

Stirling Council

Agenda Item No. 5

Planning & Regulation Panel

Date of Meeting: 27 April 2021

Not Exempt

River Source Heat Pump Installation Including Pump House And Pipe Mains; Erection Of Glasshouses And Ancillary Buildings; Construction Of Rainwater Reservoir, Accesses, Hardstandings And Parking; Upgrade Existing Access Road At Land At, Banded Industrial Estate, Throsk - Banded Holdings Ltd - 19/01002/FUL – Hearing

Purpose & Summary

Detailed planning permission is sought by Banded Holdings Ltd to develop land on the north western edge of Banded Industrial Estate, which lies to the north of small settlement of Throsk, to form a river source heat pump facility (recovering heat from the River Forth) to supply heat to glasshouses (for the growing of foodstuff) and a local district heating scheme alongside necessary infrastructure associated with the development.

This application is a major planning application under the terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The development is not considered to be significantly contrary to the Development Plan and so under the Council's Scheme of Delegation for Determining Planning Applications should be determined by Planning and Regulatory Panel.

This report forms the Report of Handling for the planning application in compliance with the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

A Hearing request has been made within timescales according to procedure in order to have the opportunity to address the Panel.

Recommendations

Planning & Regulation Panel is asked to:

1. approve the application subject to the conditions set out in Appendix 1.

Resource Implications

Not applicable.

Legal & Risk Implications

Not applicable

1. Background

- 1.1. The site forms part of an Employment site (B21: Bandeath West) allocated in the Stirling Local Development Plan 2018.

2. Considerations

The Site

- 2.1 The site extends to 18.64 hectares and lies to the north of Throsk at the rear of Bandeath Industrial Estate. The site is generally level and was formerly used for agricultural production as arable or grazing. The Industrial Estate is accessed off the A905 and part of the estate, where the development is proposed, sits within a loop of the River Forth resulting in the river lying to the west, north and east of the site. The River Forth is tidal at the site location.
- 2.2 The site is bounded to the north by a track with evidence of former rail lines and munitions stores which operated from around 1865 to 1978. The store buildings remain present and are dotted around the land. To the east of the site is a road with undeveloped land and dog kennels. To the southwest there is an industrial unit with a couple of concrete bases, used to store timber and for parking HGVs, and a timber frame manufacturer.

The Proposal

- 2.3 The proposal comprises three main development elements: i) River Source Heat Pump and associated pipework and infrastructure; ii) Energy centre and associated infrastructure; and iii) Glasshouses and ancillary buildings. The proposed development would provide a commercial glasshouse and packing facility for the growing of tomatoes. The proposal includes an energy centre to supply electrical power and heat to the proposed glasshouse derived from the river source heat pump. It is envisaged that the development will generate approximately 15MW: 6MW to be utilised for the growing of foodstuffs in the glasshouses and the remainder to be used to supply the wider district heat network.
- 2.4 The abstraction supply infrastructure (two river water intakes, the below ground pump house chamber and supply pipework) will deliver river water to the Energy Centre via an array of centrifugal pumps. The Energy Centre will house up to 6 heat exchanger pumps with a heat output capacity of up to 2.5MW. Exhaust water will be returned to the River Forth approximately 110m downstream of the intakes and conveyed by gravity through a buried precast concrete box culvert which obliquely intersects the riverbank at approximately 40 to 45 degrees to ensure the direction of discharge flows are sympathetic with the River Forth.

- 2.5 Pump House: The pump house will have a floor area of approximately 36 metres by 10 metres and will be just under 6 metres in height, measured from ground level to the ridge (4.5 metres to eaves). It will also include an underground chamber which will be 10 metres by 12 metres and will be 3 metres below ground. Low temperature water is to be pumped from the pump house to the energy centre through heat exchangers to supply heat to the glasshouses.
- 2.6 Energy Centre: The energy centre is to be combined with ancillary areas (ancillary areas include: reception area, packing area, loading docks, canteen/toilets, plant, storage rooms, irrigation room and office) all housed within one overall building which will have a height of approximately 9 metres when measured to the ridge (5.8 metres eaves height) and the building's footprint will be approximately 3,366m² (36 metres by 93.5 metres). This building is to be finished in goosewing grey insulated cladding. This building is to abut the southern elevation of the glasshouse.
- 2.7 Chimneys within Energy Centre Building: There are to be a number of chimneys protruding through the roof of the combined energy centre building including two emission stacks (CHP engine exhaust and CHP engine air intake), a couple of CHP engine chimneys and a boiler chimney. The tallest of these chimneys extends to a height of approximately 15 metres (6 metres above the ridge height).
- 2.8 Tanks and Coolers: Two insulated vertical heat store tanks on concrete bases are to be located adjacent to the packing and welfare area (which is part of the energy centre combined building). The tanks will be 20 metres in diameter and 12 metres in height. There is also a much smaller CO₂ tank (4 metres diameter and 10 metres high) and an oil tank (5 metres by 2 metres, 1.8 metres in height) adjacent to the heat store tanks as well as an array of dry air coolers to be located adjacent to the energy centre.
- 2.9 Glasshouses: The glasshouses (to the north of the energy etc. building) are proposed to cover an area of approximately 7.4 hectares (320 metres by 225 metres). The glasshouses are to be constructed with ridges and gutters along the roof every 4 metres. The overall height of the glasshouses to the ridge is to be 7.3 metres and 6.5 metres to the eaves. The lower portion (first 2 metres above ground level) of the walls of the glasshouses are to be insulated cladding panels with glazing above. The tomatoes are to be grown in controlled hydroponic conditions in above-ground channels.
- 2.10 Reservoir: A rainwater reservoir is proposed to the north of the glasshouses. The reservoir will cover approximately 0.6 hectares (25 metres in width, 145 metres in length and approximately 5 metres in depth capable of storing 14,000m³ of water) and will store rainwater collected from the glasshouse roof for use in watering and feeding the plants.
- 2.11 Parking Provision: 35 standard parking spaces and 2 accessible spaces are to be provided as well as 4 Sheffield cycle racks. Most of the aforementioned aspects of the development (glasshouses, energy centre and combined uses building, parking, external tanks and coolers and reservoir) will be secured within a 1.8 metre high fence.
- 2.12 Road Upgrading: The existing industrial estate access road narrows to a single track with passing places as it extends north to the site. This proposal includes the upgrading of the access junction to reflect the industrial standard access road within the remainder of the estate.

Previous History

- 2.13 Whilst there is no previous planning history on this site of relevance to this application, Powercrofters (Scotland) Ltd submitted a Planning Application in Principle (10/00215/PPP) for an Energy from Waste development on a site to the east of the current site in April 2010. The application was refused and the subsequent appeal (PPA-390-2020) dismissed.

Consultations

Scottish Environment Protection Agency (East):

- 2.14 It is noted that the proposed development is outwith the functional floodplain of the River Forth. SEPA has no objection to the proposed development on flood risk grounds.
- 2.15 Air Quality: SEPA has no objection on air quality grounds.
- 2.16 SUDS: The details provided by consultants appear satisfactory (Millard Drainage plan table 26.3 proposes swale and filter trench for site and access roads).

NatureScot:

- 2.17 Position Summary: There are natural heritage interests of national and international importance close to the site, but in NatureScot's view, these will not be adversely affected by the proposal.
- 2.18 Appraisal Summary: The proposal is close to the Firth of Forth Special Protection Area and Site of Special Scientific Interest. The proposal is likely to have a significant effect on the qualifying interests of the sites, particularly those species of birds that commonly use coastal fields as feeding and roosting sites. Consequently, Stirling Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests. To help Stirling Council do this NatureScot advise that their view, based on the information provided, is that the proposal will not adversely affect the integrity of the Firth of Forth Special Protection Area.

