

## **Appendix 3      Pre-Application Engagement with EAC**

### **3.1 Coylton Section 36 Pre-Application Introductory Report for EAC**

# **Coylton Greener Grid Park - Proposed Battery Energy Storage System (over 50MW) at Land off Ayr Road, Coylton, East Ayrshire**

**Pre-application Introductory Report for an Application  
under Section 36 of the Electricity Act 1989**

Coylton Energy Ltd

31 October 2024

# **Lichfields is the pre-eminent planning and development consultancy in the UK**

**We've been helping create great places  
for over 60 years.**

**[lichfields.uk](https://lichfields.uk)**

# Contents

<b>1.0</b>	<b>Introduction</b>	<b>1</b>
	The Applicant	1
	Structure of statement	1
<b>2.0</b>	<b>The site and surroundings</b>	<b>3</b>
	The site context	3
	The surrounding context	3
<b>3.0</b>	<b>Background to the development</b>	<b>4</b>
	Need for development	4
	Previous applications and planning history	4
<b>4.0</b>	<b>The proposed development</b>	<b>8</b>
	Development Programming	9
<b>5.0</b>	<b>Planning policy context</b>	<b>10</b>
	Relevant Planning Policy and Guidance	10
	National Planning Framework 4	10
	East Ayrshire Local Development	11
<b>6.0</b>	<b>Key considerations</b>	<b>13</b>
<b>7.0</b>	<b>Conclusions</b>	<b>17</b>



## 1.0 Introduction

- 1.1 Lichfields has prepared this Pre-application Introductory Report on behalf of Coylton Energy Ltd ('the applicant') to inform pre-application discussions with East Ayrshire Council (EAC). An earlier iteration of this report accompanied a pre-application notification request to the Scottish Government Energy Consent Unit (ECU). The pre-application notification is in respect of an upcoming application under Section 36 of the Electricity Act 1989 for energy consent to operate a Battery Energy Storage System (BESS) at Land off Ayr Road, Coylton, East Ayrshire.
- 1.2 This s.36 proposal comprises a 100MW BESS extension to the already approved (up to) 50MW BESS development which was granted planning permission in February 2024 by East Ayrshire Council under the Town and Country Planning (Scotland) Act 1997 as amended (Ref: 23/0580/PP). The layout and design including general mitigation as granted by this planning permission is sufficient to accommodate the extension and will remain unaffected by the increase in capacity.
- 1.3 The purpose of this report is to assist officers at EAC by setting out key information, including the site's characteristics, planning history and the public consultation undertaken to date, and in turn, inform pre-application discussions.

## The Applicant

- 1.4 Coylton Energy Ltd is a subsidiary of Statkraft. Statkraft is 100% owned by the Norwegian state and is Europe's largest generator of renewable energy. In the UK, Statkraft develop, own, and operate wind, solar, hydro and *Greener Grid Park* projects. Since 2006, Statkraft has invested over £1.4 billion in the UK's renewable energy infrastructure and is a leading provider of Power Purchase Agreements (PPAs), having facilitated over 6 GW of new-build renewable energy generation through PPAs. Statkraft is contracted to deliver grid stability services to National Grid ESO, supporting its target to deliver a zero-carbon electricity system by 2025.
- 1.5 The first two Greener Grid Park projects at Keith in Moray and Lister Drive in Liverpool are operational; and Neilston Greener Grid Park in Renfrewshire is currently under construction. The first phase of Coylton Greener Grid Park, in East Ayrshire, phase 2 of which this forthcoming application for energy consent will relate, is under construction at the time of writing (October 2024) in line with planning permission 23/0580/PP.

## Structure of statement

- 1.6 This report is structured as follows:
- Section 2: The site and surroundings
  - Section 3: Background to the development
  - Section 4: The proposed development
  - Section 5: Planning policy context
  - Section 6: Key considerations

- Section 7: Conclusions



## 2.0 The site and surroundings

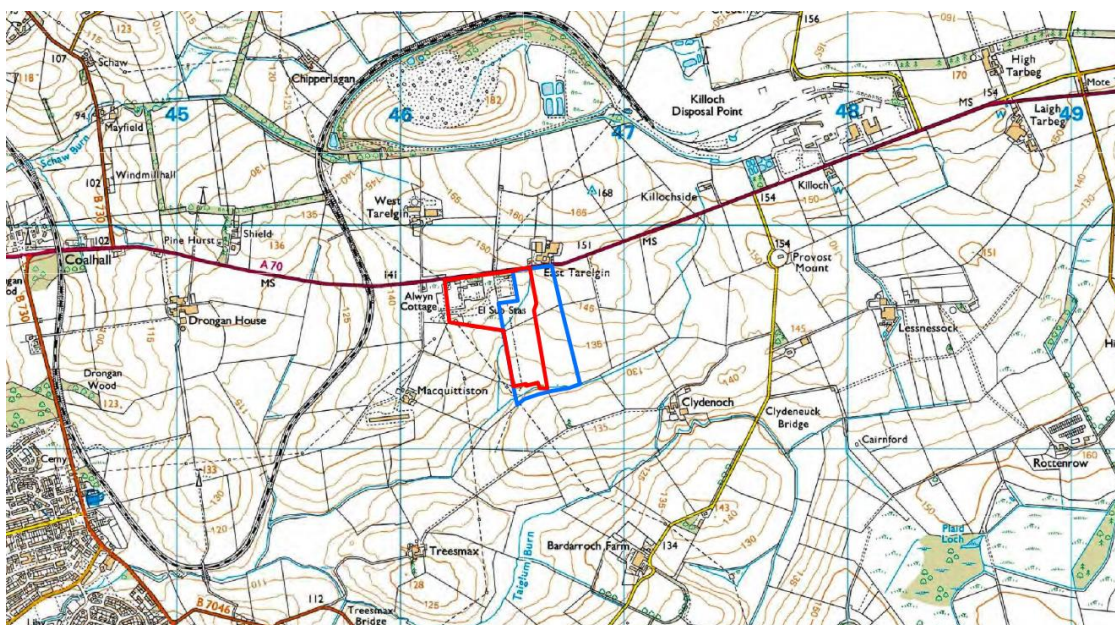
### The site context

- 2.1 The Site is located approximately 1.8km northeast from Drongan, 3.5 km west of Ochiltree and 4.8 km east from Coylton. The proposed application site is currently agricultural land south of the existing Coylton substation and south of the A70. The applicant has control of the surrounding agricultural fields to the east of the proposed development area.
- 2.2 Located within the site itself is a watercourse to the northern edge which runs diagonally southward through the Site. There are also several overhead electricity lines.

### The surrounding context

- 2.3 The area immediately surrounding the Site is predominantly rural in nature except for the existing Coylton substation which is immediately west of the Site and the Killoch Depot which is located approximately 1.70km northeast of the site. There are several individual properties and farms within the vicinity as well as the C9 Core Path Ochiltree to Drongan 400m south of the site.

Figure 1 Surrounding Area



Source: TNEI

- 2.4 East Ayrshire Council's Planning Committee considered an application for planning permission (ref. 23/0604/PP) for a 29.9MW BESS development on land immediately west of the proposed site and south of the existing substation on 19 April 2024. The Committee agreed to approve planning permission subject to the conditions as amended and the advisory notes but to withhold the consent until a legal agreement had been concluded. The committee also required that the Traffic Management Plan to be prepared under condition 4 be submitted to a future Planning Committee for consideration. The decision notice had not yet been issued at the time of writing.

## 3.0 Background to the development

### Need for development

- 3.1 Addressing the climate emergency and moving towards decarbonising energy is a priority issue for the Scottish Government. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 amends the Climate Change (Scotland) Act 2009 and sets a target to reduce Scotland's emissions of all greenhouse gases to net zero by 2045. This is five years ahead of the UK Government's net-zero target for 2050.
- 3.2 Historically, power has been generated in large nuclear, gas, or coal-fired power stations that have inherent stabilising qualities. Renewable energy generators such as wind turbines, solar farms, and interconnectors do not have the same stabilising properties. As the grid has transitioned toward these renewable generators, there is now a need for standalone stability systems such as the proposed one.
- 3.3 National Grid Electricity System Operator (NGESO) developed an initiative to stabilise the generation of renewable electricity within the grid. NGESO ran a procurement process for the stabilisation works called the National Grid Stability Pathfinder Phase 2 (SPP2) in which a variety of operators with a range of technologies, including batteries and synchronous compensators sought long-term commercial contracts with NGESO to perform this service. Statkraft was awarded a stability contract in April 2022 for a grid-forming converter 50MW battery energy storage system (BESS) connecting to the Coylton Substation.
- 3.4 To meet its contracted connection, date of April 2025 as per the terms of its stability contract with NGESO, Statkraft sought planning permission for a proposal of up to 50MW BESS (Ref: 23/0580/PP), details of which are set out below, to progress the development. Although limited to up to 50MW, this application was made with open acknowledgement of the site's capacity to accommodate a second phase. The Phase 2 extension that will increase the capacity of the BESS facility will be the subject of this forthcoming application under s.36 of the Electricity Act. The location of the batteries associated with Phase 2 is clearly identified on the approved layout of planning permission 23/0580/PP.

