstone, Principal Planner

1.0 Purpose

- 1.1. The Report provides an assessment of the above application which is a Matters Specified in Conditions (MSC) application for the construction of 157 houses with associated roads, footpaths, drainage and landscaping on land which was granted Planning Permission in Principle (PPP) on appeal on 16th May 2023. The assessment has had regard to the terms of the PPP, the provisions of the Development Plan and any other material considerations, including advice from consultees and representations received from a third party. It provides a recommendation on the application.

2.0 Recommendations

- 2.1. The application is considered to satisfy the requirements of the related PPP and comply with the relevant provisions of the Development Plan and it is concluded that there are not any material considerations which would justify withholding permission. It is therefore recommended that the application is APPROVED subject to the following conditions:-
1. The development hereby approved shall be implemented in accordance with the plan(s) and documents approved as part of this application, unless otherwise agreed in writing by the planning authority.
 2. The following details in the Transport Assessment by DBA dated March 2024 have still to be approved;
 - i) the finalised scope and design of the proposed measures to mitigate the impact of the development on the capacity and safety of the surrounding road network.
 - ii) the finalised routes and design of the off site Active Travel Improvement Works, including links between the site and Craigbank Primary School,

National Cycle Route 767 where it meets the A908 and along Branshill Road leading to Parkhead Road.

iii) the details of the design and specification of works to convert and upgrade the existing private road located on the east side of the site which connects Ten Acres and the B908 to an active travel route.

iv) the details within the Travel Plan, including the Residential Travel Pack

Before any construction works start on site, the details to address the above points shall have been submitted to and approved in writing by the planning authority. These shall include; finalised details of the works to alter the capacity of the junctions identified in the TA; details of the works to reduce vehicle speeds and improve pedestrian safety including on the B908 north and south of the roundabout access to the site; the submission for approval of Road Safety Assessments as proposed in the document entitled “Review of Clackmannanshire Council – Roads Consultation Comments” by DBA dated 19th April 2024; the outcome of an assessment on the design and process to deliver the stopping up of the private road described in iii) above and related timescale a timetable and arrangements for delivery of all of the mitigation measures. Thereafter, the development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the planning authority.

3. Prior to the commencement of development on the site, the following details shall have been submitted to and approved in writing by the planning authority;
 - a) Details of the design and specification of the footpath annotated on the Site Layout Plan which would link the roadway opposite Plots 94 and 95 to Ten Acres at the south east edge of the site. The path shall be designed and constructed to a standard adoptable by the Council as Roads Authority.
 - b) Details of existing and finished ground levels and finished floor levels, in relation to a fixed datum (preferably Ordnance Survey) and including levels immediately adjacent to the site.
 - c) An assessment of the risk of flooding to houses from surface water (overland flow) during design storm conditions, prepared by a suitable qualified person.
 - d) An assessment of the risk of groundwater flooding within and adjacent to the site, prepared by a suitable qualified person.
 - e) A detailed specification for the drainage details including SUDs specification, materials and planting and arrangement for ongoing maintenance.
 - f) A finalised Public Art Strategy for the site. This shall include details of the specification and design of the public art within the site and the timescales for delivery and future ownership and maintenance.
 - g) The specification for external lighting within the site which shall accord with the guidance contained in Bats and Artificial Lighting at Night Guidance Note GN08/23, published by the Bat Conservation Trust.

h) A revised Landscaping Specification which incorporates the advice contained in the representation from Scottish Wildlife Trust dated 12/9/2023.

i) Details of the materials and colour and finishes on the external walls of the buildings, hard surfaces and means of enclosure within the site.

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

4. The development authorised by this MSC permission shall not begin until the planning authority has approved in writing a planting specification for the area of woodland abutting the north boundary of the site, including tree and shrub species, sizes, means of protection and establishment and the arrangements for implementation of the works and the approved details have been implemented, unless otherwise agreed by the planning authority.
5. Before any development commences on site, details of the arrangements and timescales to undertake the mitigation measures contained in the Conclusions Section of the Preliminary Ecological Appraisal Report by Acorna Ecology Ltd dated April 2023, shall have been submitted to, and approved in writing by the planning authority, and thereafter fully implemented in accordance with the approved timescales. This shall include;
 - a) follow-up dusk emergence bat surveys and predawn return to roost bat surveys
 - b) pre-start walkover surveys by an ecologist to pinpoint any breeding bird activity
 - c) the employment of the Best Practice Measures to Safeguard Otters and Badgers during construction activities
6. The development shall be implemented in accordance with the measures contained in the Arboricultural Method statement for Phase 1 prepared by TD Tree and Land Services dated February 2024 and in accordance with the requirements of BS 5837(2012). The protective fencing shall be inspected by a representative of the Council before construction works commence on site and shall remain in place for the duration of the construction work within each respective phase.
7. No development shall take place until:
 - a) Phase 2 intrusive investigation to assess the nature, extent and type of contaminated material within the site, the assessment to be carried out in accordance with BS 10175; and a Coal Mining Risk Assessment, have been submitted to and approved in writing by the Planning Authority;
 - b) any intrusive site investigation approved as part of the site investigation strategy in a) above, has been carried out comprising: sampling of soil, soil vapour, ground gas, surface water and groundwater to the satisfaction of the planning authority. Such work to be carried out by suitably qualified and accredited geoenvironmental consultants in accordance with the current U.K. requirements for sampling and testing.

c) written reports of:

- i) the findings of the above site investigation and
- ii) a risk assessment for sensitive receptors together with a detailed remediation strategy designed to mitigate the risk posed by the identified contamination to sensitive receptors have been submitted to and approved in writing by the Planning Authority.

The houses hereby permitted shall not be occupied until:

a) any remediation works approved as part of the remediation strategy have been carried out in full and in compliance with the approved strategy. If during the remediation or development work new areas of contamination are encountered, which have not been previously identified, then the additional contamination should be fully assessed in accordance with part 1 (b, c) above of this condition and an adequate remediation scheme shall be submitted to and approved in writing by the Local Planning Authority and fully implemented thereafter;

b) a verification report, produced on completion of the remediation work, has been submitted to and approved in writing by the Planning Authority. Such report shall include:

- i) details of the remediation works carried out and
- ii) results of verification sampling, testing and monitoring and 2300182MSC
- iii) all waste management documentation showing the classification of waste, its treatment, movement and disposal in order to demonstrate compliance with the approved remediation strategy.

If during the development work, areas of contamination are encountered, then the applicant shall immediately notify the Planning Authority. The nature and extent of any contamination found shall be fully assessed by way of a site investigation and an adequate site investigation report and remediation strategy shall be submitted to and approved by Planning Authority in writing. Any remediation work agreed shall be fully implemented and a remediation verification report submitted to and approved in writing by the Planning Authority.