Environmental Health:

- 2.19 Air Quality: No objection subject to a condition regarding a Construction Environmental Management Plan (CEMP).
- 2.20 Lighting: Reviewed the information provided and are satisfied with the response subject to conditions.
- 2.21 Noise: Environmental Health/WSP did not have any concerns with regard to the construction noise levels and that the operational noise levels could be satisfactorily conditioned.
- 2.22 Ground Investigation: Following Environmental Health/WSP's review, a number of issues were still considered outstanding. As it was proposed to address these issues within forthcoming phase 2 works, Environmental Health/WSP had no further queries and await receipt of phase 2 reporting and assessments. In order to ensure that phase 2 assessments are completed as currently proposed, Environmental Health/WSP recommend the inclusion of conditions.

Roads Development Control:

- 2.23 Transport Development Team had no objection to the proposal submitted, subject to the following conditions being applied to any consent granted:

- 2.24 Vehicular access; Pedestrian footway provision; Specification and details of cycle parking provision and storage; Construction Traffic Management Plan; Surface water drainage system; Waste collection provisions; and, Travel Plan.

Planning & Policy (Archaeology):

- 2.25 The proposed development has the potential to impact directly on previously unrecorded archaeological remains, however, as their precise location and nature is unclear there is insufficient reason to oppose the application. Therefore, if the development does proceed, it is recommended that a condition for the Programme of Archaeological Works is included.

Bridge & Flood Maintenance:

- 2.26 No objection subject to conditions:
- 2.27 Finished Floor Levels are set in accordance with the flood risk assessment recommendations with buildings at 7.30m AOD minimum, and the pump house at 6.99m AOD.
- 2.28 Sustainable Urban Drainage Systems are included in the design to address the increase in hardstanding. This may include rainwater harvesting given the intended business purpose.

Clackmannanshire Council:

- 2.29 No objection. Comments regarding visual and landscape impacts relating to:
- 2.29.1 Retention, where practicable, of existing vegetation around the site, particularly on the eastern boundary.
- 2.29.2 Provision of additional shrub and tree planting on the eastern side of the buildings to reduce the impact from the buildings and plant.
- 2.29.3 Consideration of the treatment of the glazed walls of the glasshouses to minimise the risk of reflective glare during the day and light pollution in the evening.

Scottish Water:

- 2.30 No objection. Water: Sufficient capacity in the Turret Water Treatment Works. Foul: Proposed development will be served by Bandeath Waste Water Treatment Works.

Marine Scotland:

- 2.31 No response received.

Throsk Community Council

- 2.32 Objected to the application. They noted that this proposal only represents part of the overall development presented to the community as it omits the waste to energy facility. The Community Council considered it was necessary to clarify whether the waste to energy facility had been dropped completely or would be applied for at a later stage.

Representations

- 2.33 1 representation was received from the Scottish Wildlife Trust. Comments made with regard to the lack of details on the in-river infrastructure, queried why moorings were necessary and commented that care should be taken with regard to non-native invasive species that may be encountered during the works. They also suggested that suitable landscaping would mitigate against the loss of grassland.

Local Development Plan

- 2.34 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the Development Plan. The determination shall be made in accordance with the Plan unless material considerations indicate otherwise. The following provisions of the Development Plan are considered relevant to the consideration of this application:
- 2.35 Primary Policy 1 (Placemaking); Policy 1.1 (Site Planning); Policy 1.2 (Design Process); Policy 1.3 (Green Infrastructure and Open Space); Policy 2.4 (Safeguarding Employment Land and Property); Policy 2.5 (Employment Development); Primary Policy 3 (Provision of Infrastructure); Policy 3.1 (Addressing the Travel Demands of New Development); Policy 3.2 (Site Drainage); Primary Policy 4 (Greenhouse Gas Reduction); Policy 4.3 (Heat Generation); Primary Policy 5 (Flood Risk Management); Primary Policy 7 (Historic Environment); Policy 7.1 (Archaeology and Historic Building Recording); Primary Policy 8 (Conservation and Enhancement of Biodiversity); Policy 8.1 (Biodiversity Duty); Policy 9.3 (Landscaping and Planting in Association with Development); Primary Policy 12 (Renewable Energy); Policy 12.2 (Other Renewable and Low Carbon Energy Developments); Primary Policy 13 (The Water Environment); Policy 14.1 (Encourage Local Food Production).
- 2.36 Supplementary Guidance: Flood Risk Management and the Water Environment.

Other Planning Policy

- 2.37 Non-statutory Supplementary Guidance - SG01: Placemaking; SG02: Green Network; SG14: Ensuring a Choice of Access for New Developments; SG23: Introduction to Archaeology in Stirling; SG26: Biodiversity Conservation; SG29: Landscape and Planting Requirements in New Developments.
- 2.38 Some of the Non-statutory Supplementary Guidance outlined above has been superseded by Draft Supplementary Guidance - Transport and Access for New Development (supersedes SG14); Biodiversity and Landscape (superseded SG26).
- 2.39 The Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) 1992; The Conservation of Wild Birds (the Birds Directive) 2009; The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended); Wildlife and Countryside Act 1981 (as amended); Wildlife and Natural Environment (Scotland) Act 2011 (as amended); and The Nature Conservation (Scotland) Act 2004 (as amended), which places a statutory duty on all public bodies to further the conservation of biodiversity through the Scottish Biodiversity Strategy. Netregs (2018) Non-native plants in Scotland – Your legal responsibilities.
- 2.40 Scottish Planning Policy (SPP) 2014.
- 2.41 Planning Advice Notes: PAN 60: Planning for Natural Heritage; PAN 75: Planning for Transport; PAN 51: Planning, Environmental Protection and Regulation.

Assessment

- 2.42 **Extent of development:** It is noted that the Proposal of Application Notice (PoAN) and subsequent Pre-Application Consultation Report (PAC) related to a development which, as well as including all the elements outlined within this proposal, also included a materials recycling facility and an energy from waste plant. The Pre-Application Consultation Report noted that the main concerns generated from the public consultation were regarding the production of energy and heat from waste with respect to traffic, air quality, noise and amenity upon the village of Throsk and the surrounding area. The applicant used the feedback from the public event to focus the content of the planning application thereby removing the materials recycling facility and energy from waste plant. This application therefore proposes most of the elements of the development outlined at the public event with the exception of the elements that raised the greatest concerns to those whom attended the event and provided their views. Whilst the views of Throsk Community Council are noted, the application can only be assessed on its own merits without taking into account any future intentions that an applicant may, or may not, have. Should a future application be submitted seeking permission for a materials recycling facility and/or an energy from waste plant then it will be assessed at that future date.
- 2.43 **Use of the Land/Appropriateness of Site:** This site forms part of a larger Employment site (B21: Bandeath West) allocated in the Stirling Local Development Plan 2018. Primary Policy 2 (Supporting the Vision and Spatial Strategy) requires that employment development proposals will be directed to sites identified for those purposes, as set out in Appendix A of the Plan. Appendix A lists this site as B21: Bandeath West. Policy 2.4 (Safeguarding Employment Land and Property) states that all employment land (particularly those sites allocated in the Plan at Appendix A) will be safeguarded for employment generating purposes (Use Classes 4 business, 5 general industry and 6 storage and distribution). Policy 2.5 (Employment Development) states that employment development will be supported where it is located within an allocated employment site and is compatible with the Key Site Requirements. In this case, the Key Site Requirements for B21: Bandeath West are compliance with a Masterplan to be prepared for Bandeath, to ensure the maintenance of the integrity of the Firth of Forth Special Protection Area, foul and surface water drainage to be treated to the relevant standards of Scottish Water and SEPA. Also, that a Flood Risk Assessment is required and there is appropriate mitigation measures to reduce the risk of surface water run-off. Whilst there is no Masterplan available yet for Bandeath, the application and supporting information have demonstrated compliance with the other elements of the Key Site Requirements.
- 2.44 This proposal is a mixed use development comprising elements of energy generation (river source heat pump facility and energy centre) and usage (glasshouse for growing commercial tomato crops). Whilst the overall development does not fall within any use category, and would therefore be considered *sui generis* (meaning something that is unique or different), the elements within the development are of an employment nature - from the generation of energy to the scale of tomato growing and the associated HGV movements (packing and distribution). It is considered that this type of development is appropriate for this site and that the proposal complies with Primary Policy 2 and Policies 2.4 and 2.5.