### Previous applications and planning history

#### Ref. 23/0580/PP – up to 50MW BESS

- 3.5 The same site as that associated with planning permission 23/0580/PP will be the subject of the forthcoming s.36 application. This site currently has planning permission for the *“formation of 50MW Battery Storage Facility, comprising up to 24 battery storage container blocks and associated infrastructure, storage containers, site offices, comms house, noise attenuation fencing, CCTV and lighting poles and associated access, landscaping and underground grid connection cable.* Planning permission (ref. 23/0580/PP) was granted on 29 February 2024.
- 3.6 The approved development related to the construction and operation of a *Greener Grid Park* (GGP) with a capacity of up to 50 MW. The consented development consists of multiple containerised lithium-ion (Li-ion) battery storage units, along with associated

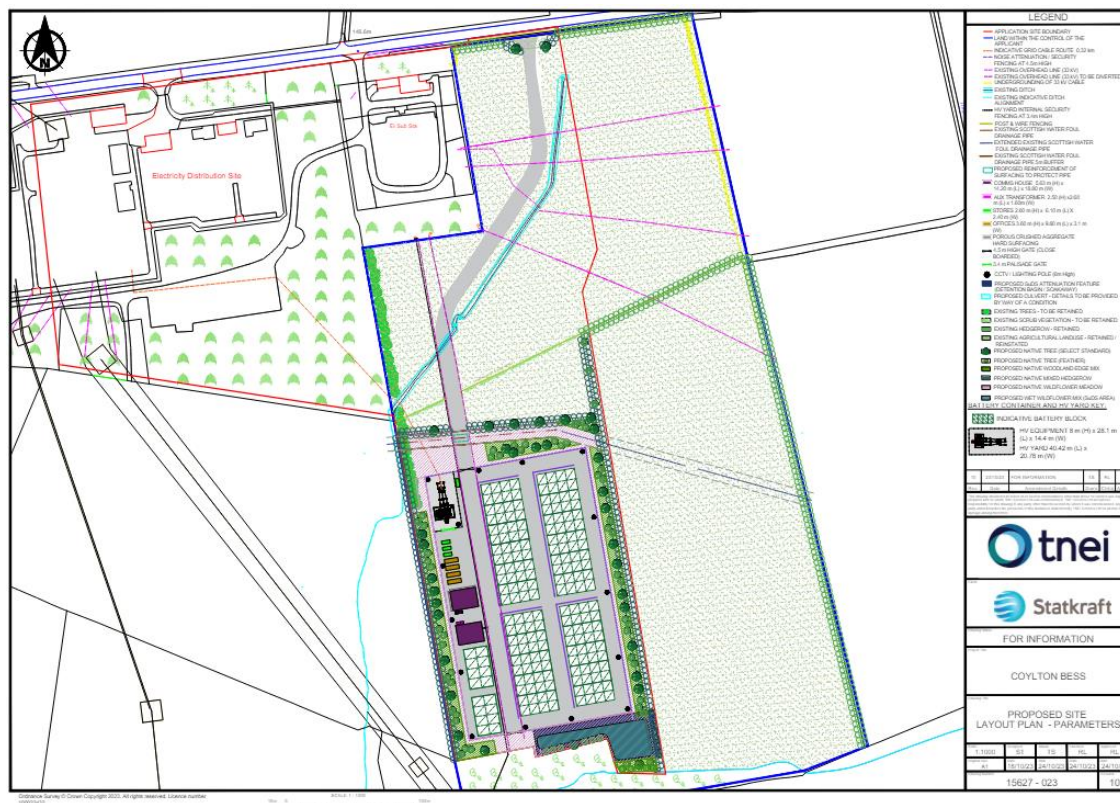
equipment, including power converters, transformers, air conditioning (HVAC) units, and spares stores. In total, the proposals are comprised of the following key elements:

- 24 blocks of battery storage containers, each measuring a maximum of 4m (H) and 28m (L) x 15m (W);
- AUX Transformers, each 2.5m (H) x 2.6 (L) x 1.6 (W);
- Storage containers, each 2.6m (H) x 6.1m (L) x 2.4 (W);
- Office cabins, each 3.60m (H) x 9.80m (L) x 3.1m (W);
- An underground grid connection cable of approximately 0.3km in length;
- Comms houses, each 5.63 m (H) x 18.8 m (L) x 14.2 m (W);
- 4.5 m (H) Noise attenuation/security perimeter fencing;
- 4.5 m (H) high Perimeter Gate (Close Boarded);
- 3.4 m (H) Internal security fencing for HV Yard.
- 3.4 m (H) Palisade Gate for HV Yard;
- CCTV / Lighting Poles (6m High);
- Porous Crushed Aggregate Hard Surfacing;
- HV Equipment at 8 m (H) x 28.1 m (L) x 14.4 m (W);
- HV Yard at 40.42 m (L) x 20.78 m (W); and
- Landscape and biodiversity enhancements.

3.7 The site is accessible from the A70 via a new site entrance and a newly constructed access road. The A70 runs east-west and provides a road link between Cumnock and Ayr.

3.8 The proposals include appropriate surface water drainage, security fencing, and landscape and biodiversity enhancements.

Figure 2 Proposed Layout of Ref. 23/0580/PP



Source: Statkraft/TNEI

- 3.9 A request for a Screening Opinion under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2013 was submitted to East Ayrshire Council (ref. 23/0008/EIASCRC). In the Screening Response issued by EAC it was confirmed that the proposals did not constitute EIA development.
- 3.10 As a *major* application, as defined by the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009, there was a statutory requirement to undertake Pre-Application Consultation (PAC). This included two public consultation events; one in-person event was held at Ochiltree Community Hub on Thursday, 26 May 2022, between 14:30 and 20:30, and a virtual exhibition was held on a dedicated project website from 23 May 2022 to 30 May 2022. An online event where interested parties could engage with the project team via the website also took place on Thursday, 16 June 2022, between 11:00 – 13:00 and 17:00 – 19:00.
- 3.11 To ensure the local residents were notified of the events a letter drop was undertaken on 16 May 2022 to properties within a 2 km radius of the Site. This totalled 99 properties, 94 of which were residential.
- 3.12 Neighbouring properties were notified of the application as per the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and the application was advertised in the Cumnock Chronicle, a local newspaper. Following the statutory consultation period, there were no objections to the planning application.

- 3.13 A further public information day was held on 13 February 2024 at Ochiltree Community Hub, post-submission and pre-determination, where attendees could provide comments on the proposals directly to the applicant.

**Ref. 21/0748/PP – Greener Grid Park (including 19.9MW of BESS and two synchronous compensators)**

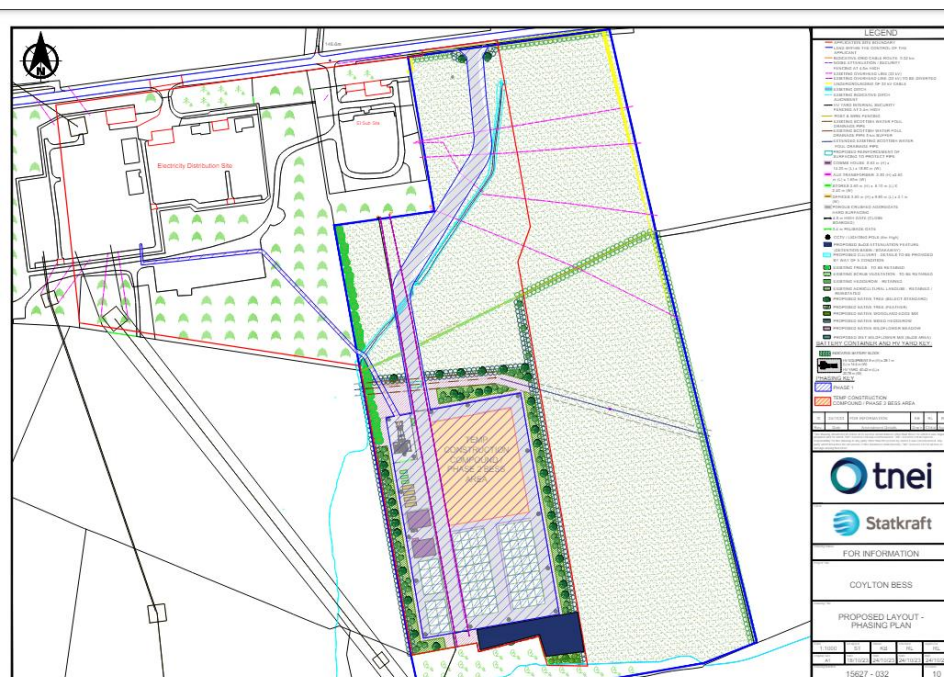
- 3.14 An earlier planning application for the Greener Grid Park proposed a 20MW Battery Energy Storage System, two synchronous compensators and associated infrastructure. This was granted planning permission on 23 August 2022. However, in the intervening time between submission and the grant of the planning permission, Statkraft was awarded a stability contract by NGESO for a 50MW BESS rather than 20MW with synchronous compensation. The approval of application ref. 23/0580/PP has, in effect, superseded this permission, albeit planning permission remains extant.
- 3.15 This application was a *local* application, and as such, there was no statutory requirement to carry out pre-application consultation (PAC). There were no neighbours within 20m of the application boundary to notify of the planning application; however, the application was advertised in a local newspaper, the Cumnock Chronicle, and a period of public comment followed, during which no representations were received.