8. Before any development commences on site, details of a Construction Environmental and Traffic Management Plan shall have been submitted to and approved in writing by the planning authority. The Plan shall include;

- a) Details of the proposed phasing and predicted timescales for implementation of the development, including arrangements to minimise the potential impacts of the most intrusive operations on the surrounding area.
- b) Measures to minimise the risk of nuisance from noise, vibration, dust, external lighting and litter generated during the construction phase,

including potential impacts on the amenity of neighbouring residents and wildlife interests. This shall include consideration of the deployment of control of sediments and oil pollution, during the construction period and measures to avoid any adverse impacts on the woodland areas adjoining the site.

c) Arrangements to regulate plant operation, activity and vehicle movements on site. Operations or vehicle movements or loading and unloading from which noise is audible at the nearest noise sensitive premises shall only be carried out between 0800 and 1800 hours Monday to Friday and 0900 and 1400 hours on Saturdays, and shall not be carried out at any time on Sundays without the prior agreement in writing of the Planning Authority.

d) The arrangements to minimise and mitigate the environmental and road and pedestrian safety impacts of HGV delivery movements travelling to and from the site.

e) The location of any site compound and setting down/ materials storage areas.

f) Details of the arrangements to communicate and liaise with neighbouring residents and landowners and manage site related impacts during the construction period.

Thereafter, the construction works shall be implemented and completed in accordance with the approved Construction Environmental and Traffic Management Plan, unless otherwise agreed in writing by the planning authority.

9. Unless otherwise agreed in writing by the planning authority, the development shall be constructed and operated in accordance with the conclusions of the approved Noise Impact Assessment by RMP dated August 2023, specifically,

(a) For plots closest to the road, Plots 1, 7-11, 83-85 and 87, the installation of a 2m timber fence acoustic barrier to their north east garden boundary as annotated on the drawing in Appendix E. The fence shall comprise a proprietary timber barrier system certified to achieve B2 or B3 performance (DLR 15 to >24 dB) when measured in accordance with BS EN 1793-2 and be supported by a certificate indicating a five year guarantee or end of life performance.

(b) the installation of acoustic glazing and ventilators within the first floor window openings of the Plots annotated on the drawing in Appendix E. The specification for the glazing shall be R_w+C_{tr} 32dB and for the ventilators an acoustic ratings of $D_{ne,w}$ 38 dB.

Prior to the first occupation of the houses where noise mitigation measures have been approved as described in a) and b) above and the location of which are identified in Appendix E of the Noise Assessment, details to demonstrate that the approved measures have been installed and completed in accordance with the approved standards shall have been submitted to and approved in writing by the planning authority.

For the Following Reasons

1. To retain effective control over the development.
 2. In the interests of sustainable travel and road and pedestrian safety.
 3. Insufficient details have been submitted with the application and to ensure the risks from all potential sources of flooding have been satisfactorily addressed.
 4. To ensure the implementation of the planting works in the interests of visual amenity and to help sustain this area of woodland.
 5. To ensure that local habitat and species are protected during construction and post development.
 6. In the interests of visual amenity and to minimise any impact on the biodiversity value of the woodland and trees.
 7. To ensure that any ground contamination that may be present is identified and appropriate remediation measures specified and undertaken, to ensure the health and safety of future occupants of the proposed development as well as construction workers and others.
 8. To help safeguard the amenity of the area during the construction phases of the development.
 9. In the interests of residential amenity.
- 2.2 Notes to Applicant - Display of notice: A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it. (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.)
- 2.3 Reasons for Decision
1. The development is considered to accord with the relevant policies and objectives of the Clackmannanshire Development Plan, comprising NPF4 and the adopted Clackmannanshire LDP, and would comprise implementation of the first phase of a long-standing LDP housing proposal site.
 2. This is a Matters Specified In Conditions (MSC) application which follows the granting of Planning Permission in Principle (PPP) for development of land for houses, school and associated works on a site allocated for such uses in the adopted LDP (ref 10/00153/PPP). The proposals are considered to sufficiently accord with the requirements of the PPP and associated Section 75 Obligation.
 3. The issues raised by a third party and by consultees can be satisfactorily mitigated or are not judged to provide sufficient or reasonable grounds to withhold permission.
 4. The amended proposals are considered to deliver a suitable quality of development in terms of layout and design, placemaking,

environmental impacts and standards of amenity and positively contribute to the development of the overall site which has PPP.

5. On balance, it is considered there are no other material considerations which would outweigh the development plan support for the development and justify withholding the partly retrospective permission.

Approved Plans and Reports

A list of approved plans and reports will be issued under separate cover

3.0 Considerations

3.1. Background

- 3.2. The application relates to the first phase of development on land which was granted planning permission in principle in May 2023 following the upholding of an appeal to Scottish Ministers against the refusal by the Council. The application for PPP (Ref 10/00153/PPP) was for development of land for houses, school and associated works including open space, roads and landscaping on a site extending to approximately 53.0 Ha on mainly agricultural land immediately to the north west of Sauchie. The PPP approved up to 1,000 houses on the whole site.

- 3.3. The site comprises the north eastern part of the PPP site generally located close to the B908 road and contains agricultural land and an area of woodland opposite the Jewson`s builder supplies premises. The site levels fall from north to south with a high point of approximately 58.0 m AOD and a low point of approximately 29.0 m AOD. The north boundary abuts a shelterbelt which separates the site from agricultural land to the north and the east boundary abuts the B908 and a section of private road which links Ten Acres with the B908. The private road is used by vehicles, walkers and cyclists and is relatively narrow and section of the surface are in poor condition. The southern boundary abuts a public path which is Core Path 14 and provides a link between Ten Acres and Tullibody Road, Alloa, Lornshill Academy and Glenochil Village. The western boundary is undefined, comprising agricultural land also within the PPP site. There are 4 overhead powerlines which cross the site and these have to be undergrounded or diverted at the developer`s expense to accommodate the development. This work is undertaken by Scottish Power Energy Networks and they have commenced the work at the time this report was being compiled. The works to these overhead lines, including some related tree felling in the vicinity, do not require planning permission.

- 3.4. The proposal is for a development of 157 houses which is described as Phase 1 of the development. The site will be accessed by a new roundabout to be installed on the B908 to the south west of Jewson`s. This junction will include a leg serving the existing private road to the south of Jewson`s and the realignment of the B908 to the north of the roundabout. The roundabout location and realigned section of B908 have been designed in consultation with the Council` Roads Service and reflect the position proposed in the PPP approval. This will encroach within the south eastern part of the existing woodland, requiring removal of trees to accommodate the works. A spine road

would run westwards from the roundabout through Phase 1 to access the rest of the PPP site, continuing around the southern part of the site to connect with Branshill Road near the south east corner of the PPP site. The overall design approach is contained in the Masterplan drawing which is the subject of a separate MSC application for approval and which is on the Agenda. There would be some frontage development along the spine road but the majority of the houses would be served by a network of secondary and tertiary roads which would be interconnected, reflecting placemaking principles. The proposed houses would be a mix of detached and semi detached 2 storey buildings. The layout would include landscaped amenity areas incorporating children's play equipment, planting and rain gardens which would be part of the SUDs drainage design. The southern part of the site next to the Core Path would form part of a larger linear area of open space including SUDs which would extend from the east to almost the west boundary of the PPP site along the length of the Core Path when the site is fully developed. Street frontages would also include individual tree planting and hedgerows within plots.