- 2.45 **Ecology:** Primary Policy 8 (Conservation and Enhancement of Biodiversity) requires that, where proposals may affect protected species, developers must carry out species surveys and produce mitigation plans where required. Development that may result in activities that would normally require a species licence will not be permitted unless the applicant can demonstrate that such a licence will be likely to be granted. Furthermore, areas not covered by statutory or local designations will have an appropriate level of protection if they are deemed to be important for their contribution to local biodiversity. Policy 8.1 (Biodiversity Duty) states that all development proposals will be assessed for their potential impact on biodiversity to ensure that overall biodiversity is maintained.
- 2.46 The site is adjacent to the River Forth, which is designated as a RAMSAR site, a Site of Special Scientific Interest and a Special Area of Protection. The application was supported by a Preliminary Ecological Appraisal which included a Phase 1 Habitat Survey, a preliminary bat roost assessment, and a badger and otter survey. The purpose of the Phase 1 Habitat Survey was to survey the site and a 250 metre buffer and document the habitats present. This was to determine the potential presence of protected or otherwise notable species to establish whether these are constraints to the proposed development. The Firth of Forth Special Protection Area abuts the site boundary to the east of the site. The potential for effects upon the designated site were assessed and no significant displacement and/or disturbance impacts were anticipated as a result of the development. Though there are four Local Nature Reserves within 2km of the site, these were all located on the opposite side of the River Forth. Two trees and five buildings were deemed to have bat roosting potential. Evidence of otter activity was found along the bank of the River Forth but no otter habitation was found. A Species Protection Plan will be required prior to construction works commencing. There was no evidence of badger activity within the site though the woodland habitat was assessed as suitable to support badgers. Giant Hogweed was found to be present within the site so will need to be appropriately managed to reduce the risk of spread.
- 2.47 The application was also supported by a Shadow Habitats Regulations Appraisal which concluded that the development will have no significant effect on the maintenance of the populations of the Special Protection Area, maintenance of the distribution of the qualifying interests of the Special Protection Area and no significant disturbance to the qualifying interests of the Special Protection Area.
- 2.48 An Addendum to the Ornithological Mitigation Strategy (the Preliminary Ecological Appraisal) identified that in order to prevent any harm or disturbance on the ornithological interests and qualifying features of the Special Protection Area, a mitigation strategy was proposed to include i) pre-construction checks for nesting birds; and, ii) construction period mitigation strategy. These matters, along with oversight from an Ecological Clerk of Works, have been included as conditions in Appendix 1.

- 2.49 In its consultation response NatureScot did not consider that the proposal would affect the natural heritage interests of national and international importance (Firth of Forth SPA and SSSI) close to the site. Stirling Council, as competent authority, was required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests, particularly those species of birds that commonly use coastal fields as feeding and roosting sites. This appropriate assessment has been undertaken and is contained within Appendix 2. NatureScot supported the proposal to screen the north and north eastern boundary of the site with a planted bund as they considered it would mitigate the impact of lighting both during construction and operation of the facility on the tidal mudflats. The bund would also address the comments raised by Clackmannanshire Council with regard to screening of eastern side of the development.
- 2.50 NatureScot was also specifically consulted on the impact that the lighting within the proposed glasshouses may have on the qualifying interests of the Firth of Forth Special Area of Protection and Site of Special Scientific Interest. NatureScot accepted that there may be some disturbance to birds foraging on the agricultural land to the south of the site (notably overwintering Pink-footed geese). They also noted that there is conflicting evidence as to the impact of lighting on foraging birds with some studies suggesting this can be beneficial. NatureScot concluded that the impact from the proposed lighting on birds foraging on the agricultural land to the south of the site will be minimal due to the small numbers of key species as a proportion of the total population likely to be affected and the presence of some (limited) screening by trees.
- 2.51 It is considered that the proposal complies with Primary Policy 8 and Policy 8.1.
- 2.52 **Contaminated Land:** Primary Policy 6 (Resource Use and Waste Management) seeks to ensure that any contaminated land is remediated to a level commensurate with its new use. The application was supported by a Geo-Environmental Phase I Assessment (Oct 2020) to provide information on environmental considerations. It found that the current and historic use of the site was not considered to represent a significant source of contamination however peat was identified which may represent a source of ground gas and there was potential for shallow coal mining. The assessment recommended that a pre-construction site investigation which would quantitatively assess contamination, as well as ground gas risk and ensure appropriate design of ground gas measures could be secured through a planning condition.
- 2.53 Environmental Health noted that there were a number of issues outstanding that were to be addressed within the forthcoming phase 2 works. They noted that in order to ensure that the phase 2 assessments are completed as proposed, a number of conditions were recommended. Conditions to address the aforementioned matters have been recommended within Appendix 1 and, with the inclusion of these conditions, it is considered that the proposal complies with Primary Policy 6.
- 2.54 **Flooding:** Scottish Planning Policy states that the planning system should adopt a precautionary approach to flood risk. The planning system should prevent development that has a significant probability of being affected by flooding or increase the probability of flooding occurring elsewhere. Planning Authorities are to have regard to the probability of flooding from all sources and take flood risk into account when determining planning applications.

- 2.55 The application was accompanied by a Flood Risk Assessment. The results of the assessment show that the vast majority of the site is outwith the 1 in 200 year flood extent of the River Forth and an unnamed watercourse. The limited areas of flood extent relate to areas where this proposal just has underground pipes to and from the river. The assessment recommended that the finished floor levels for the proposed building should be set at, or above, a level of 7.30 AOD and the pump house building should have a finished floor level of 6.99AOD. The finished floor levels of the pump house relate to the above ground element. The agent has clarified that underground chamber presents no significant problem in flood conditions. It is an unmanned space (except for occasional maintenance), all the controls are in the above ground part of the building, plant and any other equipment will tolerate being submerged and there will be an electrical power cut-off when water reaches a pre-determined safe maximum level to avoid any consequential problems. The finished floor levels have been included within a condition in Appendix 1, as requested by the Council's Flood Officer.
- 2.56 Whilst the glasshouses will be constructed across an area outwith the functional floodplain of the River Forth and the unnamed watercourse, the applicant has outlined that, if surface water did enter the glasshouses, it would not adversely affect its operation. Vehicle and pedestrian access to the site can be maintained in a 1 in 200 year flood event and, when including climate change, there is also an alternative access via a track past Alton Farm (600m west of the site). The Flood Risk Assessment concluded that the site is developable with respect to flood risk. It is considered that the proposal has taken flood risk into account and has demonstrated that the site is neither at flood risk nor that the proposal will increase the likelihood of flood risk occurring elsewhere. It is not considered that flood risk is a development constraint.
- 2.57 **Landscape and Visual Impact:** Primary Policy 1 (Placemaking) states that development of all scales must be designed and sited, not only with reference to their own specifications and requirements, but also in relation to the character and amenity of the place where they are located. Primary Policy 9 (Managing Landscape Change) highlights that landscape and visual impacts will be important considerations in determining all proposals for development and land use change. It states that all developments should demonstrate that the capacity of the local landscape to accommodate new development of the type and scale envisaged has been taken into account.