## 4.0 The proposed development

- 4.1 The proposed development seeks Energy Consent for an extension to a BESS development which will have a combined capacity of over 50MW. This comprises the (up to) 50MW Phase 1 development already consented under the Town and Country Planning (Scotland) Act 1997, as amended, (Ref: 23/0580/PP) plus the 100MW capacity increase of Phase 2.
- 4.2 The energy consent will only seek deemed planning permission for the physical works associated with the Phase 2 Development, which is limited to the installation of the 100MW battery increase. All other physical works were approved under planning permission ref. 23/0580/PP—50MW Battery Storage, details of which are set out in Section 3 of this report.
- 4.3 The layout consented under planning permission ref. 23/0580/PP retained space for ‘Phase 2’, as shown in the orange hatching in Figure 3. The locations of the batteries required for the uplift are shown on the approved layout in Figure 2 above. This was included specifically to facilitate the future extension of the consented development by a further 100MW through this forthcoming application for Energy Consent.
- 4.4 The proposed development is to increase the capacity of the Greener Grid Park BESS development to a total of 150MW from the consented (up to) 50MW, but given content and details of the extant planning permission (Ref: 23/0580/PP) it does not introduce any new matters that East Ayrshire Council hasn’t previously considered. The consented layout does not require an amendment to accommodate the Phase 2 uplift. However, acoustic output and potential for cumulative impact will require reassessment and the LVIA photomontages will be updated to take account of cumulative landscape impacts.

Figure 3 Phase 2 shown in hatched orange on an approved phasing drawing in application Ref. 23/0580/PP



Source: Statkraft

- 4.5 We have had discussions with East Ayrshire Council planning department with regards to the *deemed planning permission* component of this application for energy consent. These discussions have been very positive and it has been indicated to us that the Council is agreeable to this energy consent being an extension to what will be an existing development in the context of planning permission 23/0580/PP which is under construction.

## **Development Programming**

- 4.6 It is intended that Phase 1 (up to 50MW) of the Greener Grid Park development is operational in 2025 as per Statkraft's contract with NGEN. To ensure the facility is operational by this date, the applicant has discharged all pre-commencement/pre-works conditions, of which there are nine. A copy of the decision notice is set out in Appendix 1.
- 4.7 This discharging of conditions has resulted in the provision of up-to-date information on:
- Details of the watercourse culvert necessary to construct the access road;
  - Site access details;
  - A Construction and Environmental Management Plan ('CEMP');
  - An Environmental Clerk of Works (ECOW);
  - Species Protection Plans;
  - Nesting/breeding bird surveys;
  - Details of dimensions, design, finishing materials and colours of all buildings, containers etc;
  - Site lighting; and
  - Existing and proposed site levels.
- 4.8 The Phase 2 (additional) 100MW extension has an indicative commencement date of Q4 2025. To achieve this, the s.36 application is proposed to be submitted in Q4 2024.

## 5.0 Planning policy context

5.1 This section provides an assessment of the proposed development against key planning policy and guidance.

### Relevant Planning Policy and Guidance

5.2 The planning policy and guidance documents which are of relevance to the planning application are as follows:

- National Planning Framework 4 ('NPF4') – Approved 13 February 2023;
- East Ayrshire Council Local Development Plan 2 ('EALDP2') – Adopted 08 March 2024; and
- The Minerals Local Development Plan – Adopted on 13 January 2020.

### National Planning Framework 4

5.3 NPF4 is the national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy.

5.4 Part 1 of the document, the spatial strategy sets out that that Scotland had already "*taken significant steps towards decarbonising energy and land use*" but that there will be choices to be made about the most sustainable use of the country's natural assets. It also highlights the importance of reducing greenhouse gas emissions and adapting to the future impacts of climate change (page 03).

5.5 Part 2 sets out the national planning policy which development will be assessed against. The policies of relevance are:

- Policy 1: Tackling the climate and nature crises
- Policy 2: Climate mitigation and adaption
- Policy 3: Biodiversity
- Policy 5: Soils
- Policy 6: Forestry, woodland and trees
- Policy 7: Historic assets and places
- Policy 11: Energy

5.6 These policies were in place at the time of East Ayrshire Council's assessment of application 23/0580/PP so are not explored further at this stage.

5.7 Where NPF4's position differs when compared to the assessment of 23/0580/PP is that as the s.36 application would be for more than 50MW generation, the project becomes a *National Development* as defined by the Town and Country Planning (Hierarchy of Developments)(Scotland) Regulations 2009.

5.8 NPF4 sets out National Developments and includes '*Strategic Renewable electricity Generation and Transmission Infrastructure*' on p103. This national development is



triggered by on and offshore electricity generation, including energy storage, from renewables exceeding 50 MW capacity.

- 5.9 The national development status in effect establishes the need for and in turn principle of development.

## **East Ayrshire Local Development**

- 5.10 The EALDP sets out how the Council wants to see East Ayrshire develop. The policies which are of particular relevance to establishing the acceptability of the proposals in planning terms are:

- Policy RE1: Renewable Energy
- Policy IND2: Business and industrial development in the rural areas
- Policy SS2: Overarching Policy

- 5.11 Since the extant permission for the up to 50MW Greener Grid Park application was assessed, there has been a change in the policy position through the adoption of EALDP2 in March 2024. This replaced the EALDP. The proposals were found compliant with, now superseded, Policy RE1: Renewable Energy Development. The emerging, now-adopted policy, was also considered within the Report of Handling for application ref. 23/0580/PP. The case officer outlined that the policy remains the same in essence and therefore the development would align with both policies.

- 5.12 Also considered within the Case Officer's assessment, were a series of other policies which they found could be relevant to the application. However, the officer concluded that, due to the overlap with the detailed assessment criteria included in (superseded) Policy RE1: Renewable Energy Development, which the proposals were found to be in accordance with, it was considered that the proposals were compliant with these other policies by default. Adopted policy RE1: Renewable Energy is similar to the superseded RE1. As a result, we expect that the position taken by the Council previously will apply again to several of these new policies.

- 5.13 For the avoidance of doubt, since there has been a change in the policy position, the replacement policies which overlapped with RE1 referred to above as well as new policies (noted by \*) introduced by EALDP2 have been explored in the list below:

- Spatial Strategy Policy SS1: Climate Change\*
- Policy DES1: Development Design – New Policy\*
- Policy OS1: Green and Blue Infrastructure – New Policy\*
- Policy HE1: Listed Buildings
- Policy NE1: Protecting and Enhancing Landscape and Features
- Policy NE6: Vulnerable, Threatened and Protected Species
- Policy NE8: Trees, Woodland, Forestry and Hedgerows
- Policy NE12: Water, air, light and noise pollution
- Policy RES3: Residential Amenity

- Policy INF1: Infrastructure First\*
- Policy T1: Transport requirements in new development
- Policy T4: Development and protection of core paths and other routes
- Policy T5: Charging Infrastructure for Electric Vehicles\*
- Policy WM2: Development & the Circular Economy\*

5.14 Although the policies listed above are either new policies or variations from the previous LDP, their draft versions were material considerations at the time of determination of the last Greener Grid Park application for planning permission.

5.15 The physical development of this site for a BESS has been assessed against the development plan policies in NPF4 and what is now the adopted LDP in its Proposed Plan format. This assessment was favourable, and planning permission was granted. The new works that will be the subject of this application for energy consent and deemed planning permission which are not already covered by planning permission are relatively modest in the context of the consented and implemented development.

5.16 In conclusion, no new planning issues are expected to arise from the proposed increase in capacity, nor is it expected that the proposals' reassessment of noise impact with the uplift in capacity incorporated will give rise to new adverse impact that cannot be adequately mitigated.