3.5. Planning History

3.6. The site forms part of the large site for residential and education development which has been allocated for development in the LDP and previous Local Plans for over 13 years. The site was first allocated for housing in the Clackmannanshire Local Plan, adopted in 2004 and this continued in the 1st Alteration to the Local Plan, adopted 2011 and the current Clackmannanshire Local Development Plan (LDP) adopted 2015.

3.7. The applicant was granted planning permission in principle in May 2023 for development of land for houses, school and associated works following an appeal to Scottish Ministers against the refusal of the application (Ref 10/00153/PPP) by the Council in January 2021. Refusal by the Council was not in respect of the principle of the development, but followed the failure of the applicant to reach agreement with the Council over the measures required to mitigate the impacts of the development on the education estate, including the proposal to increase the number of houses from 774 as allocated in the LDP to a minimum of 1000.

3.8. The permission in principle (PPP) was granted by the Reporter subject to conditions and a Section 75 Obligation between the applicant and the Council. The principle of the development has been established by the PPP which reflects the allocation in the LDP. This MSC application has to be assessed against the compliance of the submitted details and information with the conditions attached to the PPP (the Matters Specified in Conditions) as well as the relevant provisions of the Development Plan and any other material considerations. The Section 75 Obligation requires the submission of a draft Masterplan for the whole site alongside the first application for MSC for the site. Development cannot commence until the Masterplan has been approved by the Council. A draft Masterplan has been submitted by the applicant for approval and this is the subject of a separate MSC application which is also on the Agenda for determination by Committee.

3.9. The terms of the Section 75 Obligation are summarised below. These terms would not prevent the determination of this MSC application for Phase 1 although the commencement of development would have to comply with the requirements of the Section 75.

Section 75 Obligations

<p>Masterplan</p>	<ul style="list-style-type: none"> • Draft Masterplan to be submitted alongside first application for approval of MSC on the site. • Development shall not commence on the site until the Masterplan has been approved by the Council. Once approved, the development shall be completed in accordance with the Masterplan. • Prior to commencement of development of any Phase, details of the timing and delivery mechanism of any landscaping, open space and play areas, including details of ongoing maintenance and ownership shall be agreed by the Council.
<p>Education</p>	<ul style="list-style-type: none"> • Prior to commencement of development, developer to prepare and submit to the Council for approval, a detailed specification to extend Craigbank PS by 5 class bases and associated works. • Developer and Council to agree cost of approved specification within 60 days of approval • Contribution to be paid in full prior to occupation of 300th house • Council has option to give notice that it wants to procure delivery of a new school on the site rather than extend Craigbank Primary School, Notice to be given no later than 6 months after the Council has received the contribution • Developer has to safeguard land within the site for a school. Arrangements for sale of the land set out in the S75.
<p>Delivery of Offsite Transport Works</p>	<ul style="list-style-type: none"> • Offsite works required to address impacts of the development on local transport infrastructure. These are to be identified in the Transport Assessment (TA) for the site. • Council and Developer to agree the design, specification and cost of delivering the Off Site Transport Works within 20 working days of approval of the TA • Payment of Offsite Transport Contribution (per house unit) to be paid to the Council by each

	Phase Developer. The Contribution is calculated as total cost of works divided by the total number of housing units. Payments to be made on each biannual payment date defined in the S75 following occupation of the first house on the Phase.
Public Art	<ul style="list-style-type: none"> • Prior to commencement of development a Public Art Strategy shall be agreed in writing with the Council. This will set out whether art provided; on site; or using a commuted sum via a contribution; or a hybrid of on site delivery and contribution. • If onsite delivery then Strategy to include specification and design of the public art and timescales for installation. If a contribution this to be calculated at £250 per house unit. • If a commuted sum then payment paid by relevant phase developer as each Phase completed.

3.10. Consultations

3.11. Transportation has not objected to the application but having reviewed the Transport Assessment submitted with the application, has highlighted a number of issues which they consider would require further consideration or information in the interests of road and pedestrian safety and to help mitigate the impact of vehicle trips which would be generated by the development, both in relation to Phase 1 and the PPP site as a whole. These can be summarised as follows;

- a) The proposed roundabout and internal road and footpath layout are broadly acceptable in design approach but will be submit to detailed assessment through the Road Construction Consent process. Path and road gradients will need to accord with maximum acceptable for adoption.
- b) It is preferable that the main active travel routes within the site are all on segregated paths having regard to the wider traffic impact of the development as a whole. High quality routes are important to encourage their use and help offset vehicle trips.
- c) Although the scope of the amended TA is considered to be generally acceptable, some of the analysis of network impact and proposed mitigation measures, including the provision of active travel infrastructure, require further clarification before the conclusions of the document can be fully agreed. This includes the design standards to retain the private road at the east side of the site to an active travel path which would no longer be open to vehicular traffic as a through route. About half of the length of the road is on land owned by a third party and outwith the site boundary. Transportation also has advised that the potential for a financial

contribution to be sought from the developer towards the establishment of new, or revised bus services, which could serve the development be explored.

- d) Further details are required in respect of dealing with any potential flood risk from surface water run off (overland flow) and groundwater sources.
- e) Clarification is required about the long term arrangements and responsibilities to maintain SUDs within the site.

Comment – *the Transport Assessment (TA) addresses the development of the whole site up to a possible 1000 houses. The wider network mitigation measures and active travel provision will not be all delivered by the Phase 1 development and it is considered that it is more appropriate that these issues are examined and determined as part of the determination of the associated MSC application for the Masterplan (ref 23/00219/MS). The Section 75 Obligation regulates the arrangements to agree the design, specification and costs of the Off Site Transport Works but it is considered reasonable to include a planning condition which would prevent the commencement of development on Phase 1 until the outstanding matters highlighted by Transportation have been fully addressed by the developer, in agreement with the Council. The applicant is confident that they can address these matters and this process can be progressed under the relevant terms of the Section 75 subject to the proposed conditions. The proposed internal layout as been amended to improve the design quality and layout in terms of placemaking principles and making streets attractive to all users and not weighted in favour of the private car. The proposed layout would include sections of shared road within the residential development where vehicle numbers and speeds would be lower due to the layout. There would be segregated active travel routes along the more heavily trafficked proposed spine road and to connect from the spine road to the main active travel route along Core Path 14 including with suitable crossing points. It is considered that this is an appropriate and proportionate response, balancing the levels of risk to road and pedestrian safety with the attractiveness of the routes. The applicant has agreed to submit further assessments relating to surface water and ground water flood risk and this can be regulated by conditions as can be the future maintenance arrangement for Suds. In summary, it is considered that subject to the proposed conditions, the design and layout of Phase 1 is acceptable in terms of delivering safe sustainable travel choices.*

- 3.12. Environmental Health has no objection to the application. They have advised that they are satisfied with the conclusions of the Air Quality Impact Assessment and Noise Impact Assessment reports relating to the proposed development. The impact on air quality would not be significant or result in any cumulative adverse impacts. Mitigation of road traffic noise would be required for the houses closest to the B908, comprising acoustic fencing to enclose rear garden areas and suitable glazing and ventilation on the upper floor elevations facing the road. A further AQIA and Noise Assessment would be required to assess the impacts associated with a school being developed on the site. A Construction and Environmental Management Plan (CEMP) would be required to demonstrate how potential impacts from noise, vibration and lighting during construction would be mitigated to safeguard the amenity of neighbouring properties. Comment – *the advice concludes that the environmental impacts and standards within the site would be satisfactory. A*

condition can be attached to require additional details to be submitted as part of the CEMP. If a school is proposed within the overall site then this would be the subject of a separate planning application and a separate AQIA and Noise Assessment could be required to support the application.