- 2.58 The proposal was supported by a Landscape and Visual Appraisal. It noted that, by its nature, the proposal would result in landscape and visual effects which it would not be feasible to fully mitigate. However, it notes that the proposed development is located within an Industrial Estate, adjacent to existing large scale units to the south, and derelict land to the north. The development avoids any notable/visually prominent slopes or ridgelines, given its low-lying position next to the river. The Industrial Estate is surrounded by established woodland on its southern side (which creates a physical and visual barrier from the village of Throsk) and by riparian tree cover along the sides of the River Forth, which loops around the site on three sides. These landscape features provide a degree of enclosure and visual screening to the proposed development. In terms of colour and materials, the proposed buildings will be finished in goosewing grey panelling which, being a muted tone, should assist in blending with the surroundings. Blackout blinds will be incorporated within the glasshouses to prevent light spill (on this basis the potential light leakage from the roof would be reduced to 0.01%, and there would be zero escape of light from the side walls).
- 2.59 The potential landscape and visual effects of the proposed development were analysed in two ways: i) Zone of Theoretical Visibility map analysis, and ii) analysis of the potential effects on key viewpoints. The Appraisal concluded by outlining that, due to the site's low-lying elevation within an existing industrial estate, combined with the surrounding flat topography and areas of tree cover, it was appraised that the landscape and visual effects would be extremely restricted and focused within very localised geographic areas. It outlined that, in terms of visual effects from settlements, the clearest views would be experienced from the outer edges of Fallin and Tullibody/Cambus. However, in both cases the extent of intervening screening and character of the existing view is such that the resultant effect would not be notable. The visually contained nature of the site is such that there would be no notable effect on any other residential settlement.
- 2.60 It is noted that the specifications and requirements of this proposal, in terms of the extent of glasshouses alongside the energy centre and ancillary building, will result in a very extensive built form. However, having taken into account the findings of the Landscape and Visual Appraisal and from site visit assessments, it is considered that, overall, this development has been designed and sited in relation to the character and amenity of the place and its siting, layout and density is reflective of its surroundings. The design of the buildings relate to the site's context and its wider surroundings in terms of appearance, position, height, scale and mass. Furthermore, it is considered that the materials, finishes and colours of the proposed buildings are not at odds within this context. It is therefore considered that the proposal complies with Primary Policy 1 and Policy 1.1. The Landscape and Visual Appraisal has provided sufficient evidence to demonstrate that the capacity of the local landscape, to accommodate the development of the type and scale envisaged, has been taken into account and will not result in significant adverse impacts on the landscape character and visual amenity. It is considered that the proposal complies with Primary Policy 9 and Policy 9.3.

- 2.61 **Noise:** Noise is a material planning consideration and must be given due weight when determining an application. The application was supported by a Noise Assessment, the purpose of which was to assess potential noise impacts associated with the construction and operation of the proposed development and derive appropriate noise limits not to be exceeded at the nearest Noise Sensitive Receptors. A condition has been included within Appendix 1 to ensure that appropriate noise limits are set.
- 2.62 **Air Quality:** Air quality is a material planning consideration and must be given due weight when determining an application. Primary Policy 1 (e) requires that development of all scales must have minimal adverse impact on air quality. The application was supported by an Air Quality and Impact Assessment which sought to assess the potential environmental effects of emissions on human health and locations of ecological sensitivity and specify, where necessary, appropriate solutions to mitigate potential adverse air quality effects. Modelling of NO_x, NO₂, PM₁₀ and SO₂ was undertaken to predict the concentrations due to occasional emissions from the back-up boiler using natural gas and fuel oil in conjunction with existing background concentrations at sensitive receptor locations within the study area. The predicted annual mean concentrations at all proposed receptors were significantly below relevant Air Quality Standards values for the protection of human health and the critical levels for the protection of vegetation and ecosystems. Furthermore, the boiler will only operate in the event of Combined Heat and Power abatement failure for up to 8-hours per event which is anticipated to be a very rare occurrence. The predicted impacts at receptors will therefore be significantly lower than has been assessed.
- 2.63 The short-term impacts which are relevant for short-term operation of the boiler are significantly below the Air Quality Standards at all sensitive receptors. The air quality impacts at designated nature conservation sites are concluded to be insignificant and therefore no additional Habitats Regulations Assessment is required. In summary, the potential impact of the proposed development on local air quality was considered to be low risk and not significant. The Scottish Environmental Protection Agency agreed that the back-up boilers will not lead to an exceedance of the air quality objectives based on the dispersion model outputs. As such, the Scottish Environmental Protection Agency had no objection to the proposal on air quality grounds. It is considered that air quality is not a constraint to development and that the proposal complies with Primary Policy 1(e).
- 2.64 **Transport/Access:** Policy 1.1 (Site Planning) states that all proposals must respect, complement and connect with its surroundings, be accessed safely and be designed in a manner so as to be easily navigable, particularly on foot, bicycle and public transport. Policy 3.1 (Addressing Travel Demands of New Development) states that in order to create accessible developments in sustainable locations, new development should be located where safely and conveniently accessible by walking, cycling and public transport as well as by motor vehicles. Development should aim to reduce its travel demands and to ensure that residual demands are met in a manner which ensure a safe and realistic choice of access by walking, cycling, public transport and motor vehicles.

- 2.65 A Transport Assessment was submitted to support the planning application. The site is accessible from the A905 (Stirling to Airth road) by the existing access road which serves Bandeath Industrial Estate. The existing industrial estate access road narrows to a single track with passing places as it extends north past 'Deeside Timberframe' premises to the south of the site. The single track section will be upgraded to the proposed site access junction to reflect the industrial standard access road within the remainder of the estate. The only element of the proposed development which will accommodate staff on a day to day basis is the glasshouse operation. It is effectively a unique operation which is not covered within the Council's land use designations within the parking guidelines. As such, the operator based the parking provision on experience of other operational sites. The proposal includes 35 standard parking spaces, plus 2 accessible spaces and cycle racks, which are to be located adjacent to the reception area. HGV loading bays are to be located adjacent to the pack house with the necessary turning area. Swept path analysis had also been provided. A review of the road network concluded that strategic routes were accessible within a short distance from the site, providing access to the motorway network. The Transport Assessment concluded that the minimal additional traffic generated by the site can be accommodated on the road network with a negligible impact on the current operation.
- 2.66 The Transport Assessment also concluded that the site will be accessible by sustainable modes of travel and integrate well within the existing transport network with the introduction of additional non-car promoting measures. In addition, the site could be accessed safely from the adjacent road network by private vehicles without compromising the safety or efficiency of existing highway users.
- 2.67 Roads considered that the lack of any provision for pedestrians to access the site (the proposal had been for pedestrians to either walk along the grass verge or the access road due to the low usage) was unacceptable. The proposal was then revised to include a 2 metre wide pedestrian footway along the length of the Bandeath Industrial Estate spine road, between the proposed development access and the existing extents of the footway. The applicant included further information pertaining to the bus services available on the A905 and also demonstrated that the road geometry for the proposed road infrastructure would connect appropriately with the existing road. Swept path analysis for a 16.5 metre articulated vehicle was submitted to demonstrate compliance. The applicant also provided additional information to support the assumptions made on car sharing uptake and parking provision. The calculations highlighted that the site will have less than 100 staff. Further information was also provided to demonstrate that the Kerse Road/Bandeath Industrial Estate spine road junction would continue to operate with substantial reserve capacity when this development was factored in. Transport Development had no objection to the proposed development subject to the inclusion of a number of planning conditions. All of the conditions requested by Transport Development have been included within Appendix 1.
- 2.68 It is considered that, with the inclusion of conditions, the proposal complies with Policies 1.1 and 3.1.