## 6.0 Key considerations

- 6.1 We have set out below some of the key considerations which will factor in the determination.
- 6.2 The Report of Handling for the previous application, ref. 23/0580/PP set out the relevant material considerations for the determination of that application. These considerations as well as other relevant considerations, are set out below:

### **Development Plan Policy**

- 6.3 There has been no change in Scottish Government planning policy since the approval of application ref. 23/0580/PP with reducing greenhouse gas emissions, decarbonising and managing the natural environment still being key considerations.
- 6.4 However, being over 50MW, this generating facility is now classed, in planning terms, as a *National Development*, under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The principle of development is established, subject to compliance with other policy requirements.
- 6.5 As the Phase 1 component was considered favourably as a Major Development against NPF4, it is anticipated that the Phase 2 extension with National Development status will also be.
- 6.6 As described above, while the LDP policy has evolved since the grant of the Phase 1 planning permission, there are no new or amended policies which would be anticipated to render consideration of the Phase 2 proposals to be different to Phase 1.

### **Planning History**

- 6.7 The approval of ref. 23/0580/PP means that there have now been two consecutive energy developments approved on the site highlighting its suitability for energy development for up to 50MW. The layout of the most recently approved development proposal, which already has planning permission, can physically accommodate all new works arising from this forthcoming application for energy consent with deemed planning permission.

### **Pre-Application Consultation**

- 6.8 The applicant intends to carry out pre-application consultation (PAC) with the local community and stakeholders prior to making the application.
- 6.9 We note that the good practice guidance sets out that the applicant is expected to hold at least two public consultation events prior to making an application, although that is not a statutory requirement.
- 6.10 As outlined above, the applicant has already progressed with two applications for planning permission on this site, the second of which required pre-application consultation (PAC). The applicant has, therefore, recently undertaken consultation on their proposals. This included:
- A letter drop on 16 May 2022 to 99 properties within a 2 km radius of the Site;

- An in-person event, Ochiltree Community Hub, Thursday 26 May 2022, 14:30 - 20:30;
- A virtual exhibition on the project website from 23 May 2022 to 30 May 2022;
- An online Q&A event on the project website, Thursday 16 June 2022, 11:00 – 13:00 and 17:00 – 19:00; and
- A further public information day was held at Ochiltree Community Hub on Tuesday, February 13, 2024 (post-submission but pre-determination).

- 6.11 Neighbouring properties were also notified of the application when it was submitted as per the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, and the application was advertised in a local newspaper, the Cumnock Chronicle.
- 6.12 We consider that holding two more PAC events prior to making this s.36 application for a proposal that is nearly identical to one already consulted on and the subject of planning permission may lead to confusion and contribute to engagement fatigue.
- 6.13 On this basis, we propose one further public event, one that is focussed solely on the implications of the increase in capacity of the consented development. i.e. the uplift from (up to) 50MW to 150MW. We believe this is a reasonable and proportionate programme of PAC that is reflective of the planning history of the site and engagement carried out to date.
- 6.14 We have tabled this with the ECU, who noted the consultation history associated with this site and acknowledged that a bespoke approach may be appropriate in this context. We are, of course, happy to take the Council's advice on this matter.

## **EIA**

- 6.15 The proposed development is EIA development as per Schedule 2 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. It follows that it must be screened to establish whether an Environmental Impact Assessment Report (EIAR) is required.
- 6.16 This will be carried out imminently; however, it should be noted that the (up to) 50MW development subject to planning permission 23/0580/PP was previously screened against the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, and East Ayrshire Council concluded that EIA was not required at that time.
- 6.17 The only environmental change expected to arise from the 100MW uplift will be in relation to reappraising noise impact due to the increase in operation associated with the increase in MW output. However, this single issue is not anticipated to warrant EIA alone. We anticipate that this proposal will be screened negatively, and an EIAR will not be required.

## **Application Scope**

- 6.18 The physical works associated with the formation of the compound with ancillary equipment to operate the Phase 2 battery infrastructure are already consented to under planning permission (Ref. 23/0580/PP). Therefore, deemed planning permission would only be sought for the siting of the batteries with associated plant and their operation (i.e. the additional 100MW capacity/ Phase 2). Deemed planning permission is not necessary

for any of the surrounding compound and additional elements as all required are already permitted under the Town and Country Planning (Scotland) Act 1997 as amended via planning permission 23/0580/PP (see approved drawing ref: 15627 – 049 REV1 – Proposed Site Layout Plan – Parameters).

- 6.19 As such, it is anticipated that the forthcoming energy consent application will seek consent for the extension of a BESS generating station, which, when extended, would be over 50MW (up to 50MW Phase 1 aligned with planning permission 23/0580/PP and 100MW Phase 2).

### **Cumulative Impact**

- 6.20 Since planning permission for the Phase 1 Development was granted, the planning committee has considered a further planning application for an adjacent 29.9MW BESS development (LPA Ref. 23/0604/PP), which they are minded to grant subject to a legal agreement. This is on land immediately west of the Site and south of the Coylton substation. There is the potential for cumulative effects to arise due to the Proposed Development and the adjacent BESS development.
- 6.21 The existing noise condition for Phase 1 restricts noise to 'background Sound Level +5dB'. TNEI proposes that the same criteria remain applicable for the cumulative operation of Phase 1 and Phase 2. By considering Phase 1 and 2 together, this means that other nearby schemes, such as the potential Coylton Green BESS, do not need to be accounted for further in a cumulative assessment. TNEI would like to confirm this position and other specific parameters for re-assessing the proposals. This is set out in more detail in their correspondence to the Environmental Health Officer, dated 23 October 2023 and included with this submission.
- 6.22 If the position on the acceptability of the proposed approach could be confirmed promptly, this would allow for the completion of the Noise Assessment for Phase 2. TNEI would welcome the opportunity to discuss this with East Ayrshire Council/the council's noise consultants.
- 6.23 In addition to addressing the cumulative noise impact, landscape and visual impact will also be considered. The LVIA photomontages previously submitted will be updated to account for cumulative landscape impacts.
- 6.24 We will continue to liaise with the ECU and East Ayrshire Council to discuss and agree on any matters warranting additional assessment over and above that already prepared or underway.

### **Application Content**

- 6.25 The outcome of discussions in relation to the Application Scope above will define the content of the application. At this time, we anticipate the application will be comprised of following new documents:
- Application form and ownership certificates
  - Planning Statement
  - Design and Access Statement

- Pre-application Consultation Report
- Landscape Mitigation Plan
- Badger Survey

6.26 Documents submitted to evidence the original application as well as the discharge of condition applications will be submitted where appropriate.

6.27 We would welcome the opportunity to discuss the application scope and content with council officers as soon as possible before submitting the s36 application to the ECU and seek the council's opinion on the approach outlined above as a statutory consultee on the upcoming application.

## 7.0 Conclusions

- 7.1 The principle of BESS development at this site is well established and implementation of planning permission ref. 23/0580/PP for an (up to) 50MW BESS facility is currently underway. The application, granted under The Town and Country Planning (Scotland) Act 1997 as amended, secured permission for the area proposed for expansion noted as 'Phase 2' in its approved phasing plan and the area for siting of the associated infrastructure included on the approved layout. The future Section 36 application relates to an uplift in capacity arising from the energising of Phase 2 and, therefore, seeks an extension to the existing BESS facility.
- 7.2 Since the approval of application ref. 23/0580/PP, there has been a change in the Local Development Plan policy position due to the adoption of LDP2 in March 2024. However, there remains policy support for energy development, and these proposals remain in compliance with national and local planning policy. With this in mind, we do not anticipate that East Ayrshire Council's view of the proposal as a statutory consultee will differ from its previous favourable assessment of the application for planning permission for the (up to) 50MW scheme.
- 7.3 As part of the Section 36 process, the applicant proposes to provide up-to-date supporting information on noise to ensure the protection of residential amenity, taking into consideration the live application on the neighbouring sites for further BESS development.
- 7.4 To ensure the development programme is achieved, the applicant would welcome any commentary at this stage regarding the proposals to ensure the upcoming application addresses all potential areas requiring consideration. However, it is anticipated that the application for energy consent will not introduce any new considerations not previously considered by East Ayrshire Council.

## **Appendix 1 Decision Notice Ref. 23/0580/PP**



# PLEASE READ THIS BEFORE CHECKING YOUR PLANNING CONSENT

The following are matters which must, by statute, be addressed prior to any works being enacted on the strength of the attached consent;

- 1) If this consent is issued conditionally all “prior to commencement” conditions must be formally discharged for any works to be considered lawful. Any failure in this regard will constitute a breach of Planning Control as defined by S123(1)(b) of the Town and Country Planning (Scotland) Act 1997.
- 2) The Notice required by Section 27A of the Town and Country Planning (Scotland) Act 1997, Notification of Initiation of Development, must be submitted to the Planning Authority. Any failure in this regard will constitute a breach of Planning Control as defined by S123(1)(c) of the Town and Country Planning (Scotland) Act 1997.
- 3) The Notice required by Section 27C of the Town and Country Planning (Scotland) Act 1997, Display of Notice While Development Is Carried Out, for developments belonging to the categories of national or major development or of a Class specified in Schedule 3\*, must be displayed at the development site for the period of the development. Any failure in this regard will constitute a breach of Planning Control as defined by S123(1)(d) of the Town and Country Planning (Scotland) Act 1997.