- 3.13. The Contaminated Land Section has raised no objection subject to attaching the planning condition set out in their response. Comment – *this can be included in the decision.*
- 3.14. Regional Archaeologist has no objection. He has advised that the Addendum to the original Written Scheme of Investigation which outlines the scope of further archaeological mitigation works is thorough and competent. When the works described are completed and reported upon this would discharge the requirements of the relevant condition attached to the PPP. Comment – *the applicant has already undertaken an extensive archaeological assessment of both the current site and the whole PPP site in advance of MSC applications having been determined. This assessment has not identified any significant archaeological interests within the site.*
- 3.15. SEPA initially submitted a holding objection due to the lack of adequate information in the original Flood Risk Assessment (FRA) submitted with the application and requested that determination be deferred until the additional information they highlighted had been provided and approved. This related to the modelling being used and supporting information to show houses or earthworks would be outwith the flood risk area, no channel modifications would be made which could increase flood risk downstream and there would be at least a 6.0 metre buffer zone from the Sauchie Burn to facilitate maintenance of the watercourse. They also advised that surface water run off from the development should be attenuated to greenfield runoff rates. Following the submission of a revised FRA, SEPA has withdrawn its objection and has advised that it is satisfied that the revised FRA has addressed the points it raised. Comment – *this advice and that from the Council's Flooding Officer is considered to demonstrate that flood risk associated with the proposed development of 157 houses has been satisfactorily addressed. SEPA also advised that the FRA can be used to inform subsequent phases of the development although depending on the timescales involved, checks should be made at each Phase on methods and data, and relevant updates to the FRA should be undertaken. The Council can adopt this approach when assessing any future MSC applications.*
- 3.16. The Coal Authority highlight that the site is likely to have been subject to historic unrecorded underground mining at shallow depth and one recorded mine entry (shaft) is present within or within 20m of the planning boundary. These elements can pose a risk of ground instability and may give rise to the emission of mine gases. Their initial response highlighted concerns that there was insufficient information to demonstrate how the recorded mine entry (No 288695-035) would be investigated and remediated, and how the identified shallow coalmine workings would be consolidated. Following the submission of further details, they have advised that they are now satisfied with the risk associated with the old mine entry having regard to its location in relation to the proposed built development, provided that the LPA is satisfied that the area will be retained as woodland and no public access is proposed within the area of the entry and its potential zone of influence. At the time of compiling this report, the Coal Authority has still to respond to the additional information

provided by the applicant setting out how the shallow mine workings would be remediated and stabilised using grouting. *Comment – the mine shaft is located on the edge of the woodland at the north east boundary of the site over 100 metres from the construction works where there are no future proposals for development. On this basis, it is considered that the risk has been satisfactorily examined and would not justify withholding permission. The applicant has provide details of how it would address possible risks form shallow mine workings although the Coal Authority has not responded by the time the report has had to be compiled. This could be regulated using a planning condition to prevent works commencing until the Coal Authority has confirmed it is satisfied.*

- 3.17 Scottish Water has no objections. They have carried out a capacity review and have advised that there is sufficient capacity to provide a public water supply and foul only connection to Alloa WWTW. This advice is subject to the appraisal process undertaken by Scottish Water on receipt of a Pre-Development Enquiry. The cost of any mitigation works deemed necessary is to be met by the developer. Surface water will not be accepted into its combined sewer system. *Comment – the application provides details of how surface water would be managed which would not be directed to the combined sewer.*
- 3.18 Scottish Power (SP) has advised that it has no objections in principle and notes that they have high voltage overhead lines and underground cables within the vicinity of the proposals and these may have to be diverted or protected at the applicant`s expense. *Comment – the applicant has been in communication with SP about the potential impact of the development on SP infrastructure as 4 overhead power lines cross parts of the site. The applicant has agreed arrangements to remove the overhead lines, 3 of which will be undergrounded and one will be diverted onto agricultural land to the north of the site. This work has already commenced on site and can be undertaken by SP without the need for planning permission.*
- 3.19 The Council`s Sport Development, Education and Housing Services were consulted on the application and NHS Forth Valley. No responses have been received at the time of compiling this report.
- 3.20 Representations
- 3.21 26 neighbouring properties were notified of the application and the application was publicised in the Alloa Advertiser and Edinburgh Gazette for neighbour notification reasons.
- 3.22 One objection and one representation have been received in response to this this publicity. The objection was received from Mr and Mrs Brown, 111 Ten Acres, Sauchie. This highlighted a number of issues as described below;
- Insufficient play and exercise areas – *Comment – the nature, size and distribution of amenity/ play space within Phase 1 is considered to be sufficient to meet resident`s needs.*
 - Lack of nursery places at present - *Comment – The impact on education capacity was addressed at the planning appeal stage for the PPP and the agreed arrangements for mitigation is set out in the Section 75 Obligation. This is an application for MSC and cannot revisit this issue or require further contributions.*
 - Primary school places (classroom sizes) - *Comment – The impact on education capacity was addressed at the planning appeal stage for the PPP*

and the agreed arrangements for mitigation is set out in the Section 75 Obligation. This is an application for MSC and cannot revisit this issue or require further contributions.