- 2.69 **Archaeology:** Primary Policy 7 (Historic Environment) requires that the historic environment is managed and that relevant development proposals are assessed for the potential to harbour undiscovered heritage assets including archaeology. Policy 7.1 (Archaeology and Historic Building Recording) requires that, where there is the possibility that archaeological remains may exist, but their extent and significance is unclear, the developer undertakes an evaluation prior to the determination of any planning application in order to establish the importance of the site, its sensitivity to development and the most appropriate means for preserving or recording surviving archaeological features.
- 2.70 In this case, an archaeological evaluation has not been undertaken prior to determination however, whilst the proposed development has the potential to impact directly on previously unrecorded archaeological remains, the Council's Archaeologist considered there was insufficient reason to oppose the application. Instead, a condition was requested requiring a programme of archaeological works in advance of development which has been included within Appendix 1. Accordingly, with the inclusion of the condition, it is considered that the proposal complies with Primary Policy 7 and Policy 7.1.
- 2.71 **Design:** Primary Policy 1 (Placemaking) requires all development to be designed and sited in relation to the character and amenity of the place where they are located. Policy 1.1 (Site Planning) requires that the design of new development should be appropriate to its wider surroundings in terms of appearance, position, height, scale, massing and should use materials, finishes and colours which complement those prevalent. Policy 1.2 (Design Process) states that in order to ensure that the aims of Placemaking and quality site planning are met, Design and Access Statements will be required in support of planning applications.
- 2.72 A Design Statement and Planning Statement were submitted in support of the application which explained the design principles and concepts that have been applied, and how issues relating to access for disabled people to the development have been dealt with. It is considered that by positioning the energy centre and associated uses within one large building to the front of the glasshouses, this will assist in visually counterbalancing the expanse of the glasshouses when viewed from the industrial estate access road. This building will be of a design and materials that are commonly found within industrial estates and is therefore considered appropriate in relation to its wider setting. The glasshouses, whilst not representing the materials of the surrounding area and of a different scale and mass to nearby buildings, are nonetheless considered appropriate in this industrial estate setting. Furthermore, the topography of the site, the limited access and the benefits of screening from existing buildings and landscaping will assist in ensuring that the glasshouses will be appropriate in their wider setting. It is considered that the proposal complies with Primary Policy 1, Policy 1.1 and Policy 1.2.

- 2.73 **Lighting:** One of the issues with regards to the finish of the building is the use of glass, the extent of it and the impact of lighting within the glasshouses on the wider area. The application was supported by a Lighting Impact Statement which outlined that the crops within the glasshouses will be provided with energy efficient LED lighting to supplement the lack of natural light. Without this supplementary lighting the glasshouse use would be reduced to between March and October each year and production figures would be 30% less than similar English counterparts making the facility uneconomic. In winter months the crop will require up to 18 hours of artificial lighting. Light pollution screens are to be installed within the glasshouses to minimise the effect of light pollution emanating from the glasshouses during the lit periods of darkness. Side rolling screens and horizontal screens are to be installed and automatically controlled by a computer system to close the blinds depending on the external light levels. The application was also supported by a statement to address issues raised with regard to ecological issues associated with the proposed lighting and a statement on the external lighting calculations.
- 2.74 The impact of light on species of birds associated with the Firth of Forth Special Protection Area and Site of Special Scientific Interest was considered by NatureScot and the impact of it on nearby residents was considered by Environmental Health. NatureScot supported the proposal to screen the north and north eastern boundary of the site with a planted bund since, in their view, this would mitigate the impact of lighting both during construction and operation of the facility on the tidal mudflats. NatureScot accepted that there may be some disturbance to birds foraging on the agricultural land to the south of the site (notably over overwintering Pink-footed geese) but concluded that the impact from the proposed lighting on birds foraging on the agricultural land to the south of the site would be minimal.
- 2.75 Environmental Health utilised the services of a Senior Lighting Designer at WSP in formulating their response. They were content that, if the screens within the glasshouses provided the 98% blackout as quoted by the applicant's agent, light spill will be within recommended limitations. In order to ensure that the screens provided the blackout quoted, they recommended that this was supported by computer modelling or similar evidence. This has been addressed by the inclusion of a condition within Appendix 1. It is considered, with the inclusion of conditions, that the proposal complies with Policy 1.1 (Site Planning) in terms of the materials used and sensitively integrating biodiversity whilst complying with Primary Policy 8 (Conservation and Enhancement of Biodiversity) and Policy 8.1 (Biodiversity Duty) in terms of the protection and conservation of Natura Sites and Sites of Special Scientific Interest. It is also considered that this addresses the issue raised by Clackmannanshire Council with regard to light pollution.
- 2.76 **Food Production:** It is noted that this proposal includes the production, packing and distribution of tomatoes. Policy 14.1 (Encourage Local Food Production) supports developments associated with local food production and associated activities such as processing, distribution and marketing where environmentally acceptable. Whilst it is noted that the food grown on this site will serve more than a local area, the majority (70%) of tomatoes consumed in Britain are produced outside the UK with most of the remainder produced in the south of England. This proposal seeks to establish a Scottish crop which will save on 'food miles'. It is considered that the proposal complies with Policy 14.1.

- 2.77 It is considered, with the inclusion of the conditions recommended in Appendix 1, that on balance the proposal complies with the Development Plan and that there are no overriding material considerations that would indicate otherwise.

3. Implications

Equalities Impact

- 3.1 This application was assessed in terms of equality and human rights. Any impact has been identified in the Consideration/Assessment section of this report.

Fairer Scotland Duty

- 3.2 This section is not applicable.

Climate Change, Sustainability and Environmental Impact

- 3.3 An Environmental Impact Assessment is not required

Other Policy Implications

- 3.4 All relevant policies have been set out in Section 2.

Consultations

- 3.5 As set out in Section 2.

4. Background Papers

- 4.1 Planning Application file 19/01002/FUL. File can be viewed online at: [View Application](#)

- 4.2 List of determining plans:

Stirling Council Plan No.	Name	Ref on Plan
01	Location Plan	LP2 revA
02	Site Plan	SBA1 revA
03	Site Plan	BP1
04A	General	0010-001 revI
05	Floor Plans	0010-001 revA
06	Elevations	0010-001 revA
07	Elevations	0010-002 revA
08	Elevations	0010-003 revB
09A	General	PH1 revA
10A	Details	15498/03/001 revA
11	Details	RP 1
12	Details	15498/03/002
13A	Details	15498/02/001 revA
14	Details	0010-001 revA
15	Site Plan	SP 1 revD

5. Appendices

5.1 Appendix 1 – Conditions and Reasons

5.2 Appendix 2 – Natura Site Assessment

Author(s)

Name	Designation	Telephone Number/E-mail
Jane Brooks-Burnett	Senior Planning Officer	01786 233672 brooksburnettj@stirling.gov.uk

Report of Handing approved by Chief Planning Officer

Name	Designation	Date
Christina Cox	Planning & Building Standards Manager	14 April 2021