In addition to the above it is also a requirement, as soon as practicable once development is complete, that a Notice is submitted to the Planning Authority under the terms of S27B of the Town and Country Planning (Scotland) Act 1997 advising of the completion of works approved. If the development is phased the terms of S27B(2) will be of relevance.

**Pro forma copies of the Notices detailed above are included in this  
Decision Notice Package.**

\*Schedule 3

Classes of development - regulations 20(2)(c) and 41(1)(b)

The following are the classes of development specified for the purposes of regulations 20(2)(c) and 41(1)(b) —

- (1) the construction or installation of buildings for use as a public convenience;
- (2) the construction of buildings or other operations, or use of land—
  - (a) for the disposal of refuse or waste materials or for the storage or recovery of reusable metal;
  - (b) for the retention, treatment or disposal of sewage, trade-waste, or effluent other than—
    - (i) the construction of pumphouses in a line of sewers;
    - (ii) the construction of septic tanks and cesspools serving single dwellinghouses, single caravans or single buildings in which not more than 10 people will normally reside, work or congregate;
    - (iii) the laying of sewers; or
    - (iv) works ancillary to those described in sub-paragraphs (i) to (iii);
  - (c) as a scrap yard or coal yard; or
  - (d) for the winning or working of minerals, including management of extractive waste.
- (3) the construction of buildings or use of land or buildings for the purpose of slaughtering animals (including fish and poultry) or the processing of animal carcasses for final disposal or as

part of the production of other goods;

(4) the construction or use of buildings for any of the following purposes—

- (a) building for indoor games
- (b) cinema
- (c) dancing
- (d) fun fair
- (e) gymnasium (not forming part of a school, college or university)
- (f) hot food shop
- (g) licensed premises
- (h) music hall
- (i) skating rink
- (j) swimming pool or
- (k) theatre;

(5) the construction of buildings for or the use of buildings or land as—

- (a) a crematorium or a cemetery;
- (b) a zoo or wildlife park or for the business of boarding or breeding animals;

(6) the construction of buildings and use of buildings or land for motor racing;

(7) the construction of a building to a height exceeding 20 metres;

(8) the construction of buildings, operations and use of buildings or land which will—

- (a) affect residential property by reason of fumes, noise, vibration, smoke, artificial lighting, or discharge of any solid or liquid substance;
- (b) alter the character of an area of established amenity;
- (c) bring crowds into a generally quiet area;
- (d) cause activity and noise between the hours of 8 pm and 8 am; or
- (e) introduce significant change into a homogeneous area.

## Governance

**Chief Governance Officer, Solicitor to the Council  
and Council Monitoring Officer: David Mitchell**



Telephone: 01563 576790

Email: [submittoPlanning@east-ayrshire.gov.uk](mailto:submittoPlanning@east-ayrshire.gov.uk)

### **TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (as amended)**

### **Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013**

**Application Reference Number: 23/0580/PP**

TO: Statkraft UK Ltd  
per  
Ryan Llewellyn  
TNEI  
West One  
Forth Banks  
7th Floor, West One,  
Newcastle upon Tyne  
United Kingdom  
NE1 3PA

### **GRANT OF PLANNING PERMISSION**

With reference to your application validated on 3rd November 2023 for planning permission under the above mentioned Act and Regulations for the following development:

**Formation of 50MW Battery Storage Facility, comprising up to 24 battery storage container blocks and associated infrastructure, storage containers, site offices, comms house, noise attenuation fencing, CCTV and lighting poles and associated access, landscaping and underground grid connection cable. as indicated in the plans:**

<b>Plan Type</b>	<b>Reference</b>	<b>Version No</b>	<b>Received Date</b>
Landscape	2115 L01D		03.01.2024
Landscape	Zone of Theoretical Visibility and Viewpoint		20.11.2023
Site Layout Plan	15627 049		27.10.2023
Site Layout Plan	15627 023		27.10.2023
Site Plan	Phasing Plans 15627 032		27.10.2023
Site Layout Plan	15627 048		27.10.2023
Elevation	15627 024		27.10.2023
Location Plan	15627 043		27.10.2023
Site Layout Plan	15627 044		27.10.2023
Section	Cable Route Cross		01.11.2023

The Opera House  
8 John Finnie Street  
Kilmarnock, KA1 1DD  
T E L: 0 1 5 6 3 5 7 6 7 9 0  
F A X: 0 1 5 6 3 5 5 4 5 9 2  
[www.east-ayrshire.gov.uk](http://www.east-ayrshire.gov.uk)

	Section	
Photographs	LVA Figures	27.10.2023
Report	Archaeological Assessment	27.10.2023
Report	Construction Traffic Management Plan	27.10.2023
Report	Coylton Drainage Strategy	27.10.2023
Report	Design and Access Statement	27.10.2023
Report	Environmental Noise Impact Assessment	27.10.2023
Report	LVIA	27.10.2023
Report	LVIA Figures	27.10.2023
Report	Peat Probing Survey	27.10.2023
Report	Planning Statement	27.10.2023
Report	Tree Survey	27.10.2023
Report	Tree Survey Report	01.11.2023

AT

#### **Land off Ayr Road, Coylton, East Ayrshire**

East Ayrshire Council in exercise of their powers under the above mentioned Act and Regulations hereby **GRANT** planning permission for the said development in accordance with the above listed plans, docquetted as relative hereto and subject to the following conditions:

1. The development hereby permitted shall be commenced within 3 years from the date of this planning permission.

Reason: To define the duration of this consent and to accord with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

2. (a) Within six months of completion of the construction of the development (or within the next available planting season after construction has completed) the Landscape Planting Plan shown on approved plan 'Appendix 4 - Landscape Plan LVA Figure 5' (date on plan 17/10/2023) shall be implemented in full by the Developer and all vegetation, including grasses, detailed on that plan planted in accordance with that plan.

(b) The approved and implemented Landscape Planting Plan implemented under part (a) shall be maintained for the lifetime of the development and any failure of any planting to establish or any loss of vegetation during the lifetime of the development shall be replaced within the next available planting season and subsequently maintained for the lifetime of the development.

Reason: In the interests of visual amenity.

3. The battery energy storage facility approved by this permission shall not exceed 50MW in generating capacity.

Reason: In order to ensure the development complies with the development consented.

4. (a) No development shall commence until full details of the watercourse culvert necessary to construct the access road, have been submitted to and approved in writing by the Planning Authority, in consultation with

ARA.

(b) The culvert approved under part (a) shall be installed and maintained thereafter.

Reason: In order to protect the environment and ensure the watercourse flow is uninterrupted.

5. The submitted Construction Traffic Management Plan, (prepared by 'Pell Frischmann', dated October 2023) shall be implemented in full and adhered to at all times unless otherwise agreed in advance in writing by the Planning Authority in consultation with ARA and Transport Scotland.

Reason: In the interests of road safety and to ensure that impacts on routes and communities are adequately assessed and used to inform appropriate mitigation measures.

6. Prior to any movement of abnormal loads the Developer must complete any mitigation works set out in the submitted Construction Traffic Management Plan, (prepared by 'Pell Frischmann', dated October 2023), and maintain such measures during the period of abnormal load delivery.

Reason: To ensure that the delivery route is suitable and that appropriate mitigation measures are undertaken, in the interests of road safety.

7. All works associated with abnormal loads shall be undertaken by the Developer in accordance with the details approved under the submitted Construction Traffic Management Plan, (prepared by 'Pell Frischmann', dated October 2023).

Reason: In the interests of public road safety and to mitigate the effects of abnormal loads on the public road network.

8. (a) No development shall commence until a detailed site access plan has been submitted for the written approval by the Planning Authority, in consultation with ARA.

(b) Thereafter, the Developer shall ensure that the site access is constructed in accordance with the details approved in the submitted access plan and the Construction Traffic Management Plan, (prepared by 'Pell Frischmann', dated October 2023), unless otherwise agreed in writing in advance by the Planning Authority, in consultation with ARA.

Reason: In the interests of road safety and to enable safe and suitable access for vehicles to and from the site.

9. No surface water is to discharge from the site access onto the public road.

Reason: In the interests of road safety.