- Secondary school places (classroom sizes) - Comment – The impact on education capacity was addressed at the planning appeal stage for the PPP and the agreed arrangements for mitigation is set out in the Section 75 Obligation. This is an application for MSC and cannot revisit this issue or require further contributions.
- Insufficient qualified teachers and early years practitioners – Comment – this issue is not considered to be a material planning consideration.
- Dentists and GP practices - increased demand and costs. Hospitals already under pressure. Comment - The impact on health services was considered as part of the planning appeal and no mitigation measures have been required. This is an application for MSC and cannot revisit this issue or require further contributions not already included as part of the PPP. NHS Forth Valley have previously been consulted on the inclusion of this site in the LDP, so will be aware of the planned housing.
- Council services already stretched, including; bin uplifts (services already reduced); street lighting (increased costs); council tax (possible increased to provide services). Comment – the costs associated with the development would be offset by Council tax payable by the occupiers of the new houses. This is an application for MSC and cannot require further contributions.
- Busier roads (air pollution) – Comment – Environmental Health is satisfied that the potential impact on air quality from the development, including traffic, would not be significant and the impact has been described as negligible. Electric vehicle charge points will be installed at each house which would support the use of electric vehicles which would mitigate pollution associated with internal combustion engines. There is not considered to be justifiable grounds to withhold permission on this basis.
- Protecting our green space and wildlife. Comment – the proposed layout and landscaping is considered to safeguard the habitat value of the site and create additional habitats and biodiversity opportunities which would offset the loss of part of the woodland to accommodate the roundabout access to the site and development. The Preliminary Ecological Appraisal has not identified any protected species which would be adversely affected by the development in Phase 1 subject to the advice set out in the Report. Compliance with the advice can be made conditional of an approval.
- Increased noise, pollution and heavy machinery due to the building site. Comment – a CEMP will have to be submitted to and approved by the planning authority and this will set out the arrangements and measures to minimise the risk of nuisance from noise, vibration, dust and lighting on neighbours. It is acknowledged that the construction works is likely to generate noise and activity but the CEMP is designed to ensure there is a reasonable balance between delivering the level of environmental impacts and safeguarding residential amenity. In the event that there were complaints about environmental emissions, these can also be investigated and regulated by Environmental Health under the EPA Act 1990, if there was evidence of nuisance
- Living on a building site for years. Comment – construction related impacts would be regulated by a CEMP, which has still to be approved.
- Public transport (more bus routes required). Comment – the terms of the PPP does not require the developer to deliver more bus routes or services but to ensure there are safe and convenient links from within the site to existing

bus stops and the spine road would be designed to be capable of accommodating buses if routes were expanded in the future. This is an application for MSC and cannot revisit this issue or require further contributions not already included as part of the PPP.

3.23 A representation was received on behalf of the Scottish Wildlife Trust Stirling and Clackmannanshire Local Group. Their comments can be summarised as follows;

- They note that a further bat survey is recommended in the Preliminary Ecological Assessment. They advise that bats are likely to forage over more of the site as the proposed tree planting matures. Consequently, outdoor artificial lighting should be installed having regard to the guidance published by Bat Conservation Trust titled Bats and Artificial Lighting. Comment – *the applicant has confirmed that the survey will be undertaken as recommended and a consultant has been arranged to do this within the relevant period of between May and September. This could be regulated by a condition. The applicant has also advised that the external lighting will be designed having regard to the BCT guidance.*
- There is a range of positive aspects to the proposed Landscape Plan, however, they would suggest an increase in the variety of bulbs to be planted to provide a longer season of food sources for pollinators. Comment – *the applicant has agreed to amend the planting specification to increase the variety of bulb species.*
- The proposed method for weeding the new planting by mechanical or herbicidal means could result in harm to the plants and hand weeding is a safer method. Comment – *the applicant has confirmed that this point can be addressed and a revised landscape specification will be submitted. This could be regulated using a planning condition.*

4.0 Planning Assessment

4.1 The application must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.2 National Planning Framework 4 (NPF4) was adopted on 13th February 2023 and is now part of the statutory Development Plan. Decisions on planning applications have to be made in accordance with the Development Plan unless material considerations indicate otherwise. The NPF4 and the adopted Clackmannanshire Local Development Plan (LDP) 2015 and associated Supplementary Guidance currently comprise the Development Plan. A review of the LDP is underway and will be informed by the policies in the NPF4. Planning applications will be assessed against the relevant Principles, Strategies and Policies in the NPF4 and the LDP. As NPF4 provides the latest national planning policy context for the assessment of planning applications, where it is considered there is incompatibility between the provisions of the adopted Clackmannanshire Local Development Plan 2015 and NPF4, the provisions of NPF4 will prevail.

4.3 The site is located within the settlement boundary of Sauchie as defined by the adopted LDP. It comprises part of the larger Housing Proposal Site H16 (Sauchie West) which allocates the land for residential development. During the Planning Appeal for the PPP application for the site, the Reporter had

regard to relevant provisions of NPF4 before determining the Appeal, concluding there was no conflict between the NPF4 and the relevant LDP policies as they affect the assessment of the application.

4.4 The most relevant policy provisions of the Development Plan are considered to comprise;

4.5 NPF4 Policies

- 1 – Tackling the climate and nature crises
- 2 – Climate mitigation and adaptation
- 3 – Biodiversity
- 4 – Natural places
- 6 – Forestry, woodland and trees
- 7 – Historic assets and places
- 9 – Brownfield, vacant and derelict land and empty buildings
- 11 – Energy
- 13 – Sustainable transport
- 14 – Design, quality and place
- 15 – Local living and 20 minute neighbourhoods
- 16 – Quality homes
- 18 – Infrastructure first
- 19 – Heat and cooling
- 20 – Blue and green infrastructure
- 21 – Play, recreation and sport
- 22 – Flood risk and water management
- 23 – Health and safety

4.6 Clackmannanshire LDP Policies

- SC5 – Layout and design principles
- SC6 – Additional design information
- SC7 – Energy efficiency and low carbon development
- SC9 – Developer contributions
- SC10 - Education, community facilities and open spaces
- SC12 - Access and Transport Requirements
- SC20 – Water and drainage infrastructure and capacity
- EA2 - Habitat networks and biodiversity
- EA3 – Protection of designated sites and protected species
- EA6 – Woodlands and forestry
- EA7 – Hedgerows, trees and TPOs
- EA9 – Managing flood risk
- EA11- Environmental quality
- EA12 – Water environment
- EA25 - The development of brownfield, unstable and contaminated land

4.7 The development is on a site allocated for residential development within the settlement boundary as defined by the LDP. The development of the site is considered to contribute to local living and compact urban growth. The proposals include planting and habitat creation which are considered to have a positive impact on nature recovery and off set the impacts associated with the removal of part of the woodland in the north east part of the site to accommodate the roundabout and development. The application is not considered to be contrary to the objectives of NPF4 Policy 1.

- 4.8 Policy 2 seeks to ensure development will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and be designed to be capable of adapting to current and future risks from climate change. On balance, it is considered that the objectives of this Policy would be achieved having regard to; the proposed design and layout which includes measures to ensure houses are energy efficient and benefit from passive solar gain; and the methodology used in the flood assessment takes account of predicted impacts due to climate change.
- 4.9 Most of the site is agricultural land which is of relatively low biodiversity value. The development would however require the removal of a section of the woodland next to the B908 in order to accommodate the roundabout access which would serve Phase 1 and future development on the remainder of the PPP site. A length of hedgerow would also be removed. Policies 3, 4, 6, 20, EA2, EA3, EA6 and EA7 seek to protect and enhance natural habitats, species, nature networks, trees and hedgerows and landscape quality.
- 4.10 A number of reports have been submitted to assess the habitat value of the site, comprising a Preliminary Ecological Appraisal Report, Landscape and Biodiversity Statement, Revised Arboricultural Impact Assessment, Arboricultural Constraints Report, Phase 1 Arboricultural Method Statement and a Landscape and Visual Impact Assessment. The proposed layout, site levels and existing and proposed landscaping would ensure the development would not have an adverse impact on the established landscape character of the area. The reports do not identify any significant risks arising from the development on any protected species and would not affect any areas designated for the natural heritage value. Whilst the policy presumption would be to retain the whole of the woodland area, this is not considered practicable or justifiable given the locational and design requirements associated with creating a suitable access from the B908 to serve the wider site and maintain an acceptable standard of road safety on the B908 and nearby junctions. This has been long-established as the optimum junction location to serve the development site. The Arboricultural Assessment has highlighted that the part of the woodland area to be removed is of lower habitat quality although it forms the eastern end of a strip of mixed plantation origin woodland (Long Established woodland). This reflects the likely existence of woodland on the land since the 18th or 19th centuries which contributes to its biodiversity value. At least 13 of the trees to be removed within the woodland are dead or in a poor condition and merit felling according to the tree survey. The ecological assessment notes that the amount of tree loss would not adversely affect its function as a wildlife corridor as this part of the woodland does not connect to any woodland to the east while it would remain connected to the wooded areas to the west. The applicant has agreed that they would undertake tree planting within the woodland where the felling would take place and also in the section to the west which encloses the north boundary of the site. This would help compensate for the loss of trees and enhance and help sustain the woodland area as a whole part of which has little tree cover where an overhead power line crosses it. This can be replanted as the line is being diverted and removed from the tree belt to accommodate the development. The planting would deliver benefits in relation to biodiversity, amenity and strengthening the visual enclosure that this tree belt provides in views from the north of the site. The shelterbelt is owned by the adjoining farmer and the applicant has obtained their agreement to undertake planting in this area.