Approved by

Name	Designation	Date
Drew Leslie	Senior Manager	14 April 2021

Details of Convener(s), Vice Convener(s), Portfolio Holder and Depute Portfolio Holders (as appropriate) consulted on this report:	Cllr Alasdair MacPherson Cllr Danny Gibson
--	---

Wards affected:	Ward 7 Bannockburn
Key Priorities:	N/A
Key Priority Considerations:	N/A
Stirling Plan Priority Outcomes: (Local Outcomes Improvement Plan)	N/A

River Source Heat Pump installation including pump house and pipe mains; erection of glasshouses and ancillary buildings; construction of rainwater reservoir, accesses, hardstandings and parking; upgrade existing access road at Land At Bandeath Industrial Estate, Throsk - Bandeath Holdings Ltd - 19/01002/FUL

Approve, subject to the following conditions

- 1 **Pre-construction Checks for Nesting Birds:** Prior to the commencement of any construction works at the start of the bird breeding season (end of March), a suitably qualified ecologist/ornithologist will be employed to search all works areas proposed for construction or clearance, for evidence of nesting birds. Should a nest be recorded, a suitable working buffer will be put in place until young have successfully fledged the nest. Furthermore, the procedure, as set out in Section 2 of the Addendum – Ornithology Mitigation Strategy (Version 1.1, Dated 27/02/2020), shall be followed in the event of discovering an active bird nest and for site working practices throughout the bird breeding season (April to August, inclusive).
- 2 **Bund:** Prior to the commencement of development and in advance of the winter season (1st September) and the arrival of wintering geese, a bund will be in place and will be planted with trees (of nursery stock or whips) along the northern/north-eastern boundary. The development will then take place in accordance with the measures set out at Sections 2.2 and 3 of the applicant's 'Addendum – Ornithology Mitigation Strategy'. The location and extent of bund and the type and size of trees shall be agreed in writing with the Planning Authority prior to implementation.
- 3 **Details of Materials:** Prior to the commencement of works on site, details of the external finish to the buildings hereby approved shall be submitted to the Planning Authority for written approval.
- 4 **Programme of Archaeological Works:** No works shall take place within the development site until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the Stirling Council Planning Officer (Archaeology), and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the Stirling Council Planning Officer (Archaeology). Such a programme of works could include some or all of the following historical research, excavation, post-excavation assessment and analysis, publication in an appropriate academic journal and archiving.
- 5 **Species Protection Plan:** Prior to construction works commencing a Species Protection Plan shall be submitted to, and approved in writing by, the planning authority.
- 6 **Pre-construction Survey:** Prior to site clearance and construction works commencing, a pre-construction survey shall be undertaken to assess whether there is any badgers present on the site. The findings of the survey shall be shared with the planning authority and, should the findings indicate the presence of badgers, appropriate mitigation measures shall be agreed with the Planning Authority prior to any site works.

- 7 **Construction Period – Wintering Birds:** Unless otherwise agreed with the Planning Authority, the areas of land within the applicant's control where development is not otherwise taking place shall be kept unharvested. Furthermore, the mitigation measures set out at Section 2.2 of the Addendum – Ornithology Mitigation Strategy (Version 1.1, Dated 27/02/2020), shall be put in place throughout the winter season (September to April, inclusive).
- 8 **Ecological Clerk of Works:** The construction phase activities shall be monitored on an on-going basis by a suitably qualified Ecological Clerk of Works throughout the winter period.
- 9 **Comprehensive Contaminated Land Investigation:** (i) Prior to commencement of any site works, a comprehensive contaminated land investigation, including an assessment of ground gas risk, shall be submitted to and approved by the Planning Authority in writing. The investigation shall be completed in accordance with a recognised code of practice such as British Standards Institution "The Investigation of Potentially Contaminated Sites – Code of Practice (BS 10175:2011)". The report must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Executive Planning Advice Note 33.
- (ii) If identified as a requirement following Point (i) above, then determination of the nature, extent and type of contamination on site and identification of pollutant linkages and assessment of risk shall be completed via a comprehensive intrusive land contamination investigation and risk assessment, the scope and method of which shall be first submitted to and approved in writing by with the Planning Authority, and undertaken in accordance with PAN 33 (2000) and British Standard BS 10175:2011+A2: 2017 Investigation of Potentially Contaminated Sites -Code of Practice. The report must include a site specific risk assessment of all relevant pollutant linkages, as required in Scottish Executive Planning Advice Note 33;
- 10 **Detailed Remediation Strategy:** Where the risks assessment identifies any unacceptable risk or risks as defined under Part IIA of the Environmental Protection Act 1990, a detailed remediation strategy shall be submitted to the Planning Authority for approval. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Planning Authority.
- 11 **Remediation:** Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved in writing by the Planning Authority.
- 12 **Confirmation Work Carried Out:** On completion of the remediation works and prior to the site being occupied, the developer shall submit a report to the Planning Authority confirming the works have been carried out in accordance with the remediation plan.
- 13 **Unsuspected or Unencountered Contamination:** The presence of any previously unsuspected or unencountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority.
- 14 **Finished Floor Levels:** The building containing the energy centre, office, pack house and irrigation room shall be constructed with finished floor levels no lower than 7.30AOD. The pump house, excluding the below ground element, shall be constructed with finished floor levels no lower than 6.99AOD.

- 15 **Noise Limits:** The noise limits for the construction and operational phases of the development shall not exceed those set out within Table 6 (Proposed Development Noise Limits), paragraph 5.1.2 of the Noise Impact Assessment undertaken by ITP Energised (dated 16/01/2020) and submitted in support of the application. For ease of reference, Table 6 has been reproduced below. The construction and operational phase noise limits must not be exceeded at the Noise Sensitive Receptors considered within the Noise Impact Assessment.

Noise Sensitive Receptor	Construction phase noise limits			Operational phase noise limits	
	Night-time (23:00 – 07:00 hrs)	Evening and weekends	Weekday daytime (07:00 – 19:00 hrs), Saturdays (07:00 – 13:00 hrs)	Daytime (07:00 – 23:00 hrs)	Night-time (23:00 – 07:00 hrs)
NSR1	45	55	65	48	40
NSR2	45	55	65	46	37
NSR3	45	55	65	49	43
NSR4	45	55	65	49	43
NSR5	45	55	65	46	37

- 16 **Post-development Detailed Noise Assessment:** Upon completion of the proposed development the operator shall undertake a detailed assessment of noise from the facility during normal operations in accordance with BS4142:2014 (Rating industrial noise affecting mixed residential and industrial areas) and BS7445:2003 (Description and measurement of environmental noise), or other methodology as agreed with Stirling Council. The assessment shall consider all noise sources at the facility, including static plant and on-site vehicle movements. The specific sound level from the operations shall include corrections for acoustic characteristics to derive the Rating level ($L_{Ar,Tr}$). The Rating level shall not exceed the agreed operational phase noise limits at the Noise Sensitive Receptors presented in the Noise Impact Assessment report. The results of the assessment together with conclusions and any recommendations shall be submitted to Stirling Council for approval in writing
- 17 **Vehicular Access:** Prior to the operation of any development on the application site, the vehicular access shall be laid out and constructed substantially in accordance with Drawing No. 19045_001 or such other drawings as may subsequently be approved in writing by the Planning Authority in consultation with Transport Development.
- 18 **Pedestrian Footway Provision:** Prior to the operation of any development on the applicant's site, a pedestrian footway of a minimum 2 metres width, with accompanying bound surface, shall be laid out and constructed substantially in accordance with Drawing No. 19045_001 or such other drawings as may subsequently be approved in writing by the Planning Authority in consultation with Transport Development.