10. (a) No development shall commence unless and until a Construction and Environmental Management Plan ("CEMP") containing site specific details of onsite construction works, post-construction reinstatement, site specific drainage and site specific mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority. The CEMP shall include (but shall not necessarily be limited to):

(i) a phasing plan for the construction works;

(ii) a site waste management plan (dealing with all aspects of waste produced during the construction period) including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;

(iii) details of the formation of the temporary construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, storage of materials during construction including fuels and chemicals, any temporary construction site lighting and columns, including lux levels and direction/angle, and any construction compound boundary fencing;

- (iv) a dust management plan;
  - (v) site specific details for the management and operation of any concrete batching plant if required;
  - (vi) Pollution Prevention Incident Plan (PPIP) incorporating a Pollution Prevention Plan, Pollution Incident Plan and a Pollution Control Monitoring Plan, including arrangements for the storage and management of oil and fuel on site;
  - (vii) a Habitat Management Plan detailing any habitat management required on the site and adjacent to it to ensure appropriate steps are taken to minimise impacts on the habitats;
  - (viii) a site drainage management strategy demonstrating how all surface and waste water arising during and after construction will be managed and prevented from polluting any watercourses or sources, including all details of flood risk management on site, including full details and cross sections of the proposed attenuation pond;
  - (ix) details of any sewage disposal and treatment;
  - (x) details of measures to address air quality impacts from diesel generators;
  - (xi) the construction of access into the site, including associated drainage and the creation and maintenance of associated visibility splays;
  - (xii) detailed construction method statements (CMS) for the construction of all components of the Greener Grid Energy Park;
  - (xiii) detailed construction method statements (CMS) for the construction of access roads including their width, means of drainage (which shall have regard for SUDS principles);
  - (xiv) post-construction restoration of working areas and elements not required for the ongoing operation of the Development, including any temporary construction compounds or working areas. Wherever possible reinstatement is to be achieved by the careful use where appropriate of turves previously removed prior to construction works. Where ground conditions do not allow for successful turf removal, the CMS must evidence this from site / ground investigations and provide additional details including all seed mixes and seeding methodologies to be used for the reinstatement of vegetation including timetabling of works;
  - (xv) Construction Noise Management Plan including details of the management of noise and vibration during construction, including that caused by construction traffic, to the lowest practicable levels and in accordance with BS 5228 (or any updated version which supersedes this document), and
  - (xvi) a written scheme which details the methodology for dealing with any revisions to any of these documents required under part (a). Any revised documents will require to be provided to the Planning Authority for its written approval prior to implementation on site.
- (b) The approved CEMP shall be implemented in full unless otherwise approved in advance in writing by the Planning Authority.

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

11. (a) No development shall commence until the Developer has appointed a suitably qualified and experienced independent third party Environmental Clerk of Works (ECOW) (independent of the construction project management company and any contractor or sub-contractor), approved in writing by the Planning Authority. The ECOW shall, by the terms of their appointment:-

(i) Monitor compliance with all construction works, including the ecological and hydrological commitments provided in the information lodged in support of the application; the Construction Environmental Management Plan ("CEMP") approved in accordance with Condition 9; the Species Protection Plans approved in accordance with Condition 11; the Bird Protection Plan approved in accordance with Condition 12 and other plans, method statements and management strategies approved in terms of Condition 10;

(ii) Direct the placement of infrastructure and monitor compliance with the approved Construction Method Statements;

(iii) Require the ECoW to report to the Planning Authority and the Developer's nominated construction project manager any incidences of non-compliance with the CEMP and any other plans, method statements and protection and management plans, as set out under part (a)(i) at the earliest opportunity; and

(iv) Require the ECoW to submit quarterly reports to the Planning Authority summarising the works undertaken on site.

(b) The approved ECoW shall be appointed on the terms detailed under part (a) throughout the period from pre-construction works, commencement of development, throughout the construction period and during any period of post-construction restoration and reinstatement works.

Reason: To minimise the environmental impacts during the construction of the development.

12. (a) Species Protection Plans, informed by pre-construction protected species surveys (carried out not more than three months prior to the commencement of development), shall be submitted for the written approval of the Planning Authority in consultation with NatureScot prior to the commencement of development. For the avoidance of doubt, these species protection plans will require to cover bats as well as reptiles.

(b) The species protection plans approved under part (a) shall be implemented during all construction works and, if required, any post-construction restoration works.

Reason: To ensure that adequate protection is implemented, in the interests of minimising adverse effects on the species.

13. (a) All tree felling, soil stripping and construction works shall be undertaken out with the breeding bird season (March to August inclusive).

(b) Where this is not possible, nesting/breeding bird surveys shall be undertaken by an appropriately qualified ornithologist or ECoW (as appointed under Condition 10), of any areas to be the subject of tree felling, soil stripping or construction works and the results of the surveys shall be used to produce a Bird Protection Plan (BPP) to be submitted for the written approval of the Planning Authority in consultation with NatureScot, prior to any such activities taking place on site. The BPP shall include full details of the pre-construction surveys carried out and their results, all necessary mitigation and operational protocols appropriate to the species identified during the surveys, including any appropriate buffers to prevent or minimise disturbance of birds during tree felling, soil stripping and construction of the development and any post-construction restoration period.

(c) The Bird Protection Plan approved under part (b) shall thereafter be implemented in full in accordance with the approved details during all tree felling, soil stripping and construction works, and post-construction restoration works.

Reason: To ensure protection of the environment of breeding birds.

14. (a) No development shall commence unless and until details of the dimensions, design and finishing materials and colour of all buildings, containers, plant and other component infrastructure forming the Greener Grid Energy Park have been submitted to and approved in writing by the Planning Authority.

(b) The Development infrastructure shall thereafter be installed in accordance with the details approved under part (a), and maintained in the approved colour, free of rust and discolouration for the lifetime of the development.

Reason: To ensure the colour of all built elements within the site is reflective of the landscape setting in the interests of visual amenity.

15. (a) No construction works or deliveries of materials to or from the site shall take place outwith the hours of 08.00-18.00 Mondays to Fridays and 09.00-13.00 on Saturdays, with no construction works of deliveries taking place on Sundays or local or national public holiday, unless the prior written approval of the Planning Authority has been provided.

(b) All plant and machinery shall be operated in accordance with British Standard BS 5228:2009 'Code of Practice for noise and vibration control on construction and open sites - Part 1: Noise and Part 2: Vibration'.

Reason: In the interests of amenity.

16. When assessed in accordance with BS 4142:2014+A1:2019, the excess of the Rating Level above the Background Sound Level due to the Greener Grid Energy Park shall not reach or exceed 5 dB. The Background Sound Levels detailed in the 'Environmental Noise Impact Assessment - Coylton Greener Grid Park. Ref: 15416-003-R0' (dated October 2023), shall apply in carrying out such an assessment.

Reason: To ensure the low impact threshold in BS 4142 is not exceeded, to protect residential amenity.

17. (1) Following the receipt of a written request from the Planning Authority (which shall set out at least the date, time and location that the complaint relates to), following a complaint alleging noise disturbance during the operational phase of the development, the Applicant shall:

(i) Within 21 days of receipt of the written request, at its expense, employ an independent consultant to assess the level of noise emissions from the Battery Energy Storage System facility development at the complainant's dwelling (or a suitable alternative location agreed in writing by the Planning Authority).

(ii) Prior to the commencement of the noise assessment, the Company shall submit to the Planning Authority, for its written approval, a proposed noise assessment protocol. The protocol shall include the proposed measurement location where measurements for compliance checking purposes shall be undertaken, and also the range of meteorological and operational conditions to determine the assessment of noise. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority, and such others as the independent consultant considers necessary to obtain sufficient data to evidence noise from the development is not 5dB or more above the background noise level.

(2) The assessment of the level of noise from the development shall be undertaken by the independent consultant in accordance with the noise assessment protocol approved under part (1)(ii).

(3) Within 2 months of the date of the written request from the Planning Authority under part (1), unless the time limit is extended in writing by the Planning Authority, the Applicant shall provide to the Planning Authority, the independent consultant's assessment of the level of noise from the development. Unless otherwise agreed in writing by the Planning Authority, the assessment shall be accompanied by all the data collected for the purposes of undertaking the noise assessment, such data to be submitted in a format to be agreed by the Planning Authority.

(4) Where the results of the noise assessment evidence the development is causing an adverse impact at the complainant's property as detailed in BS 4142:2014 + A1: 2019, the Applicant will require to provide proposed details of any mitigation measures required, for the written approval of the Planning Authority, to ensure that the standards set out in the aforementioned BS standard are met at the complainant's property.



(5) The mitigation approved under part (4) shall thereafter be implemented as approved and maintained in an effective working condition for the lifetime of the Development.

Reason: To avoid noise disturbance in the interests of residential amenity.

18. No batteries, switchgear containers, electrical housing, condensers, enclosures, ancillary building or any above ground infrastructure forming part of the development shall be illuminated or display any text, sign, logo or advertisement (other than those required by law under other legislation).

Reason: In the interests of environmental and visual amenity of the area.

19. (a) Any trees with potential roost features PRFs (as assessed in the Preliminary Ecological Appraisal) which are due to be felled, must be checked by a suitably licensed bat ecologist using a torch and endoscope directly prior to felling.