- 4.11 A suspensive condition can be attached to regulate the approval of details of the design and implementation of the planting. Any construction work would have to be undertaken in accordance with British Standard Guidelines for protection of trees during development. The applicant has submitted an Arboricultural Method Statement to demonstrate how the remaining trees would be protected.
- 4.12 The proposed layout would also introduce areas of amenity space which would be planted to enhance biodiversity, street trees and hedgerows would be planted along street frontages, and the applicant has amended the SUDs design to enhance its biodiversity and amenity value, including swales and rain gardens. While the policy presumption would be to retain areas of woodland, having regard to; the terms of the PPP; the locational and design justification for the proposed roundabout access on part of the woodland; the conclusions of the technical reports in terms of the absence of any significant adverse ecological impacts; the tree removal is not considered to fragment the woodland habitat or adversely affect its integrity as part of a nature network; and the mitigation which would be delivered by the quantity and quality of the planting and habitats created by the development to offset the habitat lost; it is concluded that, on balance, the proposal are acceptable and the application is not contrary to Policies 3, 4, 6, 20, EA2, EA3, EA6 and EA7.
- 4.13 Policies 13 and SC12 provide support for developments which; improve or enhance active travel infrastructure including suitable links to local facilities via active travel networks; are compatible with the sustainable travel hierarchy; are accessible by public transport; provide vehicle charging points; incorporate safe crossing points and measures to reduce vehicle speeds; and mitigate any impact on local public access routes. Proposals which generate large numbers of trips should be supported by a Transport Assessment (TA) and Travel Plan. The proposed layout is considered to be compatible with sustainable travel hierarchies and has been amended to improve the quality and attractiveness of the facilities to support active travel trips within the site and to connect with footpath links surrounding the site and to routes to nearby services in Sauchie and Alloa. Some elements of the TA have still to be agreed but as discussed in Paragraph 3.11 above, this can be effectively regulated by conditions and through the terms of the Section 75 which requires agreement to be reached over the specification, costing and phasing of the off site infrastructure works. This is also an MSC application which has been submitted after the principle of development was established by the granting of PPP following an appeal to Scottish Ministers. The Reporter appointed to determine the appeal concluded that; the site is well connected to Core Paths and the active travel network and would be accessible on foot, wheeling, cycling and car; the main spine road has been designed to be capable of accommodating a bus service while the site is accessible to existing public transport provision; Lornshill Academy and Craighbank Primary School are within walking distance of the site; and the development of up to 1000 houses is not expected to result in a detrimental impact on the operation of the local road network.
- 4.14 Policies 14, SC5 and SC6 seek to ensure developments are designed to high standards and are consistent with the 6 qualities of successful places set out in NPF4 and Designing Places and Designing Streets Guidance. The application has been supported by a number of documents which

demonstrate how the layout and site design would be consistent with the 6 qualities. This includes a Design and Access Statement, illustrations of the hierarchies of streets and footpath links, Landscape Strategy and Open Space and SUDs Strategy. The amended layout is considered to respond positively to the policy requirements having regard to the topography of the site, the response to managing site levels and the surrounding land uses. The application is not considered to be contrary Policies 14, SC5 and SC6.

- 4.15 Policy 16 seeks to support the delivery of more quality sustainable homes in the right locations. The Policy supports proposals for new homes on land allocated for housing in the LDP. The site is allocated for housing in the LDP and has the benefit of a PPP for residential development, where impacts on local infrastructure facilities and services and impact on the residential amenity of the area were considered as part of the decision making process. The application is not considered to be contrary to this Policy.
- 4.16 It is considered that the proposed internal layout and path network and the improvements to active travel routes outwith the site which would be delivered by the development would allow residents to meet the majority of their daily needs within a reasonable distance including by walking wheeling and cycling. This also reflects the conclusions reached by the Reporter in determining the appeal for the PPP application. The application is not considered to be contrary to Policy 15.
- 4.17 It is considered that the proposed development has been satisfactorily designed to promote sustainable temperature management within buildings and the building would incorporate low and zero carbon generating technology as well as electric vehicle charging facilities. The application is not considered to be contrary to Polices 11, 19 and SC7.
- 4.18 Policies 18 and SC9 seek to ensure development is served by suitable infrastructure and any impacts are adequately mitigated by the developer. The infrastructure impacts have been addressed as part of the determination of the application for PPP. The Reporter concluded that the impacts of the development on infrastructure would be properly mitigated. A Section 75 was concluded which secures contributions towards off site transport infrastructure works, education capacity and public art. The Section 75 sets out the arrangements for approval of any details and the payment of the contributions on a phased basis as phases of development progress. This will be kept under review to monitor progress. The application is therefore not considered to be contrary to these Policies.
- 4.19 Policies 21 and SC10 support development which will provide well designed and good quality provision for play and recreation for young people and which can be easily and safely accessed. The proposed spaces within Phase 1 are considered to accord with the requirements of Policies 21 and SC10 and complement the wider network as illustrated on the Masterplan for the site. The development will also be integrated with the footpath network, including the Core path through the main site and on surrounding land which provides access to surrounding woodlands and countryside.
- 4.20 Policies 22 and EA9 seek to ensure development is not at an unacceptable risk of flooding or will not result in an unacceptable increase on flood risk elsewhere. Policies 22, EA12 and SC20 require development to; protect and

where possible enhance the water environment; manage surface water by SUDs which should integrate with and where possible enhance blue - green infrastructure; and provide a Drainage Impact Assessment where appropriate. Following the submission of a revised FRA, SEPA has advised that it has no objection to the development on flood risk grounds. The Council's Flooding Officer has advised that further information is required to demonstrate that the potential risk from surface water run off (overland flow) during design storm events, and from groundwater has been satisfactorily considered and addressed including in relation to site layout and ground and finished ground floor levels. Such matters will be addressed through detailed design within the development site, and the absence of this information does not preclude the determination of the application. The additional details can be regulated using a suitably worded condition. This would prevent construction works from commencing until the outstanding details have been submitted and approved by the Council. The layout would incorporate a number of SUDs features which would integrate with the proposed SUDs design for the whole development area. The design has been amended by the applicant in response to advice from the Council to introduce more measures to deliver amenity and biodiversity improvements as well as water quantity and water quality. The design has been revised to include rain gardens, filter strips, swales and wetland areas. The type and quality of blue – green infrastructure proposed is now considered to be acceptable. The application is not considered to be contrary to the above Policies.