- 19 **Cycle Parking Provision:** No development shall commence until the specification and details of cycle parking provision and storage have been provided in line with the standards set out within Stirling Council's Supplementary Guidance *Transport and Access for New Developments*. The specification and details shall be submitted to, for approval in writing by, the Planning Authority in consultation with Transport Development. The approved cycle parking provision and storage shall be in place prior to the site becoming operational.
- 20 **Construction Traffic Management Plan:** No development shall commence on site until a Construction Traffic Management Plan (including a routing plan for construction vehicles) has been submitted to, and approved in writing by, the Planning Authority. The approved Construction Traffic Management Plan shall be implemented prior to development commencing and remain in place until the development is complete.
- 21 **Surface Water Drainage:** The surface water drainage system shall be designed to the requirements and satisfaction of SEPA, The Water Authority and Stirling Council, taking account of the sustainable urban drainage (SUDS) principles and in accordance with the guidance given in 'SUDS for Roads'. The SUDS strategy will include details of measures to be employed during the construction phase of the project.
- 22 **Waste Collection:** Waste collection shall be provided in accordance with Supplementary Guidance SG19: Waste Management: Requirements for Development Sites.
- 23 **Travel Plan:** Prior to the occupation of the application site, a detailed Travel Plan for the whole development, which sets out proposals for reducing dependency on the private car, shall be submitted to, and approved in writing by, the Planning Authority. The detailed Travel Plan shall include:
- a) Measures for extending and/or increasing the active travel opportunities in the area;
 - b) Details for the management, monitoring, review and reporting of these measures;
 - c) A system of management, monitoring, review, and reporting.
- The Travel Plan shall be implemented, as approved, from the commencement of development and reviewed on an annual basis for a period of 5 years.
- 24 **Lighting Impact Assessment:** Prior to the installation of any internal lighting, a full lighting impact assessment shall be submitted to, and approved in writing by, the Planning Authority. This lighting assessment shall show spill light contours and location of nearby receptors. It shall also include the specifications, locations and position details for all internal lighting. In addition, it shall include an assessment of the upward light ratio and how glare will be reduced to a minimum. This assessment should be carried out in line with the Institute of Lighting Engineers Guidance Note for the Reduction of Obtrusive Light.
- 25 **Lighting Maintenance Scheme:** Prior to the installation of any internal lighting within the glasshouses hereby approved, a scheme of maintenance for all internal lighting to the glasshouses shall be submitted to the Planning Authority for written approval.

- 26 **Construction Environmental Management Plan (CEMP):** No development shall commence on site until a site-specific Construction Environmental Management Plan is submitted by the developer and agreed in writing by the Planning Authority, in consultation with Environmental Health. The CEMP shall include appropriate measures to minimise dust deposition within the Firth of Forth designated site, which shall be agreed with NatureScot.

Reasons:

- 1 To ensure that there is no disturbance to nesting birds in compliance with Policy 8.1 of the adopted Local Development Plan.
- 2 To prevent visual disturbance and reduce noise disturbance to the Special Protection Area's qualifying features.
- 3 To ensure that the external materials utilised within this development are appropriate in this landscape setting.
- 4 To safeguard and record the archaeological potential of the area.
- 5 To ensure that the European Protected Species identified on the site are not adversely affected as a result of this development.
- 6 To ensure that appropriate mitigation is in place should it be confirmed that badgers are present on site given the length of time that has lapsed since the initial survey.
- 7 In order to minimise disturbance to wintering geese.
- 8) To avoid any disturbance to Special Protection Area provenance species of wintering birds.
- 9) To ensure potential risks arising from previous site uses have been fully assessed.
- 10 To ensure the proposed remediation plan is suitable.
- 11 To ensure the remedial works are carried out to the agreed protocol.
- 12 To provide verification the remediation has been carried out to the Authority's satisfaction.
- 13 To ensure all contamination within the site is dealt with.
- 14 In order to mitigate flood risk.
- 15 To ensure that the amenity of any nearby residential occupiers is not adversely affected as a result of this development.
- 16 To ensure that the amenity of any nearby residential occupiers is not adversely affected as a result of this development.
- 17 To ensure delivery of infrastructure essential to provide safe and efficient access to serve the development is provided in a timely manner.
- 18 To accord with Stirling Council's Supplementary Guidance Transport and Access for New Developments as a means of achieving safe and effective pedestrian access to the site.
- 19 In the interests of road safety and the effective management of the transport network.
- 20 In the interests of road safety and the effective management of the transport network.
- 21 To ensure the treatment and attenuation of surface water within the development.
- 22 In the interests of road safety and the effective management of the transport network.

- 23 In the interests of sustainable transport and in order to reduce the impact on the transport network as a result of private motorised travel.
- 24 To minimise unnecessary light spill and glare associated with the development.
- 25 To ensure there is appropriate ongoing maintenance of the screens in order to minimise unnecessary light spill and glare associated with the development.
- 26 To ensure that the development has minimal adverse impact on air quality in compliance with Primary Policy 1 (Placemaking) (e).

Appropriate Assessment

Site: Land at Banded Industrial Estate, Throsk

Proposed development: River Source Heat Pump installation including pump house and pipe mains; erection of glasshouses and ancillary buildings; construction of rainwater reservoir, accesses, hardstandings and parking; upgrade existing access road.

Planning Application reference: 19/01002/FUL

Purpose: All competent authorities must consider whether any project will have a 'likely significant effect' on a Natura site. If so, an 'appropriate assessment' must be carried out. This is known as a Habitats Regulations Appraisal (HRA). A competent authority must not authorise a project unless it can show beyond reasonable scientific doubt – using appropriate assessment – that the project will not adversely affect the integrity of a Natura site. Where an appropriate assessment is required the competent authority must consult SNH.

Natura Site: The proposed development outlined above is close to and could affect the Firth of Forth Special Protection Area (SPA) which is a complex estuarine site, extending 55km and covering 6,313.72ha. The SPA qualifies under Article 4.1 and 4.2 of the EC Directive 79/409 on the Conservation of Wild Birds. The Firth of Forth SPA further qualifies under Article 4.2 of Birds Directive – Special Protection Areas by regularly supporting a wintering waterfowl assemblage of European importance: a 1992/93-96/97 winter peak mean of 95,000 waterfowl, comprising 45,000 wildfowl and 50,000 waders. It is known that a number of these SPA species also spend a proportion of their time away from the coast, at inland feeding and day roosting sites. Many of these will be very close to the coast, and most species rarely fly more than 5km from the coast on a regular basis. Pink-footed geese are the exception to this, often flying up to 20km from the coast, or from other roosting sites, to their feeding areas. Also of interest are: Bar-tailed godwit, Curlew, Dunlin, Golden plover, Grey plover, Lapwing, Oystercatcher, Pink-footed goose and Redshank. Furthermore, the Firth of Forth Site of Special Scientific Interest (SSSI) is notified for its nationally important saltmarsh and mudflat habitats and the populations of waterfowl that these habitats support.

Qualifying Interests that may be Affected: The proposal is likely to have a significant effect on the qualifying interests of the aforementioned sites, particularly those species of birds that commonly use coastal fields as feeding and roosting sites. Consequently, Stirling Council, as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

Description of Site: The site extends to 18.64 hectares and lies to the north of Throsk at the rear of Banded Industrial Estate. The site is generally level and was formerly used for agricultural production as arable or grazing. The industrial estate is accessed off the A905 and part of the estate, where the development is proposed, sits within a loop of the River Forth resulting in the river lying to the west, north and east of the site. The River Forth is tidal at the site location. Associated habitats include a woodland and a small burn running into the River Forth at the south of the site and the right bank of the River Forth, found at the northern end of the site.