(b) any permanent lighting on the site must be designed in line with ILP guidance and ensuring any impact on bats is minimised.

(c) Details of the proposed permanent site lighting which takes account of part (b) must be agreed in writing with the Planning Authority before development commences on site.

(d) The lighting details approved under part (c) shall be implemented as approved and maintained thereafter during the operation of the development.

Reason: To ensure the protection of wildlife on the site.

20. No development shall commence unless and until full details of existing and proposed levels on site have been submitted to and approved in writing by the Planning Authority.

Reason: These details have not yet been agreed.

Please note that the Planning Authority will not issue stamped paper drawings relating to any decision notice resulting from this application. Any stamped drawings relating to a decision notice will be available on the Online Planning Information System (OPIS) to be downloaded or to be printed through the following web link.

<http://eplanning.east-ayrshire.gov.uk/online/applicationDetails.do?activeTab=summary&keyVal=S36GXUGFH6D00>

**The Council has granted consent for this development for the following reason(s):**

The proposed development is considered to accord with the Development Plan and material considerations do not indicate the application should be refused.

Dated this **29th February 2024**

Signed.....

**David Mitchell**  
**Chief Governance Officer**

1. The applicant is reminded that approval to carry out works on the road network is reserved to the trunk roads authority, and that modifications require to comply with published guidance and the relevant legislation. This includes legislation such as the Disability Act. Please contact Transport Scotland for further guidance.

2. The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

3. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

4. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

5. Drainage should be completed to the satisfaction of SEPA and/or Scottish Water as relevant.

6. Any external lighting on site shall be sited in such locations so as not to result in artificial light impacts on the surrounding environment. Such lighting shall not spill out with the boundaries of the site onto other properties.

7. The diversion works to the small watercourse will require authorisation under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended). Please contact [waterpermitting@sepa.org.uk](mailto:waterpermitting@sepa.org.uk) to confirm the regulatory requirements that will be applicable.

8. Details of regulatory requirements and good practice advice can be found on the regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the local compliance team at: [SWs@sepa.org.uk](mailto:SWs@sepa.org.uk)

#### Notes to Applicant

1. It should be understood that this permission DOES NOT carry with it any building warrant which may be required under the building regulations currently in force, or any necessary consent or approval to the proposed development under other statutory enactments.

2. If the applicant is aggrieved by the decision of the Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Scottish Ministers in accordance with Section 47 of the Town and Country Planning (Scotland) Act, 1997, within 3 months of the date of this notice. The Scottish Ministers have power to allow a longer period for the giving of a notice of appeal, but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. Any notice of appeal should be sent to the **Scottish Ministers, Directorate for Planning and Environmental Appeals, Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk FK1 1XR** Tel: 03002446668 or Email: [DPEA@gov.scot](mailto:DPEA@gov.scot). If you wish to discuss or obtain more information on how to request a review you can contact the Scottish Government on 01324 696 400 or view the following page on the Scottish Government's website:- <http://www.scotland.gov.uk/Resource/0039/00399466.pdf>

3. If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act, 1997.

4. Applicants should have early contact with the appropriate bodies that provide Water, Sewerage and Roads infrastructure otherwise the availability of services might be delayed.

5. The proposed development may lie / lies within a coal mining area, which may contain unrecorded coal mining related hazards. Applicants should take account of any coal mining hazards to stability in their proposals. Developers must also seek permission from the Coal Authority before undertaking any operations that involve entry into any coal or mines of coal, including coal mine shafts and audits and the implementation of site investigations or other works. Property specific summary information on any past, current and proposed surface and underground coal mining activity to affect the development can be obtained from the Coal Authority. The Coal Authority Mining Reports Service can be contacted on 0345 762 6848 or further information is also available on the Coal Authority website at [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

6. There are a number of risks created by building over gas mains and services. Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within the gas network, SCOTLAND GAS NETWORKS ADVISE THAT you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development and

2. Contact Scotland Gas Networks Plant Protection team to let them know. Plant location enquiries must be made via email at [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk) but you can phone them with general plant protection queries on 0800 912 1722.

You should be aware that in the event of an overbuild on the gas network, the pipework must be altered, you may be temporarily disconnected and your insurance may be invalidated.



**Birmingham**  
0121 713 1530  
birmingham@lichfields.uk

**Edinburgh**  
0131 285 0670  
edinburgh@lichfields.uk

**Manchester**  
0161 837 6130  
manchester@lichfields.uk

**Bristol**  
0117 403 1980  
bristol@lichfields.uk

**Leeds**  
0113 397 1397  
leeds@lichfields.uk

**Newcastle**  
0191 261 5685  
newcastle@lichfields.uk

**Cardiff**  
029 2043 5880  
cardiff@lichfields.uk

**London**  
020 7837 4477  
london@lichfields.uk

**Thames Valley**  
0118 334 1920  
thamesvalley@lichfields.uk

@LichfieldsUK

**lichfields.uk**



## **3.2 Coylton - Ref. 230580PP - Pre-application**

**From:** [Westwater, Graham](#)  
**To:** [Arabella Stewart-Leslie](#)  
**Subject:** RE: Coylton - Ref. 23/0580/PP - Pre-application [LICH-DMS.FID670652] [OFFICIAL]  
**Date:** 21 January 2025 14:51:21

---

CAUTION: This email originated from an external source.

**CLASSIFICATION:** OFFICIAL

Hi Arabella,

I have been reviewing the submitted information with regards this pre-application enquiry and would make the following comments;

- I would agree with the assessment within the report that the principal for a Battery Energy Storage Site has been established at this location, under the previous approval granted (23/0580/PP). Therefore, in terms of planning policy and compliance with EAC LDP2 and NPF4, the general principal of the proposed development does not conflict with Policy SS1: Climate Change and/or Policy RE1: Renewable Energy of LDP2. In terms of NPF4, it would comply with Policy 1: Tackling the Climate and Nature Crisis and Policy 11: Energy.
- In terms of more detailed matters, as discussed previously, the main issues which require further consideration would be any additional/cumulative noise generation and further impact on landscape/visual amenity, resulting from the revised design of the development. It is noted within the submitted report that these issues will be assessed in terms of an updated Noise Impact Assessment and Landscape Visual Impact Assessment. (Obviously any additional impacts would need to be fully assessed as and when the Council were consulted on a formal S36 application via the ECU).
- Provided any additional noise generated does not breach the parameters which were deemed to be acceptable in the original application (a night time background sound level of +4Db at the closest receptor – Crossbush house) and the visual impact of the additional batteries and associated infrastructure is considered acceptable, then it would be unlikely EAC would require to raise any objection in regards these issues to the ECU.
- With regards the proposed methodology for updating the NIA, I don't have any comments from my colleagues in EHS or our external consultants ACCON to provide. We only carry out consultation with these parties when we receive a formal application (for planning permission or an S36 consultation request).

I trust this is of assistance.

Disclaimer, please note;

*This written evaluation provides a written response to the above pre-application enquiry by the allocated case officer. It does not compromise any decision made by East Ayrshire Council and its Committee and the advice is not legally binding on the determination of a forthcoming planning application or Section 36 consultation request.*

*The information provided in this response may be subjected to a Freedom of Information Request*



*under the Freedom of Information (Scotland) Act 2002/EIR. It will be for East Ayrshire Council to determine what, if any, information will be or not be exempt from such a request, in accordance with this legislation.*

Regards,

Graham

Graham Westwater  
Senior Planning Officer – Development Management  
Governance  
Opera House  
8 John Finnie Street  
Kilmarnock  
KA1 1DD

---

**From:** Arabella Stewart-Leslie <arabella.stewart-leslie@lichfields.uk>  
**Sent:** 21 January 2025 12:19  
**To:** Westwater, Graham  
**Subject:** Coylton - Ref. 23/0580/PP - Pre-application [LICH-DMS.FID670652]

Dear Graham,

Following the submission of the pre-application enquiry to the Energy Consents Unit on 03 June 2024 and the Pre-Application Introductory Report issued to East Ayrshire Council on 05 November, our clients are eager to close out the pre-application process with yourselves and the ECU. So that we can confirm East Ayrshire's comments to ECU, we just wanted to summarise the key comments received and the anticipated updated documents:

- The Section 36 will closely mirror the approved scheme (ref. 23/0580/PP), and as such, no new significant additional considerations are anticipated,
- An updated LVIA is anticipated, and
- An updated Noise Impact Assessment is anticipated to address cumulative noise.

Have there been any comments on the noise letter submitted, and is the approach set out acceptable to the council?

We would like to be able to confirm the pre-application response to the ECU by the end of January so we can proceed with the application's next steps. We'd appreciate if you could respond as soon as you are able to allow us to meet this programme.