- 4.21 Policies 23 and EA11 seek to ensure development will not result in any unacceptable impact on environmental quality such as from noise or odours or light pollution. Environmental Health is satisfied with the conclusions of the Noise Impact and Air Quality Impact reports and the proposed measures to mitigate road noise on the houses closest to the B908. The impact from noise at the nearby builder's merchants is not predicted to result in any noise nuisance to occupants of the new houses. The application is not considered to be contrary to Policies 23 and EA11.
- 4.22 The archaeological assessment has not identified any issues of significance and the Regional Archaeologist has no objections based on the investigations already undertaken. The application is not considered to be contrary to Policy 7.
- 4.23 The site includes areas of land identified by the Coal Authority as being at higher risk from legacy mining issues. The applicant has submitted a Coal Mining Risk Assessment and this proposes some grouting is required to stabilise shallow underground mining. It also clarified that the old mine shaft in the records would not be within the vicinity of the proposed houses or other built development. The Coal Authority's further advice relating to the proposed remediation of shallow mine workings is awaited but this can be satisfactorily addressed using a planning condition, meantime. The Contaminated Land Section has raised no objection subject to a condition being attached to ensure the risks associated with any ground contamination are suitably identified and remediated. The application is considered to accord with Policy 9 and EA25.
- 4.24 In summary, subject to the proposed conditions, it is concluded that the development would accord with the provisions of the Development Plan.

5.0 Other Material Considerations

- 5.1 A number of other material considerations have been identified which have also informed the assessment of the application. These are summarised below;
- 5.1.1 The principle of the development has been established by the granting of PPP. The current application has to be assessed against its compliance with terms of the PPP, including the conditions and Section 75.
- 5.1.2 Having regard to the advice received from consultees, it is considered that subject to the proposed conditions, and taking cognisance of the requirements of the Section 75 and conditions attached to the PPP, the responses would not justify withholding permission.
- 5.1.3 The issues raised by the objector and in the representation have been carefully considered, and as summarised in Paragraphs 3.22 and 3.23 above, these are not considered individually or collectively, to justify withholding permission.
- 5.1.4 The development is considered to be compatible with neighbouring land uses and would not adversely affect the established standards of amenity and privacy of neighbouring houses.
- 5.1.5 The proposed development is considered to accord with the relevant advice published in the Council's Supplementary Guidance relating to; 3 - Placemaking; 4 - Water; 6 - Green Infrastructure; 7 - Energy Efficiency and Low Carbon Development and 8 - Woodlands and Forestry.
- 5.1.6 As an MSC application, the proposal must principally be assessed in relation to the compliance with the conditions of the PPP. This is examined below
- a) Condition 1 – Duration of permission – *the PPP is extant*
 - b) Condition 2 – Maximum of 1000 houses – This first phase is for 157 units and the limit of 1000 remains unchanged
 - c) Condition 3 – Before construction commences details to be approved as MSCs – *Current application deals with MSCs for Phase 1.*
 - d) Condition 4 – specified information to be submitted as MSC – *the application accords with this.*
 - e) Condition 5 requires the following details:
 - i. Masterplan for PPP site – *an MSC application has been submitted for a Draft Masterplan and is also on this Agenda for determination.*
 - ii. Phasing Plan – *this has been submitted. This provides information on the proposed phasing of residential development over the PPP site.*
 - iii. Flood Risk Assessment - *this has been submitted and is considered satisfactory in relation to fluvial risk. Further details would be required to address risks from surface water run-off and groundwater.*
 - iv. Drainage Impact Assessment – *this has been submitted and the proposed assessment and strategy is considered to be*

- acceptable subject to agreement of some details and of future maintenance.*
- v. *Tree survey – the application has been supported by an Arboricultural Impact Assessment and a Method Statement for Phase 1 which identifies trees to be retained and removed and arrangements for protection during the construction stage. A proportion of the trees within part of the woodland around the site access location to be removed are in a poor condition.*
 - vi. *Phase 2 Intrusive investigation – A Mineral Stability Investigation report has been submitted to address legacy mining issues. Condition to be attached to require assessment as per advice from Contaminated Land Section.*
 - vii. *Construction Method Plan – Plan submitted but not considered adequate to regulate environmental impacts on surrounding area. A condition is attached to require a revised Construction and environmental Management Plan to be submitted for approval.*
 - viii. *Energy Statement – details have been included in the Design and Access Statement.*
 - ix. *Transport Assessment – a revised version has been submitted. The TA includes consideration of the impact on the overall development and identifies mitigation measures to reduce the impact on the capacity of the surrounding road network, including measures to encourage trips by active travel. These measures are regulated by the Section 75 which sets out the framework to identify, agree and cost the works and for their delivery.*
 - x. *Travel Plan – an Initial Travel Plan has been submitted, the scope of which is considered to be acceptable. The draft requires further review and this can be regulated using a planning condition.*
 - xi. *Details of all roads and footpaths, to be designed and constructed in accordance with SCOTS National Roads Guide – the MSC application contains details and has been designed based on SCOTS National Guidance. The public roads and paths for will also be subject to approval through the Road Construction Consent process.*
 - xii. *Public art provision – information has been prepared by a public art design company to outline a proposal for the developer to deliver public art within the site. This comprises a series of installations within the open space area next to the Core Path. This would not affect Phase 1. The delivery of public art is also regulated by the Section 75, and more detail will come forward as part of future MSC application.*
 - xiii. *Noise Impact Assessment – a report has been submitted which is considered acceptable.*
 - xiv. *Air Quality Impact Assessment – a report has been submitted which is considered to be acceptable.*
- f) *Condition 6 – Requires implementation of archaeological evaluation – the applicant has already under taken the assessment for the whole site, including Phase 1 which did not identify any significant findings. A final report has to be submitted to discharge the condition.*

- g) Condition 7 – requires archaeological mitigation strategy to be approved if any features of interest identified in the evaluation - *No mitigation will be necessary based on the evaluation findings.*
- h) Condition 8 – Requires developer to notify Council of completion of each phase of development on the site.

5.2 In conclusion, it is considered that subject to the proposed conditions, the application would accord with the provisions and policies in the Development Plan, the relevant conditions of the PPP and requirements of the Section 75, and, as discussed above, there would not be any material considerations which would outweigh the Development Plan support for the application and justify withholding permission.