Description of proposed development (project): The proposal comprises three main development elements:

- i) River Source Heat Pump and associated pipework and infrastructure. The River Source Heat Pump is to stretch in to the River Forth at the west side of the site connected to an energy centre;
- ii) Energy centre and associated infrastructure; and
- iii) Glasshouses and ancillary buildings.

The proposed development would provide a commercial glasshouse and packing facility for the growing of tomatoes. The facility includes an energy centre to supply electrical power and heat to the proposed glasshouse derived from the river source heat pump.

Stirling Council's assessment on whether this project will have a 'likely significant effect' on the Firth of Forth Special Protection Area (SPA): The applicant's Shadow Habitats Regulations Appraisal reviewed existing data and estimated the extent of habitat loss for SPA qualifying birds. Based on this information we conclude that the proposal will have a likely significant effect on the Firth of Forth SPA due to the site's proximity to roosting and foraging SPA species and the likelihood of disturbance to species during construction and operational stages.

It is the view of Stirling Council, based on the information provided, that the proposal will not adversely affect the integrity of the Firth of Forth SPA. The proposal will not have a direct impact on the SPA as it is located outwith the boundary of the site. However the construction and operation of the proposal will have an indirect impact by potentially disturbing roosting and foraging birds and from the loss of roosting and foraging habitat for some of the bird species that constitute the qualifying interests of the SPA. Potential disturbance was calculated using a Zone of Influence of 500m around the site boundary. For 14 of the 15 species listed, there was less than 2.1% of the SPA citation population recorded within the Zone of Influence. Pink-footed geese, whilst not recorded within the site, has a slightly higher number of birds in terms of percentage of the SPA population that may be disturbed during construction and operation of the site, though this figure remains low.

Wading Birds: The applicant's Shadow Habitats Regulations Appraisal demonstrated that the proposed development will not significantly disturb wading birds, that the amount of potential roosting and foraging habitat lost to SPA qualifying wading birds is not significant and that the amount of in-combination potential roosting and foraging habitat lost to SPA qualifying wading birds is also not significant.

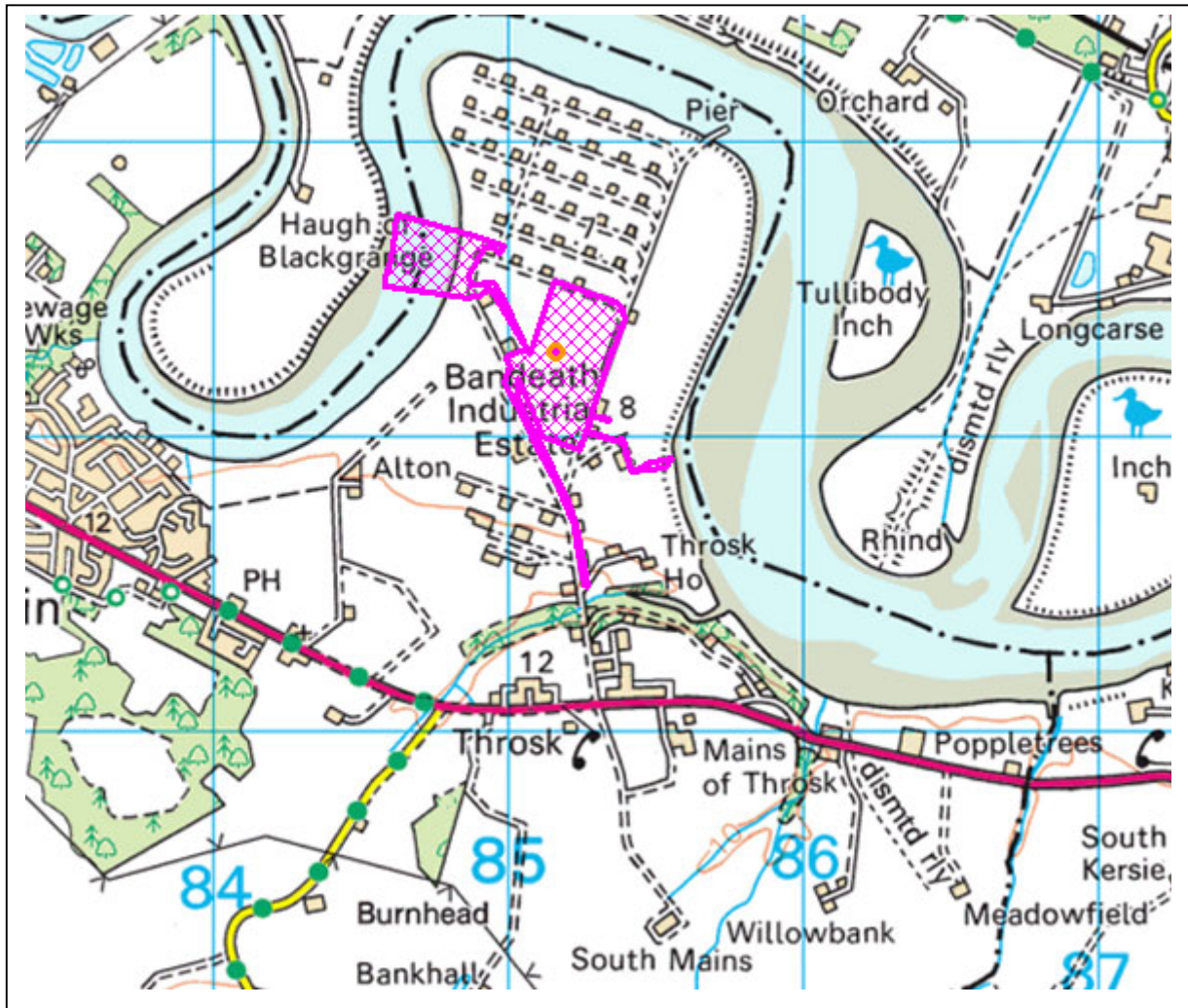
Pink-footed Geese: The proposed development has the possibility to disturb roosting birds, in particular during the construction phase. Having undertaken an assessment, the applicant's Shadow Habitats Regulations Appraisal concluded that the amount of potential roosting and foraging habitat lost to pink-footed goose is not significant and the in-combination effects would also not be significant.

Ducks and Other Species: The applicant's Shadow Habitats Regulations Appraisal deemed it unlikely that the development or operation of the site would have any impact on these species in terms of habitat loss both at a site and an in-combination level. It was possible that the proposed development may disturb roosting or foraging birds of these species, in particular during the construction phase, but the applicant's Shadow Habitats Regulations Appraisal found potential disturbance on the seven SPA qualifying species would not be significant.

Conclusion/Stirling Council's assessment on whether this project will have a 'likely significant effect' on the Firth of Forth Special Protection Area (SPA): Stirling Council agree with the applicant's Shadow Habitats Regulation Appraisal that it is not considered that the small area of loss of available habitat for the key species assessed to be significant. It is also agreed that the impact of disturbance is minimal due to the small numbers of key species as a proportion of the total population likely to be affected and the presence of some (limited) screening by trees. Consequently, Stirling Council agrees with the conclusion of the applicant's Shadow Habitats Regulation Appraisal that the proposed development will have a likely significant effect on the Firth of Forth SPA. However, based on the information provided the proposal will not have an adverse effect on the integrity of the site as expressed in the conservation objectives: the maintenance of the populations of the SPA, maintenance of the distribution of the qualifying interests of the SPA and no significant disturbance to the qualifying interests of the SPA.

Stirling Council has taken the advice of SNH in forming the above view.

Location of Development



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2020. All rights reserved. Ordnance Survey Licence number 100020780