Kind regards,  
Arabella

**Arabella Stewart-Leslie**  
**Senior Planner**  
BSc (Hons) MRTPI  
Lichfields, 115 George Street, Edinburgh EH2 4JN

T [REDACTED]  
E [arabella.stewart-leslie@lichfields.uk](mailto:arabella.stewart-leslie@lichfields.uk)

## **Lichfields.uk**

This email is for the use of the addressee. It may contain information which is confidential and exempt from disclosure. If you are not the intended recipient you must not copy, distribute or disseminate this email or attachments to anyone other than the addressee. If you receive this communication in error please advise us by telephone as soon as possible.

Nathaniel Lichfield & Partners Limited (trading as "Lichfields") is registered in England, no. 2778116, registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.

---

**From:** Westwater, Graham [REDACTED]  
**Sent:** 20 December 2024 10:12  
**To:** Arabella Stewart-Leslie <[arabella.stewart-leslie@lichfields.uk](mailto:arabella.stewart-leslie@lichfields.uk)>  
**Subject:** RE: Planning Consultation Request: 24/0500/AMCPP [LICH-DMS.FID548382] [OFFICIAL]

**CAUTION:** This email originated from an external source.

**CLASSIFICATION:** **OFFICIAL**

Hi Arabella,

ARA Flooding responded this week to confirm acceptance of the revised culvert. However, we still need to resolve the other ARA issue, regarding the RSA before we can determine this application.

Yes, we will issue a response to that in due course, (I don't anticipate any issues with it at this stage, but I just haven't had a chance to get something pulled together, will prioritise that for the new year though).

Have a nice break.

Graham

Graham Westwater  
Senior Planning Officer – Development Management  
Governance  
Opera House  
8 John Finnie Street  
Kilmarnock  
KA1 1DD

[REDACTED]

---

**From:** Arabella Stewart-Leslie <[arabella.stewart-leslie@lichfields.uk](mailto:arabella.stewart-leslie@lichfields.uk)>  
**Sent:** 20 December 2024 09:54  
**To:** Westwater, Graham <[REDACTED]>  
**Subject:** RE: Planning Consultation Request: 24/0500/AMCPP [OFFICIAL] [LICH-DMS.FID548382]

Good morning Graham,

Has there been any update from ARA on the culvert?

Regarding the pre-app, do we get a formal response from yourselves?

Kind regards,  
Arabella

**Arabella Stewart-Leslie**  
**Senior Planner**

BSc (Hons) MRTPI

Lichfields, 115 George Street, Edinburgh EH2 4JN

T

E [arabella.stewart-leslie@lichfields.uk](mailto:arabella.stewart-leslie@lichfields.uk)

**Lichfields.uk**

This email is for the use of the addressee. It may contain information which is confidential and exempt from disclosure. If you are not the intended recipient you must not copy, distribute or disseminate this email or attachments to anyone other than the addressee. If you receive this communication in error please advise us by telephone as soon as possible.

Nathaniel Lichfield & Partners Limited (trading as "Lichfields") is registered in England, no. 2778116, registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.

---

**From:** Westwater, Graham <[Graham.Westwater@east-ayrshire.gov.uk](mailto:Graham.Westwater@east-ayrshire.gov.uk)>

**Sent:** 27 November 2024 11:50

**To:** Arabella Stewart-Leslie <[arabella.stewart-leslie@lichfields.uk](mailto:arabella.stewart-leslie@lichfields.uk)>

**Subject:** RE: Planning Consultation Request: 24/0500/AMCPP [LICH-DMS.FID548382] [OFFICIAL]

**CAUTION:** This email originated from an external source.

**CLASSIFICATION:** **OFFICIAL**

Hi Arabella,

Tried calling you there but went to voicemail. With regards the conditions, I don't see any issues with the variations proposed, however obviously we need to resolve the ARA issue and I'm still waiting to hear back from ARA Flooding re the culvert, I'll chase this up today.

In terms of the S36 pre-app, again I don't foresee any major issues from our side on this. The physical changes to the structures on site are fairly limited. As you've picked up on, we'd need updated an LVIA and also the NIA, factoring in any increased noise impact (and if it involves further mitigation measures such as increased acoustic fence heights etc).

Trust this is of assistance for now.

Regards,

Graham

Graham Westwater

Senior Planning Officer – Development Management

Governance

Opera House

8 John Finnie Street

Kilmarnock

[REDACTED]

---

**From:** Arabella Stewart-Leslie <arabella.stewart-leslie@lichfields.uk>  
**Sent:** 26 November 2024 16:39  
**To:** Westwater, Graham <[REDACTED]>  
**Subject:** FW: Planning Consultation Request: 24/0500/AMCPP [OFFICIAL] [LICH-DMS.FID548382]

Good afternoon Graham,

As an update, the contractor is actioning the requests made by ARA, but the weather has held up these.

Is there any update on the other conditions?

Thanks,  
Arabella

**Arabella Stewart-Leslie**  
**Senior Planner**  
BSc (Hons) MRTPI  
Lichfields, 115 George Street, Edinburgh EH2 4JN  
T 0131 285 0670 / M 07976077849  
E [REDACTED]

**Lichfields.uk**

This email is for the use of the addressee. It may contain information which is confidential and exempt from disclosure. If you are not the intended recipient you must not copy, distribute or disseminate this email or attachments to anyone other than the addressee. If you receive this communication in error please advise us by telephone as soon as possible.

Nathaniel Lichfield & Partners Limited (trading as "Lichfields") is registered in England, no. 2778116, registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.

---

**From:** Arabella Stewart-Leslie  
**Sent:** 07 November 2024 22:15  
**To:** Westwater, Graham <Graham.Westwater@east-ayrshire.gov.uk>  
**Subject:** RE: Planning Consultation Request: 24/0500/AMCPP [OFFICIAL] [LICH-DMS.FID548382]

Hi Graham,

I have passed this over to our client and will come back to you shortly.

Is there any update on the other conditions?

Thanks,  
Arabella

**Arabella Stewart-Leslie**  
**Senior Planner**  
BSc (Hons) MRTPI  
Lichfields, 115 George Street, Edinburgh EH2 4JN  
T 0131 285 0670 / M 07976077849  
E [REDACTED]

## Lichfields.uk

This email is for the use of the addressee. It may contain information which is confidential and exempt from disclosure. If you are not the intended recipient you must not copy, distribute or disseminate this email or attachments to anyone other than the addressee. If you receive this communication in error please advise us by telephone as soon as possible.

Nathaniel Lichfield & Partners Limited (trading as "Lichfields") is registered in England, no. 2778116, registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.

---

**From:** Westwater, Graham <[REDACTED]>  
**Sent:** 04 November 2024 11:55  
**To:** Arabella Stewart-Leslie <[REDACTED]>  
**Subject:** FW: Planning Consultation Request: 24/0500/AMCPP [OFFICIAL]

**CAUTION:** This email originated from an external source.

**CLASSIFICATION:** OFFICIAL

Hi Arabella,

ARA have responded with regards the discharge of Condition 8. There appears to be outstanding issues with regards the Road Safety Audit, which require to be addressed before they will confirm they are happy with this condition being discharged. (See attached email for clarification, I wasn't copied in to these discussions between the ARA officer and your Transport Consultant).

Thanks,

Graham

Graham Westwater  
Senior Planning Officer – Development Management  
Governance  
Opera House  
8 John Finnie Street  
Kilmarnock  
KA1 1DD

---

**From:** Donnelly, Barry <[REDACTED]>  
**Sent:** 03 November 2024 23:19  
**To:** Consultations <[REDACTED]>  
**Subject:** FW: Planning Consultation Request: 24/0500/AMCPP [OFFICIAL]

**CLASSIFICATION:** OFFICIAL

DEFER.

Condition 8 – Site Access.

Coylton Substation – A Roads Safety Audit was carried out by the applicant for the site access where ARA have commented, however the findings have not yet been agreed, please see attached email with comments on the RSA.

Regards

---

**From:** Steele, Margaret <Margaret.Steele@east-ayrshire.gov.uk>

**Sent:** 30 October 2024 14:03

**To:** RoadsPlanning <[roadsplanningeast@ayrshireroadsalliance.org](mailto:roadsplanningeast@ayrshireroadsalliance.org)>; FloodingPlanning <[SER\\_FLOODPLAN@east-ayrshire.gov.uk](mailto:SER_FLOODPLAN@east-ayrshire.gov.uk)>

**Subject:** Planning Consultation Request: 24/0500/AMCPP [OFFICIAL]

**CLASSIFICATION:** **OFFICIAL**

Please find attached planning consultation request for the above planning application.

Please respond to: [consultations@east-ayrshire.gov.uk](mailto:consultations@east-ayrshire.gov.uk)

Regards

Margaret Steele  
Planning Administrator  
Planning and Building Standards  
Governance  
Opera House  
8 John Finnie Street  
KILMARNOCK  
KA1 1DD

Generic Email Address: [submittoplanning@east-ayrshire.gov.uk](mailto:submittoplanning@east-ayrshire.gov.uk)