6.0 Sustainability Implications

6.1. The development relates to a residential expansion site allocated in the Development Plan on the edge of Sauchie. The proposals are considered to accord with the principles of NPF4 in relation to delivering sustainable and liveable places.

7.0 Resource Implications

7.1 Financial Details

7.2 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

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

8.0 Exempt Reports

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

9.0 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)

10.0 Equalities Impact

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

11.0 Legality

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

12.0 Appendices

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

None

13.0 Background Papers

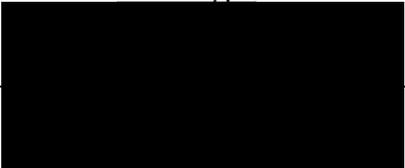
13.1 Have you used other documents to compile your report? (All documents must be kept available by the author for public inspection for four years from the date of meeting at which the report is considered)
Yes (please list the documents below) No

- Adopted Clackmannanshire Local Development Plan 2015
- NPF4, 2023

Author(s)

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Approved by

NAME	DESIGNATION	SIGNATURE
Grant Baxter	Planning & Building Standards Team Leader	
Emma Fyvie	Senior Manager (Development)	



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LEGEND

_____ Application Boundary

23/00182/MSC - Residential Development Of 157 Houses With Associated Infrastructure Including Roads, Footpaths, Landscaping, Drainage And Associated Works (Phase 1) at Land At Branshill, Branshill Road, Sauchie, Clackmannanshire


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

Report to Planning Committee

Date of Meeting: 2nd May 2024

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

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

1.0 Purpose

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

2.0 Recommendations

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

Conditions

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

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

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

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

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

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

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

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

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

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

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

Reasons

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

Approved Drawings and Reports

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

Reports

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

Informative note to applicant:

1 - Ground Investigations

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

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

2 - Shallow coal seams

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

2.2 Reasons for decision

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

3.0 **Considerations**

3.1. Background

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

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

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

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

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

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

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

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

3.11. Consultations

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

3.12. Representations

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

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

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

4.0 Planning Assessment

4.1 National Planning Framework 4.

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

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

4.2 NPF4 Policies

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

4.3 Clackmannanshire Local Development Plan Policies

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

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

4.5 Energy

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

4.7 Countryside location

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

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

4.9 Landscape impact

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

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

4.12 Biodiversity

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

4.14 Soils

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

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

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

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

4.18 Other material considerations

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

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

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

4.22 Summary

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

5.0 Sustainability Implications

6.0 Resource Implications

6.1 *Financial Details*

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

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

7.0 Exempt Reports

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

8.0 Declarations

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

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

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

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

As above

9.0 Equalities Impact

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

10.0 Legality

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

11.0 Appendices

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

None

12.0 Background Papers

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

Yes (please list the documents below) No

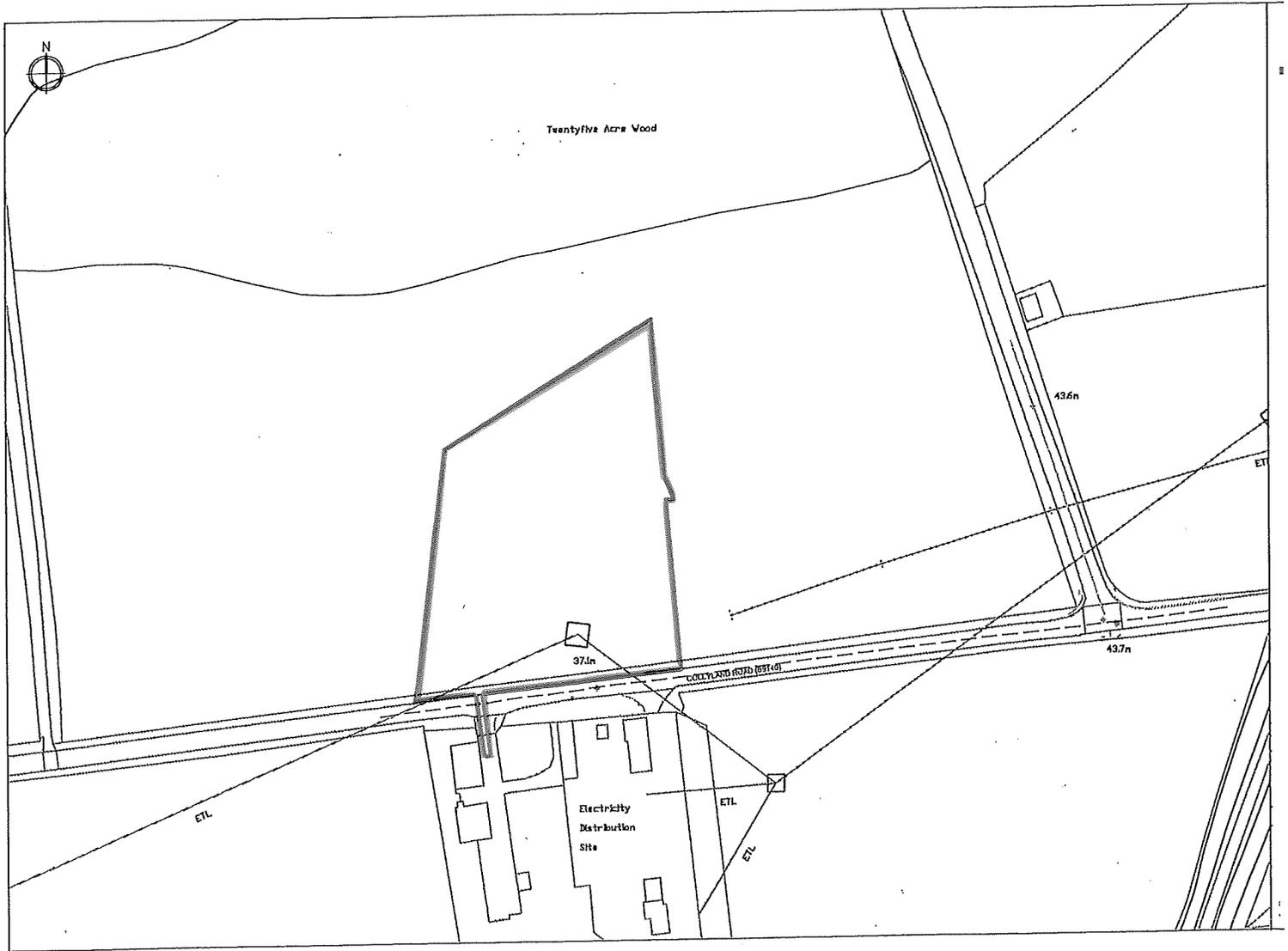
- Adopted Clackmannanshire Local Development Plan 2015
- NPF4, 2023

Author(s)

NAME	DESIGNATION	SIGNATURE
Grant Baxter	Planning & Building Standards Team Leader	

Approved by

NAME	DESIGNATION	SIGNATURE
Emma Fyvie	Senior Manager, Development	



LEGEND

_____ Application Boundary



Clackmannanshire Council
www.clacks.gov.uk

Comhairle Storrachd
Chlach Mhanann

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

